Commission Delegated Regulation (EU) 2020/688 of 17 December 2019 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council, as regards animal health requirements for movements within the Union of terrestrial animals and hatching eggs (Text with EEA relevance)

COMMISSION DELEGATED REGULATION (EU) 2020/688

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supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council, as regards animal health requirements for movements within the Union of terrestrial animals and hatching eggs

(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 the second subparagraph of Article 3(5), Article 125(2), Article 131(1), Article 132(2), Article 135, Article 136(2), Article 137(2), Article 140, Article 144(1), Article 146(1), Article 147, Article 149(4), Article 154(1), Article 156(1), Article 160, Article 162(3) and (4), Article 163(5)(b) and (c) and Article 164(2) thereof,

Whereas:

(1) Regulation (EU) 2016/429 lays down rules for the prevention and control of animal diseases that are transmissible to animals or humans. In Chapters 3-5 of Title I of Part IV, it lays down the animal health requirements for movements within the Union of kept and wild terrestrial animals and germinal products thereof. The Regulation also empowers the Commission to adopt rules to supplement certain non-essential elements of that Regulation by means of delegated acts. It is therefore appropriate to adopt such rules in order to ensure the smooth functioning of the new legal framework established by Regulation (EU) 2016/429.

(2) The rules and risk mitigation measures laid down in this Regulation are required to supplement the animal health requirements laid down in Chapters 3-5 of Title I of Part IV of Regulation (EU) 2016/429 as regards the movements within the Union of kept and wild terrestrial animals and of hatching eggs, to ensure that those commodities do not pose a significant risk of spread of listed diseases referred to in Article 5(1) and Annex II of the same Regulation, as amended by Commission Delegated Regulation (EU) 2018/1629[(2)] and categorised in accordance with Article 9(1)(d) of Regulation (EU) 2016/429 by Commission Implementing Regulation (EU) 2018/1882[(3)]. Regulation (EU) 2016/429 aims to provide a simpler and more flexible regulatory framework comparing to the one applying prior to its adoption, while at

the same time ensuring a more risk-based approach to animal health requirements, and improved animal disease preparedness, prevention and control. It also aims to collect the rules on animal diseases in a single act, rather than their being scattered over a number of different acts. The rules laid down in this Regulation concerning certain germinal products, notably hatching eggs, follow the same approach. The content of the rules is substantively linked, since they are to apply to all operators moving kept or wild terrestrial animals or hatching eggs. In the interests of simplicity and transparency, as well as to facilitate the application of the rules and avoid duplication, they should be laid down in a single act rather than in a number of cross-referenced separate acts.

(3) Article 5(1) and Annex II to Regulation (EU) 2016/429, as amended by Commission Delegated Regulation (EU) 2018/1629, provide the list of animal diseases of special relevance for Union intervention, while Commission Implementing Regulation (EU) 2018/1882 categorises them on the basis of the specific measures to apply to them, and lists the animal species to which those rules should apply. Category D diseases are considered to pose a considerable risk of spread when animals are moved between Member States.

(4) Eradication programmes exist for the eradication of category B or C diseases. The rules for these programmes are laid down in Commission Delegated Regulation (EU) 2020/689[(4)]. These eradication programmes apply to an establishment, zone or Member State, depending on the disease in question, and the measures required include certain animal health guarantees for movements of animals. The Delegated Regulation mentioned above also sets out the rules for the recognition of disease-free Member States and zones following the successful completion of the respective eradication programme. This Regulation should therefore also provide for such animal health guarantees in respect of movements of animals to other Member States or zones carrying out eradication programmes or having a recognised disease-free status.

(5) To mitigate the risk of spread of disease between Member States, it is necessary to lay down in this Regulation supplementary animal health requirements concerning the diseases referred to in recitals (3) and (4) above, the animal species listed for the respective disease in Implementing Regulation (EU) 2018/1882 and eradication programmes and disease-free status. The relevant standards recommended in the Terrestrial Animal Health Code of the World Organisation for Animal Health (OIE) should be taken into account.

(6) Article 125 of Regulation (EU) 2016/429 sets out the required disease prevention measures in relation to transport of animals, and empowers the Commission to lay down supplementary requirements for cleaning and disinfecting means of transport of kept terrestrial animals and biosecurity measures to mitigate the possible risks arising from animal transport operations within the Union. It is necessary, therefore, to lay down in this Regulation more detailed rules on structural requirements for means of transport and containers and more detailed biosecurity requirements for animal transport operations, and to provide for certain exemptions. Similar rules also apply to operators engaged in the transport of certain germinal products, notably hatching eggs

of poultry and captive birds, and such rules should also be laid down in this Regulation on the basis of Article 157(3) of Regulation (EU) 2016/429.

(7) Requirements for cleaning and disinfection of means of transport and biosecurity measures to mitigate the possible risks arising from certain animal transport operations were laid down in the rules that applied prior to Regulation (EU) 2016/429, in particular Council Directives 64/432/EEC[(5)], 91/68/EEC[(6)], 2009/156/EC[(7)] and 2009/158/EC[(8)] for transport operations of bovine, porcine, ovine, caprine and equine animals, poultry and hatching eggs. Those requirements have proven to be effective in preventing the risk of spread of animal diseases within the Union through transport operations. It is therefore appropriate to maintain the substance of those requirements and adapt them to transport operations of all kept terrestrial animals and hatching eggs.

(8) Article 132(2) of Regulation (EU) 2016/429 requires that the Commission determines a maximum timeframe within which the operator of a slaughterhouse receiving kept ungulates and poultry for slaughter from another Member State should ensure that those animals are slaughtered. This Regulation should therefore provide for such a maximum timeframe within which animals should be slaughtered, to ensure that their health status would not compromise the health status of the animals at the place of destination. Regulation (EU) 2016/429 also lays down rules for the movement of consignments of ungulates susceptible to infection with Bluetongue virus (serotypes 1-24), which may have a specific risk of spread due to the vector-borne transmission of the disease. This Regulation should therefore lay down certain specific provisions on the slaughtering of those animals.

(9) In respect of movements to other Member States of kept ungulates and poultry, Article 131(1) of Regulation (EU) 2016/429 empowers the Commission to lay down rules concerning residency periods, the period of time necessary to limit the introduction of kept ungulates or poultry into establishments prior to movement, and supplementary animal health requirements to mitigate the risk of spread of listed diseases as referred to in Article 9(1)(d) thereof. It is therefore necessary to lay down appropriate measures in this Regulation to safeguard the health of animals and prevent the spread of disease through movements of ungulates, poultry and captive birds. These measures should take account of the rules that applied prior to the application of Regulation (EU) 2016/429. Such rules for ungulates, poultry and captive birds were laid down in Council Directives 64/432/EEC, 91/68/EEC and 2009/158/EC, 2009/156/EC and, in part, Council Directive 92/65/EEC[(9)]. Where relevant, those rules should introduce new or different requirements, in particular to take account of new scientific developments and standards or the list of diseases provided for in Article 5(1) of Regulation (EU) 2016/429 and Delegated Regulation (EU) 2018/1629 and the diseases' categorisation subject to Implementing Regulation (EU) 2018/1882.

(10) Similarly, Articles 160(2) and 164(2) of Regulation (EU) 2016/429 empower the Commission to adopt delegated acts laying down animal health requirements for movements to other Member States of germinal products of poultry and captive birds, i.e. hatching eggs. This Regulation must also therefore provide for those rules.

(11) As a baseline, movements of terrestrial animals to another Member State should take place from the establishment of origin directly to the place of destination in that Member State. By way of derogation, however, this movement may be interrupted, and animals may undergo assembly operations. These operations represent a specific risk for spreading animal diseases. Article 135 of Regulation (EU) 2016/429 requires the Commission to adopt delegated acts laying down rules supplementing those provided for in Articles 133 and 134 thereof for assembly operations in respect of kept ungulates and poultry, where those animals are being moved to another Member State. It is therefore necessary to lay down such requirements in this Regulation.

(12) Under the rules applicable prior to Regulation (EU) 2016/429, set out in Directives 64/432/EEC, 91/68/EEC and 2009/156/EC, some consignments of ungulates did not move directly from an establishment of origin to an establishment of destination. Dealers, assembly centres and marshalling centres grouped animals of the same health status, which had arrived in consignments from different establishments, for dispatch to their respective destinations. The rules laid down in those Directives have proven effective in preventing the spread of transmissible animal diseases within the Union. Accordingly, the main substance of those rules should be maintained, but updated to take account of experience gained in their application and current scientific knowledge. Account should be taken of Article 133 of Regulation (EU) 2016/429, which provides that operators may subject kept ungulates and poultry to a maximum of three assembly operations during a movement from a Member State of origin to another Member State.

(13) In addition, derogation from the rules on assembly operations should be provided under Article 140(b) of Regulation (EU) 2016/429 for ungulates participating in exhibitions and sporting, cultural and similar events, as alternative risk-mitigation measures in place reduce the risk that those operations pose in terms of spreading listed diseases. These derogations are provided for in this Regulation.

(14) Article 136(2) of Regulation (EU) 2016/429 empowers the Commission to lay down detailed rules for the movement between Member States of certain kept terrestrial animals other than ungulates and poultry.

(15) Prior to the application of Regulation (EU) 2016/429, Union rules for movement between Member States of certain kept terrestrial animals including primates, captive birds, honeybees and bumble bees, dogs, cats and ferrets were laid down in Directive 92/65/EEC. Those rules have proven to be effective in minimising the risk of spread of listed diseases between Member States. Accordingly, the main substance of those rules should be maintained in this Regulation, but updated to take account of the practical experience gained in their application. In addition, this Regulation should provide possibilities for derogations in cases where alternative risk-mitigation measures are put in place.

(16) Article 3(5) of Regulation (EU) 2016/429 empowers the Commission to lay down rules to ensure that Part IV thereof is correctly applied to movements of pet animals, other than non-commercial movements. This Regulation, therefore, must provide for certain such rules.

(17) Implementing Regulation (EU) 2018/1882 lists the species of carnivores posing a considerable risk of spread of *Echinococcus multilocularis* and of rabies virus when they are moved between Member States. Supplementary animal health requirements should therefore be provided for other carnivores to mitigate the risk of the spread of those diseases between Member States.

(18) Article 137(2) of Regulation (EU) 2016/429 requires the Commission to lay down detailed rules in addition to those referred to in Article 137(1) thereof for movements of kept terrestrial animals into confined establishments and for movements of kept terrestrial animals into those confined establishments, where risk-mitigation measures are in place to guarantee that such movements do not pose a significant risk to the health of kept terrestrial animals within that confined establishment and the surrounding establishments.

(19) Prior to the application of Regulation (EU) 2016/429, Union rules for movements of terrestrial animals kept in approved bodies, institutes or centres were laid down in Directive 92/65/EEC. Articles 95 and 137 of Regulation (EU) 2016/429 establish the concept of a 'confined establishment' corresponding to an 'approved body, institute or centre' referred to in Article 2(1)(c) of Directive 92/65/EEC. Accordingly, the main substance of those former rules should be maintained, but should be updated to take account of the practical experience gained in their application. Account should also be taken of the relevant standards recommended for primates in the Terrestrial Animal Health Code of the OIE.

(20) Article 138(3) of Regulation (EU) 2016/429 empowers the Commission to lay down rules for the granting of derogations by the competent authority of the place of destination, supplementing those referred to in Article 138(1) and 138(2) thereof, in relation to movement of kept terrestrial animals for scientific purposes. Prior to the application of Regulation (EU) 2016/429, Directive 92/65/EEC provided that dogs, cats and ferrets which are to be moved for scientific purposes to another Member State do not have to be vaccinated against rabies, and dogs do not have to have been treated against infestation with *Echinococcus multilocularis* where such animals were destined for approved bodies, institutes or centres. This Regulation should provide for a similar derogation.

(21) Article 140(a) of Regulation (EU) 2016/429 empowers the Commission to lay down specific requirements supplementing the rules laid down in Articles 126 to 136 thereof for movements of kept terrestrial animals intended for circuses, exhibitions and sporting events.

(22) Prior to the application of Regulation (EU) 2016/429, Union rules for movements of terrestrial animals kept in circuses and animal acts were laid down, based on Directive 92/65/EEC, in Commission Regulation (EC) No 1739/2005[(10)] repealed by Commission Delegated Regulation (EU) 2019/2035[(11)] as from 21 April 2021. Given that those animals are currently moved to other Member States without an accompanying animal health certificate when the circus or animal act to which they belong travels, the present Regulation should maintain the possibility of such intra-Union movements. It is therefore appropriate to lay down in this Regulation the animal health requirements