Commission Delegated Regulation (EU) 2020/692 of 30 January 2020 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for entry into the Union, and the movement and handling after entry of consignments of certain animals, germinal products and products of animal origin (Text with EEA relevance)

COMMISSION DELEGATED REGULATION (EU) 2020/692

of 30 January 2020

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law')[(1)], and in particular Articles 234(2), 237(4) and 239(2) thereof,

Whereas:

(1) Union legislation in the area of animal health was recently updated by the adoption of the 'Animal Health Law'. That Regulation, which came into force on 20 April 2016, and which applies from 21 April 2021, repealed and replaced around 40 basic acts. It also requires the adoption of many Commission delegated and implementing regulations to repeal and replace around 400 Commission acts that existed in the area of animal health before the new legal framework established by the 'Animal Health Law'.

(2) Trading conditions have evolved since the adoption of the first animal health rules at Union level, with the volume of trade in animals, germinal products and products of animal origin increasing significantly, both within the Union and with third countries. During the same period, as a result of Union animal health policies and rules, certain diseases have been eradicated in the Union and other diseases have been prevented or controlled in many Member States. However, on several occasions, emerging diseases have posed new challenges for the Union animal health status, trade and the local economy in the areas affected by those diseases.

(3) The rules laid down in this act, supplement those already laid down in the 'Animal Health Law'. They should provide the necessary guarantees to ensure that consignments of animals, germinal products and products of animal origin entering the Union do not present an animal health risk for kept and wild animals that could jeopardise the Union

Changes to legislation: *There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2020/692. (See end of Document for details)*

health status as regards animal diseases and have a detrimental economic impact on the sectors involved.

(4) Article 234 of the 'Animal Health Law' provides that pending the adoption of delegated acts laying down animal health requirements as regards a particular species and category of animal, germinal product or product of animal origin, Member States may, following evaluation of the risks involved, apply national rules if they comply with certain requirements laid down in that Regulation. Therefore, the entry into the Union of species and categories of animals, germinal products and products of animal origin not covered by this Regulation may be subject to such national rules applied by Member States.

(5) The existing animal health rules, laid down in previous Commission acts concerning the entry into the Union of animals, germinal products and products of animal origin have proved to be effective, therefore the aim and substance of those existing rules should be maintained in this Regulation, but updated to take account of the rules on better regulation, of the new animal health framework laid down in the 'Animal Health Law' and of newly available scientific knowledge, international standards and experience in applying previous Union acts.

(6) To avoid unnecessary trade disruptions, the animal health requirements for entry into the Union of consignments falling within the scope of this Regulation should ensure a smooth transition from the requirements laid down in pre-existing Union acts.

(7) The 'Animal Health Law' lays down rules for the prevention and control of animal diseases transmissible to animals or to humans. In particular, Chapter 1 of Part V of that Regulation, which lays down the animal health requirements for entry into the Union of consignments of animals, germinal products and products of animal origin, provides for the Commission to adopt delegated acts to supplement the animal health requirements already laid down in it.

(8) Article 229(1) of the 'Animal Health Law' lays down the requirements under which Member States are to permit the entry into the Union of consignments of animals, germinal products and products of animal origin. The requirements cover conditions concerning the third country or territory of origin, the establishment of origin, the animal health requirements that those consignments are required to comply with, as well as the animal health certificate, declarations or other document that should accompany such consignments.

(9) In addition, Article 234(1) of the 'Animal Health Law' stipulates that the animal health requirements for entry into the Union of consignments of species and categories of animals, germinal products and products of animal origin from third countries or territories or zones thereof must be at least as stringent as those laid down in that Regulation, and in delegated acts adopted pursuant to it, applicable to movements within the Union of those species and categories of those commodities. If the requirements are not as stringent as those in the Regulation, they must offer equivalent guarantees to the animal health requirements provided for in Part IV of that Regulation.

(10) Article 234(2) of the 'Animal Health Law' provides for delegated acts to be adopted to supplement the rules laid down in that Regulation, as regards the animal health

requirements for entry into the Union of species and categories of animals, germinal products and products of animal origin from third countries and territories, and for the movement within the Union and handling of those commodities after their entry into the Union, in order to mitigate the possible risks involved.

(11) Article 237(1) of the 'Animal Health Law' provides that Member States are only to permit the entry into the Union of consignments of animals, germinal products and products of animal origin if such consignments are accompanied by the animal health certificates and the declarations or other documents required under that Regulation. Article 237(2) of that Regulation stipulates that the animal health certificate must have been verified and signed by an official veterinarian in the third country or territory of origin. In this context, Article 237(4) of the 'Animal Health Law' provides for the Commission to adopt delegated acts concerning derogations from the animal health certificate requirements laid down in Article 237(1) and Article 237(2) of that Regulation, and to lay down rules requiring such consignments to be accompanied by declarations or other documents.

(12) Article 239(2) of the 'Animal Health Law' provides for the Commission to adopt delegated acts concerning special rules and additional requirements for certain specific types of entry into the Union of consignments of animals, germinal products and products of animal origin, and provides for derogations from the general animal health requirements laid down in Articles 229(1) and 237(1) of that Regulation, and in the supplementing rules laid down in delegated acts adopted pursuant to Articles 234(2) and 237(4) thereof.

(13) The supplementing rules to be laid down in this Regulation pursuant to Articles 234(2) and 239(2) of the 'Animal Health Law' are interrelated. Article 234(2) provides for the Commission to lay down the general requirements for entry into the Union of consignments of animals, germinal products and products of animal origin, while Article 239(2) provides for the Commission to lay down the special rules and additional requirements for derogations from those general requirements.

(14) The animal health certificate requirements provided for in Article 237 of the 'Animal Health Law' are part of the framework of rules relating to the entry into the Union of consignments of animals, germinal products and products of animal origin. The empowerment granted to the Commission under Article 237(4) of that Regulation to grant derogations from the animal health requirements is part of that general framework of rules.

(15) The 'Animal Health Law' already provides a number of definitions. In addition, this Regulation should also have regard to the definitions laid down in other Union acts in the related areas of food hygiene and official controls, such as the definitions laid down in Regulation (EC) No 853/2004 of the European Parliament and of the Council[(2)]. However, for the purpose of laying down the animal health requirements for entry into the Union of animals, germinal products and products of animal origin it is appropriate to include particular definitions, including definitions for certain categories of animals, germinal products and products of animal origin. These definitions are needed to clarify which categories of animals, germinal products and products of animal origin represent

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an animal health risk and are therefore subject to the animal health requirements for entry into the Union.

(16) In the interests of consistency of Union legislation, and based on the animal health risk they represent, the definition for 'fresh meat' for the purpose of this Regulation should incorporate the definitions for 'fresh meat', 'minced meat' and 'meat preparations' laid down in Annex I to Regulation (EC) No 853/2004.

(17) In addition, the definition for 'meat products' for the purpose of this Regulation should incorporate the definitions for 'meat products', 'treated stomachs', 'bladders', 'intestines', 'rendered animal fats' and 'meat extracts' laid down in Regulation (EC) No 853/2004. This is because from an animal health point of view, all of those commodities represent the same animal health risk and should be subjected to the same risk-mitigating measures.

(18) The definition for 'carcase' laid down in Regulation (EC) No 853/2004 should be adapted to define 'carcase of an ungulate' in order to differentiate it from 'offal'. This is because those two commodities represent different animal health risks, with 'offal' representing a higher risk.

(19) 'Casings' should be defined in this Regulation and that definition should take into account the definition included in the glossary of the Terrestrial Animal Health Code of the World Organisation for Animal Health (OIE). The definition should clarify which products of animal origin must be considered as casings and therefore undergo the specific risk-mitigating treatments provided for in this Regulation.

(20) Article 229(1) of the 'Animal Health Law' provides that consignments of animals, germinal products and products of animal origin are only to be permitted to enter into the Union if they come from third countries or territories listed for entry into the Union of the particular species and category of animals, germinal products or products of animal origin, in accordance with the criteria laid down in Article 230(1), and if the consignments comply with the animal health requirements provided for in Article 234 and subsequent delegated acts. This Regulation should make it the responsibility of the competent authority to verify that such consignments entering the Union comply with those requirements.

(21) Article 237(1) the 'Animal Health Law' provides that the entry into the Union of consignments of species and categories of animals, germinal products and products of animal origin from third countries or territories is only to be permitted where those consignments are accompanied either by an animal health certificate, issued by the competent authority of the third country or territory, or by declarations or other documents, or by all of those documents. This Regulation should, therefore, clarify which documents are required in each case and should make it the responsibility of the competent authority to verify that such consignments entering the Union comply with that general requirement.

(22) The information to be contained in the animal health certificates, declarations and other documents accompanying consignments of animals, germinal products and products of animal origin must accurately reflect whether or not those consignments comply with

the general requirements provided for in the 'Animal Health Law' and the relevant requirements laid down in this Regulation. This Regulation should, therefore, lay down the obligations for operators responsible for entry into the Union of such consignments and for the competent authorities of the Member State of entry into the Union, as regards the validity of the documents accompanying the consignments and the eligibility of such consignments to enter the Union.

(23) Taking into account animal health risks such as incubation periods for diseases, and in order to avoid the misuse of animal health certificates, it is necessary to establish a time limit for the validity of those certificates only in the case of animals and hatching eggs. This is because these pose a higher animal health risk than products of animal origin, which may have undergone risk-mitigating measures, and germinal products which are transported frozen in closed and sealed containers. However, as the transport by sea of live animals and hatching eggs may take long time, the validity period of the certificate in this case should be extended provided that certain risk-mitigating measures have been taken.

(24) The animal health requirements that need to be complied with, and the guarantees to be provided by third countries and territories, for entry into the Union of consignments of animals, germinal products and products of animal origin depend on the diseases listed in Article 5 and in Annex II to the 'Animal Health Law' and their categorisation as provided for in Article 9(1) of that Regulation and in the Annex to Commission Implementing Regulation (EU) 2018/1882[(3)]. That Regulation lays down the definitions of category A, B, C, D and E diseases and states that the disease prevention and control rules for the listed diseases referred to in Article 9(1) of Regulation (EU) 2016/429 are to be applied to listed species and groups of listed species referred to in its Annex.

(25) Chapter 1 of Part II of the 'Animal Health Law' lays down the rules on disease notification and reporting to ensure early detection and effective disease control in the Union. This Regulation should specify the details on the notification and reporting systems to be in place in the third countries or territories to guarantee equivalent systems to those implemented in the Union, including the diseases that should be notifiable and reportable. In this sense, while live animals can transmit the diseases for which they are a listed species in Implementing Regulation (EU) 2018/1882, not all products of animal origin and germinal products obtained from those animals can transmit all those diseases. This Regulation should clarify which are the animal diseases of concern and therefore notifiable and reportable for each particular species and category of animals, germinal products and products of animal origin intended for entry into the Union.

(26) The animal health requirements laid down in this Regulation should be based on different levels of protection from the animal health risks. The different requirements vary depending on whether they relate to a third country of origin, to a territory of origin, to a zone within that third country or territory, to a compartment within that third country or territory in the case of aquaculture animals, to the establishment of origin of the animals or the products of animal origin, or to the establishment or centre for collection of germinal products.