Commission Regulation (EU) No 144/2011 of 17 February 2011 amending 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 REGULATION (EU) No 144/2011

of 17 February 2011

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to 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[(1)], and in particular the introductory phrase of Article 8, the first subparagraph of Article 8(1) and Article 9(2)(b) thereof,

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 Community of certain live ungulate animals, amending Directives 90/426/EEC and 92/65/EEC and repealing Directive 72/462/EEC[(2)], and in particular the first subparagraph of Article 6(1) and Article 7(e) thereof,

Whereas:

(1) Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine[(3)] applies to intra-Union trade in bovine animals. It provides that bovine animals for breeding and production must come from an officially enzootic-bovine-leukosis-free herd and if more than 12 months old, have reacted negatively to an individual test carried out during the 30 days prior to leaving the herd of origin and complying with the provisions of Annex D thereto.

(2) Directive 64/432/EEC also sets out diagnostic tests to be used for brucellosis and the certification requirements for intra-Union trade in bovine animals for breeding and production. In addition, that Directive, as amended by Commission Decision 2008/984/EC[(4)], now includes fluorescence polarization assay as a standard diagnostic test.

(3) Directive 2004/68/EC lays down the animal health requirements for the importation into, and transit through, the Union of live ungulates. Those requirements include specific animal health requirements for live ungulates which are to be based on the rules laid down in Union legislation for the diseases to which those animals are susceptible.

Changes to legislation: *Commission Regulation (EU) No 144/2011 is up to date with all changes known to be in force on or before 21 February 2021. 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) Directive 2004/68/EC also provides that specific conditions may be laid down for third countries for which equivalence has been formally recognised by the Union based on the official health guarantees provided by the third country concerned.

(5) Commission Regulation (EU) No 206/2010 of 12 March 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[(5)] lays down the veterinary certification requirements for the introduction into the Union of certain consignments of live animals or fresh meat. Annexes I and II thereto lay down lists of third countries, territories or parts thereof from which consignments of those animals and meat may be introduced into the Union.

(6) In addition, Annex I to Regulation (EU) No 206/2010 sets out specific conditions for the introduction into the Union of domestic bovine animals intended for breeding and production, together with a model veterinary certificate for those animals, including *Bubalus* and *Bison* species, and their cross-breeds (BOV-X).

(7) Special condition 'IVb' of Annex I to Regulation (EU) No 206/2010 refers to 'territory with approved holdings recognised as having an official enzootic-bovine-leukosis (EBL) free status for the purposes of exports to the Union of live animals certified according to the model of certificate (BOV–X)'. That special condition should be amended to take account of the provisions concerning officially enzootic-bovine-leukosis-free herds laid down in Directive 64/432/EEC.

(8) Accordingly, specific condition IVb set out in Part 1 of Annex I to Regulation (EU) No 206/2010 and model of veterinary certificate (BOV-X) set out in Part 2 of that Annex should therefore be amended accordingly.

(9) In addition, Part 6 of Annex I to Regulation (EU) No 206/2010 should be amended to take account of the flurorescence polarization essay diagnostic test set out in Directive 64/432/EEC.

(10) Regulation (EU) No 206/2010 also provides that fresh meat introduced into the Union must satisfy the requirements set out in the appropriate veterinary certificate for that meat in accordance with the models set out in Part 2 of Annex II, taking into account any specific conditions or supplementary guarantees required for such meat.

(11) Botswana has requested the authorisation to export to the Union de-boned and matured bovine meat of animals from the veterinary control zone 4a within the territory identified as BW-4 in column 2 of the table in Part 1 of Annex II to Regulation (EU) No 206/2010.

(12) Requirements for imports of meat from third countries into the Union depend on the animal health status of the exporting third country, territory or part thereof. The World Organisation for Animal Health (OIE) determines the foot-and-mouth disease (FMD) status of its member countries and in May 2010 recognised the area in question as a FMD free zone where vaccination is not practised. Botswana has established an intensive surveillance zone of 10 km to segregate the disease free zone from other parts of that country.

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(13) Botswana should thus be authorised for the introduction into the Union of de-boned and matured bovine meat of animals from the disease free zone. Column 4 of the table in Part 1 of Annex II to Regulation (EU) No 206/2010 should therefore refer to model veterinary certificate BOV. Part 1 of Annex II to that Regulation should therefore be amended accordingly.

(14) Annexes I and II to Regulation (EU) No 206/2010 should therefore be amended accordingly.

(15) It is necessary to provide for a transitional period in order to give Member States and the industry sufficient time to take the necessary measures to comply with the requirements laid down in Regulation (EU) No 206/2010, as amended by this Regulation, without any disruption to trade.

(16) 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

Annexes I and II to Regulation (EU) No 206/2010 are amended in accordance with the Annex to this Regulation.

Article 2

For a transitional period until 31 May 2011, consignments of domestic bovine animals intended for breeding and/or production after import accompanied by a veterinary certificate in accordance with the Model BOV-X, as set out in Part 2 of Annex I to Regulation (EU) No 206/2010 before the amendments introduced by Article 1 of this Regulation, may continue to be introduced into the Union.

Article 3

This Regulation shall enter into force on the 20th day following 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.

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ANNEX

The Annexes to Regulation (EU) No 206/2010 are amended as follows:

(1) Annex I is amended as follows:

(a) In Part 1, specific condition 'IVb' is replaced by the following:

"**IVb**":	recognised as having officially enzootic-bovine-leukosis (EBL)-free herds equivalent to the requirements set out in Annex D to Directive 64/432/EEC for the purposes of exports to the Union of live animals certified according to the model of certificate BOV–X.

(b) In Part 2, Model BOV-X is replaced by the following:
Model BOV-X