



**FVE Comments on the Draft proposal
for the European Union Animal Health
Law**

*Comments based on version circulated in
December 2012 which was submitted for inter-
service consultation*

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General Comments

FVE welcomes the Commission's initiative to bring the large body of EU animal health legislation in one single and clearer regulatory framework. FVE expressly welcome the aims of the EU Animal Health Strategy namely placing greater emphasis on preventative measures and on the "One Health" aspect.

FVE recognizes that the texts for a legislative proposals circulating at the moment are not final ones. It is not easy to evaluate this comprehensive work, since its content and structure have been changed so many times and many important details will be covered by delegated legislation. Nevertheless, and bearing in mind the importance of this legislation for the veterinary profession, FVE wishes to raise a number important concerns.

As recognised in Pillar 2 of the Animal Health Strategy, Veterinary Services are generally recognised as a public good. FVE would like to have greater emphasis placed on this in the community Animal Health Law.

FVE is pleased to see that the Animal Health Law recognises the relations between Animal Health, Animal Welfare and Public Health. Only in combination these can be effectively promoted.

FVE welcomes article 5 regarding the listing of diseases in relation to the impact they may have, and that the impact may vary with the species of animal, as mentioned in article 7. However, we recognise that the success of this approach depends upon the detail which is still to be decided upon through delegated legislation.

FVE especially welcomes the additional article on animal health visits (article 25) requesting operators to ensure that "establishments under their responsibility receive animal health visits from a veterinarian when appropriate due to the risks posed by the establishment". FVE considers a regular farm visit is a cornerstone of the 'prevention is better than cure' strategy. FVE would suggest the addition of a further point at article 25 (2) to "(b) providing advice to the operator on biosecurity and on

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the prevention of diseases which can have an impact on animal and public health and animal welfare, as relevant for the type of establishment and the categories and species of animals kept.”

FVE also welcomes article 26 through which the Commission will adopt a delegated act to further set criteria for these animal health visits. FVE would welcome the opportunity to provide input on this matter.

FVE believes that the Animal Health law should clearly define the responsibilities and tasks of the veterinary profession – including both public and private partners. It welcomes the delegated act proposed in article 11 regarding qualifications of veterinarians. FVE adopted in the 2011 General Assembly a definition of the veterinarian, which we suggest to add under the definitions.

“Veterinarian” means a professional with a comprehensive scientific education, licensed by the legal authority, to carry out, in an independent, ethical and personally responsible capacity, all aspects of veterinary medicine, in the interest of the health and welfare of animals, the interest of the client and of the society;”

FVE remains concerned about certain other definitions. Undoubtedly definitions and terms used should be consistent between the AHL and the Official Control Regulation, but in addition they should - as much as possible - be consistent with OIE and Codex Alimentarius. To illustrate, FVE suggests to give special attention to the definitions on animal, operator, hazard and animal by-product. Hazard e.g. is both defined in the AHL and the official control Regulation, but not using an identical definition.

FVE suggests that all matters dealing with Official Controls should be removed from the AHL and placed in the draft regulation on official controls to avoid duplication and confusion.

FVE believes vaccination should be considered as an integral element of a comprehensive disease control strategy. It should be set out much more clearly that the mass culling of healthy animals in the event of an outbreak must always be avoided by means of emergency vaccination if marked vaccines are available or the situation permits the use of a conventional vaccine and the free testing of animals in the surveillance zone. Trade policy considerations should not play a role.

Given historical reasons, FVE recognises that professionals other than veterinarians might undertake tasks in aquatic health, hence the referral to **aquatic animal health professionals**. However, for the protection of public health and the health and welfare of the animals, it should be ensured that these professionals are also sufficiently regulated as veterinary paraprofessionals in order that their education is harmonised and their performance subjected to professional disciplinary controls.

In regard to the proposal on expenditure, FVE suggests that the support arrangements proposed for disease control programs should be extended to also cover legally agreed animal welfare measures which have a strong trade impact. For example, if this would have been possible a couple of years ago, Member States together with the Commission could have jointly run some projects to accommodate the ban on traditional battery cages in laying hens.

Background and procedure:

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The current EU animal health legislative framework involves almost 50 basic directives and regulations and some 400 pieces of secondary legislation, some of them adopted as early as 1964.

The Commission launched an external evaluation in 2004 to thoroughly review the outcomes of EU action of animal health, leading to a new Animal Health Strategy in 2007. This provided the development of a "single regulatory framework for animal health"; in other words a community animal health law .

The EC started working on this single legal framework in 2008.

It was decided the Animal Health Law would be published in a package together with the proposals for official controls, plant health and propagating material. In addition a proposal on the financial review has to be adopted before end 2013 to ensure continuity.

Road-map

2008: start initial discussions between CVO's; member states and stakeholders

2012: finish impact assessment

2013:

Jan-feb- ...: legal check

???: Translations

???: Publication proposal -) to European Parliament and Council

Expected publication of the proposal?

2013 but unsure whether in first or second half. It is unlikely it will be adopted before the end of the mandate of the European parliament (2014). The proposal for the financial review, however, should be ready by end 2013.