Commission Implementing Regulation (EU) 2019/2147 of 28 November 2019 amending and correcting Implementing Regulation (EU) 2018/659 on the conditions for the entry into the Union of live equidae and of semen, ova and embryos of equidae (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/2147

of 28 November 2019

amending and correcting Implementing Regulation (EU) 2018/659 on the conditions for the entry into the Union of live equidae and of semen, ova and embryos of equidae

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC[(1)], and in particular Article 3(2) and Article 9(1)(c) thereof,

Having regard to Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(I) to Directive 90/425/EEC[(2)], and in particular Article 17(3) thereof,

Having regard to Council Directive 2009/156/EC of 30 November 2009 on animal health conditions governing the movement and importation from third countries of equidae[(3)], and in particular Article 2(i), Article 12(1), (4) and (5), Article 13(2), Articles 15, 16, 17 and 19 thereof,

Whereas:

(1) Article 9(1)(c) of Directive 91/496/EEC provides that in order to transit from one third country to another third country or to the same third country, the animals afford Union health guarantees recognised as being at least equivalent to those laid down for intra-Union trade in such animals.

(2) Article 17(2) of Directive 92/65/EEC provides that the imports of semen, ova and embryos should only be authorised where such germinal products come from listed third countries and approved collection and storage centres or collection and production teams offering guarantees at least equivalent to those established in Annex D(I) to that Directive.

(3) Directive 2009/156/EC lays down the animal health requirements governing imports into the Union of equidae. It provides that only equidae that come from a third country or part of the territory of a third country on a list of third countries drawn up in accordance with that Directive, may be imported into the Union.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/2147. (See end of Document for details)*

(4) Commission Implementing Regulation (EU) 2018/659[4] lays down the conditions for entry into the Union of equidae and of semen, ova and embryos of equidae and sets out the list of third countries from where Member States are to authorise the entry of equidae and of semen, ova and embryos of animals of the equine species together with the animal health and veterinary certification conditions for such entries.

(5) Implementing Regulation (EU) 2018/659 also lays down the procedures for the conversion of temporary admission into permanent entry which requires multiple entries in Part III of the Common Veterinary Entry Document (CVED) in TRACES to terminate the temporary admission status. However, the possibility to make multiple entries in Part III of the CVED, necessary to carry out the procedure described in Article 19 of Implementing Regulation (EU) 2018/659, does not feature in the current version of TRACES and will only be provided in the Common Health Entry Document (CHED) to be implemented by the Commission in accordance with Article 58 of Regulation (EU) 2017/625[5], applicable on 14 December 2019, within the framework of the development of the information management system for official controls (IMSOC). It is therefore necessary to defer the application of Article 19(2)(a) to that date.

(6) The entry of semen, ova and embryos of animals of the equine species into the Union may be authorised from third countries or parts of the territory of third countries from where the entry of equine animals is authorised, provided that the consignment is dispatched from an approved semen collection or storage centre listed in accordance with Article 17(3)(b) of Directive 92/65/EEC and is accompanied by a health certificate. It appears from Annex I to Implementing Regulation (EU) 2018/659 that the entry into the Union of semen from Barbados, Bermuda, Bolivia and Turkey is authorised. However, those countries have no approved semen collection centres. Annex I to Regulation should therefore be corrected so as to indicate that the entry into the Union of semen of equidae from those countries is not authorised until at least one semen collection centre will be approved.

(7) Qatar presented documentation on the approval of a semen collection centre in accordance with Article 17(2)(b)(ii) of Directive 92/65/EEC and this semen collection centre was listed on 10 March 2017[6]. However, it appears from Annex I to Implementing Regulation (EU) 2018/659 that the import of semen collected from registered horses in Qatar is not authorised. It is therefore appropriate to correct Annex I to Implementing Regulation (EU) 2018/659 so as to indicate that the import of semen collected from registered horses in Qatar is authorised.

(8) Therefore, the entries concerning Barbados, Bermuda, Bolivia, Turkey and Qatar in Annex I to Implementing Regulation (EU) 2018/659 should be corrected accordingly.

(9) The latest information on glanders received from Brazil indicate that certain parts of the territory of Brazil are no longer free of glanders. As a consequence, the entry of equidae and of semen, ova and embryos of animals of the equine species should be suspended from the parts of the territory of Brazil no longer free of glanders.

(10) Following a Union audit in Mexico[7], the entry of equidae and of semen, ova and embryos of equidae was suspended by Commission Implementing Decision

2013/167/EU[8]. Subsequently, the Mexican authorities have provided information which addresses appropriately the recommendations made as a result of the audit. It is therefore appropriate to allow the entry of registered equidae and equidae for breeding and production as well as semen of registered horses from those parts of the territory of Mexico from which the entry of such commodities was suspended.

(11) It is necessary to use the new official denomination 'North Macedonia'.

(12) The entry for Norway should be removed from Annex I to Implementing Regulation (EU) 2018/659 to reflect its specific situation as a country of the European Economic Area.

(13) Kuwait informed the Commission on 25 July 2019 of two cases of glanders (*Burkholderia mallei*) in registered horses kept in pre-export quarantine for dispatch to the Union. Kuwait has immediately suspended the export of registered horses to the Union and taken the necessary surveillance and control measures. The entry of registered horses from Kuwait into the Union should therefore be suspended for a period of at least 6 months.

(14) An update of the footnotes in Annex I to Implementing Regulation (EU) 2018/659 is necessary. In the interest of clarity, it is appropriate to replace the entire Annex I.

(15) Implementing Regulation (EU) 2018/659 was consolidated and corrected by Commission Implementing Regulation (EU) 2018/1301[9]. As the result of a formatting error in point II.3.8. of the Animal Health and Welfare Attestation, the model health certificate for temporary admission in Section A of Part 1 of Annex II contains stricter requirements regarding Japanese encephalitis than those provided for in the animal health certificates for transit and permanent entry respectively, therefore creating additional health restrictions. This error should be corrected so that the requirements regarding Japanese encephalitis are the same for temporary admission of registered horses and transit and permanent entry of equidae.

(16) The test regime for Eastern and Western equine encephalomyelitis in the health certificates in Parts 1 and 3 of Annex II to Implementing Regulation (EU) 2018/659 do not sufficiently consider the movement of foals born to seropositive dams as well as the recovery from previous infection, and therefore the reference to previous vaccination as a cause of seroconversion should be removed.

(17) Historically there have been no imports of equidae for slaughter from countries where Japanese encephalitis occurs. With the spread of this disease to new areas it is appropriate to provide for risk mitigating measures for this disease also in relation to the entry of consignments of equidae for slaughter. It is therefore necessary to amend the animal health certificate set out in Section B of Part 3 of Annex II to Implementing Regulation (EU) 2018/659 accordingly.

(18) Following reassurances provided by the World Organisation for Animal Health (OIE) and certain third countries which have been recognised by the OIE as officially free of African horse sickness, it is reasonable to simplify the quarantine and test conditions to be met by registered horses entering the Union from those countries. It is therefore

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/2147. (See end of Document for details)*

necessary to amend the animal health certificates set out in Part 1 and in Section A of Part 3 of Annex II to Implementing Regulation (EU) 2018/659 accordingly.

(19) In the title of the model health certificate for re-entry of registered horses after temporary export to third countries for specific competitions referred to in column 16 of the table in Annex I, it was omitted to include the reference to a specific series of competitions (LG Global Champions Tour). In addition it is necessary to clarify the scope of another series of equestrian events, notably the 'American Games'. For legal clarity it is necessary to replace Chapter 1 of Section B of Part 2 of Annex II to Implementing Regulation (EU) 2018/659 accordingly.

(20) Implementing Regulation (EU) 2018/659 should be amended accordingly.

(21) In order to avoid a negative impact on trade, it is necessary to provide for a transitional period until 31 December 2019 during which animal health certificates issued in accordance with Implementing Regulation (EU) 2018/659, as amended by Regulation (EU) 2018/1301, shall be accepted provided they are issued prior to 22 December 2019.

(22) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) 2018/659 is amended and corrected as follows:

(1) In Article 24, the third subparagraph is replaced by the following:

> However, Article 16(1)(b)(iii), Article 16(2)(b), (c) and (d), Article 16(3), Article 16(4)(a) and (b), Article 16(5), Article 17(1)(d) and Article 19(2)(a) shall apply from 14 December 2019.;

(2) The table in Annex I containing the list of third countries and the footnotes is replaced by the text set out in Annex I to this Regulation;

(3) Annex II is amended and corrected in accordance with Annex II to this Regulation.

Article 2

Until 31 December 2019, Member States shall authorise entry into the Union of equine animals accompanied by the relevant animal health certificate drawn up in accordance with the model health certificates set out in Part 1, in Chapter 1 of Section B of Part 2 or in Part 3 of Annex II to Implementing Regulation (EU) 2018/659, as amended by Implementing Regulation (EU) 2018/1301, provided that the relevant animal health certificate was issued prior to 22 December 2019.

Article 3

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 November 2019.

For the Commission

The President

Jean-Claude JUNCKER