

Proposal for a Regulation of the European Parliament and of the Council on the animal-health requirements applicable to non-commercial movement of pet animals

(2001/C 531 E/08)

(Text with EEA relevance)

COM(2000) 529 final — 2000/0221(COD)

(Submitted by the Commission on 19 September 2000)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 37 and 152(4)(b) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee,

Having regard to the opinion of the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

- (1) Harmonisation of animal-health requirements applicable to non-commercial movement of pet animals between Member States and from third countries is necessary and only measures adopted at Community level can achieve that objective.
- (2) This Regulation concerns movement of live animals covered by Annex I to the Treaty. Some of its provisions, in particular concerning rabies, have as their direct objective the protection of public health, while others concern solely animal health. Article 37 and Article 152(4)(b) of the Treaty are therefore the appropriate legal bases.
- (3) Over the past ten years the rabies situation has improved spectacularly throughout the Community following the implementation of programmes for the oral vaccination of foxes in regions affected by the sylvatic-rabies epidemic that has swept through north-eastern Europe since the 1960s.
- (4) This improvement has led the United Kingdom and Sweden to abandon the system of six months' quarantine they applied for decades, in favour of an alternative, less restrictive system providing an equivalent level of safety.
- (5) Cases of rabies observed in pet carnivores in the Community now mainly affect animals originating in third countries where an urban type of rabies is endemic.
- (6) The animal-health requirements generally applied until now by the Member States to pet carnivores introduced

from such third countries should accordingly be made more stringent.

- (7) As far as controls applicable to animals introduced into the Community are concerned, however, derogations should be considered for movement from third countries and territories belonging, from the animal-health standpoint, to the same geographical region as the Community.
- (8) The measures provided for in this Regulation seek to ensure a satisfactory level of safety with regard to the animal-health risks concerned. They do not constitute unjustified barriers to movement falling within its scope since they are based on the conclusions of the groups of experts consulted on the matter, in particular a report of the Scientific Veterinary Committee of 16 September 1997.
- (9) A legal framework should also be established for the animal-health requirements applicable to non-commercial movement of species of animals not affected by rabies or of no epidemiological significance as regards rabies.
- (10) This Regulation should apply without prejudice to provisions adopted pursuant 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 ⁽¹⁾, as last amended by Commission Regulation (EC) No 1476/1999 ⁽²⁾.
- (11) Since the measures necessary for the implementation of this Regulation are measures of general scope within the meaning of Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽³⁾, they should be adopted by use of the regulatory procedure provided for in Article 5 of that Decision,

HAVE ADOPTED THIS REGULATION:

Article 1

This Regulation lays down the animal-health requirements applicable to non-commercial movement of pet animals and the rules applying to checks on such movement.

⁽¹⁾ OJ L 61, 3.3.1997, p. 1.

⁽²⁾ OJ L 171, 7.7.1999, p. 5.

⁽³⁾ OJ L 184, 17.7.1999, p. 23.

Article 2

This Regulation applies to movement between Member States or from third countries of animals of the species listed in Annex I, accompanied by their owners or a natural person who has responsibility for such animals during their movement and which are not intended to be sold or transferred to another owner, without prejudice to the second paragraph of Article 4.

It shall apply without prejudice to the provisions adopted pursuant to Regulation (EC) No 338/97.

Article 3

Animals of the species listed in Annex I, Part A, shall be regarded as identified where they bear:

- (a) either a clearly readable tattoo, or
- (b) an electronic identification system (transponder).

In the case referred to in (b), where the transponder does not comply with Standard ISO 11784 and Annex A to Standard ISO 11785, the person with responsibility for the animal must provide the means necessary for reading the transponder at the time of any inspection.

Article 4

Movement between Member States or from the third countries or territories listed in Annex II, Part B, of animals of the species listed in Annex I, Part B, shall not be subject to any animal-health requirements.

The requirements applicable to movement between Member States of pet animals of species not listed in Annex I shall be laid down in accordance with the procedure referred to in Article 16(3).

The requirements applicable to movement of animals of the species listed in Annex I, Part B, from third countries not listed in Annex II, Part B, and the model certificate that must accompany them shall be laid down in accordance with the procedure referred to in Article 16(3).

Article 5

Animals of the species listed in Annex I, Part A, in movement between Member States or from a third country listed in Annex II, Part B, must meet the requirements laid down in Annex III, Part A.

Where the Member State of destination is listed in Annex II, Part A, the additional requirements laid down in Annex III, Part B, may apply.

By way of derogation from the second paragraph, Member States of destination listed in Annex II, Part A, may waive any requirement relating to rabies in respect of movement to their territory of animals from Member States on the same list or from third countries listed in Annex II, Part B, Section 1. They shall inform the Commission and the other Member States.

At the request of a Member State or on the Commission's initiative, where warranted by the rabies situation in a Member State or a third country listed in Annex II, Part B, a decision may be taken in accordance with the procedure referred to in Article 16(3) to ensure that animals of the species listed in Annex I, Part A, from that Member State or that third country meet the requirements laid down in Article 6.

Article 6

Animals of the species listed in Annex I, Part A, from third countries not listed in Annex II, Part B, must meet the requirements laid down in Annex III, Part C.

However, where they are introduced directly into the territory of the Member States listed in Annex II, Part A, they may be subject to quarantine in accordance with rules adopted by the Member States concerned, which shall inform the Commission thereof.

Article 7

With regard to rabies, where the requirements applicable to movement covered by this Regulation provide for titration of antibodies, the test must be carried out by a laboratory approved in accordance with Council Decision 2000/258/EC⁽¹⁾.

Article 8

Where a particular situation relating to a disease not covered by any provisions of this Regulation arises, Member States may, within three months after this Regulation enters into force, submit an application to the Commission for additional guarantees covering pet animals introduced into their territory.

Such applications shall be accompanied by a report on their situation with regard to the disease in question and setting out grounds for the need for additional guarantees to prevent the risk of introduction of the disease.

The additional guarantees provided for in this Article shall be adopted after the Scientific Veterinary Committee has been consulted in accordance with the procedure referred to in Article 16(2).

National measures in force on the entry into force of this Regulation may be maintained pending the adoption of the additional guarantees provided for in this Article.

Where warranted by a particular situation, at the request of a Member State or on the Commission's initiative, a decision may be taken in accordance with the procedure referred to in Article 16(2) with a view to the adoption of measures necessary to prevent any risk incurred by that situation.

Article 9

Requirements other than those laid down in this Regulation relating to movement of animals of the species listed in Annex I, Part A, may be laid down in accordance with the procedure referred to in Article 16(2).

⁽¹⁾ OJ L 79, 30.3.2000, p. 40.

The model certificates that must accompany animals of the species listed in Annex I, Part A, in movement within the meaning of this Regulation shall be established in accordance with the procedure referred to in Article 16(2).

Article 10

1. The Annexes shall be amended in accordance with the procedure referred to in Article 16(3) to take account of developments in the situation within Community territory as regards the diseases affecting the species covered by this Regulation, and in particular rabies.

2. For the purposes of entering third countries on the list in Annex II, Part B, account shall be taken of:

- (a) the structure and organisation of their veterinary services,
- (b) their status with regard to rabies,
- (c) regulations applicable to imports of carnivores,
- (d) regulations in force on the marketing of antirabies vaccines (list of authorised vaccines).

Article 11

The Member States shall take the measures necessary to ensure that pet animals introduced into Community territory from third countries other than those listed in Annex II, Part B, Section 1, are checked by the competent authorities at the point of entry into Community territory.

The Member States shall designate the authorities responsible for such checks and immediately inform the Commission thereof.

Article 12

Each Member State shall draw up a list of points of entry as referred to in Article 11 and forward it to the other Member States and to the Commission.

Such points of entry must have premises suitable, where necessary, for housing animals covered by this Regulation, in particular where their entry into Community territory is not authorised, pending their return or any other administrative decision.

Article 13

At the time of any movement, the person with responsibility for the animal must be able to present the authorities responsible for checks with a veterinary certificate to the effect that the animal meets the requirements laid down for such movement.

Where such checks reveal that the animal does not meet the requirements laid down in this Regulation, the competent authorities shall decide:

- (a) to return the animal, or
- (b) to place the animal in quarantine for the time necessary for it to meet the health requirements, or
- (c) as a last resort, to put the animal down where it cannot be returned or placed in quarantine.

Article 14

Any implementing measures necessary for the protection of public health shall be adopted in accordance with the procedure referred to in Article 16(3).

Other necessary implementing measures shall be adopted in accordance with the procedure referred to in Article 16(2).

Article 15

Any transitional provisions necessary for the protection of public health shall be adopted in accordance with the procedure referred to in Article 16(3).

Other necessary transitional provisions shall be adopted in accordance with the procedure referred to in Article 16(2).

Article 16

1. The Commission shall be assisted by the Standing Veterinary Committee set up by Article 1 of Council Decision 68/361/EEC ⁽¹⁾.

2. Where reference is made to this paragraph, the regulatory procedure laid down in Article 5 of Decision 1999/468/EC shall apply, in compliance with Article 7 thereof.

3. Where reference is made to this paragraph, the regulatory procedure laid down in Article 5 of Decision 1999/468/EC shall apply, in compliance with Article 7 and Article 8 thereof.

4. The period provided for in Article 5(6) of Decision 1999/468/EC shall be one month.

Article 17

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Communities*.

It shall apply from 1 January 2002.

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

⁽¹⁾ OJ C 255, 18.10.1968, p. 23.

ANNEX I

Species of animals

PART A

Dog

Cat

PART B

Arachnida and Insects, Fish, Amphibia, Reptiles, Birds: all species

Mammals: ferret, rabbit, guinea pig, hamster

ANNEX II

Lists of countries and territories

PART A

Sweden

Ireland

United Kingdom

PART B

Section 1

Andorra

Iceland

Liechtenstein

Monaco

Norway

San Marino

Switzerland

The Vatican

Isle of Man, Channel Islands

Section 2

ANNEX III

Veterinary requirements

PART A

The animals are to be accompanied by a certificate issued by a veterinarian authorised by the competent authorities to the effect that an antirabies vaccination has been administered:

- to an animal identified in accordance with Article 3;
- more than one month and less than one year beforehand in the case of first vaccination carried out once the animal is three months old;
- less than one year beforehand in the case of a booster vaccination;
- with an inactivated vaccine complying with the international standard (WHO).

PART B

In addition to an antirabies vaccination certificate complying with Part A, the animals are to be accompanied by a certificate to the effect that:

- a neutralising antibody titration at least equal to 0,5 UI/ml has been performed on a sample taken
 - more than six months prior to movement, and
 - more than 30 days after the preceding vaccination.

The sample for the antibody titration and the vaccination preceding it must be carried out by a veterinarian authorised by the competent authorities of a Member State or a third country listed in Annex II, Part B.

PART C

The animals are to be accompanied by a certificate issued by a veterinarian authorised by an official veterinary service to the effect that:

- (a) an antirabies vaccination has been administered in accordance with Part A;
 - (b) a neutralising antibody titration at least equal to 0,5 UI/ml has been performed on a sample taken by an authorised veterinarian:
 - more than six months prior to movement, and
 - more than 30 days after the preceding vaccination.
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