Commission Implementing Regulation (EU) No 780/2013 of 14 August 2013 amending Commission Regulation (EU) No 206/2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the European Union of certain animals and fresh meat and the veterinary certification requirements (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) No 780/2013

of 14 August 2013

amending Commission Regulation (EU) No 206/2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the European Union of certain animals and fresh meat and the veterinary certification requirements

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2004/68/EC of 26 April 2004 laying down animal health rules for the importation into and transit through the Union of certain live ungulate animals, amending Directives 90/426/EEC and 92/65/EEC and repealing Directive 72/462/EEC[(1)], and in particular the first and second subparagraphs of Article 3(1), the first subparagraph of Article 6(1), Article 7(e), Article 8(c) and Article 13(1) thereof,

Whereas:

(1) Commission Regulation (EU) No 206/2010[(2)] lays down the requirements for the introduction into the Union of, amongst others, certain ungulates. That Regulation does not apply to non-domesticated animals intended for an approved body, institute or centre as defined in Article 2(1)(c) of 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[(3)].

(2) The lack of specific animal health requirements for the introduction of ungulates intended for an approved body, institute or centre into the Union causes practical problems for such structures and strongly limits their activities, because of their need to introduce those animals.

(3) It is appropriate to lay down animal health requirements for the introduction of ungulates intended for an approved body, institute or centre into the Union, which would take account of the specific situation of such animals. In the interest of simplification of Union law, it is appropriate that such rules be laid down in Regulation (EU) No 206/2010. The scope of that Regulation should therefore be amended accordingly.

Changes to legislation: *Commission Implementing Regulation (EU) No 780/2013 is up to date with all changes known to be in force on or before 28 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) Regulation (EU) No 206/2010 provides that consignments of ungulates may only be introduced into the Union if they come from the third countries, territories or parts thereof listed in Part 1 of Annex I to that Regulation.

(5) Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption[(4)] provides for the adoption by the Commission of lists of the third countries or regions of third countries from which imports of specified products of animal origin are permitted.

(6) Council Directive 2009/156/EC of 30 November 2009 on animal health conditions governing the movement and importation from third countries of equidae[(5)] provides that the importation of equidae into the Union is to be authorised only from third countries that appear on a list to be drawn up or amended in accordance with the procedure laid down in that Directive.

(7) Council Directive 2009/158/EC of 30 November 2009 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs[(6)] provides that poultry and hatching eggs imported into the Union must have originated in a third country or part of a third country included on a list drawn up by the Commission in accordance with the procedure laid down in that Directive.

(8) The introduction of ungulates intended for an approved body, institute or centre into the Union should, in particular, fulfil the general requirements for the introduction of live animals into the Union and further specific animal health requirements and offer specific guarantees ensuring that the animals introduced into the Union do not endanger the animal health status of the Union.

(9) The general requirements for the introduction of live animals into the Union, consisting of an effective system of veterinary services in charge of the control of animal health, are currently fulfilled by those third countries, territories and parts thereof listed pursuant to Directives 2002/99/EC, 2009/156/EC and 2009/158/EC.

(10) However, the general requirements for the introduction of live animals into the Union do not guarantee that ungulates are free of diseases. Individual animals may still carry infectious diseases that could spread into the Union and consequently consitute a danger to animal health in the Union. Ungulates intended for an approved body, institute or centre should therefore only be introduced into the Union directly from a body, institute or centre which complies with certain requirements and is approved by the competent authority of the third country, territory or part thereof in which it is situated.

(11) It is appropriate that the list of such bodies, institutes or centres be established by the Member State of destination, following an assessment of all relevant information.

(12) In order to protect the animal health in the Union, it is crucial that consignments of ungulates introduced into the Union and destined to approved bodies, institutes or centres be transported directly and without delay to their destination in sealed containers and that further movement of such animals within the Union be restricted.

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(13) In order to address exceptional circumstances such as situations concerning animal welfare problems, conservation of endangered species, sudden natural disasters or political unrest, in which it is not possible to apply all the animal health requirements and especially those related with the approval of the body, institute or centre of origin, Member States should be able to introduce into their territory certain ungulates destined to an approved body, institute or centre, under specific conditions. However, even in such cases, a permit should be required in order to ensure sufficient reduction of the animal health risk.

(14) Regulation (EU) No 206/2010 should therefore be amended accordingly.

(15) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 206/2010 is amended as follows:

(1) In Article 1, paragraph 3 is deleted.

(2) The following Article 3a is inserted:

'Article 3a

Conditions for the introduction of ungulates intended for an approved body, institute or centre

1 By way of derogation from Article 3, the competent authority of a Member State may authorise the introduction into its territory of consignments of ungulates of the species listed in Tables 1, 2 and 3 of Part 1 of Annex VI where those consignments are destined for an approved body, institute or centre, provided that the following conditions are complied with:

a an assessment has been carried out by the competent authority of the Member State of destination of the animal health risks that each of the consignments may present for the Union;

b the consignments concerned come from a third country, territory or part thereof which is included in one of the lists set out in:

(i) Part 1 of Annex I or in Part 1 of Annex II to this Regulation,

(ii) Decision 2004/211/EC[(7)], Decision 2007/777/EC[(8)], Regulation (EC) No 798/2008[(9)], Regulation (EC) No 119/2009[(10)], Regulation (EU) No 605/2010[(11)],

c the ungulates originate from a body, institute or centre in a third country, territory or part thereof, referred to in point (a), which is included in a list established in accordance with Article 3c;

d the ungulates have been quarantined in a vector-protected facility at the premises of the body, institute or centre referred to in point (c) for the period provided for in the relevant certificates;

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e the ungulates are conveyed directly to an approved body, institute or centre in the Member State of destination;

f the ungulates are accompanied by an appropriate veterinary certificate, drawn up in accordance with the relevant model of veterinary certificate referred to in Tables 1, 2 and 3 in Part 1 of Annex VI and set out in Part 2 of that Annex;

g the ungulates comply with the requirements set out in the model of veterinary certificate referred to in point (f).

The Member State of destination shall inform the Commission and the other Member States in the Standing Committee on the Food Chain and Animal Health of the authorisation granted pursuant to the first subparagraph, prior to the introduction of the ungulates into their territory.

2 Where exceptional circumstances render compliance with points (c) and (d) of paragraph 1 impossible, the competent authority of the Member State of destination may authorise the introduction, into its territory, of ungulates of the species listed in Tables 1, 2 and 3 of Part 1 of Annex VI from *other holdings* which do not comply with the requirements laid down in those points, provided that the requirements laid down in points (a), (b) and (e) to (g) of paragraph 1 are complied with and that the following additional conditions are met:

a a prior application for a permit has been made by the owner, or a natural person representing that owner, and the Member State of destination has granted such permit after having carried out a risk assessment that has indicated that the introduction of the ungulates concerned into its territory does not constitute an animal health risk for the Union;

b the ungulates have been quarantined in the third country, territory or part thereof of origin under official supervision for the time necessary for them to meet the animal health conditions set out in the model of veterinary certificate referred to in point (f):

(i) at a place approved by the competent authority of the third country, territory or part thereof of origin of the animals;

(ii) in accordance with the arrangements prescribed in the permit that shall provide at least the same guarantees as those laid down in points (a), (b) and (e) to (g) of paragraph 1.

Where ungulates are introduced into the Union pursuant to the first subparagraph, they shall be quarantined in an approved body, institute or centre *of destination* for at least six months from the time of introduction into the Union, during which period the requirements provided for in Article 8(1)(a) of Council Directive 90/425/EEC may be applied by the competent authorities.

The Member State authorising the introduction of ungulates pursuant to the first subparagraph shall inform the Commission and the other Member States in the Standing Committee on the Food Chain and Animal Health of such authorisation, prior to the introduction of the ungulates into its territory.

(3) The following Article 3b is inserted:

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'Article 3b

Conditions for the entry and transit of ungulates intended for an approved body, institute or centre through the territory of Member States other than the Member State of destination

The transit of the ungulates referred to in Article 3a through a Member State other than the Member State of destination shall be permitted only subject to the authorisation of the competent authority of the Member State of transit. Such authorisation may be granted only on the basis of a risk assessment by that competent authority, in view of the information submitted to it by the Member State of destination.

The Member State of destination shall inform the Commission and the other Member States in the Standing Committee on the Food Chain and Animal Health, prior to the transit, when authorising the introduction of animals under the conditions provided for in Article 3a.'

(4) The following Article 3c is inserted:

'Article 3c

List of approved bodies, institutes or centres in third countries, territories and parts thereof

1 Following an assessment of compliance with the conditions laid down in paragraph 2, each Member State may establish a list of bodies, institutes and centres from which the introduction of ungulates into its territory may be authorised pursuant to Article 3a(1).

2 A body, institute or centre in a third country, territory or part thereof shall only be included in the list referred to in paragraph 1 where the following conditions are complied with:

a the body, institute or centre complies with the requirements set out in Part 3 of Annex VI;

b the body, institute or centre is approved by the competent authority of the third country, territory or part thereof where that body, institute or centre is situated;

c the competent authority of the third country, territory or part thereof provides sufficient guarantees that the conditions concerning the approval of bodies, institutes or centres set out in Part 4 of Annex VI are complied with.

3 A Member State may include in the list referred to in paragraph (1) bodies, institutes or centres in third countries which are already included in such a list established by another Member State, without having assessed compliance with the conditions laid down in paragraph 2.

4 Member States shall keep the lists referred to in paragraph (1) up to date, taking into account in particular any suspension or withdrawal of the approval granted by the competent authority of a third country, territory or part thereof to the bodies, institutes or centres situated therein and included in those lists.