Commission Implementing Regulation (EU) 2018/659 of 12 April 2018 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) 2018/659

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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) 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 a third country on a list of third countries drawn up in accordance with that Directive, and accompanied by a health certificate corresponding to a model also drawn up in accordance with that Directive, may be imported into the Union. The health certificate must attest that the equidae comply with the health conditions set out in accordance with that Directive in the corresponding health certificate.

(2) The list of third countries from which Member States authorise imports of live equidae and semen, ova and embryos of the equine species and the regionalisation of certain of those third countries should be established on the basis of the animal health status of those third countries and be based on the list of third countries and parts of the territory of third countries set out in Commission Decision 2004/211/EC[(4)].

(3) In accordance with Article 12(2)(a) of Directive 2009/156/EC, the animal health requirements laid down in this Regulation should be based on a risk assessment. The principle of grouping countries in health zones, as provided for in Article 12(4)

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of Directive 2009/156/EC, according to common risks has proven to be effective. However, as the word 'zones' suggests certain contiguity and certain risks of the same kind may prevail in distant areas, countries should be assigned to specific 'sanitary groups'.

(4) Directive 92/65/EEC lays down the animal health requirements governing imports into the Union of semen, ova and embryos of the equine species. It provides that only commodities that come from a third country or part of a third country on a list of third countries drawn up in accordance with that Directive, and accompanied by a health certificate corresponding to a model also drawn up in accordance with that Directive, may be imported into the Union. The health certificate must attest that the commodities come from 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.

(5) Directive 92/65/EEC, as amended by Council Directive 2008/73/EC[(5)], introduced a simplified procedure for the listing of semen collection and storage centres and embryo collection and production teams in third countries, approved for imports of the commodities into the Union. The lists are available at the Commission website[(6)].

(6) Annex D to Directive 92/65/EEC sets out certain requirements for semen, ova and embryos of equidae and provides for rules for the approval, supervision and operation of semen collection and storage centres and embryo collection and production teams and detailed conditions for the health status of the donor animals. Accordingly, it is necessary to establish model health certificates for imports into the Union of semen, ova and embryos of equidae.

(7) In addition, provision should be made for imports into the Union of existing stocks of commodities that comply with the provisions of Directive 92/65/EEC established prior to the entry into force of the amendments introduced by Commission Regulation (EU) No 176/2010[(7)]. Accordingly, it is necessary to set out separate model health certificates for imports of consignments of semen, ova and embryos of equidae collected or produced, processed and stored in accordance with Annex D to Directive 92/65/EEC prior to 1 September 2010.

(8) The long lasting stocking capabilities for such commodities make it impossible at present to fix a date for the exhaustion of the existing stocks. Therefore, it is not possible to fix a date for the termination of the use of those model health certificates for the existing stocks.

(9) In order to ensure full traceability of the commodities, model health certificates should be set out in this Regulation for imports into the Union of semen of equidae collected in approved semen collection centres and dispatched from an approved semen storage centre, whether or not the latter constitutes part of a semen collection centre approved under a different approval number.

(10) In addition, it is appropriate that consignments of the commodities imported into the Union from Switzerland are accompanied by the health certificates drawn up in accordance with the models used for trade within the Union in semen, ova and embryos

of animals of the equine species and set out in Commission Decision 2010/470/EU[8], with the adaptations set out in points 8 and 9 of Chapter IX(B) of Appendix 2 of Annex 11 to the Agreement between the European Community and the Swiss Confederation on trade in Agricultural Products, as approved by Decision 2002/309/EC, Euratom of the Council and of the Commission[9].

(11) Semen, ova and embryos of animals of the equine species consigned from Canada to the Union may be accompanied by health certificates laid down in accordance with the Agreement between the European Community and the Government of Canada on sanitary measures to protect public and animal health in respect of trade in live animals and animal products[10], as approved by Council Decision 1999/201/EC[11].

(12) Semen, ova and embryos of animals of the equine species consigned from New Zealand to the Union may be accompanied by health certificates laid down in accordance with the Agreement between the European Community and New Zealand on sanitary measures applicable to trade in live animals and animal products[12], as approved by Council Decision 97/132/EC[13].

(13) With the view to simplifying Union legislation, it is appropriate to group together in a single Regulation the animal health and certification requirements applicable for the entry into the Union of consignments of equidae and of semen, ova and embryos of equidae, including the list of third countries and parts of the territory of third countries from which Member States are to authorise the introduction into the Union of such consignments.

(14) In order to preserve the certified health status of equidae during their movement from the exporting third country to the Union, it is necessary to lay down animal health requirements concerning the transport of equidae.

(15) Provisions should be made for the quality of health testing and the recording of vaccinations. Provisions should also be made for the confirmation of test results by the European Union reference laboratory for equine diseases other than African horse sickness, designated in accordance with Commission Regulation (EC) No 180/2008[14] where risk based sampling of equidae, in accordance with Commission Decision 97/794/EC[15], produced results different to those certified by the dispatching third country.

(16) The tests used for the diagnosis of equine viral arteritis and the categories of male equidae to which the test requirements for equine viral arteritis apply should be defined based on the recommendations of the Scientific Veterinary Committee[16], which are contained in Commission Decision 95/329/EC[17], and the latest recommendations in Chapter 12.9. of the Terrestrial Animal Health Code of the World Organisation for Animal Health (OIE), 2016 Edition[18].

(17) A specific model health certificate should be laid down for transit through the Union of live equidae from one third country, or part of the territory of a third country, to another third country or to another part of the territory of the same third country.

(18) For the controls necessary to ensure a uniform implementation by Member States of the provisions on temporary admission of registered horses, the re-entry of registered

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horses after temporary export, the transit of equidae and the conversion of temporary admission of registered horses into permanent entry, it is necessary to lay down specific and additional provisions on the use of the integrated computerised veterinary system 'TRACES' provided for in Commission Decisions 2003/24/EC[(19)] and 2004/292/EC[(20)] from the veterinary border inspection post of entry, approved in accordance with Commission Decision 2009/821/EC[(21)] till the exit point from the Union.

(19) In the interests of consistency and simplification of Union legislation, the format of the model health certificates for entry into the Union of equidae and of semen, ova and embryos of the equidae should be based on the standard models for veterinary certificates set out in Annex I to Commission Decision 2007/240/EC[(22)].

(20) Provisions should be made to determine, in accordance with Article 19(c) of Directive 2009/156/EEC, the conditions for converting temporary entry into permanent entry, including provisions on the necessary information in TRACES and the exchange of the Common Veterinary Entry Document (CVED) set out in Annex I to Commission Regulation (EC) No 282/2004[(23)].

(21) Specific animal health conditions should be laid down for the re-entry of registered horses after temporary export to third countries in order to participate in races, competitions and cultural events, and the corresponding model certificates should be set out in an Annex to this Regulation.

(22) Commission Decision 93/444/EEC[(24)] defines the 'exit point' and requires, inter alia, that animals destined for export to a third country are, on their way to the exit point, to be accompanied by a health certificate applicable at least to trade in animals for slaughter of the species concerned. It also requires the competent authority at the place of dispatch to notify the exit point of the intended movement. It is necessary to clarify that in order to ensure traceability the 'exit point' should be a border inspection post and that the health certificate referred to in Article 2(1) of Decision 93/444/EEC should be the health certificate set out in Annex III to Directive 2009/156/EC also in the case of registered horses intended for temporary export.

(23) For reasons of legal certainty, Commission Decisions 92/260/EEC[(25)], 93/195/EEC[(26)], 93/196/EEC[(27)], 93/197/EEC[(28)], 94/699/EC[(29)], 95/329/EC, 2003/13/EC[(30)], 2004/177/EC[(31)], 2004/211/EC, 2010/57/EU[(32)] and 2010/471/EU[(33)] should be repealed.

(24) In order to enable economic operators to adapt to the new rules laid down in this Regulation, it is appropriate to provide for a transitional period during which Member States are to authorise the entry into the Union of equidae and semen, ova and embryos of equidae which comply with the conditions set out in the model health certificates applicable before the date of application of this Regulation.

(25) 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:

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SECTION 1

Subject matter, scope and definitions

Article 1

Subject matter and scope

This Regulation establishes the list of third countries and parts of the territory of third countries from which the entry into the Union of consignments of equidae and of their semen, ova and embryos is authorised.

It also lays down the animal health and veterinary certification requirements applicable to those consignments.

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

(a)	‘regionalisation’	means the official recognition of a part of the territory of a third country with precise geographical delimitations, containing an equidae subpopulation with a distinct health status with respect to one or more specific diseases and subject to appropriate surveillance, disease control and biosecurity measures;
(b)	‘identification document’	means any document which may be used to prove the identity of an equine animal and which includes at least the following information: (i) a narrative describing the animal and recording its marks depicted in a completed outline diagram; (ii) a reference to specific marks, characteristics or identifiers which establish an unambiguous link between the animal and the document; (iii) the information set out in points 1, 2, 3 and 6 to 10 of Part A and in

a Commission Implementing Regulation (EU) 2015/262 of 17 February 2015 laying down rules pursuant to Council Directives 90/427/EEC and 2009/156/EC as regards the methods for the identification of equidae (Equine Passport Regulation) (OJ L 59, 3.3.2015, p. 1).

b Council Directive 90/427/EEC of 26 June 1990 on the zootechnical and genealogical conditions governing intra-Community trade in equidae (OJ L 224, 18.8.1990, p. 55).

c Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries (OJ L 24, 30.1.1998, p. 9).

d https://ec.europa.eu/food/sites/food/files/animals/docs/ad_control-measures_bt_guidance_vpe_7068_2012.pdf