



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 09.12.2002
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RESTREINT UE

Recommendation for a

COUNCIL DECISION

in order to authorise the Commission to negotiate on behalf of the European Community, amendments to the Appendix A, housing and care guidelines, of the European Convention for the protection of vertebrate animals used for experimental and other scientific purposes

(presented by the Commission)

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A. EXPLANATORY MEMORANDUM

1. In 1998 the Community became Party to the 31 March 1986 Council of Europe Convention ETS 123 for the protection of vertebrate animals used for experimental and other scientific purposes. The implementing tool for the Convention in the Community is Directive 86/609/EEC on the protection of animals used for experimental and other scientific purposes.
2. Appendix A of the Convention contains technical guidelines for the housing and care of laboratory animals. Appendix A needs regular revision to reflect the latest scientific and technical developments. In the Community, Appendix A of the Convention is implemented by Annex 2 of Directive 86/609.

Appendix B of the Convention is not relevant in the context of this draft Recommendation. The Convention has no further Appendices.

3. In May 1997, the third Multilateral Consultation of the Parties to the Convention agreed to revise Appendix A. The work for the revision is still ongoing. The amendments to Appendix A have to be adopted by two-thirds majority votes of the Parties at forthcoming Multilateral Consultations in the second half of 2002 and the first half of 2003, respectively. This adoption procedure is provided for in a Protocol of Amendment to the Convention, which is currently open for signature and ratification. In the EU, the Protocol is currently with the Council, awaiting conclusion on behalf of the Community.
4. Since the Community is Party to the Convention, the votes at the Multilateral Consultations would not be valid without the participation of the Community. Therefore this draft Recommendation seeks, as provided for by Article 300 of the EU Treaty, a mandate from the Council to the Commission. The mandate would also ensure appropriate participation of the Community in the technical discussions on the revision of Appendix A. This participation is important since Annex 2 of Directive 86/609 will have to be updated according to the revised Appendix A.
5. The scope of the Convention is wider than that of the Directive. It also covers animals used in forensic enquiries, and animals for education and training purposes. Consequently there are mixed competencies between the Community and the Member States throughout the Convention. This draft Recommendation provides that the Commission and the Member States will ensure the unity in the international representation of the Community by means of close co-operation during the negotiation process.

B. RECOMMENDATION

In the light of the above, the Commission recommends:

- a) that the Council authorise the Commission to negotiate at Multilateral Consultations of the Parties and the related meetings of the Working Party to the Council of Europe Convention for the protection of vertebrate animals used for experimental and other scientific purposes (ETS 123) in the context of revising Appendix A on housing and care guidelines;
- b) that, since in accordance with the Treaty, the Commission will conduct these negotiations on behalf of the European Community, the Council appoint a special committee to assist it in this task, and ;
- c) that the Council issue the appended negotiating directives.

ANNEX

NEGOTIATING DIRECTIVES

1. The Commission shall ensure that the amendments to the Appendix A on housing and care guidelines of the Council of Europe Convention for the protection of vertebrate animals used for experimental and other scientific purposes are consistent with relevant Community legislation
2. When applying these negotiating directives the Commission shall take into account relevant Community legislation and ongoing discussions on relevant Community legislation in the Council.
3. The Commission shall report to the Council on the outcome of the negotiations and, where appropriate, on any problem that may arise during the negotiations.