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COMMISSION DECISION

of 6 September 2004

laying down the importation conditions of semen of domestic animals of the bovine species

(notified under document number C(2004) 3364)

(Text with EEA relevance)

(2004/639/EC)

(OJ L 292, 15.9.2004, p. 21)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Commission Decision 2005/290/EC of 4 April 2005	L 93	34	12.4.2005
► <u>M2</u>	Commission Decision 2006/16/EC of 5 January 2006	L 11	21	17.1.2006
► <u>M3</u>	Commission Decision 2006/292/EC of 12 April 2006	L 107	42	20.4.2006
► <u>M4</u>	Commission Regulation (EC) No 1792/2006 of 23 October 2006	L 362	1	20.12.2006
► <u>M5</u>	Commission Decision 2008/120/EC of 7 February 2008	L 42	63	16.2.2008



COMMISSION DECISION

of 6 September 2004

laying down the importation conditions of semen of domestic animals of the bovine species

(notified under document number C(2004) 3364)

(Text with EEA relevance)

(2004/639/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 88/407/EEC of 14 June 1988 laying down animal health requirements governing trade and imports into the Community of semen of domestic animals of bovine species ⁽¹⁾, and in particular Article 8(1), Article 10(2) and Article 11(2) thereof,

Whereas:

- (1) Commission Decision 90/14/EEC ⁽²⁾, lays down the list of third countries from which bovine semen may be imported.
- (2) Commission Decision 91/277/EEC ⁽³⁾, lays down health protection measures in respect of imports of deep-frozen bovine semen from Israel.
- (3) Commission Decision 94/577/EC ⁽⁴⁾, lays down animal health conditions and veterinary certification for the importation of bovine semen from third countries.
- (4) Following the modification of Directive 88/407/EEC by Council Directive 2003/43/EC ⁽⁵⁾, the recast of Commission decisions related to importation of semen of domestic animals of the bovine species into the Community is required.
- (5) The lists of semen collection and storage centres from which Member States shall authorise the importation of semen originating in third countries is established and updated in accordance with Article 9(1) of Directive 88/407/EEC which foresees that the up-to-date version of all lists be made available to the public. These lists are on the Internet at:http://europa.eu.int/comm/food/index_en.htm.
- (6) Directive 2003/43/EC amending Directive 88/407/EEC provides that as of 1 January 2005, semen of domestic animals of bovine species must be collected, processed and stored according to the new provisions introduced by Directive 2003/43/EC in order to be eligible to imports.
- (7) However, it is appropriate to authorise the continuing imports of stocks of semen of domestic animals of bovine species in accordance with the provisions of Directive 88/407/EEC, prior to the modification introduced by Directive 2003/43/EC.
- (8) Therefore, Article 2(2) of Directive 2003/43/EC provides that:
 - up until 31 December 2004, Member States shall authorise imports of semen of domestic animals of bovine species collected, processed, stored before 31 December 2004 and

⁽¹⁾ OJ L 194, 22.7.1988, p. 10. Directive as last amended by Commission Decision 2004/101/EC (OJ L 30, 4.2.2004, p. 15).

⁽²⁾ OJ L 8, 11.1.1990, p. 71. Decision as last amended by Decision 2004/52/EC (OJ L 10, 16.1.2004, p. 67).

⁽³⁾ OJ L 135, 30.5.1991, p. 60.

⁽⁴⁾ OJ L 221, 26.8.1994, p. 26. Decision as last amended by Decision 2004/52/EC.

⁽⁵⁾ OJ L 143, 11.6.2003, p. 23.

▼B

accompanied by a certificate in accordance with the models provided for before the amendments introduced by Directive 2003/43/EC,

- after this date, Member States shall not authorise imports of semen of domestic animals of bovine species in accordance with the provisions formerly in force unless it was collected, processed and stored before 31 December 2004.
- (9) Consequently, it is necessary to provide a model certificate for imports of semen of domestic animals of the bovine species collected, processed and stored before 31 December 2004 and to be used as of 1 January 2005.
- (10) It is more convenient to gather, in the same act, all the information relating to the importation of semen of domestic animals of the bovine species (list of third countries authorised, veterinary requirements applying to importations and list of centres approved in those third countries), and to repeal Decisions 90/14/EEC, 91/277/EEC and 94/577/EC accordingly.
- (11) 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

1. Member States shall authorise the importation from third countries listed in Annex I, of semen of domestic animals of the bovine species conforming to the conditions laid down in the model animal health certificate in Annex II, part 1 and accompanied by such a certificate duly completed.

2. However, as of 1 January 2005, Member States shall authorise the importation from third countries listed in Annex I, of semen of domestic animals of the bovine species, collected, processed and stored before 31 December 2004, conforming to the conditions laid down in the model animal health certificate in Annex II, part 2 and accompanied by such a certificate duly completed.

3. The semen referred to in paragraph 1 must be collected after the date of approval of the centre by the competent national authorities of the third countries concerned.

▼M1

4. The requirement laid down in paragraph 1 to use the model animal health certificate set out in Annex II, part 1 shall be without prejudice to specific certification requirements and model certificates adopted pursuant to agreements between the Community and third countries following a recognition of equivalence.

▼M5

5. Without prejudice to paragraph 4, Member States shall authorise the importation of semen referred to in paragraphs 1 and 2 of domestic animals of the bovine species dispatched from approved semen storage centres, conforming to the conditions laid down in the model veterinary certificate in Annex II, Part 3 and accompanied by such a certificate duly completed.

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Article 2

Decisions 90/14/EEC, 91/277/EEC and 94/577/EC are repealed.

▼B

Article 3

This Decision shall apply from 18 September 2004.

Article 4

This Decision is addressed to the Member States.

▼ **M5***ANNEX I***List of third countries from which Member States authorise imports of semen of domestic animals of the bovine species**

ISO code	Country	Description of territory (if appropriate)	Additional guarantees
AU	Australia		The additional guarantees set out in points II.5.4.1.2 and II.5.4.2.2 of the certificate in Part 1 of Annex II are compulsory.
CA	Canada	Territory as described in Part 1 of Annex I to Council Decision 79/542/EEC ⁽¹⁾ .	The additional guarantee set out in point II.5.4.1.2 of the certificate in Part 1 of Annex II is compulsory.
CH	Switzerland		
HR	Croatia		
NZ	New Zealand		
US	United States		The additional guarantee set out in point II.5.4.1.2 of the certificate in Part 1 of Annex II is compulsory.

⁽¹⁾ OJ L 146, 14.6.1979, p. 15. Annex as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

▼ M5

COUNTRY	Bovine semen
	II.a. Certificate reference number
Part II: Certification	<p>II. Health information</p> <p>I, the undersigned official veterinarian, hereby certify that:</p> <p>II.1. (name of exporting country) ⁽²⁾</p> <p>was free from rinderpest and foot-and-mouth disease during the 12 months immediately prior to collection of the semen for export and until its date of dispatch and no vaccination against these diseases has taken place during the same period.</p> <p>II.2. The centre at which the semen to be exported was collected:</p> <p>II.2.1. meets the conditions laid down in Chapter I(1) of Annex A to Council Directive 88/407/EEC;</p> <p>II.2.2. is operated and supervised in accordance with the conditions laid down in Chapter II(1) of Annex A to Council Directive 88/407/EEC.</p> <p>II.3. The centre at which the semen to be exported was collected was free from rabies, tuberculosis, brucellosis, anthrax and contagious bovine pleuropneumonia during 30 days prior to the date of collection of the semen to be exported and the 30 days after collection (in the case of fresh semen until the day of dispatch).</p> <p>II.4. The bovine animals standing at the semen collection centre:</p> <p>II.4.1. come from herds and/or were born to dams which satisfy the conditions of paragraph 1(b) and (c) of Chapter I of Annex B to Directive 88/407/EEC;</p> <p>II.4.2. underwent the tests required in accordance with paragraph 1(d) of Chapter I of Annex B to Directive 88/407/EEC in the 28 days preceding the quarantine isolation period;</p> <p>II.4.3. have satisfied the quarantine isolation period and testing requirements laid down in paragraph 1(e) of Chapter I of Annex B to Directive 88/407/EEC;</p> <p>II.4.4. have undergone, at least once a year, the routine tests referred to in Chapter II of Annex B to Directive 88/407/EEC.</p> <p>II.5. The semen to be exported was obtained from donor bulls which:</p> <p>II.5.1. satisfy the conditions laid down in Annex C of Directive 88/407/EEC;</p> <p>II.5.2. have remained</p> <p><i>(1) either</i> [in the exporting country for at least the last six months prior to collection of the semen to be exported;]</p> <p><i>(1) or</i> [in the exporting country for at least 30 days prior to the collection of the semen since entry and they were imported from ⁽²⁾ during the period of less than six months prior to the collection of the semen and satisfied the animal health conditions applying to donors of the semen which is intended for export to the Community;]</p> <p>II.5.3. fulfil the import conditions for bovine semen laid down in the Bluetongue Chapter of the Terrestrial Animal Health Code of the OIE, depending on the status of the country or zone of residence;</p> <p>II.5.4. were resident in the exporting country.</p> <p>II.5.4.1.</p> <p><i>(1) either</i> [II.5.4.1.1. which according to official findings is free from epizootic haemorrhagic disease (EHD);]</p> <p><i>(1) or</i> [II.5.4.1.2. in which according to official findings the following serotypes of epizootic haemorrhagic disease (EHD) exist: and were tested negative on two occasions not more than 12 months apart to an agar-gel immuno-diffusion test ⁽³⁾ and to a virus neutralisation test for all above-listed serotypes of EHD, carried out in approved laboratory on samples of blood taken prior to and not less than 21 days following collection of the semen;]</p>

▼ **M5****COUNTRY****Bovine semen**

II.5.4.2.

(¹) *either* [5.4.2.1. which according to official findings is free from Akabane disease and Aino disease;]

(¹) *or* [5.4.2.2. and were tested negative on two occasions not more than 12 months apart to a serum neutralisation test for Akabane virus and Aino virus carried out in approved laboratory on samples of blood taken prior to and not less than 21 days following collection of the semen;]

II.6. The semen to be exported was collected after the date on which the centre was approved by the competent national authorities of the exporting country;

II.7. The semen to be exported was processed, stored and transported under conditions which satisfy the terms of Directive 88/407/EEC.

Notes**Part I:**

- Box reference I.6: Person responsible for the load in EU: this box is to be filled in only if it is a certificate for transit commodity.
- Box reference I.12: Place of destination: this box is to be filled in only if it is a certificate for transit commodity.
- Box reference I.23: identification of container and seal number shall be indicated.
- Box reference I.26 and I.27: fill in according to whether it is a transit or an import certificate.
- Box reference I.28: identification mark shall correspond to the identification of the donor animals and the date of collection.

Part II:

(¹) Delete as necessary.

(²) Countries listed in Annex I to Decision 2004/639/EC.

(³) Standards for EHD virus diagnostic tests are described in the Bluetongue Chapter of the Manual of Diagnostic Tests and Vaccines for Terrestrial Animals.

- The signature and the stamp must be in a different colour to that of the printing.

Official veterinarian

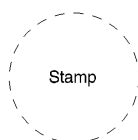
Name (in capital letters):

Date:

Place:

Qualification and title:

Signature:



▼ M5

COUNTRY		Bovine semen
Part II: Certification		II.a. Certificate reference number
	<p>II. Health information</p> <p>I, the undersigned official veterinarian, hereby certify that:</p> <p>II.1. (name of exporting country) ⁽²⁾</p> <p>has been free from rinderpest and foot-and-mouth disease during the 12 months immediately prior to collection of the semen for export and until its date of dispatch and no vaccination against these diseases has taken place during the same period.</p> <p>II.2. The semen described above was collected before 31 December 2004 at the semen collection centre which:</p> <p>II.2.1. meets the conditions laid down in Chapter I of Annex A to Directive 88/407/EEC;</p> <p>II.2.2. is operated and supervised in accordance with the conditions laid down in Chapter II of Annex A to Directive 88/407/EEC.</p> <p>II.3. The centre at which the semen to be exported was collected was free from rabies, tuberculosis, brucellosis, anthrax and contagious bovine pleuropneumonia during the period commencing 30 days prior to the date of collection of the semen to be exported and the 30 days after collection.</p> <p>II.4. At the time semen described above was collected, all bovine animals standing at the semen collection centre:</p> <p>II.4.1. came from herds and/or were born to dams which satisfy the conditions of paragraph 1(b) and (c) of Chapter I of Annex B to Directive 88/407/EEC;</p> <p>II.4.2. had tested negative, within the 30 days preceding the quarantine isolation period, to:</p> <ul style="list-style-type: none"> — the tests referred to in points 1(d)(i), (ii) and (iii) of Chapter I of Annex B to Directive 88/407/EEC, and — a serum neutralisation test or an ELISA test for infectious bovine rhinotracheitis/infectious pustular vulvo-vaginitis, and — a virus isolation test (fluorescent antibody test or immunoperoxidase test) for bovine viral diarrhoea, deferred until the animal reached the age of six months in the case of younger animals; <p>II.4.3. had undergone the 30-day quarantine isolation period and had tested negative to the following health tests:</p> <ul style="list-style-type: none"> — a serological test for brucellosis carried out in accordance with the procedure described in Annex C to Directive 64/432/EEC; — either an immunofluorescent antibody test or a culture test for <i>Campylobacter fetus</i> infection on a sample of preputial material or artificial vagina washings, or, in the case of a female animal, a vaginal mucus agglutination test; — a microscopic examination and culture test for <i>Trichomonas foetus</i> on a sample of preputial material or artificial vagina washings, or in the case of a female animal a vaginal mucus agglutination test; <p>II.4.4. had tested negative, at least once a year, to the routine tests referred to in points 1(a), (b) and (c) of Chapter II of Annex B to Directive 88/407/EEC.</p> <p>II.5. At the time the semen described above was collected,</p> <p>II.5.1. all female bovine animals in the centre had tested negative at least once a year to a vaginal mucus agglutination test for <i>Campylobacter fetus</i> infection, and</p> <p>II.5.2. all bulls used for semen production had tested negative either to an immunofluorescent antibody test or to a culture test for <i>Campylobacter fetus</i> infection on a sample of preputial material or artificial vagina washings carried out in 12 months prior to collection.</p> <p>II.6. The semen to be exported was obtained from donor bulls which</p> <p>II.6.1. satisfy the conditions laid down in Annex C of Directive 88/407/EEC;</p>	

▼ M5

COUNTRY	Bovine semen
II.6.2.	
(¹) either	[were resident in the exporting country during the six months immediately prior to collection of the semen for export;]
(¹) or	[were imported from (²) after spending less than six months in the exporting country and at the time of import satisfied the animal health conditions applying to donors of the semen which is intended for export to the Community;]
II.6.3.	stand in a semen collection centre at which:
(¹) either	[all bovine animals were not vaccinated against infectious bovine rhinotracheitis and tested negative at least once a year to a serum neutralisation test or an ELISA test for infectious bovine rhinotracheitis/infectious pustular vulvo-vaginitis;]
(¹) or	[bovine animals not vaccinated against infectious bovine rhinotracheitis tested negative, at least once a year, to a serum neutralisation test or an ELISA test for infectious bovine rhinotracheitis/infectious pustular vulvo-vaginitis, at which testing for infectious bovine rhinotracheitis was not carried out on bulls which had received their first vaccination against infectious bovine rhinotracheitis at the insemination centre after they had tested negative to a serum neutralisation test or an ELISA test for infectious bovine rhinotracheitis/infectious pustular vulvo-vaginitis and which had been regularly re-vaccinated at intervals of not more than six months since the first vaccination;]
II.6.4.	
(¹) either	[have not been vaccinated against infectious bovine rhinotracheitis,]
(¹) or	[have been vaccinated against infectious bovine rhinotracheitis in accordance with point II.6.3,]
II.6.5.	fulfil the import conditions for bovine semen laid down in the Bluetongue Chapter of the Terrestrial Animal Health Code of the OIE, depending on the status of the country or zone of residence;****
II.6.6.	were resident in the country of export in which the following serotypes of epizootic haemorrhagic disease (EHD) exist:: and tested negative on two occasions not more than 12 months apart to an agar-gel immuno-diffusion test (²) and to a virus neutralisation test for all above-listed serotypes of EHD, carried out in approved laboratory on samples of blood taken prior to and not less than 21 days following collection of the semen;***
II.6.7.	were resident in the country of export in which the following serotypes of epizootic haemorrhagic disease (EHD) exist:: and tested negative, prior to entry and at six-monthly intervals, to an agar-gel immuno-diffusion test (²) and a virus neutralisation test for all above-listed serotypes of EHD, carried out in approved laboratory;**
II.6.8.	tested negative on two occasions not more than 12 months apart to a serum neutralisation test for Akabane virus carried out in approved laboratory on samples of blood taken prior to and not less than 21 days following collection of the semen.*
II.7.	The semen to be exported was collected after the date on which the centre was approved by the competent national authorities of the exporting country.
II.8.	The semen to be exported was processed, stored and transported under conditions which satisfy the terms of Directive 88/407/EEC prior to its amendment by Directive 2003/43/EC.
Notes	
Part I:	
— Box reference I.6: Person responsible for the load in EU: this box is to be filled in only if it is a certificate for transit commodity.	
— Box reference I.12: Place of destination: this box is to be filled in only if it is a certificate for transit commodity.	
— Box reference I.23: identification of container and seal number shall be indicated.	
— Box reference I.26 and I.27: fill in according to whether it is a transit or an import certificate.	
— Box reference I.28: identification mark shall correspond to the identification of the donor animals and the date of collection that must be prior to 31 December 2004.	

▼ **M5****COUNTRY****Bovine semen****Part II:**

- (¹) Delete as necessary.
- (²) Countries listed in Annex I to Decision 2004/639/EC.
- (³) Standards for EHD virus diagnostic tests are described in the Bluetongue Chapter of the Manual of Diagnostic Tests and Vaccines for Terrestrial Animals.
- **** To be used only by Australia, Canada and the USA.
- *** To be used only by Australia and the USA.
- ** To be used only by Canada.
- * To be used only by Australia.
- The signature and the stamp must be in a different colour to that of the printing.

Official veterinarian

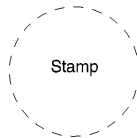
Name (in capital letters):

Date:

Place:

Qualification and title:

Signature:



▼ **M5**

COUNTRY		Bovine semen
		II.a. Certificate reference number
Part II: Certification	II. Health information	
	I, the undersigned official veterinarian of, hereby certify that: (name of exporting country) ⁽²⁾	
	II.1. The centre at which the semen to be exported to the Community was stored:	
	⁽¹⁾ either [II.1.1 meets the conditions laid down in Chapter I(1) of Annex A to Directive 88/407/EEC;	
	and II.1.2 is operated and supervised in accordance with the conditions laid down in Chapter II(1) of Annex A to Council Directive 88/407/EEC.]	
	⁽¹⁾ or [II.1.1 meets the conditions laid down in Chapter I(2) of Annex A to Directive 88/407/EEC;	
	and II.1.2 is operated and supervised in accordance with the conditions laid down in Chapter II(2) of Annex A to Council Directive 88/407/EEC.]	
	II.2. The semen to be exported to the Community:	
	II.2.1. has been collected, processed and stored for a minimum period of 30 days immediately following collection in an approved semen collection centre ⁽³⁾ operated and supervised in accordance with Chapter I(1) and Chapter II(1) of Annex A to Directive 88/407/EEC, and	
	⁽¹⁾ either [located in the exporting country;]	
	⁽¹⁾ and/or [located in ⁽²⁾ ,	
	and has been imported to the exporting country under conditions at least as strict as for imports of semen of bovine species into the Community in accordance with Directive 88/407/EEC.]	
	II.2.2. was stored under conditions which satisfy the terms of Directive 88/407/EEC;	
	II.2.3. was sent to the place of loading in a sealed container under conditions which comply with Directive 88/407/EEC and bearing the number detailed in Part I.23.	
	Notes	
Part I:		
— Box reference I.6: Person responsible for the load in EU: this box is to be filled in only if it is a certificate for transit commodity.		
— Box reference I.12: Place of destination: this box is to be filled in only if it is a certificate for transit commodity.		
— Box reference I.17: should correspond to the serial number of the individual official document(s) or health certificate(s) that accompanied the semen described above from the approved semen collection centre of its origin to the described above semen storage centre. The original(s) of those document(s) or those certificate(s) or the officially endorsed copies of thereof must be attached to this certificate.		
— Box reference I.23: identification of container and seal number shall be indicated.		
— Box reference I.26 and I.27: fill in according to whether it is a transit or an import certificate.		
— Box reference I.28: identification mark shall correspond to the identification of the donor animals and the date of collection.		

▼ **M5****COUNTRY****Bovine semen****Part II:**

- (¹) Delete as necessary.
- (²) Countries listed in Annex I to Decision 2004/639/EC and the Member States.
- (³) Only centres listed in accordance with Article 5(2) and 9(1) of Directive 88/407/EEC
[http://circa.europa.eu/irc/sanco/vets/info/data/semem.html](http://circa.europa.eu/irc/sanco/vets/info/data/semen/semem.html)
- The signature and the stamp must be in a different colour to that of the printing.

Official veterinarian

Name (in capital letters):
Date:

Place:

Qualification and title:
Signature: