

To: Agricultural Risks KN

From: Sandrine Noël

Meeting date: 24 November 2009

Reference: NLI-AGR-09-020

Subject: Animal Health Strategy - Animal Health law

| Objective

For discussion

| Comments

The core of the new [Animal Health Strategy](#) for the EU (2007–2013) adopted in 2007, and the accompanying [Action Plan](#), is to provide for the adoption of a single, clearer regulatory framework for animal health.

Also, the new legal framework, referred to as the **Animal Health Law** (AHL), aims to clarify respective roles, to increase the focus on prevention and to simplify the current legislative framework.

With a view to drafting the new Animal Health Law and related impact assessment, the Commission launched a consultation questionnaire.

End October, the CEA Secretariat invited members to comment on the EC questionnaire, especially on the items that it had identified of particular interest (ie legal instrument, bio-security measures, surveillance and commercial and non-commercial).

The CEA Secretariat has not received any reply to the related circular (NLI-AGR-09-014).

| Input requested

Participants are invited to discuss

1. whether it is important for the CEA to contribute to this consultation if so,
2. the items of interest to insurers questions that need to be replied (see CEA secretariat pre-analysis below)
3. any other part of the [EC questionnaire](#)

| Next steps

- 31 December 2009: deadline for reply
- First half 2010: impact assessment
- End 2010: legislative proposal

| CEA Secretariat's preliminary analysis

- The CEA Secretariat identified items 2.1.1 (legal instrument), 2.2.1(bio-security measures), 2.2.2 (surveillance) and 2.2.3.2. (commercial and non-commercial) as being of particular interest.

- One of the key questions relates to the form that the AHL should take: **regulation or directive** (or none). In previous positions¹, related to the cost-sharing, we have supported a minimum harmonisation approach (ie no regulation), arguing that there is no one-size-fits-all solution and that it was necessary to give the opportunity to Member states to adapt the provisions to their local specificities.

Question 1: Would this CEA position equally apply to the AHL or shall we call for a regulation?

- With regard to **bio-security measures**, the Commission proposes not to lay down the obligation to adopt such measures but to set the minimum criteria and provide incentives for **voluntary** introduction. In our position on the EU study on livestock disease, we called on the one hand for **legal requirements** in the area of prevention, arguing that livestock disease insurance is otherwise not possible but stated on the other hand that "those involved must be able to freely and flexibly arrange his role in the system", which would argue in favour of the voluntary approach.

Question 2: Would we agree with the voluntary approach or would we call for a prescriptive approach, eg as described by the Commission as "Option 2. Lay the down the obligation to adopt biosecurity measures for all EU farms. The animal health law would establish the minimum criteria for biosecurity measures providing flexibility for adapting them to local circumstances. Guidelines at EU/national level will be drafted to facilitate compliance with this obligation." (p. 11)

- The Commission also proposes **to include non commercial keepers**, ie to apply disease control measures and the same rules on movement for all holdings (2.2.3.2) and to register all animal keepers (including hobby keepers) and to introduce preventive measures suited to their activities, including surveillance (2.2.2).

Question 3: Would be support the extension to non-commercial keepers?

- The Commission also invites to describe any other issue that you would like to raise or that you feel that should be addressed by the Animal Health Law and that is not included in the document.

Question 4 Shall we mention the need for financial support by public authorities to livestock insurance premium, as insurance is a key instrument for risk and crisis management, referring to the CAP and our related position?

¹ See eg AGR6033 on the "EU study on livestock disease" and AGR8016 on the CAP Health check proposal