Regulation (EU) No 576/2013 of the European Parliament and of the Council of 12 June 2013 on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003 (Text with EEA relevance)

REGULATION (EU) No 576/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 12 June 2013

on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) and point (b) of Article 168(4) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[(1)],

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure[(2)],

Whereas:

(1) Regulation (EC) No 998/2003 of the European Parliament and of the Council[(3)] lays down the animal health requirements applicable to the non-commercial movement of pet animals into a Member State from another Member State or from third countries and the checks applicable to such movement. It aims to ensure a sufficient level of safety with regard to the public and animal health risks involved in such non-commercial movement and to remove any unjustified obstacles to such movement.

(2) In a statement annexed to Regulation (EU) No 438/2010 of the European Parliament and of the Council of 19 May 2010 amending Regulation (EC) No 998/2003 on the animal health requirements applicable to the non-commercial movement of pet animals[(4)], the Commission undertook to propose a revision of Regulation (EC) No 998/2003 in its entirety, in particular the aspects of delegated and implementing acts. Therefore, due to the entry into force of the Treaty on the Functioning of the European Union (TFEU), the powers conferred on the Commission under Regulation (EC) No 998/2003 need to be aligned with Articles 290 and 291 TFEU. Taking into account the number of amendments that need to be made to the animal health requirements laid down in Regulation (EC) No 998/2003 and in order to ensure that those requirements are sufficiently clear and accessible to the ordinary citizen, that Regulation should be repealed and replaced by this Regulation.

Changes to legislation: *There are outstanding changes not yet made to Regulation (EU) No 576/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) This Regulation should establish a list of animal species to which harmonised animal health requirements should apply when animals of those species are kept as pet animals and are subject to non-commercial movement. When drawing up that list, account should be taken of their susceptibility to or role in the epidemiology of rabies.

(4) 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[(5)] establishes, inter alia, the animal health requirements applicable to trade in and imports of dogs, cats and ferrets, which are animals of species susceptible to rabies. Since those species are also kept as pet animals that frequently accompany their owner or an authorised person during non-commercial movement within and into the Union, this Regulation should lay down the animal health requirements applicable to the non-commercial movement of those species into Member States. Those species should be listed in Part A of Annex I to this Regulation.

(5) Similarly, a legal framework should be established for the animal health requirements applicable to the non-commercial movement of animals of species not affected by rabies or of no epidemiological significance as regards rabies, to which, if they were not kept as pet animals, other legal acts of the Union would apply, including legislation on food-producing animals. Those species should be listed in Part B of Annex I.

(6) The list in Part B of Annex I should include invertebrates, with the exception of bees and bumble bees covered by Directive 92/65/EEC, and molluscs and crustaceans covered by Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals[(6)]. It should also include ornamental aquatic animals reared in non-commercial aquaria excluded from the scope of Directive 2006/88/EC, and amphibians and reptiles.

(7) The list in Part B of Annex I should further include all species of birds, other than those covered by 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[(7)], and rodents and rabbits other than those intended for the production of food and defined in Annex I to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin[(8)].

(8) However, in the interest of consistency of Union law, pending the establishment of Union rules governing the non-commercial movement into a Member State from another Member State or from a territory or a third country of pet animals of the species listed in Part B of Annex I, it should be possible for national rules to apply to such movement provided that they are not stricter than those applied to movement for commercial purposes.

(9) Since animals of the species listed in Part B of Annex I to this Regulation may belong to species that require particular protection, this Regulation should apply without

***Changes to legislation:** There are outstanding changes not yet made to Regulation (EU) No 576/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

prejudice to Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein[9].

(10) In order to make a clear distinction between the rules that apply to non-commercial movement and to trade in and imports into the Union from third countries of dogs, cats and ferrets covered by the animal health requirements of Directive 92/65/EEC, this Regulation should not only define a pet animal, but also the non-commercial movement of a pet animal, during which such a pet animal accompanies its owner or an authorised person. Experience has shown that it is not always possible for the pet animal to be in the immediate vicinity of the owner or authorised person at all times during non-commercial movement. On duly justified and documented grounds, the pet animal should be considered as accompanying its owner or the authorised person even if the non-commercial movement of the pet animal takes place up to five days earlier or later than the movement of the owner or of the authorised person, or takes place in a different physical location than that occupied by the owner or by the authorised person.

(11) Experience with the application of the existing rules shows that trade in and imports into the Union from third countries of pet animals of the species listed in Part A of Annex I can be fraudulently disguised as non-commercial movement. In order to prevent such practices, since they might pose animal health risks, this Regulation should fix a maximum number of pet animals of the species listed in Part A of Annex I that may accompany their owner or an authorised person. However, it should be possible to exceed that maximum number under certain specified conditions. Further, it should be clarified that when the specified conditions are not fulfilled and the number of pet animals of the species listed in Part A of Annex I to this Regulation exceeds the established maximum number, the relevant provisions of Directive 92/65/EEC and of Directive 90/425/EEC[10] or Directive 91/496/EEC[11] apply to those pet animals.

(12) Regulation (EC) No 998/2003 provides that, for a transitional period, pet animals of the species listed in Parts A and B of Annex I thereto are to be regarded as identified when they bear either a clear readable tattoo or an electronic identification system (‘transponder’). This Regulation should therefore lay down rules for the marking of pet animals of the species listed in Part A of Annex I to this Regulation after expiry of the transitional period on 3 July 2011.

(13) The implantation of a transponder is an invasive intervention and certain qualifications are required to carry it out. Transponders should therefore be implanted only by a suitably qualified person. If a Member State allows a person other than veterinarians to implant transponders, it should lay down rules on the minimum qualifications required for such a person.

(14) Annex Ia to Regulation (EC) No 998/2003 sets out technical requirements for the identification of pet animals by transponders. Those technical requirements correspond to internationally accepted standards and should be set out, without any substantial amendments being made to them, in Annex II to this Regulation.

(15) In order to protect public health and the health of pet animals of the species listed in Annex I, this Regulation should provide for the possibility to adopt preventive health measures for diseases and infections other than rabies. Those measures should be based

Changes to legislation: *There are outstanding changes not yet made to Regulation (EU) No 576/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

on validated scientific information and applied proportionately to the risk to public or animal health associated with the non-commercial movement of those pet animals likely to be affected by those diseases or infections. The measures should include rules for the categorisation of Member States or parts thereof, procedures under which Member States that require the application of preventive health measures should substantiate the rationale for such measures on a continuous basis, conditions for applying and documenting the preventive health measures and, where appropriate, conditions for derogating from the application of those measures. A list of Member States or parts thereof categorised pursuant to the relevant rules should therefore be set out in an implementing act to be adopted pursuant to this Regulation.

(16) It is possible that rabies vaccines administered to pet animals of the species listed in Part A of Annex I before the age of three months do not induce protective immunity due to competition with maternal antibodies. Consequently, vaccine manufacturers recommend not to vaccinate young pet animals before that age. Therefore, in order to authorise the non-commercial movement of young pet animals of the species listed in Part A of Annex I that have not been vaccinated, or that have been vaccinated, but have not yet acquired protective immunity against rabies, this Regulation should establish certain precautionary measures to be taken and give the Member States the possibility to authorise such movement into their territory when young pet animals comply with those measures.

(17) In order to simplify the conditions for the non-commercial movement of pet animals of the species listed in Part A of Annex I between Member States of equivalent favourable status with regard to rabies, this Regulation should also provide for the possibility to derogate from the anti-rabies vaccination requirement. Such a possibility should be available upon submission of a joint application by the Member States interested. Such a derogation should be based on validated scientific information and be applied proportionately to the risk to public or animal health associated with the non-commercial movement of those animals likely to be affected by rabies. Member States or parts thereof benefiting from such a derogation should be listed in an implementing act to be adopted pursuant to this Regulation.

(18) Countries and territories listed in Section 2 of Part B of Annex II to Regulation (EC) No 998/2003 apply rules equivalent to those applied by Member States while those listed in Part C of Annex II to that Regulation comply with the criteria laid down in Article 10 of that Regulation. Those lists should be set out, without any substantial amendments being made to them, in an implementing act to be adopted pursuant to this Regulation.

(19) Furthermore, a list of territories or third countries that apply rules the content and effect of which are the same as those laid down in this Regulation for pet animals of the species listed in Part B of Annex I should be set out in an implementing act to be adopted pursuant to this Regulation.

(20) Regulation (EC) No 998/2003 lays down certain requirements for the non-commercial movement of pet animals into Member States from other Member States and from countries or territories listed in Section 2 of Part B and in Part C of Annex II thereto.

***Changes to legislation:** There are outstanding changes not yet made to Regulation (EU) No 576/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Those requirements include a valid anti-rabies vaccination carried out on the pet animals in question with vaccines complying with the minimum standards laid down in the relevant Chapter of the Manual of Diagnostic Tests and Vaccines for Terrestrial Animals of the World Organisation for Animal Health (OIE), or for which a marketing authorisation has been granted in accordance with either Directive 2001/82/EC[(12)] or Regulation (EC) No 726/2004[(13)].Those vaccines have proven to be effective in protecting animals against rabies and form part of the validity requirements for the anti-rabies vaccination set out in Annex Ib to Regulation (EC) No 998/2003. Those requirements should be set out, without any substantial amendments being made to them, in Annex III to this Regulation.

(21) Regulation (EC) No 998/2003 lays down more stringent animal health requirements for pet animals moved into Member States from countries or territories other than those listed in Part C of Annex II thereto. Those requirements include checks on the effectiveness in individual animals of the anti-rabies vaccination by titration of antibodies in a laboratory approved in accordance with Council Decision 2000/258/EC of 20 March 2000 designating a specific institute responsible for establishing the criteria necessary for standardising the serological tests to monitor the effectiveness of rabies vaccines[(14)]. That requirement should therefore be maintained in Annex IV to this Regulation and a condition should be included that the test should be performed in accordance with the methods laid down in the relevant Chapter of the Manual of Diagnostic Tests and Vaccines for Terrestrial Animals of the World Organisation for Animal Health (OIE).

(22) Identification documents accompanying pet animals of the species listed in Part A of Annex I which are subject to non-commercial movement into Member States are necessary to attest compliance with this Regulation. This Regulation should therefore establish the conditions for issuing identification documents and the requirements for their content, validity, security features, format and layout.

(23) This Regulation should allow Member States to authorise the non-commercial movement into their territory of pet animals of the species listed in Part A of Annex I accompanied by an identification document issued in a territory or a third country which applies rules the content and effect of which are the same as those applied by Member States. It should also allow Member States to authorise the non-commercial movement into their territory after a movement to a territory or a third country of those pet animals accompanied by an identification document issued in a Member State provided that the conditions to return from those territories or third countries are met before the pet animal left the Union.

(24) This Regulation should also give Member States the possibility to authorise, where the need for the urgent departure of the owner arises, for example, in the event of a sudden natural disaster, political unrest or other force majeure relating to the owner, the direct entry into their territory of pet animals of the species listed in Annex I which do not comply with this Regulation provided that a permit is applied for in advance and granted by the Member State of destination, and a time-limited period of isolation under official supervision is carried out to fulfil the conditions of this Regulation. Despite the need