



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 11.8.2003
COM(2003) 489 final

2000/0132 (COD)

OPINION OF THE COMMISSION

**pursuant to Article 251 (2), third subparagraph, point (c) of the EC Treaty,
on the European Parliament's amendments
to the Council's common position regarding the
proposal for a**

**DIRECTIVE OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL**

**amending Council Directive 96/22/EC concerning the prohibition on the use in
stockfarming of certain substances having a hormonal or thyrostatic action and of
beta-agonists**

AMENDING THE PROPOSAL OF THE COMMISSION
pursuant to Article 250 (2) of the EC Treaty

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1. INTRODUCTION

Article 251(2), third subparagraph, point (c) of the EC Treaty provides that the Commission is to deliver an opinion on the amendments proposed by the European Parliament at second reading.

The proposal to amend the Directive was adopted by the Commission on 3 July 2000 as 2000/0132(COD). A modified proposal was presented after the first reading of the Parliament on 6 March 2001 as 2001/C 180 E/15/ COM(2001) 131 final.

After fruitful discussions held between the three Institutions to prepare the second reading the European Parliament a compromise was approved at the EP's Plenary session of 1 July 2003. It contains three amendments to the Common Position for which Council has signalled its approval in the COREPER meeting of 25 June 2003.

2. BACKGROUND

Date of transmission of the proposal to the EP and the Council (2000/0132(COD)):	03.07.2000
Date of the opinion of the European Economic and Social Committee:	19.10.2000
Date of the opinion of the European Parliament, first reading:	01.02.2001
Date of transmission of the a modified proposal (2001/C 180 E/15) COM(2001) 131 final:	06.03.2001
Date of adoption of the Common Position:	20.02.2003
Adoption by Parliament of the Recommendation for a second reading :	01.07.2003

3. PURPOSE OF THE PROPOSAL

The main aims of the proposed amendment to Directive 96/22/EC are to protect consumer health and to reach compliance with World Trade Organisation (WTO) requirements by basing the Directive on a sound scientific evaluation.

4. COMMENTS OF THE COMMISSION ON THE AMENDMENTS BY THE EUROPEAN PARLIAMENT TO THE COMMON POSITION

The Common Position was based on a modified Commission proposal that took several amendments of the European Parliament into account. As adopted by the Council by qualified majority, it did not alter the basic objectives of the proposed Directive: to protect consumer health and reach WTO compliance. The Common Position did not propose an immediate complete prohibition of the use oestradiol-17 β or its ester-like derivatives but retained three indications on a transitional basis without a fixed deadline.

After its first reading the European Parliament had agreed to the Commission's proposal to completely prohibit the use of oestradiol-17 β or its ester-like derivatives. Accordingly in second reading the EP Committee on the Environment, Public Health and Consumer Policy (COMENVI) on 22 May 2003 rejected the changes introduced by the Common Position.

In subsequent informal tripartite meetings the EP rapporteur and Council representatives could agree on a compromise proposal presented at the EP Plenary on 1 July 2003.

The compromise modifies:

- (1) Recital 12 (Amendment 17) in order to comply with the key modification introduced in Article 5a;
- (2) Article 5a (Amendment 18) by setting a specific date for the phasing out of the use of oestradiol-17 β and its ester-like derivatives for the induction of oestrus in cattle, horses, sheep and goats (three years from entering into force of the Directive amending 96/22/EC);
- (3) Article 11a, paragraph 1 (Amendment 19) by specifying the content of the report that the Commission will have to present.

The Commission supports these amendments.

5. CONCLUSION

The Commission supports the compromise proposal presented at the EP Plenary on 1 July 2003 as it meets its main objectives (to protect consumer health and to reach compliance with the requirements of the World Trade Organisation).

In accordance with Article 250 (2) of the EC Treaty, the Commission amends its proposal accordingly.