

Proposal for a Directive of the European Parliament and of the Council amending Council Directive 86/609/EEC on the approximation of laws, regulations and administrative provisions of the Member States regarding the protection of animals used for experimental and other scientific purposes

(2002/C 25 E/14)

(Text with EEA relevance)

COM(2001) 703 final — 2001/0277(COD)

(Submitted by the Commission on 28 November 2001)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

with the consequence that their content is lagging behind the latest developments in the field.

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

(5) Since the measures necessary for the implementation of this Directive are measures of general scope within the meaning of Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽³⁾, they should be adopted by use of the regulatory procedure provided for in Article 5 of that Decision.

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee,

(6) Therefore Directive 86/609/EEC should be amended accordingly,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

HAVE ADOPTED THIS DIRECTIVE:

Whereas:

Article 1

(1) On 23 March 1998 the Council adopted Decision 1999/575/EC ⁽¹⁾ concerning the conclusion by the Community of the European Convention of 18 March 1986 for the protection of vertebrate animals used for experimental and other scientific purposes (hereinafter referred to as 'the Convention').

In Directive 86/609/EEC the following Articles 24a and 24b are inserted:

'Article 24a

(2) Council Directive 86/609/EEC ⁽²⁾ is the implementing tool of the Convention incorporating the same objectives as the Convention.

The amendments necessary for adapting the Annexes of this Directive shall be adopted in accordance with the procedure referred to in Article 24b.

Article 24b

(3) Appendix A of the Convention is transformed into Annex 2 to Directive 86/609/EEC containing guidelines for accommodation and care. The provisions contained in Appendix A to the Convention and the Annexes to the said Directive are of a technical nature.

1. The Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the representative of the Commission.

(4) It is necessary to ensure the consistency of the Annexes to Directive 86/609/EEC with the latest scientific and technical developments and results in the research within the fields covered. Currently, changes to the Annexes can only be adopted by the long lasting co-decision procedure

2. Where reference is made to this paragraph, the regulatory procedure laid down in Article 5 of Decision 1999/468/EC shall apply, in compliance with Article 7 and Article 8 thereof.

⁽¹⁾ OJ L 222, 24.8.1999, p. 22.

⁽²⁾ OJ L 358, 18.12.1986, p. 1.

⁽³⁾ OJ L 184, 17.7.1999, p. 23.

3. The period provided for in Article 5(6) of Decision 1999/468/EC shall be three months.'

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by . . . at the latest. They shall forthwith inform the Commission thereof.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication.

Member States shall determine how such reference is to be made.

Article 3

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Communities*.

Article 4

This Directive is addressed to the Member States.
