Commission Implementing Decision (EU) 2019/294 of 18 February 2019 laying down the list of territories and third countries authorised for imports into the Union of dogs, cats and ferrets and the model animal health certificate for such imports (notified under document C(2019) 1059) (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2019/294

of 18 February 2019

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(notified under document C(2019) 1059)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

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[(1)], and in particular the introductory phrase and point (b) of the first subparagraph of Article 17(2), point (a) of Article 17(3) and Article 19 thereof,

Whereas:

(1) Directive 92/65/EEC lays down the animal health requirements governing trade in and imports into the Union of certain animals. It provides that the import conditions for dogs, cats and ferrets are to be at least equivalent to the relevant conditions provided for in Regulation (EU) No 576/2013 of the European Parliament and of the Council[(2)].

(2) Regulation (EU) No 576/2013 provides that where the number of dogs, cats or ferrets moved for non-commercial purposes during a single movement exceeds five, those pet animals are to comply with the animal health requirements laid down in Directive 92/65/EEC for the species concerned, except for certain categories of animals for which a derogation is provided for in Article 5(2) of Regulation (EU) No 576/2013 under certain conditions.

(3) Directive 92/65/EEC provides that dogs, cats and ferrets are to be imported into the Union only from a third country which is on a list drawn up in accordance with the procedure referred to in that Directive. In addition, such animals are to be accompanied by a health certificate corresponding to a specimen drawn up in accordance with the procedure referred to therein.

(4) Commission Implementing Decision 2013/519/EU[(3)] establishes the common model health certificate for imports into the Union of dogs, cats and ferrets and provides that

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the territories or third countries they come from and any territories or third countries they transit must be listed in Annex I to Commission Decision 2004/211/EC[(4)], Part 1 of Annex II to Commission Regulation (EU) No 206/2010[(5)], or Annex II to Commission Implementing Regulation (EU) No 577/2013[(6)].

(5) Since Decision 2004/211/EC was repealed and replaced by Commission Implementing Regulation (EU) 2018/659[(7)] on 1 October 2018, it is necessary to refer to the list of third countries and parts of the territory of third countries for the entry into the Union of consignments of equidae and of semen, ova and embryos of equidae set out in Annex I to that Regulation. However, it should be clarified that the import of dogs, cats and ferrets from third countries listed in that Annex should be authorised only if the third country concerned is listed without time limit indicated in column 16 of Annex I to Implementing Regulation (EU) No 2018/659.

(6) This Decision should therefore provide that imports of dogs, cats or ferrets into the Union are authorised only from territories and third countries listed in Part 1 of Annex II to Regulation (EU) No 206/2010, in Annex II to Implementing Regulation (EU) No 577/2013, or listed without time limit in Annex I to Implementing Regulation (EU) 2018/659.

(7) Regulation (EU) No 576/2013 provides that dogs, cats and ferrets are not to be moved into a Member State from a territory or a third country other than those listed in Annex II to Implementing Regulation (EU) No 577/2013 unless they have undergone a rabies antibody titration test that complies with the validity requirements set out in Annex IV to Regulation (EU) No 576/2013.

(8) Those requirements include the obligation to perform that test in a laboratory approved in accordance with Council Decision 2000/258/EC[(8)] which provides that the Agence française de sécurité sanitaire des aliments (AFSSA) in Nancy, France (integrated since 1 July 2010 in the Agence nationale de sécurité sanitaire de l'alimentation, de l'environnement et du travail, ANSES) is to appraise the laboratories in Member States and third countries for the purposes of their authorisation to carry out serological tests to monitor the effectiveness of rabies vaccines in dogs, cats and ferrets.

(9) The common model health certificate for imports into the Union of dogs, cats and ferrets set out in Part 1 of the Annex to Implementing Decision 2013/519/EU is also applicable to the imports of dogs, cats and ferrets for bodies, institutes and centres approved in accordance with Directive 92/65/EEC. Because vaccination against rabies may not have been applied to such animals, this Decision should therefore provide that imports into the Union of dogs, cats or ferrets destined for bodies, institutes and centres approved in accordance with Directive 92/65/EEC are authorised only from territories and third countries listed in Annex II to Implementing Regulation (EU) No 577/2013.

(10) Council Directive 96/93/EC[(9)] lays down the rules to be observed in issuing the certificates required by veterinary legislation to prevent misleading or fraudulent certification. It is necessary to ensure that rules and principles at least equivalent to those laid down in that Directive are applied by official veterinarians of third countries when they issue health certificates.

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(11) In addition, following the mandatory review of Commission Delegated Regulation (EU) No 1152/2011[10], the Commission adopted Delegated Regulation (EU) 2018/772[11] which lays down, inter alia, the rules for the categorisation of Member States, or parts thereof, in view of their eligibility to apply preventive health measures for the control of *Echinococcus multilocularis* infection in dogs. That Regulation repealed Delegated Regulation (EU) No 1152/2011 with effect from 1 July 2018.
The list of Member States complying with the rules for categorisation laid down in Delegated Regulation (EU) 2018/772 for the whole of their territory or parts thereof is set out in the Annex to Commission Implementing Regulation (EU) 2018/878[12]. It is therefore appropriate to replace the references to Delegated Regulation (EU) No 1152/2011 by references to Delegated Regulation (EU) 2018/772 and to Implementing Regulation (EU) 2018/878 in the model health certificate.

(12) This Decision should therefore establish the new list of territories and third countries from where imports into the Union of dogs, cats or ferrets are authorised and a common model health certificate for imports into the Union of such animals. Decision 2013/519/EU should therefore be repealed.

(13) In order to avoid any disruption of imports into the Union of consignments of dogs, cats or ferrets, it is necessary to provide for a transitional period until 31 December 2019 in order to allow, subject to certain conditions, for the use of model animal health certificates issued in accordance with Union rules applicable before the date of application of this Decision.

(14) 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

List of territories or third countries from which dogs, cats or ferrets are authorised to be imported in accordance with Directive 92/65/EEC

1 Consignments of dogs, cats or ferrets which are subject to the provisions of Directive 92/65/EEC shall only be imported into the Union provided that the territories or third countries they come from and any territories or third countries they transit are included in one of the lists set out in:

a Part 1 of Annex II to Regulation (EU) No 206/2010;

b Annex II to Implementing Regulation (EU) No 577/2013;

c Annex I to Implementing Regulation (EU) 2018/659, except those third countries for which a time limit is indicated in column 16 of the table in that Annex.

2 By way of derogation from paragraph 1, consignments of dogs, cats or ferrets destined for bodies, institutes and centres approved in accordance with Directive 92/65/EEC shall only be imported into the Union provided that the territories or third countries they come from and any territories or third countries they transit are included in the list referred to in paragraph 1(b).

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Article 2

Animal health certificate for imports from territories or third countries

Member States shall only authorise imports of dogs, cats or ferrets, which comply with the following conditions:

(a) they are accompanied by an animal health certificate drawn up in accordance with the model set out in Part 1 of the Annex and completed and signed by an official veterinarian in accordance with the explanatory notes set out in Part 2 of the Annex;

(b) they comply with the requirements of the animal health certificate referred to in point (a) in respect of the territories or third countries that they come from and any territories or third countries they transit, as referred to in paragraphs 1(a), (b) and (c) of Article 1.

Article 3

Repeal

Implementing Decision 2013/519/EU is repealed.

References to Implementing Decision 2013/519/EU shall be construed as references to this Decision.

Article 4

Transitional provisions

For a transitional period until 31 December 2019, Member States shall authorise imports into the Union of dogs, cats and ferrets which are accompanied by a health certificate issued not later than 30 November 2019 in accordance with the model set out in Part 1 of the Annex to Implementing Decision 2013/519/EU.

Article 5

Applicability

This Decision shall apply from 1 July 2019.

Article 6

Addressees

This Decision is addressed to the Member States.

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Done at Brussels, 18 February 2019.

For the Commission

Vytenis ANDRIUKAITIS

Member of the Commission