

Brussels, 17 July 2003

OPINION
of the
Committee of the Regions

of 2 July 2003

on the

**Proposal for a
Council Directive on Community measures for the control
of foot-and-mouth disease and amending Directive 92/46/EEC**
(COM(2002) 736 final - 2002/0299 (CNS))

THE COMMITTEE OF THE REGIONS,

Having regard to the proposal for a Council Directive on Community measures for the control of foot-and-mouth disease and amending Directive 92/46/EEC, COM(2002) 736 final – 2002/0299 (CNS),

Having regard to the decision of the Council of 7 February 2003 to consult it on this subject, under the first paragraph of Article 265 of the Treaty establishing the European Community,

Having regard to the decision of its Bureau of 14 May 2002 to instruct its Commission for Sustainable Development to draw up an opinion on this subject,

Having regard to its Resolution on *Tackling Foot-and-Mouth Disease* CdR 137/2001 fin¹,

Having regard to the Report of the European Parliament, Committee on Agriculture and Rural Development, on the proposal for a Council Directive on Community measures for the control of foot-and-mouth disease and Amending Directive 92/46/EEC (COM(2002) 736 final - A5-0141/2003-2002/0299 (CNS)),

Having regard to the European Parliament's Report on measures to control Foot-and-Mouth Disease in the European Union in 2001 and future measures to prevent and control animal diseases in the European Union A5-0405/2002 (2002/2153(INI)),

Having regard to the Response to the Reports of the Foot-and-Mouth Disease Inquiries by HM Government with the Welsh Assembly Government, Cm5637,

Having regard to the report: foot-and-mouth Disease: Lessons to be Learned Inquiry, July 2002,

Having regard to its draft opinion (CdR 65/2003 rev. 1) adopted on 28 April 2003 by its Commission for Sustainable Development (rapporteur: **Mr Milner Whiteman**, Councillor Bridgnorth District Council (UK/EA)),

adopted unanimously the following opinion at its 50th plenary session, held on 2 and 3 July 2003 (meeting of 2 July).

1. The Committee of the Regions' views

The Committee of the Regions

1. **underlines** that foot-and-mouth disease is an animal welfare and health issue with negative impacts on the economic, social and environmental well-being of rural communities. Control and eradication of the disease is not only a technical matter but is concerned with governance. The lesson of recent outbreaks is that Member States could not control and eradicate foot-and-mouth disease without the support of local and regional authorities. Without developing this principle of shared responsibility, where the different spheres of government cooperate fully, we will fail to control and eradicate future outbreaks;

2. **is of the view** that scientific and governance failures to control and eradicate foot-and-mouth disease have direct human consequences. Even now there is still a sharp reduction of farming profitability in affected areas, and wider parts of the rural economy remain blighted;
3. **is of the view** that the proposed Directive on the control of foot-and-mouth disease is largely a technical measure. It does not cover issues such as rural recovery, where local and regional authorities are playing a key role;
4. will focus its opinion on parts of the proposals that directly affect local and regional authorities rather than commenting on all of the technical measures in the proposed Directive:

- the essential role of local and regional authorities in controlling and eradicating foot-and-mouth disease;
- contingency planning;
- control measures;
- environmental impacts of control and eradication; and
- subsidiarity and flexibility.

The essential role of local and regional authorities in controlling and eradicating foot-and-mouth disease

The Committee of the Regions

5. **welcomes** the proposed legislation as an essential tool to control and eradicate future outbreaks of foot-and-mouth disease;
6. **believes** that Community legislation is needed because foot-and-mouth disease is an issue that crosses local, regional, European and international boundaries;
7. **believes** that in the recent outbreaks local and regional authorities delivered a very positive response and contribution to the national efforts to control and eradicate foot-and-mouth disease. National authorities could not have successfully tackled the disease without the support of local and regional authorities.

Contingency planning

The Committee of the Regions

8. **recognises** that powers of local and regional authorities vary from Member State to Member State but believes that local and regional authorities should have a stronger role in the contingency planning process. Recent outbreaks

demonstrated that they are key partners in the process of eradication and control;

9. **believes** that there should be a stronger emphasis on developing a sound communication strategy in the proposals for contingency planning. One of the main lessons of the recent outbreaks is that national authorities had poor communications with other spheres of government and the public and this delayed the control and eradication of the disease;
10. **believes** that the communication strategies should make better use of local and regional authority strengths to communicate messages and information to the public. In recent outbreaks local and regional authorities were sources of trusted information for local people, and are also vital because of their vital local community leadership role;
11. whilst recognising that the primary purpose of the contingency plans is to eradicate the disease, **agrees** with the European Parliament, that some account should be taken of the economic consequences for the local economy and the social and psychological impact of people affected by the disease control measures. The contingency plans should also include an impact assessment of the effects of control, on the provision of other public services.

Control measures

The Committee of the Regions

12. strongly **supports** the Council's rejection of any return to prophylactic vaccinations;
13. **does not favour** derogations on control measures where a farm has two or more sites. The precautionary principle should apply because of the potential delay in test results and risks of cross-contamination, which would act contrary to the swift eradication of the disease;
14. **believes** that the precautionary principle is paramount to prevent the possible import of the disease into the European Union. The UK inquiry into the start of the outbreak identified that illegally imported animal feed produced from contaminated waste meat products could have been a source of infection. The Committee of the Regions would like to see a stronger reference to the control of foot-and-mouth disease at the borders of the European Union. Some countries such as the Netherlands and the Republic of Ireland had very strict checks on third countries, whereas the measures in the United Kingdom appeared to be less stringent;
15. **strongly supports** suppressive rather than protective vaccinations. This is because although it means more culling in the short-term, it will enable rural economies to revive more speedily after the eradication of the disease;

16. **believes** that the benefits of using catering waste for animal feed are far outweighed by the risks during an outbreak of foot-and-mouth disease;
17. to support the disease control strategy, **supports** reviewing compensation rules. This would be to ensure that the various methods of control do not lead to differential levels of compensation, which would act against the swift control of the disease.

Environmental impacts of control and eradication

The Committee of the Regions

18. **supports** the new disposal hierarchy, of incineration, rendering then landfill, but in principle believes that disposal should be done as close to the site of infection as possible, to minimise movement and thus further risk of infection;
19. **believes** that contingency planning should incorporate a local authority's unique knowledge of its local environment, and potential environmental impacts of disposal;
20. **believes** that contingency planning should monitor the local environmental impacts of disposal.

Subsidiarity and flexibility

The Committee of the Regions

21. **supports** the need for a set of minimum standards and the right of Member States to implement more stringent control and eradication measures;
22. **believes** that the decision to begin emergency vaccinations should be a shared responsibility, rather than resting with the Commission.

2. The Committee of the Regions' recommendations

Recommendation 1

Article 18

| <i>Text proposed by the Commission</i> | <i>CoR amendment</i> |
|--|---|
| Article 18 | (Delete all of Art.18) <u>The precautionary principle shall apply and there will be no derogations for holdings consisting of different epidemiological units.</u> |

Reason

The Committee of the Regions does not favour derogations on control measures where a farm has two or more sites. The precautionary principle should apply because of the potential delay in test results and risks of cross-contamination, which would act contrary to the swift eradication of the disease.

Recommendation 2

Article 19b (new)

| <i>Text proposed by the Commission</i> | <i>CoR amendment</i> |
|--|--|
| | <u>(19b) In the event of an epidemic, the choice of strategy to control the disease must take account of which strategy causes the least possible economic damage for non-agricultural sectors of the economy. Account must also be taken of the social and psychological impact on people affected by disease control measures.</u> |

Reason

The Committee of the Regions, whilst recognising that the primary purpose of the contingency plans is to eradicate the disease, agrees with the European Parliament, that some account should be taken of the economic consequences for the local economy and the social and psychological impact of people affected by the disease control measures.

Recommendation 3

Article 50.3

| <i>Text proposed by the Commission</i> | <i>CoR amendment</i> |
|---|--|
| The decision to introduce emergency vaccinations shall be adopted in accordance with the procedure referred to in Article 89 (3), either on the request of the Member State directly affected or at risk, or on the Commissions own initiative. | The decision to introduce emergency vaccinations shall be adopted in accordance with the procedure referred to in Article 89 (3), either on the request of the Member State directly affected or at risk, or on the Commissions <u>consulting own initiative.</u> the Member State directly affected or at risk. |

Reason

The Committee of the Regions believes that the decision to begin emergency vaccinations should be a shared responsibility, rather than resting with the Commission.

Recommendation 4

Article 74, 1.1 (new)

| <i>Text proposed by the Commission</i> | <i>CoR amendment</i> |
|--|--|
| | <u>(1.1) Representatives of local and regional authorities will participate in the work of the national disease control centres.</u> |

Reason

The Committee of the Regions recognises that powers of local and regional authorities vary from Member States to Member State but believes that local and regional authorities should have a stronger role in the contingency planning process. Recent outbreaks demonstrated that they are key partners in the process of eradication and control.

Recommendation 5

Article 76 1.1 (new)

| <i>Text proposed by the Commission</i> | <i>CoR amendment</i> |
|--|---|
| | <u>(1.1) Representatives of local and regional authorities in the affected areas will participate in the work of the local disease control centres.</u> |

Reason

The Committee of the Regions recognises that powers of local and regional authorities vary from Member State to Member State but believes that local and regional authorities should have a stronger role in the contingency planning process. Recent outbreaks demonstrated that they are key partners in the process of eradication and control.

Recommendation 6

Annex XVII Criteria and requirements for contingency plans, recital 1.1 (new)

| <i>Text proposed by the Commission</i> | <i>CoR amendment</i> |
|--|--|
| | <u>(1.1) Provision shall be made for national authorities to fully consult local and regional authorities on the creation and implementation of contingency planning measures.</u> |

Reason

The Committee of the Regions recognises that powers of local and regional authorities vary from Member State to Member State but believes that local and regional authorities should have a stronger role in the contingency planning process. Recent outbreaks demonstrated that they are key partners in the process of eradication and control.

Recommendation 7

Annex XVII Criteria and requirements for contingency plans, recital 15 (new)

| <i>Text proposed by the Commission</i> | <i>CoR amendment</i> |
|--|---|
| | <u>(15) The contingency planning should develop strategies to assess the impacts of control mechanisms on the provision of other public services.</u> |

Reason

The contingency plans should also include an impact assessment of the effects of control, on the provision of other public services. In the last outbreak the control mechanisms affected other key local authority services such as education and social services. This approach would allow strong control but enable local communities to function with properly planned public services.

Brussels, 2 July 2003.

The President

The Secretary-General

of the

of the

Committee of the Regions

Committee of the Regions

Albert Bore

Vincenzo Falcone

¹ OJ C 107, 3.5.2001, p. 1

CdR 65/2003 fin EN/o

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