Commission Regulation (EC) No 119/2009 of 9 February 2009 laying down a list of third countries or parts thereof, for imports into, or transit through, the Community of meat of wild leporidae, of certain wild land mammals and of farmed rabbits and the veterinary certification requirements (Text with EEA relevance)

COMMISSION REGULATION (EC) No 119/2009

of 9 February 2009

laying down a list of third countries or parts thereof, for imports into, or transit through, the Community of meat of wild leporidae, of certain wild land mammals and of farmed rabbits and the veterinary certification requirements

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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 first subparagraph of point 1 of Article 8, Article 9(2)(b) and Article 9(4)(b) and (c) thereof,

Having regard to Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs[(2)], and in particular Article 12 thereof,

Having regard 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[(3)], and in particular Article 9 thereof,

Having regard to Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption[(4)], and in particular Articles 11(1) and 14(4) thereof,

Having regard to Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules[(5)], and in particular Article 48(1) thereof,

Whereas:

(1) Commission Decision 2000/585/EC[(6)] draws up a list of third countries from which Member States are to authorise imports of rabbit meat and certain wild and farmed game meat, and lays down the animal and public health and the veterinary certification conditions for such imports.

(2) In the interests of consistency of Community legislation, Community rules for imports of meat of wild leporidae, of certain wild land mammals and of farmed rabbits

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should take into account the public health requirements laid down in Regulations (EC) No 852/2004, (EC) No 853/2004, (EC) No 854/2004 and (EC) No 882/2004.

(3) The measures provided for in this Regulation shall be without prejudice to legislation implementing Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein[(7)].

(4) With a view to harmonising Community conditions for imports into the Community of the commodities concerned, as well as making them more transparent and simplifying the legislative procedure for amending such conditions, those conditions should be set out in the appropriate model veterinary certificates set out in this Regulation.

(5) The veterinary certificates for imports into and transit, including storage during transit, through the Community of meat of wild leporidae, of certain wild land mammals and of farmed rabbits should comply with the appropriate standard models set out in Annex I to Commission Decision 2007/240/EC of 16 April 2007 laying down new veterinary certificates for importing live animals, semen, embryos, ova and products of animal origin into the Community pursuant to Decisions 79/542/EEC, 92/260/EEC, 93/195/EEC, 93/196/EEC, 93/197/EEC, 95/328/EC, 96/333/EC, 96/539/EC, 96/540/EC, 2000/572/EC, 2000/585/EC, 2000/666/EC, 2002/613/EC, 2003/56/EC, 2003/779/EC, 2003/804/EC, 2003/858/EC, 2003/863/EC, 2003/881/EC, 2004/407/EC, 2004/438/EC, 2004/595/EC, 2004/639/EC and 2006/168/EC[(8)].

(6) The model veterinary certificates, set out in this Regulation, for imports into and transit, including storage during transit, through the Community of meat of wild leporidae, of certain wild land mammals and of farmed rabbits should also be compatible with the Traces system, as provided for in Commission Decision 2004/292/EC of 30 March 2004 on the introduction of the Traces system[(9)].

(7) The list of third countries or parts thereof, listed in Annex II to Council Decision 79/542/EEC[(10)] should be used for imports into, or transit through, the Community of meat of wild leporidae and of farmed rabbits. The list of countries should be laid down for imports into or transit through, the Community of meat of wild land mammals other than ungulates and leporidae.

(8) Specific conditions for transit via the Community of consignments to and from Russia should be provided for, owing to the geographical situation of Kaliningrad which only concerns Latvia, Lithuania and Poland.

(9) To avoid any disruption of trade, the use of the veterinary certificates issued in accordance with Decision 2000/585/EC should be authorised during a transitional period.

(10) In the interests of clarity of Community legislation, Commission Decision 2000/585/EC should be repealed and replaced by this Regulation.

(11) 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:

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Article 1

Subject matter and scope

1 This Regulation lays down:

a a list of third countries or parts thereof from which the following commodities may be imported into, or transit through the Community:

(i) meat of wild leporidae not containing offal, except for unskinned and uneviscerated wild leporidae;

(ii) meat of wild land mammals other than ungulates and leporidae, not containing offal;

(iii) meat of farmed rabbits;

b the veterinary certification requirements for the commodities listed in points (i), (ii) and (iii) (the commodities).

2 Without prejudice to the restriction provided for in Article 5(2), for the purposes of this Regulation, transit covers storage during transit (including putting into storage, as referred to in Article 12(4) and Article 13 of Council Directive 97/78/EC[(11)]).

3 This Regulation shall apply without prejudice to:

(i) specific certification requirements provided for in Community agreements with third countries;

(ii) the relevant rules on certification contained within legislation implementing Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein.

Article 2

Definition

For the purposes of this Regulation, ‘wild leporidae’ means wild rabbits and hares.

Article 3

Lists of third countries or parts thereof from which commodities may be imported into, or transit through, the Community

The commodities shall only be imported into, or transit through, the Community from a third country or parts thereof listed or referred to in Part 1 of Annex I.

Article 4

Veterinary certification

1 Commodities imported into the Community shall be accompanied by a veterinary certificate drawn up in accordance with the model certificate set out in Annex II, for the commodity concerned, completed in accordance with the notes set out in Part 4 of Annex I.

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2 Commodities in transit through the Community shall be accompanied by a certificate drawn up in accordance with the model certificate set out in Annex III.

3 Compliance with the additional guarantees, as required for a certain Member State or part thereof in columns 4, 6 and 8 of the Table in Part 1 of Annex I and as described in Part 3 of Annex I, shall be certified by completing the appropriate section in the veterinary certificate for the commodity concerned.

4 Electronic certification and other agreed systems harmonised at Community level may be used.

Article 5

Derogation for transit through Latvia, Lithuania and Poland

1 By way of derogation from Article 4(2), transit by road or by rail shall be authorised between the border inspection posts in Latvia, Lithuania and Poland listed in the Annex to Commission Decision 2001/881/EC[12], of consignments of commodities coming from and bound for Russia, directly or via another third country, where the following conditions are met:

a the consignment is sealed with a serially numbered seal by the official veterinarian at the border inspection post of entry[F1.]

[F2(b) F2. . . . . .

(c) F2. . . . . .

(d)] F2. . . . . .

F22 . . . . . .

F23 . . . . . .

Textual Amendments

F1 Substituted by Commission Delegated Regulation (EU) 2019/2124 of 10 October 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for official controls of consignments of animals and goods in transit, transhipment and onward transportation through the Union, and amending Commission Regulations (EC) No 798/2008, (EC) No 1251/2008, (EC) No 119/2009, (EU) No 206/2010, (EU) No 605/2010, (EU) No 142/2011, (EU) No 28/2012, Commission Implementing Regulation (EU) 2016/759 and Commission Decision 2007/777/EC (Text with EEA relevance).

F2 Deleted by Commission Delegated Regulation (EU) 2019/2124 of 10 October 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for official controls of consignments of animals and goods in transit, transhipment and onward transportation through the Union, and amending Commission Regulations (EC) No 798/2008, (EC) No 1251/2008, (EC) No 119/2009, (EU) No 206/2010, (EU) No 605/2010, (EU) No 142/2011, (EU) No 28/2012, Commission Implementing Regulation (EU) 2016/759 and Commission Decision 2007/777/EC (Text with EEA relevance).

Article 6

Repeal

Decision 2000/585/EC is repealed.

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References to the repealed Decision shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex IV.

Article 7

Transitional provisions

Commodities in respect of which the relevant veterinary certificates have been issued in accordance with Decision 2000/585/EC may be imported into or transit through the Community until 30 June 2009.

Article 8

Entry into force and applicability

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 June 2009.

This Regulation shall be binding in its entirety and directly applicable in all Member States.