

**Proposal for a directive of the European Parliament and of the Council on the
protection of animals used for scientific purposes
COM (2008) 543 FINAL**

Adopted remarks:

- Proposal for a directive on the protection of animals used for scientific purposes (COM (2008) 543 final)

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Even if this proposal focuses only on animals used for scientific purposes, the main argument put forward by the European Commission to prove that its proposal complies with the principle of subsidiarity is the need to put an end to *“the problems of distortion of the internal market”*. Yet, it is hardly understandable why a distortion of the internal market would justify the restriction of the use for scientific purposes of some animals, if not their total banning. This would result to admit that the will to eliminate the distortions of competition must bring about a total harmonization of the national measures having a direct or indirect impact on the internal market. As a consequence, the principle of subsidiarity would become inoperative.

Moreover, the Protocol on the protection and welfare of animals encourages the European Commission and the member states to *“fully take into account the requirements of the animals’ welfare”* only *“when they draw up and implement the Community policy in the fields (...) of research”*. But the proposal of the Commission does not deal with the research policy of the European Community. Indeed, it intends to control the activities of research led by the member states, particularly in compelling them to deliver an authorization prior to the scientific projects involving the use of animals, and to create a national reference laboratory. Nothing enables us to think that these aims could not be reached correctly by the member states themselves and that they would be better accomplished at the European Union’s level.

Consequently, the French Senate’s Committee of the European Affairs considers that this proposal does not respect the principle of subsidiarity.