



Strasbourg, 3 December 2009

T-AP (2009) 14

STANDING COMMITTEE OF THE EUROPEAN CONVENTION FOR THE PROTECTION OF ANIMALS KEPT FOR FARMING PURPOSES (T-AP)

50th plenary meeting

Strasbourg, 1-3 December 2009

DRAFT ABRIDGED REPORT

The T-AP held its 50th meeting at the Council of Europe in Strasbourg, on 1-3 December 2009.

The chair gave information on the considerable interest in the work of the T-AP and the presentations he had made to EUROFAWC, the World Organisation for Animal Health (OIE) the European Regional Conference and a Working Group of the Directorate General of Maritime Affairs and Fisheries (DG MARE) of the Commission of the European Union. It is a requirement of the European Convention for the Protection of Animals kept for Farming Purposes (ETS N° 87) (hereinafter the Convention) that the Standing Committee should review advances in science and technology and he noted that the European Food Safety Authority (EFSA) had produced several reports on fish and cattle which were relevant to the current work of the Committee. He also noted that several members of the Committee had attended the EU Welfare Quality conferences reviewing the work of the EU which were relevant to the revision of the recommendation on cattle. He welcomed the new Secretary of the T-AP and the new representatives and observers. The chair welcomed the enthusiasm shown by the parties and observers for the work of the T-AP which was reflected in the large number of detailed comments made by both the parties and observers. The chair thanked the rapporteurs and members of the working groups on the fish appendices for their work which has been done largely by electronic conferencing.

The T-AP heard communications from the Secretariat relating to the future of the support which the Council of Europe provides the Committee and noted its request for assistance for the forthcoming year. The representatives provided information on actions taken for the implementation of the adopted recommendations in this field. The T-AP urged contracting parties that had not yet done so to ratify the Protocol of Amendment to the Convention.

The T-AP examined and adopted the report of its 49th meeting.

The T-AP voted on the following fish appendices:

- Draft appendix on Ammonia according to pH Level and Temperature
- Draft appendix on emergency stunning and killing methods
- Draft appendix on Atlantic Salmon and Rainbow Trout
- Draft appendix on Common Carp
- Draft appendix on European Eel
- Draft appendix on African Catfish

The chair reminded the Committee of its voting procedures and in particular Article 9 of the Rules of Procedure allowing either the vote of each member state on its own behalf or the vote of the European Union on behalf of its member states. He also reminded the Committee of Article 10 of the Convention in which the Committee shall use its best endeavours to facilitate friendly settlement of any difficulty between the contracting parties. The chair recalled that he had written to

the parties indicating that the European Union would not be exercising its right to vote. The delegate from the Commission reminded the Committee that the Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes, which also applies to fish, establishes minimum welfare standards for farmed animals and, therefore, member states may adopt higher standards within their own jurisdictions. Therefore, insofar as it concerns fish, the scope covered by the Convention falls under the shared competence of member states and the Commission. The delegate from the Commission confirmed that the European Union would not be voting on these appendices on the member states' behalf. The Commission's position had been explained to the representatives of T-AP in the chair's letter, which had been agreed to by both the Swedish Presidency and the Commission. In consequence, the chair underlined that there was no impediment to each member state voting at this plenary on the six draft appendices to the Recommendation on farmed fish.

During the voting, the above-mentioned appendices were supported by all states parties except France and Spain. Spain voted against six appendices since as previously stated in their letter to chair it considered that coordination at EU level is required following the procedure used for the adoption of the Recommendation on farmed fish. France voted against four appendices for which it did not receive the mandate to vote since some translational and substantive discrepancies had not been resolved prior to the plenary meeting. The necessary changes pointed out by the French delegate were made to the draft documents during the meeting; however, in absence of a prior mandate, the French delegate could still not vote on the remaining four appendices.

Therefore the above-mentioned draft appendices were not adopted as unanimity could not be reached. The appendices will be forwarded to the Commission of the European Union for further consideration with a view to voting at the next plenary meeting of the T-AP.

The T-AP examined and revised the Draft Appendix on Sea Bream and Sea Bass (2nd revision) and agreed to send the 3rd revision to representatives and observers for comments which should be received by **22 February 2010**. The comments received will be considered by the Bureau at its next meeting (23-25 March 2010).

The T-AP examined the Draft Appendix on Cod. It agreed to send the 1st revision to representatives and observers for comments which should be received by **22 February 2010**. The comments received will be considered by the Bureau at its next meeting.

The T-AP examined the Draft Appendix on Arctic Charr and decided to send the draft Appendix back to the working group to reconsider whether other strains of Charr should be covered by the Draft Appendix.

The T-AP agreed on the future work plan for Appendices to the Recommendation concerning farmed fish and requested parties to contribute to expert groups on turbot and tuna.

The T-AP examined and revised the Draft Recommendation concerning Cattle (8th revision) and agreed to send the 9th revision to representatives and observers for comments which should be received by **22 February 2010**. The comments received will be considered by the Bureau at its next meeting

The T-AP examined the Draft Recommendation concerning Rabbits (18th revision). It agreed to send the 19th revision to representatives and observers for comments which should be received by **22 February 2010**. The comments received will be considered by the Bureau at its next meeting.

The T-AP exchanged of views on the future of the T-AP and its working methods. The French representative requested the Bureau to consider and, if necessary, suggest amendments to the Rules of Procedure which were last revised in 2004 which should include consideration of the voting procedures.

The 51st plenary meeting of the T-AP will take place from 8 to 10 June 2010.