Opinion of the European Economic and Social Committee on the Proposal for a Council Directive laying down minimum standards for the protection of calves (codified version)

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(2006/C 324/11)

On 22 June 2006 the Council decided to consult the European Economic and Social Committee, under Article 37 of the Treaty establishing the European Community, on the abovementioned proposal.

The Section for Agriculture, Rural Development and the Environment, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 8 September 2006. The rapporteur was **Mr Nielsen**.

Due to the renewal of the Committee's term of office, the Plenary Assembly decided to vote on this opinion at its October plenary session and appointed Mr Nielsen as rapporteur-general under Rule 20 of the Rules of Procedure.

At its 430th plenary session, held on 26 October 2006, the European Economic and Social Committee adopted the following opinion unanimously.

1. **Background**

1.1 The Commission proposal seeks, using the accelerated procedure provided for in the interinstitutional agreement of 20 December 1994, to codify Directive 91/629/EEC laying down minimum standards for the protection of calves. Codification is used for legal instruments that have become difficult to understand as a result of frequent amendments.

1.2 The directive in question has been thoroughly revamped on a number of occasions, making it difficult for the intended users of the legislation to understand its content and scope without legal research and clarification of the text currently in force.

2. **The EESC's comments**

2.1 For these reasons, the European Economic and Social Committee endorses the proposal for codification, which makes it easier for Europe's citizens to access EU law and helps secure better lawmaking — a concern advocated and voiced by the Committee in earlier opinions ([1]).

2.2 Under Article 6 of the Directive, the Commission was supposed, not later than 1 January 2006, to submit to the Council a report, drawn up on the basis of an opinion from the European Food Safety Authority (EFSA), on the intensive farming system(s) which comply with the requirements of the well-being of calves from the pathological, zootechnical, physiological and behavioural point of view, as well as the socio-economic implications of different systems. The report was also to include proposals relevant to its own conclusions. The Council was then to act by a qualified majority on these proposals no later than three months after their submission.

2.3 This did not happen, yet, despite the fact that the deadline has long since expired, the Commission now appears to be proposing that codification be carried out with effect from that date, thereby, in effect, ruling out the use of the simplified procedure since any amendment would require a fresh decision.

2.4 As the EESC has frequently pointed out, it is unacceptable for institutions and the Member States to lay down deadlines they themselves are unable to meet. This undermines respect for — and confidence in — EU rules, with the upshot that other stakeholders also feel under no obligation to meet the specified deadlines either.

2.5 In its proposal for an Action Plan on the Protection and Welfare of Animals, the Commission also announced the 'submission of a report to Council and the European Parliament on the protection of calves kept for farming purposes' for 2008 ([2]). This draft report will be based on the EFSA report published in June 2006 ([3]). The Commission will now be studying the report, gathering additional data, assessing the social and economic aspects and consulting with experts, Member States and other stakeholders before the submission of any tangible proposals. The EESC welcomes the basic preliminary work, but deplores the failure to meet the deadline.

Brussels, 26 October 2006.

The President

of the European Economic and Social Committee

Dimitris DIMITRIADIS

([1]) Including the EESC's 2005 exploratory opinion on *Better Lawmaking* — OJ C 24, 31.1.2006, p. 39.

([2]) COM(2006) 13 final, 23.1.2006.

([3]) http://www.efsa.europa.eu/science/ahaw/ahaw_opinions/1516_en.html.