

Non-commercial movement of pet animals

2012/0039(COD) - 05/03/2012 - Legislative proposal

PURPOSE: to protect the non-commercial movement of pet animals.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: the proposal repeals and replaces Regulation (EC) No 998/2003 of the European Parliament and of the Council laying down the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC lays down the animal health requirements applicable to non-commercial movements of pet animals into a Member State from another Member State or from third countries and the checks applicable to such movements. It aims to ensure a sufficient level of safety with regard to the public or animal health risks involved in those non-commercial movements and to remove any unjustified obstacles to such movements.

(1) Regulation (EC) No 998/2003 was substantially amended by [Regulation \(EU\) No 438/2010](#) on the animal health requirements applicable to the non-commercial movement of pet animals, in particular to extend the transitional regime provided for in Articles 6, 8 and 16 until 31 December 2011. In a statement annexed to Regulation (EU) No 438/2010 of the European Parliament and of the Council amending Regulation (EC) No 998/2003, the Commission undertook to propose a revision of Regulation (EC) No 998/2003 in its entirety, and, in

particular, **the aspects of delegated and implementing acts**. Therefore, due to the entry into force of the Treaty, the powers conferred on the Commission under Regulation (EC) No 998/2003 need to be aligned with Articles 290 and 291 of that Treaty.

(2) Regulation (EC) No 998/2003 also provides that as of 3 July 2011, i.e. **the end of the eight-year transitional period** provided for in Article 4(1) thereof, electronic identification is the only means of identifying a pet dog, cat or ferret. However, an animal bearing a clearly readable tattoo applied before that date continues to be considered identified in accordance with the Regulation.

Because of the expiry of the aforementioned transitional regime and period and the need to make a number of amendments bringing the animal health requirements laid down in Regulation (EC) No 998/2003 into line with the TFEU in a sufficiently clear and accessible manner for the ordinary citizen, that Regulation should be repealed and replaced by this proposal.

IMPACT ASSESSMENT: no impact assessment was carried out.

LEGAL BASIS: Article 43(2) and the introductory phrase and point (b) of Article 168(4) of the Treaty of the European Union (TFEU).

CONTENT: the aim of the proposal is to repeal and replace Regulation (EC) No 998/2003 by the proposed Regulation, which:

- aligns the powers conferred on the Commission under Regulation (EC) No 998/2003 with **Articles 290 and 291 TFEU**;
- clarifies for the ordinary citizen **the regime that will apply after the end of the transitional regime** provided for in Articles 6, 8 and 16 of Regulation (EC) No 998/2003 and of the transitional period provided for in Article 4(1).

This proposal and the proposal amending [Council Directive 92/65/EEC](#) which relates to trade in and imports of dogs, cats and ferrets should be presented together in order to be adopted simultaneously.

BUDGETARY IMPLICATIONS: the proposal has no implications for the Union budget.