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**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)

(OJ L 338, 17.12.2013, p. 102)

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**▼B****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)

*Article 1***Subject matter and scope**

This Decision lays down certain control measures in relation to classical swine fever to be applied in the Member States or areas thereof as set out in the Annex ('the Member States concerned').

It shall apply without prejudice to the plans for the eradication of classical swine fever and plans for the emergency vaccination against that disease approved by the Commission in accordance with Directive 2001/89/EC.

*Article 2***Prohibition on the dispatch of live pigs from the areas listed in the Annex to other Member States**

1. The Member State concerned shall ensure that no live pigs from the areas listed in the Annex are dispatched to other Member States or to other areas in the territory of the same Member State outside those listed in the Annex.

2. By way of derogation from paragraph 1, the Member States concerned may authorise the dispatch of live pigs from holdings located within the areas listed in the Annex to other areas in the territory of the same Member State, provided that the overall classical swine fever situation in the areas listed in the Annex is favourable and:

- (a) the pigs are moved directly to a slaughterhouse for the purpose of immediate slaughter; or
- (b) the pigs were kept in holdings that comply with the conditions laid down in point (a) of Article 4.

**▼M1***Article 2a***Derogation for the dispatch of live pigs to other Member States in certain cases**

1. By way of derogation from Article 2(1), the Member States concerned may authorise the dispatch of live pigs from holdings located within the areas listed in the Annex to other Member States, provided that the overall classical swine fever situation in the areas listed in the Annex is favourable and the pigs in question were kept in holdings where:

**▼ M1**

- 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;
  
- 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 <sup>(1)</sup>;
  
  - (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; 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.

2. For live pigs that comply with the requirements of paragraph 1, the following additional wording shall be added to the corresponding health certificate for swine referred to in Article 5(1) of Council Directive 64/432/EEC <sup>(2)</sup>:

‘Pigs in compliance with Article 2a of Commission Implementing Decision 2013/764/EU’.

<sup>(1)</sup> 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).

<sup>(2)</sup> Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine (OJ 121, 29.7.1964, p. 1977/64).

**▼B***Article 3***Prohibition on the dispatch of consignments of porcine semen and ova and embryos of swine from the areas listed in the Annex to other Member States**

The Member States concerned shall ensure that no consignments of the following are dispatched from their territory to other Member States:

- (a) porcine semen, unless the semen originates from pigs kept at an approved collection centre as referred to in Article 3(a) of Council Directive 90/429/EEC <sup>(1)</sup> 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.

*Article 4***Dispatch of fresh pigmeat and of certain meat preparations and meat products from areas listed in the Annex**

The Member States concerned shall ensure that consignments of fresh pigmeat, meat preparations and meat products consisting of, or containing pigmeat from pigs kept in holdings located in the areas listed in the Annex, are dispatched to other Member States only if:

either

- (a) the pigs in question 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;

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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, or separate production unit, during the 30-day period immediately prior to the date of dispatch to the slaughterhouse; this shall apply only to separate production units for which the official veterinarian has confirmed that the structure, size and distance between the production units and the operations carried out there are such that the production units provide completely separate facilities for housing, keeping and feeding, so that the virus cannot spread from one production unit to another;

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- the holding implements a bio-security plan approved by the competent authority;

<sup>(1)</sup> Council Directive 90/429/EEC of 26 June 1990 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species (OJ L 224, 18.8.1990, p. 62).

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- the holding has been subjected at least twice a year 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 <sup>(1)</sup>;
  - (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;

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- (iii) meet at least one of the following conditions:
  1. 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; or
  2. in a 40 km radius surrounding the holding, surveillance in feral pigs is carried out regularly, and at least every four months, with negative results according to Part H of Chapter IV of the Annex to Decision 2002/106/EC and all slaughtered pigs of the consignment have been tested with negative results for classical swine fever in accordance with the diagnostic procedures set out in Part C of Chapter VI of the Annex to Decision 2002/106/EC;

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- 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 at least three months prior to movement to the slaughterhouse;
- 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 at least one year prior to movement to the slaughterhouse and before authorisation was given to dispatch the pigs to a slaughterhouse, a clinical examination for classical swine fever had been carried out by an official veterinarian in accordance with the checking and sampling procedures laid down in points 1 and 3 of Part D of Chapter IV of the Annex to Decision 2002/106/EC; or

<sup>(1)</sup> 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).

**▼ M1**

- the pigmeat, meat preparations and meat products coming from pig holdings complying with this point are accompanied by the appropriate intra-Union trade health certificate as laid down by Commission Regulation (EC) No 599/2004 <sup>(1)</sup> of which Part II of the certificate shall be completed by the following sentence:

‘Product in accordance with Commission Implementing Decision 2013/764/EU of 13 December 2013 concerning animal health control measures relating to classical swine fever in certain Member States;’

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or

- (b) the pigmeat, meat preparations and products in question:

- are produced and processed in accordance with Article 4(1) of Directive 2002/99/EC;
- are subjected to the veterinary certification in accordance with Article 5 of Directive 2002/99/EC;

**▼ M1**

- are accompanied by the appropriate intra-Union trade health certificate as laid down by Regulation (EC) No 599/2004 of which Part II of the certificate shall be completed by the following sentence:

‘Product in accordance with Commission Implementing Decision 2013/764/EU of 13 December 2013 concerning animal health control measures relating to classical swine fever in certain Member States.’

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*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**

The Member States concerned shall ensure that the fresh pigmeat, meat preparations and meat products consisting of, or containing pigmeat other than those in Article 4 shall be marked with a special health mark that cannot be oval and cannot be confused with:

- (a) the identification mark for meat preparations and meat products consisting of, or containing pigmeat, provided for in Section I of Annex II to Regulation (EC) No 853/2004; and
- (b) the health mark for fresh pigmeat provided for in Chapter III of Section I of Annex I to Regulation (EC) No 854/2004.

<sup>(1)</sup> Commission Regulation (EC) No 599/2004 of 30 March 2004 concerning the adoption of a harmonised model certificate and inspection report linked to intra-Community trade in animals and products of animal origin (OJ L 94, 31.3.2004, p. 44).

**▼B***Article 6***Requirements concerning holdings and transport vehicles in the areas listed in the Annex**

The Member States concerned shall ensure that:

- (a) the provisions laid down in the second and the fourth to seventh indents of Article 15(2)(b) of Directive 2001/89/EC are applied in the pig holdings located within the areas listed in the Annex to this Decision;
- (b) vehicles which have been used for the transport of pigs kept in holdings located within the areas listed in the Annex are cleansed and disinfected immediately following each operation and the transporter provides proof of such cleansing and disinfection.

*Article 7***Information requirements of the Member States concerned**

The Member States concerned shall inform the Commission and the Member States, in the framework of the Standing Committee on the Food Chain and Animal Health, of the results of the surveillance for classical swine fever carried out in the areas listed in the Annex, as provided for in the plans for the eradication of classical swine fever or in emergency vaccination plans against that disease approved by the Commission and referred to in the second paragraph of Article 1.

*Article 8***Compliance**

The Member States shall amend the measures they apply to trade so that they comply with this Decision and they shall give immediate appropriate publicity to the measures adopted.

They shall immediately inform the Commission thereof.

*Article 9***Repeal**

Decision 2008/855/EC is repealed.

*Article 10***Applicability**

This Decision shall apply until ► **M1** 31 December 2019 ◀.

*Article 11***Addressees**

This Decision is addressed to the Member States.

**▼B***ANNEX***1. Bulgaria**

The whole territory of Bulgaria.

**2. Croatia**

The territory of the counties of Karlovac, Sisak-Moslavina, Slavonski Brod-Posavina and Vukovar-Srijem.

**3. Latvia**

In the novads of Alūksnes the pagasti of Pededzes and Liepnas.

In the novads of Rēzeknes the pagasti of Pušas, Mākoņkalna and Kaunatas.

In the novads of Daugavpils the pagasti of Dubnas, Višķu, Ambeļu, Biķernieku, Maļinovas, Naujenes, Tabores, Vecsalienas, Salienas, Skrudalienas, Demenes and Laucesas.

In the novads of Balvu the pagasti of Vīksnas, Kubuļu, Balvu, Bērzkalnes, Lazdulejas, Briezuciema, Vectilžas, Tilžas, Krišjāņu and Bērzpils.

In the novads of Rugāju the pagasti of Rugāju and Lazdukalna. In the novads of Viļakas the pagasti of Žiguru, Vecumu, Kupravas, Susāju, Medņevas and Šķilbēnu.

In the novads of Baltinavas the pagasts of Baltinavas.

In the novads of Kārsavas the pagasti of Salnavas, Malnavas, Goliševas, Mērdzenes and Mežvidu. In the novads of Ciblas the pagasti of Pušmucovas, Līdumnieku, Ciblas, Zvirgzdenes and Blontu.

In the novads of Ludzas the pagasti of Ņukšu, Briģu, Isnaudas, Nirzas, Pildas, Rundēnu and Istras.

In the novads of Zilupes the pagasti of Zaļesjes, Lauderu and Pasienes.

In the novads of Dagdas the pagasti of Andzeļu, Ezernieku, Šķaunes, Svariņu, Bērziņu, Ķepovas, Asūnes, Dagdas, Konstantinovas and Andrupenes.

In the novads of Aglonas the pagasti of Kastuļinas, Grāveru, Šķeltovas and Aglonas.

In the novads of Krāslavas the pagasti of Aulejas, Kombuļu, Skaistas, Robežnieku, Indras, Piedrujas, Kalmiešu, Krāslavas, Kaplavas, Ūdrīšu and Izvaltas.

**4. Romania**

The whole territory of Romania.