

Commission Implementing Decision of 13 December 2013 concerning animal health control measures relating to classical swine fever in certain Member States (notified under document C(2013) 8667) (Text with EEA relevance) (2013/764/EU)

COMMISSION IMPLEMENTING DECISION

of 13 December 2013

concerning animal health control measures relating
to classical swine fever in certain Member States

(notified under document C(2013) 8667)

(Text with EEA relevance)

(2013/764/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market⁽¹⁾, and in particular Article 9(4) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market⁽²⁾, and in particular Article 10(4) thereof,

Whereas:

- (1) Council Directive 2001/89/EC⁽³⁾ introduces minimum Union measures for the control of classical swine fever, including the measures to be taken in the event of an outbreak of that disease. Those measures include plans by Member States for the eradication of classical swine fever from a feral pig population and the emergency vaccination of feral pigs under certain conditions.
- (2) The measures provided for in Directive 2001/89/EC have been implemented by Commission Decision 2008/855/EC⁽⁴⁾ that was adopted in response to the occurrence of classical swine fever in certain Member States. That Decision establishes disease control measures concerning classical swine fever in areas of those Member States where that disease is present in feral pigs in order to prevent the spread of the disease to other areas of the Union. The Member States or areas thereof concerned by those measures are set out in the Annex to that Decision.
- (3) Decision 2008/855/EC has been amended several times in response to the evolving classical swine fever epidemiological situation in the Union. In recent years the disease situation has improved significantly in the Union and now few areas with specific problems related to specific common risks for classical swine fever can be identified.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision of 13 December 2013 concerning animal health control measures relating to classical swine fever in certain Member States (notified under document C(2013) 8667) (Text with EEA relevance) (2013/764/EU). (See end of Document for details)

- (4) It is appropriate that one list sets out the areas of the Member States where the epidemiological situation of classical swine fever is generally favourable in pig holdings and the situation is also improving in the feral pig population.
- (5) In terms of risk and as a general rule, since the movement of live pigs and their semen, ova and embryos from infected areas or areas with an uncertain epidemiological situation poses higher risks than the movement of fresh pigmeat, and meat preparations and meat products consisting of, or containing meat of pigs, movement of live pigs and their semen, ova and embryos from the listed areas should be prohibited. However, it is appropriate to provide for the conditions under which, by way of derogation, live pigs could be dispatched to slaughterhouses or to holdings located outside the listed areas in the same Member State.
- (6) In addition, it is appropriate, in order to prevent the spread of classical swine fever to other areas of the Union, to provide that the dispatch of fresh pigmeat, and meat preparations and meat products consisting of, or containing meat of pigs kept in holdings located in the listed areas is subject to certain conditions. In particular, those pigmeat, meat preparations and products that either do not come from pigs kept in holdings that meet certain additional conditions concerning classical swine fever prevention or are not treated in a way that eliminates the classical swine fever risk in accordance with Article 4 of Council Directive 2002/99/EC⁽⁵⁾ should be obtained, handled, transported and stored separately, or at different times, from products which do not fulfil the same conditions and then marked with special marks which cannot be confused with the identification mark provided for in Regulation (EC) No 853/2004 of the European Parliament and of the Council⁽⁶⁾ and the health mark for fresh pigmeat provided for in Regulation (EC) No 854/2004 of the European Parliament and of the Council⁽⁷⁾.
- (7) In accordance with Article 5 of Directive 2002/99/EC, certain certification requirements should also be laid down for the dispatch of pigmeat, and meat preparations and meat products consisting of, or containing meat of pigs kept in holdings located in the listed areas that were treated in accordance with Article 4 of Directive 2002/99/EC.
- (8) Decision 2008/855/EC has been amended several times. Therefore it is appropriate to repeal that Decision and replace it by this Decision.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Subject matter and scope

^{F1}1. This Decision lays down certain control measures in relation to classical swine fever to be applied [^{F2}in respect of the importation of live pigs from member States or areas thereof as set out in the Annex].

^{F3} ...

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision of 13 December 2013 concerning animal health control measures relating to classical swine fever in certain Member States (notified under document C(2013) 8667) (Text with EEA relevance) (2013/764/EU). (See end of Document for details)

[^{F42} In this Decision, “appropriate authority” means the Secretary of State (in relation to England), the Welsh Ministers (in relation to Wales) and the Scottish Ministers (in relation to Scotland); but the “appropriate authority” is the Secretary of State if consent is given by:

- a in relation to Wales, the Welsh Ministers;
- b in relation to Scotland, the Scottish Ministers.]

Textual Amendments

- F1** Art. 1 renumbered as Art. 1(1) (31.12.2020) by The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), **65(2)(a)** (with regs. 69-71)
- F2** Words in Art. 1(1) substituted (31.12.2020) by The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), **65(2)(b)(i)** (with regs. 69-71)
- F3** Words in Art. 1(1) omitted (31.12.2020) by virtue of The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), **65(2)(b)(ii)** (with regs. 69-71)
- F4** Art. 1(2) inserted (31.12.2020) by The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), **65(2)(c)** (with regs. 69-71)

[^{F6} Article 2

Prohibition on the dispatch of live pigs from the areas listed in the Annex to [^{F5} Great Britain]

The appropriate authority must ensure that no live pigs are imported into Great Britain from the member States or areas thereof as listed in the Annex.]

Textual Amendments

- F5** Words in Art. 2 heading substituted (31.12.2020) by The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), **65(3)(a)** (with regs. 69-71)
- F6** Words in Art. 2 substituted (31.12.2020) by The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), **65(3)(b)** (with regs. 69-71)

[^{F7} Article 2a

[^{F8} Derogations for the importation into Great Britain of live pigs from member States]

1 [^{F9}By way of derogation from Article 2, the appropriate authority may authorise the importation of live pigs from holdings located within any area listed in the Annex provided that the overall classical swine fever situation in that area is favourable and the pigs concerned were kept in holdings where:]

- no evidence of classical swine fever has been recorded in the previous 12 months in the holding in question and the holding is located outside a protection zone or a surveillance zone established in accordance with Directive 2001/89/EC [^{F10}as it exists immediately before IP completion day];

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- the pigs have been resident for at least 90 days or since birth on the holding and no live pigs have been introduced into the holding during the 30-day period immediately prior to the date of dispatch;
- the holding implements a bio-security plan approved by the competent authority;
- the holding has been subjected regularly and at least every four months to inspections by the competent authority, which must:
 - (i) follow the guidelines set out in Chapter III of the Annex to Commission Decision 2002/106/EC⁽⁸⁾;
 - (ii) include a clinical examination in accordance with the checking and sampling procedures set out in Part A of Chapter IV of the Annex to Decision 2002/106/EC;
 - (iii) check the effective application of the measures provided for in the second indent and in the fourth to seventh indents of Article 15(2)(b) of Directive 2001/89/EC [^{F10}as it exists immediately before IP completion day]; and
- the holding is subject to a classical swine fever surveillance plan implemented by the competent authority in accordance with the sampling procedures laid down in point F.2 of Chapter IV of the Annex to Decision 2002/106/EC and laboratory testing with negative results within one month prior to movement.

^{F112}]

Textual Amendments

- F7** Inserted by Commission Implementing Decision (EU) 2016/1898 of 26 October 2016 amending Implementing Decision 2013/764/EU concerning animal health control measures relating to classical swine fever in certain Member States (notified under document C(2016) 6710) (Text with EEA relevance).
- F8** Art. 2a heading substituted (31.12.2020) by The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), **65(4)(a)** (with regs. 69-71)
- F9** Words in Art. 2a(1) substituted (31.12.2020) by The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), **65(4)(b)(i)** (with regs. 69-71)
- F10** Words in Art. 2a(1) inserted (31.12.2020) by The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), **65(4)(b)(ii)** (with regs. 69-71)
- F11** Art. 2a(2) omitted (31.12.2020) by virtue of The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), **65(4)(c)** (with regs. 69-71)

Article 3

[^{F12}Prohibition on the importation into Great Britain of consignments of porcine semen and ova and embryos of swine from the member States or areas thereof listed in the Annex]

[^{F13}The appropriate authority must ensure that consignments of the following are not accepted into Great Britain from the member States listed in the Annex:]

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision of 13 December 2013 concerning animal health control measures relating to classical swine fever in certain Member States (notified under document C(2013) 8667) (Text with EEA relevance) (2013/764/EU). (See end of Document for details)

- (a) porcine semen, unless the semen originates from pigs kept at an approved collection centre [^{F14}, in accordance with relevant legislation,] and situated outside the areas listed in the Annex to this Decision;
- (b) ova and embryos of swine, unless the ova and embryos originate from swine kept in holdings situated outside the areas listed in the Annex.

Textual Amendments

- F12** Words in Art. 3 heading substituted (31.12.2020) by The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), **65(5)(a)** (with regs. 69-71)
- F13** Words in Art. 3 substituted (31.12.2020) by The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), **65(5)(b)** (with regs. 69-71)
- F14** Words in Art. 3(a) substituted (31.12.2020) by The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), **65(5)(c)** (with regs. 69-71)

^{F15}Article 4

Dispatch of fresh pigmeat and of certain meat preparations and meat products from areas listed in the Annex

Textual Amendments

- F15** Arts. 4-11 omitted (31.12.2020) by virtue of The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), **65(6)** (with regs. 69-71)

^{F15}Article 5

Special health marks and certification requirements for fresh pigmeat, meat preparations and meat products consisting of, or containing pigmeat other than those in in Article 4

Textual Amendments

- F15** Arts. 4-11 omitted (31.12.2020) by virtue of The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), **65(6)** (with regs. 69-71)

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision of 13 December 2013 concerning animal health control measures relating to classical swine fever in certain Member States (notified under document C(2013) 8667) (Text with EEA relevance) (2013/764/EU). (See end of Document for details)

F15 Article 6

Requirements concerning holdings and transport vehicles in the areas listed in the Annex

Textual Amendments

F15 Arts. 4-11 omitted (31.12.2020) by virtue of [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **65(6)** (with regs. 69-71)

F15 Article 7

Information requirements of the Member States concerned

Textual Amendments

F15 Arts. 4-11 omitted (31.12.2020) by virtue of [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **65(6)** (with regs. 69-71)

Article 8

Compliance

F15

Textual Amendments

F15 Arts. 4-11 omitted (31.12.2020) by virtue of [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **65(6)** (with regs. 69-71)

F15 Article 9

Repeal

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision of 13 December 2013 concerning animal health control measures relating to classical swine fever in certain Member States (notified under document C(2013) 8667) (Text with EEA relevance) (2013/764/EU). (See end of Document for details)

Textual Amendments

F15 Arts. 4-11 omitted (31.12.2020) by virtue of [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **65(6)** (with regs. 69-71)

F15 Article 10

Applicability

Textual Amendments

F15 Arts. 4-11 omitted (31.12.2020) by virtue of [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **65(6)** (with regs. 69-71)

F15 Article 11

Addressees

Textual Amendments

F15 Arts. 4-11 omitted (31.12.2020) by virtue of [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **65(6)** (with regs. 69-71)

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision of 13 December 2013 concerning animal health control measures relating to classical swine fever in certain Member States (notified under document C(2013) 8667) (Text with EEA relevance) (2013/764/EU). (See end of Document for details)

ANNEX

1. **Bulgaria**

The whole territory of Bulgaria.

F16². **Croatia**

.....

Textual Amendments

F16 Deleted by [Commission Implementing Decision \(EU\) 2019/1972](#) of 26 November 2019 amending [Implementing Decision 2013/764/EU](#) concerning animal health control measures relating to classical swine fever in certain Member States (notified under document C(2019) 8396) (Text with EEA relevance).

F17³. **Latvia**

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Textual Amendments

F17 Deleted by [Commission Implementing Decision \(EU\) 2020/1525](#) of 16 October 2020 amending the [Annex to Implementing Decision 2013/764/EU](#) concerning animal health control measures relating to classical swine fever in certain Member States (notified under document C(2020) 7008) (Text with EEA relevance).

4. **Romania**

The whole territory of Romania.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Decision of 13 December 2013 concerning animal health control measures relating to classical swine fever in certain Member States (notified under document C(2013) 8667) (Text with EEA relevance) (2013/764/EU). (See end of Document for details)*

- (1) [OJ L 395, 30.12.1989, p. 13.](#)
- (2) [OJ L 224, 18.8.1990, p. 29.](#)
- (3) Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever ([OJ L 316, 1.12.2001, p. 5.](#))
- (4) Commission Decision 2008/855/EC of 3 November 2008 concerning animal health control measures relating to classical swine fever in certain Member States ([OJ L 302, 13.11.2008, p. 19.](#))
- (5) 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 ([OJ L 18, 23.1.2003, p. 11.](#))
- (6) 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 ([OJ L 139, 30.4.2004, p. 55.](#))
- (7) 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 ([OJ L 139, 30.4.2004, p. 206.](#))
- (8) [^{F7}Commission Decision 2002/106/EC of 1 February 2002 approving a Diagnostic Manual establishing diagnostic procedures, sampling methods and criteria for evaluation of the laboratory tests for the confirmation of classical swine fever ([OJ L 39, 9.2.2002, p. 71.](#))]

Textual Amendments

- F7** Inserted by [Commission Implementing Decision \(EU\) 2016/1898 of 26 October 2016 amending Implementing Decision 2013/764/EU concerning animal health control measures relating to classical swine fever in certain Member States \(notified under document C\(2016\) 6710\) \(Text with EEA relevance\).](#)

Changes to legislation:

There are currently no known outstanding effects for the Commission Implementing Decision of 13 December 2013 concerning animal health control measures relating to classical swine fever in certain Member States (notified under document C(2013) 8667) (Text with EEA relevance) (2013/764/EU).