



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 18.04.1997
COM(97)161 final

97/0122 (CNS)

Proposal for a
COUNCIL REGULATION (EC)
**amending Regulation (EEC) No 805/68 on the common organisation of the
market in beef and veal**

(presented by the Commission)

EXPLANATORY MEMORANDUM

Introduction

In the context of the 1995 amendments to Council Directive 91/628/EEC concerning the protection of animals during transport, the Commission made a declaration to examine certain provisions in respect of export refunds for live bovine animals and animal welfare.

Council competence

Making animal welfare standards a condition for the payment of the export refund, introduces a substantial new requirement into our export refund legislation. The export refund legislation (as set out in Article 13 of the basic regulation for beef, Council Regulation (EEC) No 805/68 on the common organisation of the market in beef and veal), exclusively pursues the economic objective of facilitating the export of surplus products to third countries without taking into account any criteria of a non-economic nature, such as animal welfare. Therefore, a new legal basis is proposed, stipulating that in the case of exports of live animals, the payment of the export refund shall be subject to the respect of the animal welfare standards, as set out in Community legislation. The detailed rules shall subsequently be adopted by Commission Management procedure.

Proposal for a

COUNCIL REGULATION (EC)

amending Regulation (EEC) No 805/68 on the common organisation of the market in beef and veal

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament¹,

Whereas Article 13 of Council Regulation (EEC) No 805/68 on the common organisation of the market in beef and veal² provides for the granting of export refunds; whereas exports of live animals benefiting from Community funds should be carried out in such a way as to respect the welfare of the animals concerned; whereas experience shows that this is not always the case; whereas it should therefore be stipulated that the payment of export refunds shall be subject to compliance with the animal welfare standards as set out in Community legislation concerning animal transport and in particular Council Directive 91/628/EEC on the protection of animals during transport³; whereas it is therefore necessary to amend the aforementioned Article 13 accordingly; whereas it is necessary for practical reasons to provide that the Commission will lay down detailed implementing rules for the application of these rules to imports into third countries,

HAS ADOPTED THIS REGULATION:

Article 1

Article 13 of Regulation (EEC) No 805/68 is hereby amended as follows:

1. In paragraph 9 the following subparagraph shall be added:

‘Moreover, the payment of the refund for exports of live animals is subject to compliance with the provisions established in Community legislation concerning animal welfare and, in particular, the protection of animals during transport.’

¹

²

OJ No L 148, 28. 6. 1968, p. 24. Regulation as last amended by Regulation (EC) No 2222/96 (OJ No L 296, 21. 11. 1996, p. 50.)

³

OJ No L 340, 11.12. 1991, p. 17. Directive as last amended by Directive 95/29/EC (OJ No L 148, 30.6. 1995, p. 52.)

2. In paragraph 12 the following subparagraph shall be added:

‘With regard to the provisions laid down in paragraph 9, last subparagraph, the detailed rules for the application may also include conditions concerning, in particular, imports into third countries.’

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Communities*.

It shall be applicable as from (.....)

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at

For the Council
The President

ISSN 0254-1475

COM(97) 161 final

DOCUMENTS

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Catalogue number : CB-CO-97-149-EN-C

ISBN 92-78-18341-5

Office for Official Publications of the European Communities

L-2985 Luxembourg