Commission Implementing Decision (EU) 2020/1723 of 16 November 2020 on measures to prevent the introduction into the Union of the foot-and-mouth disease virus from Algeria, Egypt, Israel, Lebanon, Libya, Morocco, Palestine, Syria, Tunisia and Turkey (notified under document C(2020) 7661) (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2020/1723

of 16 November 2020

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(notified under document C(2020) 7661)

(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 18(6) thereof,

Having regard to 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[(2)], and in particular Article 22(6) thereof,

Whereas:

(1) Foot-and-mouth disease is one of the most contagious diseases of cattle, sheep, goats and pigs. The virus causing the disease has the potential for rapid spread, notably through products obtained from infected animals and contaminated objects including means of transport like livestock vehicles or vessels. The virus can also persist in a contaminated environment outside the host animal for several weeks depending on the temperature. Accordingly, veterinary checks should be carried out on means of transport upon their return to the Union from certain third countries after such transport, in order to reduce the risk of the introduction of the foot-and-mouth disease virus into the Union.

(2) Commission Implementing Decision (EU) 2017/675[(3)], as amended by Commission Implementing Decisions (EU) 2017/887[(4)], (EU) 2018/489[(5)] and (EU) 2019/242[(6)], was adopted following outbreaks of foot-and-mouth disease in Algeria, Libya, Morocco and Tunisia and established protection measures at Union level which took into account the survival of the foot-and-mouth disease virus in the environment and potential transmission routes of that virus. Those measures provided for appropriate cleansing and disinfection of livestock vehicles and vessels from those third countries entering the Union territory either directly or after transiting through other third countries, as

this is the most appropriate way to reduce the risk of rapid virus transmission over large distances. However, Implementing Decision (EU) 2017/675 expired on 31 December 2019.

(3) The latest outbreaks of foot-and-mouth disease in the third countries referred to in Implementing Decision (EU) 2017/675 were notified to the World Organisation for Animal Health (OIE) by Algeria in June 2019 and by Libya in March 2020. However, despite the absence of notified outbreaks in the other third countries referred to in that Implementing Decision, the circulation of the foot-and-mouth disease virus in their territory cannot be excluded, as scheduled serosurveillance has not been completed.

(4) Algeria, Egypt, Israel[(7)], Lebanon, Libya, Morocco, Palestine[(8)], Syria, Tunisia and the Anatolian part of Turkey are not free of foot-and-mouth disease, and possible virus circulation in this area constitutes a non-negligible risk to the susceptible livestock population of the Union.

(5) The Member States export a significant number of consignments of live animals to those third countries. Livestock vehicles and vessels used for the transport of these animals may be contaminated with the foot-and-mouth disease virus and therefore constitute a risk for the introduction of that disease upon their return to the Union.

(6) Cleansing and disinfection of livestock vehicles and vessels has been shown to be the most appropriate way to reduce the risk of virus transmission over large distances.

(7) It is therefore necessary to ensure that all livestock vehicles and vessels returning from those third countries to the Union are appropriately cleansed and disinfected. The operator or driver should submit an appropriate documented declaration of such cleansing and disinfection to the competent authority at the point of entry into the Union.

(8) Regulation (EU) No 576/2013 of the European Parliament and of the Council[(9)] lays down the animal health conditions applicable to the non-commercial movement of pet animals. However, as non-commercial movement of pet animals pose a low-risk of spreading foot-and-mouth disease, they should be excluded from the scope of this Decision.

(9) Member States should also have the possibility to subject vehicles which transport feed from or have transported feed to the third countries not free from foot-and-mouth disease, and for which a significant risk of the introduction of the disease into the territory of the Union cannot be excluded, to on-the-spot cleaning and disinfection of the wheels or any other part of the vehicle deemed necessary to mitigate that risk.

(10) Considering the foot-and-mouth disease situation in Algeria, Egypt, Israel, Lebanon, Libya, Morocco, Palestine, Syria, Tunisia and the Anatolian part of Turkey, it is appropriate to lay down measures in this Decision to prevent the introduction of the foot-and-mouth disease virus into the Union.

(11) Regulation (EU) 2016/429 of the European Parliament and of the Council[(10)] lays down rules on certain listed diseases, including foot-and-mouth disease. That Regulation applies from 21 April 2021. Regulation (EU) 2017/625 of the European Parliament and of the Council[(11)] repealed Directives 91/496/EEC and 97/78/EC, but Article 164(2)

thereof provides that Article 18(6) of Directive 91/496/EEC and Article 22(6) of Directive 97/78/EC are to continue to apply in relation to the matters governed by Regulation (EU) 2016/429, until the date of application of Regulation (EU) 2016/429. Accordingly, the rules laid down in this Decision should apply until 20 April 2021.

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

HAS ADOPTED THIS DECISION:

Article 1

Subject matter and scope

This Decision lays down rules on the cleaning and disinfection of vehicles and vessels transporting terrestrial animals and vehicles transporting feed for terrestrial animals when such vehicles or vessels return to the Union from Algeria, Egypt, Israel, Lebanon, Libya, Morocco, Palestine, Syria, Tunisia or Turkey.

This Decision shall not apply to the non-commercial movement of pet animals of the species listed in Annex I to Regulation (EU) No 576/2013 as referred to in Article 5 of that Regulation.

Article 2

Definitions

For the purpose of this Decision, ‘livestock vehicle’ or ‘livestock vessel’ means any vehicle or vessel being used or which has been used for the transport of terrestrial animals.

Article 3

Information to be provided by the operator or driver of a livestock vehicle or livestock vessel at the point of entry into the Union

1 Member States shall ensure that the operator or driver of a livestock vehicle or livestock vessel upon arrival in the Union from Algeria, Egypt, Israel, Lebanon, Libya, Morocco, Palestine, Syria, Tunisia or Turkey, either directly or after transiting through any other third country, provides the competent authority of the Member State at the point of entry into the Union with information showing that the livestock or loading compartment, where applicable the truck body, the loading ramp, the equipment which came into contact with the animals, the wheels and the driver’s cabin and any protective clothes and protective boots used during unloading have been cleansed and disinfected after the last unloading of the animals.

2 The information referred to in paragraph 1 shall be included in a declaration completed in accordance with the model set out in Annex I or in any other equivalent format which includes at least the information set out in that model.

3 The original of the declaration referred to in paragraph 2 shall be kept by the competent authority for a period of three years following its reception.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/1723. (See end of Document for details)*

Article 4

Checks on livestock vehicles to be carried out at the point of entry into the Union

1 The competent authority of the Member State of the point of entry into the Union shall carry out visual checks on livestock vehicles coming from Algeria, Egypt, Israel, Lebanon, Libya, Morocco, Palestine, Syria, Tunisia and Turkey, either directly or after transiting through any other third country, in order to determine whether they have been satisfactorily cleansed and disinfected.

2 Where the visual checks referred to in paragraph 1 show that the cleansing and disinfection of the livestock vehicle have been satisfactorily carried out or where the competent authority has ordered, organised and carried out additional disinfection of previously cleansed livestock vehicles, the competent authority shall attest that fact by issuing a certificate in accordance with the model set out in Annex II.

3 Where the visual checks referred to in paragraph 1 show that the cleansing and disinfection of the livestock vehicle have not been satisfactorily carried out, the competent authority shall take one of the following measures:

a subject the livestock vehicle to a proper cleansing and disinfection at a place designated by the competent authority, which must be as close as possible to the point of entry into the Member State concerned and then issue the certificate referred to in paragraph 2;

b where there is no suitable facility for the cleansing and disinfection in the vicinity of the point of entry or where there is a risk that residual animal products may escape from the uncleansed livestock vehicle:

(i) refuse the entry into the Union of the livestock vehicle; or

(ii) perform a preliminary on-the-spot disinfection of the livestock vehicle not satisfactorily cleansed and disinfected pending the application of the measures provided for in point (a).

4 The original of the certificate referred to in paragraph 2 shall be kept by the operator or driver of the livestock vehicle for a period of three years. A copy of that certificate shall be kept by the competent authority for a period of three years following its reception.

5 All expenditure incurred under paragraphs 1 to 4 shall be borne by the responsible operators.

Article 5

Checks on livestock vessels at the point of exit from the Union

1 The competent authority of the Member State of the point of exit of a livestock vessel shall carry out visual checks to verify whether it has been satisfactorily cleansed and disinfected, prior to the loading the animals, when it first travels from the Union after returning from Algeria, Egypt, Israel, Lebanon, Libya, Morocco, Palestine, Syria, Tunisia or Turkey, either directly or after transiting through any other third country.

2 Where the visual checks referred to in paragraph 1 show that cleansing and disinfection have been satisfactorily carried out, the competent authority shall authorise the loading of animals.

3 Where the visual checks referred to in paragraph 1 show that cleansing and disinfection of the livestock vessel have not been satisfactorily carried out, the competent authority shall take one of the following measures:

a subject the livestock vessel to proper cleansing and disinfection at a place designated by the competent authority;

b not authorise the loading of the animals.

4 All expenditure incurred under paragraphs 1, 2 and 3 shall be borne by the responsible operators.

Article 6

Checks on vehicles transporting feed at the point of entry into the Union

The competent authority of the Member State of the point of entry into the Union may subject any vehicle transporting feed from or which has transported feed to Algeria, Egypt, Israel, Lebanon, Libya, Morocco, Palestine, Syria, Tunisia or Turkey for which a significant risk of the introduction of foot-and-mouth disease into the Union cannot be excluded to an on-the-spot cleaning or disinfection of the wheels or any other part of the vehicle deemed necessary to mitigate that risk.

Article 7

Applicability

This Decision shall apply until 20 April 2021.

Article 8

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 16 November 2020.

For the Commission

Stella KYRIAKIDES

Member of the Commission