

Council Directive 2009/156/EC of 30 November 2009 on animal health conditions governing the movement and importation from third countries of equidae (codified version) (Text with EEA relevance)

CHAPTER II

RULES FOR THE MOVEMENT OF EQUIDAE BETWEEN MEMBER STATES

Article 3

Member States shall authorise the movement of registered equidae in their territory or send equidae to another Member State only where they satisfy the conditions laid down in Articles 4 and 5.

However, the competent authorities in Member States of destination may grant general or limited exemption in respect of movement of equidae which:

- are being ridden or taken, for sporting or recreational purposes, along roads situated near internal borders of the Community,
- are taking part in cultural or similar events or in activities organised by authorised local bodies situated near internal borders of the Community,
- are intended solely for temporary pasturing or work near internal borders of the Community,

Member States making use of such authorisation shall inform the Commission of the content of the exemptions granted.

Article 4

1 Equidae must show no clinical sign of disease at inspection. Inspection must be carried out in the 48 hours prior to their embarkation or loading. In the case of registered equidae, however, this inspection shall, without prejudice to Article 6, be required for intra-Community trade only.

2 Without prejudice to the requirements of paragraph 5 regarding compulsorily notifiable diseases, the official veterinarian must, at the time of inspection, be satisfied that there are no grounds — in particular on the basis of declarations by the owner or breeder — for concluding that the equidae have been in contact with equidae suffering from an infectious or contagious disease during the 15 days immediately preceding inspection.

3 The equidae must not be intended for slaughter under a national programme of infectious or contagious disease eradication.

4 The equidae must be identified in the following manner:

- a in the case of registered equidae, by means of an identification document, as provided for in Directive 90/427/EEC, which must certify in particular that paragraphs 5 and 6 of this Article and Article 5 of this Directive have been complied with.

The official veterinarian must suspend the validity of the identification document for the period of the prohibitions provided for in paragraph 5 of this Article or in Article 5 of this Directive. The identification document must, following the slaughter of the registered horse, be returned to the authority which issued it. The procedure for the implementation of this point shall be adopted in accordance with the procedure referred to in Article 21(2);

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- b for equidae for breeding and production, by the method established in accordance with the procedure referred to in Article 21(2).

5 In addition to the requirements laid down in Article 5, the equidae must not come from a holding which has been the subject of one of the following prohibition orders:

- a if all the animals of species susceptible to the disease located on the holding have not been slaughtered, the period of prohibition concerning the holding of origin must be at least:
 - (i) six months in the case of equidae suspected of having contracted dourine, beginning on the date of the last actual or possible contact with a sick animal. However, in the case of a stallion, the prohibition shall apply until the animal is castrated;
 - (ii) six months in the case of glanders or equine encephalomyelitis, beginning on the day on which the equidae suffering from the disease in question are slaughtered;
 - (iii) in the case of infectious anaemia, until the date on which, the infected animals having been slaughtered, the remaining animals have shown a negative reaction to two Coggins tests carried out three months apart;
 - (iv) six months from the last recorded case, in the case of vesicular stomatitis;
 - (v) one month from the last recorded case, in the case of rabies;
 - (vi) 15 days from the last recorded case, in the case of anthrax;
- b if all the animals of species susceptible to the disease located on the holding have been slaughtered and the premises disinfected, the period of prohibition shall be 30 days, beginning on the day on which the animals were destroyed and the premises disinfected, except in the case of anthrax, where the period of prohibition is 15 days.

The competent authorities may derogate from these prohibition orders for hippodromes and racecourses, and shall notify the Commission of the nature of any derogations granted.

6 Where a Member State draws up or has drawn up a voluntary or compulsory control programme for a disease to which equidae are susceptible, it may present the programme to the Commission, within six months from 4 July 1990 for Belgium, Denmark, Germany, Ireland, Greece, Spain, France, Italy, Luxembourg, the Netherlands, Portugal and the United Kingdom, from 1 January 1995 for Austria, Finland and Sweden, from 1 May 2004 for the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia and from 1 January 2007 for Bulgaria and Romania, outlining in particular:

- a the distribution of the disease on its territory;
- b the reasons for the programme, taking into consideration the significance of the disease and its cost/benefit advantages;
- c the geographical area in which the programme will be implemented;
- d the status categories to be applied to establishments, the standards which must be attained for each species and the test procedures to be used;
- e the programme monitoring procedures;
- f the action to be taken if, for any reason, a holding loses its status;
- g the measures to be taken if the results of the tests carried out in accordance with the provisions of the programme are positive;

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- h the non-discriminatory nature of trade in the territory of the Member State concerned with respect to intra-Community trade.

The Commission shall examine the programmes presented by the Member States. Where appropriate, it shall approve them in accordance with the procedure referred to in Article 21(2). Any additional guarantees, general or specific, which may be required in intra-Community trade may be defined in accordance with the same procedure. Such guarantees must not exceed those required by the Member State in its own territory.

Programmes submitted by Member States may be amended or supplemented in accordance with the procedure referred to in Article 21(3). Amendments or additions to programmes which have already been approved or to guarantees which have been defined in accordance with the second subparagraph may be approved under the same procedure.

Article 5

1 A Member State which is not free from African horse sickness may dispatch equidae from that part of its territory which is considered to be infected within the meaning of paragraph 2 of this Article only under the conditions set out in paragraph 5.

2 A part of the territory of a Member State shall be considered to be infected with African horse sickness if:

- a clinical, serological (in unvaccinated animals) and/or epidemiological evidence has revealed the presence of African horse sickness in the past two years; or
- b vaccination against African horse sickness has been carried out in the past 12 months.

The part of the territory considered to be infected with African horse sickness shall comprise as a minimum:

- a a protection zone with a radius of at least 100 km around any centre of infection;
- b a surveillance zone of at least 50 km extending beyond the protection zone, in which no vaccination has been carried out in the last 12 months.

3 The control rules and the measures to combat African horse sickness relating to the territories and zones referred to in paragraph 2 and the relevant derogations are specified in Council Directive 92/35/EEC of 29 April 1992 laying down control rules and measures to combat African horse sickness⁽¹⁾.

4 All vaccinated equidae found in the protection zone must be registered and marked in accordance with Article 6(1)(d) of Directive 92/35/EEC.

The identification document and/or health certificate shall carry a clear reference to such vaccination.

5 A Member State may dispatch from the territory referred to in the second subparagraph of paragraph 2 only equidae which meet the following requirements:

- a they must be dispatched only during certain periods of the year, having regard to the activity of vector insects, to be determined in accordance with the procedure referred to in Article 21(3);
- b they must show no clinical symptom of African horse sickness on the day of the inspection referred to in Article 4(1);
- c they must have undergone a test for African horse sickness as described in Annex IV, on two occasions, with an interval of between 21 and 30 days between the two tests, the second of which must have been carried out during the 10 days prior to dispatch either:

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- (i) with negative results, if they have not been vaccinated against African horse sickness; or
- (ii) without having recorded an increase in the antibody count and without having undergone vaccination during the previous two months, if they have been vaccinated against African horse sickness.

In accordance with the procedure referred to in Article 21(2), and following the opinion of the European Food Safety Authority, other monitoring methods may be recognised;

- d they must have been kept in a quarantine station for a minimum period of 40 days prior to dispatch;
- e they must have been protected from vector insects during the period of quarantine and during transportation from the quarantine station to the place of dispatch.

Article 6

Member States which implement an alternative control system providing guarantees equivalent to those laid down in Article 4(5) as regards movements within their territory of equidae may grant one another derogations from the provisions of the second sentence of Article 4(1) and Article 8(1)(b) on a reciprocal basis.

They shall notify the Commission thereof.

Article 7

1 Equidae must be transported, as soon as possible, from the holding of origin either directly or via an approved marshalling centre, as defined as ‘assembly centre’ in Article 2(2) (o) of Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine⁽²⁾, to the place of destination in vehicles or containers which have been regularly cleansed and disinfected with a disinfectant at intervals to be fixed by the Member State of dispatch. The vehicles must be designed in such a way that equidae droppings, litter or fodder cannot escape from the vehicle during transportation. Without prejudice to Regulation (EC) No 1/2005, transportation must be effected in such a way that the health and well-being of the equidae can be protected effectively.

2 The Member State of destination may, on a general or restricted basis, grant a derogation from some of the requirements of Article 4(5) for any animal bearing a special mark indicating that it is scheduled for slaughter, provided that the health certificate in accordance with Annex III mentions such derogation.

Where such derogation is granted, equidae for slaughter must be transported directly to the designated slaughterhouse and be slaughtered within five days of arrival at the slaughterhouse.

3 The official veterinarian must record the identification number or identification document number of the slaughtered animal and forward to the competent authority of the place of dispatch, at the latter’s request, an attestation to the effect that the animal has been slaughtered.

Article 8

- 1 Member States shall ensure that:
 - a registered equidae which leave their holdings are accompanied by the identification document laid down in Article 4(4)(a) together, if they are intended for intra-Community trade, with the health attestation provided for in Annex II;

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b equidae for breeding, production and slaughter are, during their transportation, accompanied by a health certificate complying with Annex III.

2 The health certificate, or in the case of registered equidae the health attestation, must, without prejudice to Article 6, be drawn up during the 48 hours preceding their embarkation or else no later than the last working day prior to it, in at least one of the official languages of the Member States of dispatch and destination. The duration of validity of the health certificate or health attestation shall be 10 days. The health certificate or health attestation must consist of a single sheet.

3 For the movement between Member States, equidae other than registered equidae may be covered by a single health certificate per consignment rather than by the individual health certificate referred to in paragraph 1, point (b).

Article 9

The rules laid down in Directive 90/425/EEC shall apply in particular to checks at origin, to the organisation of, and follow-up to, the checks to be carried out by the Member State of destination, and to the safeguard measures to be implemented.

Article 10

Veterinary experts from the Commission may, to the extent necessary to ensure uniform application of this Directive and in cooperation with the competent national authorities, carry out on-the-spot inspections. The Commission shall inform the Member States of the outcome of such inspections.

The Member States in whose territory an inspection is carried out shall give the experts all the assistance necessary to carry out their task.

General arrangements for the application of this Article shall be adopted in accordance with the procedure referred to in Article 21(2).

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- (1) OJ L 157, 10.6.1992, p. 19.
- (2) OJ 121, 29.7.1964, p. 1977.