

Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A (I) to Directive 90/425/EEC

CHAPTER I

General provisions

Article 1

[^{F1}]^{X1}This Directive lays down the animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to the animal health requirements laid down in the specific Community acts referred to in Annex F.]

This Directive shall apply without prejudice to the provisions adopted pursuant to Regulation (EEC) No 3626/82.

This Directive shall not affect the national rules applicable to pet animals, although their retention may not jeopardize the abolition of veterinary checks at the frontiers between Member States.

Editorial Information

X1 Substituted by [Corrigendum to Council Directive 2004/68/EC of 26 April 2004 laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals, amending Directives 90/426/EEC and 92/65/EEC and repealing Directive 72/462/EEC \(Official Journal of the European Union L 139 of 30 April 2004\)](#).

Textual Amendments

F1 Substituted by [Council Directive 2004/68/EC of 26 April 2004 laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals, amending Directives 90/426/EEC and 92/65/EEC and repealing Directive 72/462/EEC \(Text with EEA relevance\)](#).

Article 2

1 For the purposes of this Directive:

- (a) ‘trade’ trademeans trade as defined by Article 2 (3) of Directive 90/425/EEC;
- (b) ‘animals’ means specimens of animal species other than those referred to in Directives 64/432/EEC, 90/426/EEC⁽¹⁾, 90/539/EEC⁽²⁾, 91/67/EEC⁽³⁾, 91/68/EEC⁽⁴⁾, 91/492/EEC⁽⁵⁾ and 91/493/EEC⁽⁶⁾;
- (c) ‘approved body, institute or centre’ means any permanent, geographically limited establishment, approved in accordance with Article 13, where one or more species of animal are habitually kept or bred, whether or not for commercial ends, and exclusively for one or more of the following purposes:
- display of the animals and education of the public
 - conservation of the species;

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— basic or applied scientific research or breeding of animals for the purposes of such research;

(d) ‘notifiable diseases’ means the diseases listed in Annex A.

2 In addition, the definitions, other than those of approved centres and bodies, contained in Article 2 of Directives 64/432/EEC, 91/67/EEC and 90/539/EEC shall apply *mutatis mutandis*.

CHAPTER II

Provisions applicable to trade

Article 3

The Member States shall ensure that the trade referred to in Article 1, first paragraph, is not prohibited or restricted for animal health reasons other than those arising from the application of this Directive or from Community legislation, and in particular any safeguard measures taken.

[^{F2}[^{F3}Pending Community provisions on the matter, Sweden may maintain its national rules as regards snakes and other reptiles consigned to it.]]

Textual Amendments

- F2** Inserted by [Act concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded \(94/C 241/08\)](#).
- F3** Substituted by [Decision of the Council of the European Union of 1 January 1995 adjusting the instruments concerning the accession of new Member States to the European Union \(95/1/EC, Euratom, ECSC\)](#).

Article 4

Member States shall take the necessary measures to ensure that, for the purposes of applying Article 4 (1) (a) of Directive 90/425/EEC, the animals referred to in Articles 5 to 10 of this Directive may without prejudice to Article 13 and to the particular provisions to be adopted in implementation of Article 24, be the subject of trade only if they satisfy the conditions laid down in Articles 5 to 10 and come from the holdings or businesses referred to in Article 12 (1) and (3) of this Directive which are registered by the competent authority and which undertake to:

- have the animals held examined regularly in accordance with Article 3 (3) of Directive 90/425/EEC,
- notify the competent authority, aside from the outbreak of notifiable diseases, of the outbreak of the diseases referred to in Annex B for which the Member State concerned has drawn up a control or monitoring programme,
- comply with the specific national measures to control a disease which is of particular importance to a given Member State and is covered by a programme drawn up in accordance with Article 14 or a decision under Articles 15 (2),
- place on the market for the purposes of trade only animals which show no signs of disease and which come from holdings or areas not subject to any ban on animal health grounds and with respect to animals not accompanied by a health certificate or

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- a commercial document provided for in Articles 5 to 11, only animals accompanied by self-certification by the operator stating that the animals in question do not at the time of dispatch show any obvious signs of disease and that his holding is not subject to any animal-health restrictions,
- comply with the requirements ensuring the welfare of the animals held.

Article 5

1 Member States shall ensure that trade in apes (*simiae* and *prosimiae*) is restricted solely to animals consigned from and to a body, institute or centre approved by the competent authorities of the Member States in accordance with Article 13 and that such animals are accompanied by a veterinary certificate corresponding to the specimen in Annex E, the declaration in which must be completed by the official veterinarian of the body, institute or centre of origin to guarantee the animals' health.

2 The competent authority of a Member State may, by way of derogation from paragraph 1, authorize the acquisition by an approved body, institute or centre of apes belonging to an individual.

Article 6

A. Without prejudice to Article 14 and 15, Member States shall ensure that ungulates of species other than those referred to in Directives 64/432/EEC, 90/426/EEC and 91/68/EEC may be the subject of trade only if they meet the following requirements:

1. in general they:
 - (a) must be identified in accordance with Article 3 (1) (c) of Directive 90/425/EEC;
 - (b) must not be intended for slaughter under a programme for the eradication of an infectious disease;
 - (c) must not have been vaccinated against foot-and-mouth disease and must satisfy the relevant requirements of Directive 85/511/EEC and Article 4a of Directive 64/432/EEC;
 - (d) must come from a holding referred to in Article 3 (2) (b) and (c) of Directive 64/432/EEC which is not the subject of animal health measures, particularly those taken under Directives 85/511/EEC, 80/217/EEC⁽⁷⁾ and 91/68/EEC and have been kept therein permanently since birth or for the last thirty days before dispatch;
 - (e) ^[F1]^[X1] must be accompanied by a certificate corresponding to the specimen given in Annex E part 1, bearing the following declaration:
 - (f) ^[F4]]
2. in the case of ruminants:
 - (a) they must come from an officially tuberculosis-free and officially brucellosis-free herd in accordance with Directive 64/432/EEC or Directive 91/68/EEC and satisfy, as regards animal health rules, the relevant requirements laid down for the bovine species in Article 3 (2) (c), (d), (f), (g) and (h) of Directive 64/432/EEC or Article 3 of Directive 91/68/EEC;

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- (b) [^{F1}[^{X1}where they do not come from a herd meeting the conditions laid down in (a), they must come from a holding in which no case of brucellosis or tuberculosis has been recorded in the 42 days preceding loading of the animals and in which the ruminants have in the 30 days prior to dispatch undergone with negative results a test for brucellosis and tuberculosis;]]
 - (c) [^{F2}[^{F3}in accordance with the procedure laid down in Article 26, provisions may be adopted regarding leukosis;]]
3. in the case of suidae:
- (a) they must not have come from an area which is the subject of prohibition measures associated with the presence of African swine fever in accordance with Article 9a of Directive 64/432/EEC;
 - (b) they must come from a holding which is not subject to any of the restrictions laid down in Directive 80/217/EEC as a result of classical swine fever;
 - (c) they must come from a brucellosis-free holding in accordance with Directive 64/432/EEC and satisfy the relevant animal health requirements laid down for swine in Directive 64/432/EEC;
 - (d) where they do not come from a herd meeting the conditions set out in (c), they must, in the 30 days prior to their dispatch, have undergone with negative results a test designed to show the absence of antibodies to brucellosis[^{F1}[^{X1};]]
 - (e) [^{F4}
 - (f)
 - (g)]
4. [^{F5}[^{X1}the testing requirements referred to in this Article and their criteria may be established in accordance with the procedure laid down in Article 26. These decisions shall take into consideration the case of ruminants reared in the arctic regions of the Community.

Pending the decisions provided for in the preceding subparagraph, national rules shall continue to apply.]]

B. Directive 64/432/EEC is amended as follows:

1. in Article 2 (b) and (c), for ‘bovine animal(s)’ read ‘animal(s) of the bovine species (including *Bubalus bubalus*)’;
2. the following Article is inserted:

Article 10a

Under the procedure laid down in Article 12, the health certificates, a specimen of which is reproduced in Annex F, may be amended or supplemented, in particular in order to take account of the requirements of Article 6 of Directive 92/65/EEC.

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Editorial Information

- X1** Substituted by [Corrigendum to Council Directive 2004/68/EC of 26 April 2004 laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals, amending Directives 90/426/EEC and 92/65/EEC and repealing Directive 72/462/EEC \(Official Journal of the European Union L 139 of 30 April 2004\)](#).

Textual Amendments

- F1** Substituted by [Council Directive 2004/68/EC of 26 April 2004 laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals, amending Directives 90/426/EEC and 92/65/EEC and repealing Directive 72/462/EEC \(Text with EEA relevance\)](#).
- F2** Inserted by [Act concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded \(94/C 241/08\)](#).
- F3** Substituted by [Decision of the Council of the European Union of 1 January 1995 adjusting the instruments concerning the accession of new Member States to the European Union \(95/1/EC, Euratom, ECSC\)](#).
- F4** Deleted by [Council Directive 2004/68/EC of 26 April 2004 laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals, amending Directives 90/426/EEC and 92/65/EEC and repealing Directive 72/462/EEC \(Text with EEA relevance\)](#).
- F5** Inserted by [Council Directive 2004/68/EC of 26 April 2004 laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals, amending Directives 90/426/EEC and 92/65/EEC and repealing Directive 72/462/EEC \(Text with EEA relevance\)](#).

Article 7

- A. Member States shall ensure that birds other than those referred to in Directive 90/539/EEC may be the subject of trade only if they meet the following requirements:
1. in general they must:
 - (a) come from a holding in which avian influenza has not been diagnosed in the 30 days preceding the dispatch;
 - (b) come from a holding or an area not subject to restrictions under measures to be applied to combat Newcastle disease.

Pending the implementation of the Community measures referred to in Article 19 of Directive 90/539/EEC, national requirements for combating Newcastle disease shall continue to apply, in compliance with the general provisions of the Treaty;
 - (c) have, in accordance with the third indent of Article 10 (1) of Directive 91/496/EEC, been quarantined, if they have been imported from a third country, in the holding to which they were taken after they entered the territory of the Community;
 2. in addition, psittacidae must:
 - (a) not come from a holding nor have been in contact with animals from a holding on which psittacosis (*Chlamydia psittaci*) has been diagnosed.

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The period of prohibition since the last recorded case and the period of treatment under veterinary supervision recognized under the procedure provided for in Article 26 must be at least two months;

- (b) be identified in accordance with Article 3 (1) (c) of Directive 90/425/EEC.

The methods for identifying psittacidae, and in particular sick psittacidae, shall be established under the procedure provided for in Article 26;

- (c) be accompanied by a commercial document signed by the official veterinarian or by the veterinarian responsible for the holding or business of origin and empowered for this purpose by the competent authority.

- B. In the second subparagraph of Article 2 (2) of Council Directive 91/495/EEC of 27 November 1990 concerning public health and animal health problems affecting the production and placing on the market of rabbit meat and farmed game meat⁽⁸⁾, the words ‘and ratites (*Ratitae*)’ shall be inserted in the third line after the words ‘Directive 90/539/EEC’.

In point 1 of Article 2 (2) of Council Directive 90/539/EEC of 15 October 1990 on animal health conditions governing intra-Community trade in, and imports from, third countries of poultry and hatching eggs⁽⁹⁾, the words ‘and ratites (*Ratitae*)’ shall be inserted after the words ‘and partridges.’

Article 8

Member States shall ensure that bees (*Apis mellifera*) may be the subject of trade only if they meet the following requirements:

- (a) come from an area which is not the subject of a prohibition order associated with an occurrence of American foulbrood.

The period of prohibition must continue for at least 30 days following the last recorded case and the date on which all hives within a radius of three kilometres have been checked by the competent authority and all infected hives burned or treated and inspected to the satisfaction of the said competent authority.

In accordance with the procedure laid down in Article 26, and after consulting the Scientific Veterinary Committee, the requirements applied to bees (*Apis mellifera*) or equivalent requirements may be applied to bumble bees;

- (b) are accompanied by a health certificate corresponding to the specimen in Annex E the declaration in which is completed by the competent authority to certify that the requirements laid down in (a) are met.

Article 9

1 Member States shall ensure that lagomorphs may be the subject of trade only if they meet the following requirements:

- a they must not come from or have been in contact with animals from a holding on which rabies is present or is suspected of having been present within the last month;
- b they must come from a holding in which no animal shows clinical signs of myxomatosis.

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2 Member States which require a health certificate for movements of lagomorphs in their territory may require animals being sent to them to be accompanied by a health certificate corresponding to the specimen in Annex E, supplemented by the following declaration:

I, the undersigned, ..., certify that the above consignment satisfies the requirements of Article 9 of Directive 92/65/EEC and that the animals showed no clinical sign of disease on examination.

This certificate must be issued by the official veterinarian or by the veterinarian responsible for the holding of origin and empowered for this purpose by the competent authority and for industrial breeding, by the official veterinarian. Member States wishing to use this option shall inform the Commission which must ensure that the requirement laid down in the first paragraph has been satisfied.

3 Ireland and the United Kingdom may require the submission of a health certificate guaranteeing that the requirement laid down in paragraph 1 (a) has been satisfied.

Article 10

1 Member States shall ensure that there is a prohibition on trade in^[F6] ferrets,] mink and foxes which come from or have been in contact with animals from a holding on which rabies is present or is suspected of having been present within the previous six months, inasmuch as no systematic vaccination programme is applied.

^[F72] To be the subject of trade, dogs, cats and ferrets shall:

- a satisfy the conditions set out in Article 6 and, where applicable, in Article 7 of Regulation (EU) No 576/2013 of the European Parliament and of the Council of 12 June 2013 on the non-commercial movement of pet animals⁽¹⁰⁾;
- b undergo a clinical examination carried out within 48 hours prior to the time of dispatch of the animals by a veterinarian authorised by the competent authority; and
- c be accompanied during transport to the place of destination by a health certificate which:
 - (i) corresponds to the specimen in Part 1 of Annex E; and
 - (ii) is signed by an official veterinarian who shall attest that the veterinarian authorised by the competent authority has documented in the relevant section of the identification document in the format provided for in Article 21(1) of Regulation (EU) No 576/2013 the clinical examination carried out in accordance with point (b) showing, at the time of the clinical examination, that the animals are fit to be transported for the intended journey in accordance with Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations⁽¹¹⁾.]

^{F83}

^[F94] Ireland, Cyprus, Malta, and the United Kingdom may, without prejudice to paragraphs 2 and 3, retain their national regulations on quarantine for all carnivores^[F10] with the exception of the species referred to in paragraphs 2 and 3], primates, bats and other animals susceptible to rabies covered by this Directive which cannot be shown to have been born on the holding of origin and kept in captivity since birth, although the retention of those regulations may not jeopardize the abolition of veterinary checks at the frontiers between Member States.]

5 Decision 90/638/EEC is amended as follows:

1. the following indent is added to Article 1:
 - for programmes to control rabies: the criteria set out in Annex III.;

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2. the following Annex is added:

ANNEX III

Criteria for programmes to control rabies

Programmes to control rabies shall contain at least:

- (a) the criteria referred to in points 1 to 7 of Annex 1;
- (b) detailed information regarding the region or regions in which the oral immunization of foxes is to take place and its natural limits. This region or these regions must cover at least 6 000 km² or the total national area of a Member State and may include adjacent areas of a third country;
- (c) detailed information regarding the vaccines to be used, the distribution system, the density and frequency of bait-laying;
- (d) where appropriate, all details and the cost and purpose of schemes to conserve or preserve flora and fauna undertaken by voluntary organizations on the territory covered by these projects.

6 The Council, acting by a qualified majority on a proposal from the Commission, shall designate a specific institute to establish the criteria necessary for the standardization of the serological tests and shall decide on its responsibilities.

7 Member States shall ensure that the costs of applying the serological test are borne by the importers.

F6g

Textual Amendments

- F6** Deleted by Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC.
- F7** Substituted by Directive 2013/31/EU of the European Parliament and of the Council of 12 June 2013 amending Council Directive 92/65/EEC as regards the animal health requirements governing intra-Union trade in and imports into the Union of dogs, cats and ferrets (Text with EEA relevance).
- F8** Deleted by Directive 2013/31/EU of the European Parliament and of the Council of 12 June 2013 amending Council Directive 92/65/EEC as regards the animal health requirements governing intra-Union trade in and imports into the Union of dogs, cats and ferrets (Text with EEA relevance).
- F9** Substituted by Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded.
- F10** Inserted by Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC.

F²F³ Article 10a

As regards rabies and in accordance with the procedure laid down in Article 26, following presentation of the appropriate grounds, Articles 9 and 10 shall be amended

to take account of the situation in Finland and Sweden in order to apply to them the same provisions as applicable to Member States in an equivalent situation.]]

Textual Amendments

- F2** Inserted by [Act concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded \(94/C 241/08\)](#).
- F3** Substituted by [Decision of the Council of the European Union of 1 January 1995 adjusting the instruments concerning the accession of new Member States to the European Union \(95/1/EC, Euratom, ECSC\)](#).

[^{F1}Article 11

1 The Member States shall ensure that, without prejudice to the decisions to be taken in implementation of Articles 21 and 23, only semen, ova and embryos meeting the conditions laid down in paragraphs 2, 3, 4 and 5 are the subject of trade.

2 Semen of the ovine, caprine and equine species must, without prejudice to any criteria to be complied with for the entry of equids in stud books for certain specific breeds:

- have been collected, processed and stored with a view to artificial insemination in a centre approved from the health point of view in accordance with Annex D(I), or, in the case of ovine and caprine animals by way of derogation from the above, in a holding satisfying the requirements of Directive 91/68/EEC,
- have been collected from animals meeting the conditions laid down in Annex D(II),
- have been collected, processed, preserved, stored and transported in accordance with Annex D(III),
- have been accompanied during transport to another Member State by a health certificate corresponding to a specimen to be determined in accordance with the procedure referred to in Article 26.

3 Ova and embryos of the ovine, caprine, equine and porcine species must:

- have been removed from donor females meeting the conditions laid down in Annex D(IV) by a collection team or have been produced by a production team approved by the competent authority of the Member State and satisfying the conditions to be established in Annex D(I) in accordance with the procedure referred to in Article 26,
- have been collected, processed and preserved in an appropriate laboratory, stored and transported in accordance with Annex D(III),
- be accompanied during transport to another Member State by a health certificate corresponding to a specimen to be determined in accordance with the procedure referred to in Article 26.

Semen used for the insemination of donor females must comply with the provisions of paragraph 2 in the case of sheep, goats and equids and with the provisions of Directive 90/429/EEC for swine.

Any additional guarantees may be determined in accordance with the procedure referred to in Article 26.

4 The approved centres referred to in the first indent of paragraph 2 and the approved teams referred to in the first indent of paragraph 3 shall be registered by the competent authority of the Member State concerned, each centre and team being given a veterinary registration number.

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Each Member State shall draw up and keep up to date a list of those approved centres and teams and their veterinary registration numbers and shall make it available to the other Member States and to the public.

Detailed rules for the uniform application of this paragraph may be adopted in accordance with the procedure referred to in Article 26.

5 The animal health requirements and the specimen health certificates applicable to semen, ova and embryos of species not mentioned in paragraphs 2 and 3 shall be established in accordance with the procedure referred to in Article 26.

Pending the establishment of animal health requirements and specimen health certificates for trade in such semen, ova and embryos, national rules shall continue to apply.]

Textual Amendments

F11 Substituted by [Council Directive 2008/73/EC of 15 July 2008 simplifying procedures of listing and publishing information in the veterinary and zootechnical fields and amending Directives 64/432/EEC, 77/504/EEC, 88/407/EEC, 88/661/EEC, 89/361/EEC, 89/556/EEC, 90/426/EEC, 90/427/EEC, 90/428/EEC, 90/429/EEC, 90/539/EEC, 91/68/EEC, 91/496/EEC, 92/35/EEC, 92/65/EEC, 92/66/EEC, 92/119/EEC, 94/28/EC, 2000/75/EC, Decision 2000/258/EC and Directives 2001/89/EC, 2002/60/EC and 2005/94/EC \(Text with EEA relevance\).](#)

Article 12

1 The rules on checks established by Directive 90/425/EEC shall apply, in particular as regards the organization of and follow-up to the checks to be carried out, to the animals, semen, ova and embryos covered by this Directive which are accompanied by a health certificate. Other animals must come from holdings subject to the principles of that Directive as regards checks on origin and destination.

2 Article 10 of Directive 90/425/EEC shall apply to animals, semen, ova and embryos covered by this Directive.

3 For the purpose of trade, Article 12 of Directive 90/425/EEC shall extend to dealers who keep, on a permanent or occasional basis, animals referred to in Articles 7, 9 and 10.

4 The communication of the place of destination as provided for in Article 4 (2) of Directive 90/425/EEC shall, in respect of animals, semen, ova or embryos accompanied by a health certificate in accordance with this Directive, take place using the Animo system.

5 Without prejudice to the specific provisions of this Directive, the competent authority shall, where it is suspected that this Directive has not been complied with or there is doubt as to the health of the animals or the quality of the semen, ova and embryos referred to in Article 1, carry out any checks it deems appropriate.

6 Member States shall take the appropriate administrative or penal measures to penalize any infringement of this Directive, in particular where it is found that the certificates or documents drawn up do not correspond to the actual state of the animals referred to in Article 1, that the identification of the animals or the marking of the semen, ova and embryos in question does not comply with this Directive or that the animals or products in question have not undergone the checks provided for in this Directive.

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Article 13

1 Trade in animals of species susceptible to the diseases listed in Annex A or to the diseases listed in Annex B, where the Member State of destination applies the guarantee provided for in Articles 14 and 15, and trade in semen, ova or embryos of such animals consigned to and from bodies, institutes or centres approved in accordance with Annex C shall be subject to production of a transport document corresponding to the specimen in Annex E. This document, which must be completed by the veterinarian responsible for the body, institute or centre of origin, must specify that the animals, semen, ova or embryos come from a body, institute or centre approved in accordance with Annex C and must accompany them during transport.

2

- a To be approved, bodies, institutes or centres shall, as regards notifiable diseases, submit to the competent authority of the Member State all relevant supporting documents relating to the requirements contained in Annex C.
- b After receiving the file relating to the request for approval or for renewal of approval, the competent authority shall examine it in the light of the information it contains and, where appropriate, of the results of the tests conducted on the spot.
- c The competent authority shall withdraw approval in accordance with point 3 of Annex C.
- ^[F1]d All approved bodies, institutes and centres shall be registered and issued with an approval number by the competent authority.

Each Member State shall draw up and keep up to date a list of approved bodies, institutes and centres and their approval numbers and shall make it available to the other Member States and to the public.

Detailed rules for the uniform application of this point may be adopted in accordance with the procedure referred to in Article 26.]

- ^[F2]^[F3]e Sweden shall have a period of two years from the date of entry into force of the Accession Treaty to implement the measures laid down regarding bodies, institutes and centres.]]

Textual Amendments

- F2** Inserted by [Act concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded \(94/C 241/08\)](#).
- F3** Substituted by [Decision of the Council of the European Union of 1 January 1995 adjusting the instruments concerning the accession of new Member States to the European Union \(95/1/EC, Euratom, ECSC\)](#).
- F11** Substituted by [Council Directive 2008/73/EC of 15 July 2008 simplifying procedures of listing and publishing information in the veterinary and zootechnical fields and amending Directives 64/432/EEC, 77/504/EEC, 88/407/EEC, 88/661/EEC, 89/361/EEC, 89/556/EEC, 90/426/EEC, 90/427/EEC, 90/428/EEC, 90/429/EEC, 90/539/EEC, 91/68/EEC, 91/496/EEC, 92/35/EEC, 92/65/EEC, 92/66/EEC, 92/119/EEC, 94/28/EC, 2000/75/EC, Decision 2000/258/EC and Directives 2001/89/EC, 2002/60/EC and 2005/94/EC \(Text with EEA relevance\)](#).

Article 14

1 Where a Member State draws up or has drawn up, either directly or through the breeders, a voluntary or compulsory control or monitoring programme for one of the diseases referred to in Annex B, it may present the programme to the Commission outlining in particular:

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- the distribution of the disease in its territory,
- whether the disease is notifiable,
- reasons for undertaking the programme, taking account of its cost-effectiveness and the significance of the disease,
- the geographical area in which the programme is to be implemented,
- the status categories to be applied to establishments, the requirements for each species when being introduced into a holding and the test procedures to be used,
- the programme monitoring procedures, including the extent of the breeders' involvement in implementing the control or monitoring programme,
- the action to be taken if, for any reason, a holding loses its status,
- the measures to be taken if the results of the tests carried out under the programme are positive,
- the non-discriminatory nature of trade in the territory of the Member State concerned with respect to intra-Community trade.

2 The Commission shall examine the programmes presented by the Member States. Programmes may be approved under the procedure provided for in Article 26 in compliance with the criteria laid down in paragraph 1. Under the same procedure, the additional guarantees, general or limited, which may be required in trade, shall be defined at the same time or at the latest three months after presentation of the programmes. Such guarantees must not exceed those which the Member State implements nationally.

3 Programmes submitted by Member States may be amended or supplemented under the procedure laid down in Article 26. Under the same procedure, amendments may be made to the guarantees referred to in paragraph 2.

Article 15

1 Where a Member State considers that its territory or part of its territory is free from one of the diseases listed in Annex B to which the animals covered by this Directive are susceptible, it shall present to the Commission appropriate supporting documentation, setting out in particular:

- the nature of the disease and the history of its occurrence in its territory,
- the results of surveillance testing based on serological, microbiological, pathological or epidemiological investigation,
- the period during which this disease was notifiable to the competent authorities,
- the period over which the surveillance was carried out,
- where applicable, the period during which vaccination against the disease has been prohibited and the geographical area concerned by the prohibition,
- the arrangements for verifying the absence of the disease.

2 The Commission shall examine the documentation provided for in paragraph 1 and submit to the Standing Veterinary Committee a decision approving or rejecting the plan submitted by the Member State. If the plan is accepted, the additional guarantees, general or specific, which may be required in trade shall be defined under the procedure laid down in Article 26. They must not exceed those which the Member State implements nationally.

Pending a decision, the Member State concerned may maintain in its trade dealings the relevant requirements needed in order to maintain its status.

3 The Member State concerned shall notify the Commission of any change in the particulars specified in paragraph 1. The guarantees defined as laid down in paragraph 2 may,

in the light of such notification, be amended or withdrawn under the procedure laid down in Article 26.

CHAPTER III

Provisions applicable to imports into the Community

Article 16

The conditions applicable to imports of animals, semen, ova and embryos covered by this Directive must be at least equivalent to those laid down in Chapter II.

[^{F7}With respect to cats, dogs and ferrets, import conditions must be at least equivalent to those provided for in points (a) to (d) of Article 10(1) and point (a) of Article 12 of Regulation (EU) No 576/2013.

In addition to the conditions referred to in the second subparagraph, dogs, cats and ferrets shall, during transport to the place of destination, be accompanied by a health certificate, which is completed and signed by an official veterinarian who shall attest that a clinical examination was carried out within 48 hours prior to the time of dispatch of the animals by a veterinarian authorised by the competent authority who has verified that at the time of the clinical examination, the animals were fit to be transported for the intended journey.]

Textual Amendments

- F7** Substituted by [Directive 2013/31/EU of the European Parliament and of the Council of 12 June 2013 amending Council Directive 92/65/EEC as regards the animal health requirements governing intra-Union trade in and imports into the Union of dogs, cats and ferrets \(Text with EEA relevance\)](#).

Article 17

1 For the purposes of uniform application of Article 16, the provisions of the following paragraphs shall apply.

[^{F11}^{X2}2 Only animals and semen, ova and embryos referred to in Article 11 which satisfy the following requirements may be imported into the Community:]

- a they must come from a third country on a list to be drawn up in accordance with paragraph 3(a);
- b they must be accompanied by the health certificate corresponding to a specimen to be drawn up in accordance with the procedure referred to in Article 26, signed by the competent authority of the exporting country and certifying that,
 - (i) the animals
 - meet the additional conditions or offer the equivalent guarantees referred to in paragraph 4, and
 - come from approved centres, bodies, institutes offering guarantees at least equivalent to those in Annex C;
 - (ii) semen, ova and embryos come from approved collection and storage centres or collection and production teams offering guarantees at least equivalent to those to be established in Annex D(I) in accordance with the procedure referred to in Article 26.

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Pending the establishment of lists of third countries, approved establishments listed in point (b), animal health requirements and specimen health certificates as referred to in paragraphs (a) and (b), national rules shall continue to apply provided they are not more favourable than those laid down in Chapter II.

3 The following shall be established:

- a in accordance with the procedure referred to in Article 26, a list of third countries or parts of third countries able to provide Member States and the Commission with guarantees equivalent to those provided for in Chapter II in relation to animals, semen, ova and embryos;
- b in accordance with this point, a list of approved centres or teams as referred to in the first indent of paragraph 2 of Article 11 and the first indent of paragraph 3 of that article situated in one of the third countries appearing on the list referred to in point (a) of this paragraph and for which the competent authority is able to give the guarantees provided for in Article 11(2) and (3).

The list of approved centres and teams referred to in the first subparagraph and their veterinary registration numbers shall be communicated to the Commission.

The approval of centres or teams must be immediately suspended or withdrawn by the competent authority of the third country where it no longer complies with the conditions referred to in Article 11(2) and (3) and the Commission must be immediately informed thereof.

The Commission shall provide the Member States with any new and updated lists that it receives from the competent authority of the third country in accordance with the second and third subparagraphs and shall make them available to the public for information purposes.

Detailed rules for the uniform application of this point may be adopted in accordance with the procedure referred to in Article 26;

- c in accordance with the procedure referred to in Article 26, the specific animal health requirements, in particular for the protection of the Community from certain exotic diseases, or guarantees equivalent to those provided for in this Directive.

The specific requirements and equivalent guarantees established for third countries may not be more favourable than those provided for in Chapter II.]

4 The list provided for in paragraph 3 may include only third countries or parts of third countries:

- a from which imports are not prohibited:
 - as a result of the existence of one of the diseases referred to in Annex A or of any other disease exotic to the Community,
 - pursuant to Articles 6, 7 and 14 of Directive 72/462/EEC and Article 17 of Directive 91/495/EEC and of Directive 71/118/EEC⁽¹²⁾ or, in the case of the other animals covered by this Directive, under a decision taken in accordance with the procedure laid down in Article 26 account being taken of their state of health;
- b which, in view of their legislation and the organization of their veterinary services and inspection services, the powers of such services and the supervision to which they are subject, have been recognized, in accordance with Article 3 (2) of Directive 72/462/EEC, as capable of guaranteeing the implementation of their legislation in force;
- c the veterinary services of which are able to guarantee that health requirements at least equivalent to those laid down in Chapter II are being complied with.

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5 Experts from the Commission and the Member States shall carry out on-the-spot inspections to verify whether the guarantees given by the third country regarding the conditions of production and placing on the market can be considered equivalent to those applied in the Community.

The experts from the Member States responsible for these inspections shall be appointed by the Commission acting on a proposal from the Member States.

These inspections shall be made on behalf of the Community, which shall bear the cost of any expenditure in this connection.

6 Pending the organization of the inspections referred to in paragraph 5, national rules applicable to inspection in third countries shall continue to apply, subject to notification, through the Standing Veterinary Committee, of any failure to comply with the guarantees offered in accordance with paragraph 3, found during these inspections.

Editorial Information

- X2** Substituted by [Corrigendum to Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A \(I\) to Directive 90/425/EEC \(Official Journal of the European Communities L 268 of 14 September 1992\)](#).

Textual Amendments

- F11** Substituted by [Council Directive 2008/73/EC of 15 July 2008 simplifying procedures of listing and publishing information in the veterinary and zootechnical fields and amending Directives 64/432/EEC, 77/504/EEC, 88/407/EEC, 88/661/EEC, 89/361/EEC, 89/556/EEC, 90/426/EEC, 90/427/EEC, 90/428/EEC, 90/429/EEC, 90/539/EEC, 91/68/EEC, 91/496/EEC, 92/35/EEC, 92/65/EEC, 92/66/EEC, 92/119/EEC, 94/28/EC, 2000/75/EC, Decision 2000/258/EC and Directives 2001/89/EC, 2002/60/EC and 2005/94/EC \(Text with EEA relevance\)](#).

Article 18

1 Member States shall ensure that the animals, semen, ova and embryos covered by this Directive are imported into the Community only if they:

- are accompanied by a certificate to be drawn up by the official veterinarian.

The specimen certificate shall, depending on the species, be drawn up under the procedure laid down in Article 26,

- have satisfied the checks required by Directives 90/675/EEC and 91/496/EEC⁽¹³⁾,
- have undergone, prior to shipment to Community territory, a check by an official veterinarian to ensure that the transport conditions specified in Directive 91/628/EEC⁽¹⁴⁾ have been complied with, in particular as regards watering and feeding,
- have, in the case of the animals referred to in Articles 5 to 10, been quarantined before being placed on the market, in accordance with detailed rules to be established under the procedure laid down in Article 26.

2 Pending the establishment of specific rules for this Article, the national rules applicable to imports from third countries for which such requirements have not been adopted at Community level shall continue to apply, provided they are not more favourable than those laid down in Chapter II.

Article 19

The following shall be decided under the procedure laid down in Article 26:

- (a) specific animal health requirements, for imports into the Community, and the nature and content of accompanying documents for animals intended for zoos, circuses, amusement parks or experimental laboratories, according to the species;
- (b) additional guarantees to those provided for in respect of the various animal species covered by this Directive, to protect the Community species concerned.

Article 20

[^{F11}The rules laid down in Directive 97/78/EC shall apply in particular to the organisation of, and follow-up to the checks to be carried out by the Member States and the safeguard measures to be applied in accordance with the procedure referred to in Article 22 of that Directive.]

[^{X3}Pending implementation of the decisions provided for in Article 8, point B and Article 30 of Directive 91/496/EEC,] the relevant national rules for applying Article 8 (1) and (2) of the said Directive shall continue to apply, without prejudice to compliance with the principles and rules referred to in paragraph 1 of this Article.

Editorial Information

- X3** Substituted by [Corrigendum to Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A \(I\) to Directive 90/425/EEC \(Official Journal of the European Communities L 268 of 14 September 1992\)](#).

Textual Amendments

- F11** Substituted by [Council Directive 2008/73/EC of 15 July 2008 simplifying procedures of listing and publishing information in the veterinary and zootechnical fields and amending Directives 64/432/EEC, 77/504/EEC, 88/407/EEC, 88/661/EEC, 89/361/EEC, 89/556/EEC, 90/426/EEC, 90/427/EEC, 90/428/EEC, 90/429/EEC, 90/539/EEC, 91/68/EEC, 91/496/EEC, 92/35/EEC, 92/65/EEC, 92/66/EEC, 92/119/EEC, 94/28/EC, 2000/75/EC, Decision 2000/258/EC and Directives 2001/89/EC, 2002/60/EC and 2005/94/EC \(Text with EEA relevance\)](#).

CHAPTER IV

Common final provisions

Article 21

Any specimens of certificates applicable to trade and the animal health conditions to be met in order for it to be possible to trade in animals, semen, ova and embryos other than those covered by Article 5 to 11 shall, where the need arise, be determined under the procedure laid down in Article 26.

Article 22

The Annexes to this Directive shall, where the need arises, be amended under the procedure laid down in Article 26.

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[^{F2}[^{F3}Annex B shall be re-examined before the date of entry into force of the Accession Treaty in order, in particular, to amend the list of diseases to include those to which ruminants and suidae are susceptible and those which are transmissible by ovine semen, ova and embryos.]]

Textual Amendments

- F2** Inserted by [Act concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded \(94/C 241/08\)](#).
- F3** Substituted by [Decision of the Council of the European Union of 1 January 1995 adjusting the instruments concerning the accession of new Member States to the European Union \(95/1/EC, Euratom, ECSC\)](#).

Article 23

Under the procedure laid down in Article 26, special requirements may be laid down, if appropriate, by way of derogation [^{F4}[^{X1}from Article 6 (A) (1) (e) and]]^{X1}from Chapter II, for the movement of circus and fairground animals and for trade in animals, semen, ova and embryos intended for zoos.

Editorial Information

- X1** Substituted by [Corrigendum to Council Directive 2004/68/EC of 26 April 2004 laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals, amending Directives 90/426/EEC and 92/65/EEC and repealing Directive 72/462/EEC \(Official Journal of the European Union L 139 of 30 April 2004\)](#).

Textual Amendments

- F4** Deleted by [Council Directive 2004/68/EC of 26 April 2004 laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals, amending Directives 90/426/EEC and 92/65/EEC and repealing Directive 72/462/EEC \(Text with EEA relevance\)](#).

Article 24

1 The Member States shall be authorized to subject the entry into their territory of the animals (including cage birds), semen, ova and embryos referred to in this Directive which have passed through the territory of a third country to production of a health certificate certifying compliance with the requirements of this Directive.

2 Member States which have recourse to the possibility laid down in paragraph 1 shall inform the Commission and the other Member States within the Standing Veterinary Committee.

Article 25

The following shall be added to Annex A to Directive 90/425/EEC:

Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A (1) to Directive 90/425/EEC (OJ No L 268, 14.9.1992, p. 54).

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[^{F1}]~~F1~~ Article 26

1 The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health instituted by Article 58 of Regulation (EC) No 178/2002 of the European Parliament and of the Council⁽¹⁵⁾.

2 Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 5(6) of Decision 1999/468/EC⁽¹⁶⁾ shall be set at three months.

3 The Committee shall adopt its Rules of Procedure.]]

Editorial Information

X1 Substituted by [Corrigendum to Council Directive 2004/68/EC of 26 April 2004 laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals, amending Directives 90/426/EEC and 92/65/EEC and repealing Directive 72/462/EEC \(Official Journal of the European Union L 139 of 30 April 2004\)](#).

Textual Amendments

F1 Substituted by [Council Directive 2004/68/EC of 26 April 2004 laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals, amending Directives 90/426/EEC and 92/65/EEC and repealing Directive 72/462/EEC \(Text with EEA relevance\)](#).

Article 27

Member States which implement an alternative control system providing guarantees equivalent to those laid down in this Directive as regards movements within their territory of the animals, semen, ova and embryos which it covers, may grant one another derogations from Article 6 (A) (1) (f), Article 8 (b) and Article 11 (1) (d) on a reciprocal basis.

Article 28

Under the procedure laid down in Article 26, transitional measures may be adopted for a period of three years to facilitate the transition to the new arrangements established by this Directive.

Article 29

1 Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 1 January 1994. They shall forthwith inform the Commission thereof.

When these measures are adopted by the Member States, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

2 Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field governed by this Directive.

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3 The setting of the deadline for transposition into national law at 1 January 1994 shall be without prejudice to the abolition of veterinary checks at frontiers provided for in Directive 89/662/EEC and 90/425/EEC.

Article 30

This Directive is addressed to the Member States.

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- (1) Council Directive 90/426/EEC of 26 June 1990 on animal health conditions governing the movement and import from third countries of equidae (OJ No L 224, 18.8.1990, p. 42). Amended by Directive 91/496/EEC (OJ No L 268, 24.9.1991, p. 56).
- (2) Council Directive 90/539/EEC of 15 October 1990 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs (OJ No L 303, 31.10.1990, p. 6). Last amended by Directive 91/496/EEC (OJ No L 268, 24.9.1991, p. 56).
- (3) Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products (OJ No L 46, 19.2.1991, p. 1).
- (4) Council Directive 91/68/EEC of 28 January 1991 on animal health conditions governing intra-Community trade in ovine and caprine animals (OJ No L 46, 19.2.1991, p. 1).
- (5) Council Directive 91/492/EEC of 15 July 1991 laying down the health conditions for the production and the placing on the market of live bivalve molluscs (OJ No L 268, 24.9.1991, p. 1).
- (6) Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products (OJ No L 268, 24.9.1991, p. 15).
- (7) Council Directive 80/217/EEC of 22 January 1980 introducing Community measures for the control of classical swine fever (OJ No L 47, 21.2.1980, p. 11). Last amended by Directive 87/486/EEC (OJ No L 280, 3.10.1987, p. 21).
- (8) OJ No L 268, 24.9.1991, p. 41.
- (9) OJ No L 303, 31.10.1990, p. 6.
- (10) [F7 OJ L 178, 28.6.2013, p. 1.]
- (11) [F7 OJ L 3, 5.1.2005, p. 1.]
- (12) Council Directive 71/118/EEC of 15 February 1971 on health problems affecting trade in fresh poultrymeat (OJ No L 55, 8.3.1971, p. 23). Last amended by Directive 90/654/EEC (OJ No L 353, 17.12.1990, p. 48).
- (13) Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directive 89/662/EEC, 90/425/EEC and 90/675/EEC (OJ No L 268, 24.9.1991, p. 56).
- (14) Council Directive 91/628/EEC of 19 November 1991 on the protection of animals during transport and amending Directives 90/425/EEC and 91/496/EEC (OJ No L 340, 11.12.1991, p. 17).
- (15) [F1 [X1 OJ L 31, 1.2.2002, p. 1]]
- (16) [F1 [X1 OJ L 184, 17.7.1999, p. 23.]]

Editorial Information

- X1** Substituted by Corrigendum to Council Directive 2004/68/EC of 26 April 2004 laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals, amending Directives 90/426/EEC and 92/65/EEC and repealing Directive 72/462/EEC (Official Journal of the European Union L 139 of 30 April 2004).

Textual Amendments

- F1** Substituted by Council Directive 2004/68/EC of 26 April 2004 laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals, amending Directives 90/426/EEC and 92/65/EEC and repealing Directive 72/462/EEC (Text with EEA relevance).
- F7** Substituted by Directive 2013/31/EU of the European Parliament and of the Council of 12 June 2013 amending Council Directive 92/65/EEC as regards the animal health requirements governing intra-Union trade in and imports into the Union of dogs, cats and ferrets (Text with EEA relevance).