

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 III

RULES FOR IMPORTATION OF EQUIDAE FROM THIRD COUNTRIES

Article 11

Equidae imported into the Community must satisfy the conditions laid down in Articles 12 to 16.

Article 12

1 The importation of equidae into the Community shall only be authorised from third countries that appear on a list to be drawn up or amended in accordance with the procedure referred to in Article 21(2).

Taking into account the health situation and the guarantees provided by the third country for equidae, it may be decided in accordance with the procedure referred to in Article 21(2) that the authorisation provided for in the first subparagraph of this paragraph shall apply to the whole territory of the third country or to only part of its territory.

For that purpose and on the basis of the relevant international standards, account shall be taken of how the third country applies and implements those standards, in particular the principle of regionalisation, within its own territory and in relation to its sanitary requirements for importation from other third countries and from the Community.

2 When the list provided for in paragraph 1 is drawn up or amended, particular account shall be taken of:

- a the health status of the equidae, other domestic animals and wildlife in the third country, with particular regard to exotic animal diseases and any aspects of the general health and the environmental situation in the third country which may pose a risk to the health and environmental status of the Community;
- b the legislation of the third country in relation to animal health and welfare;
- c the organisation of the competent veterinary authority and its inspection services, the powers of those services, the supervision to which they are subject, and the means at their disposal, including staff and laboratory capacity, to apply national legislation effectively;
- d the assurances which the competent veterinary authority of the third country can give regarding compliance or equivalence with the relevant animal health conditions applicable in the Community;
- e whether the third country is a member of the World Organisation for Animal Health (OIE) and the regularity and rapidity of the information supplied by the third country relating to the existence of infectious or contagious diseases of equidae in its territory, in particular those diseases listed by the OIE and in Annex I to this Directive;
- f the guarantees given by the third country to directly inform the Commission and the Member States:

- (i) within 24 hours, of the confirmation of the occurrence of infectious diseases of equidae listed in Annex I and of any change in the vaccination policy concerning such diseases;
 - (ii) within an appropriate period, of any proposed changes in the national sanitary rules concerning equidae, in particular regarding the importation of equidae;
 - (iii) at regular intervals, of the animal health status of its territory concerning equidae;
- g any experience of previous imports of live equidae from the third country and the results of any import controls carried out;
 - h the results of Community inspections and/or audits carried out in the third country, in particular the results of the assessment of the competent authorities or, where the Commission so requests, the report submitted by the competent authorities on the inspections which they have carried out;
 - i the rules on the prevention and control of infectious or contagious animal diseases in force in the third country and their implementation, including rules on importation of equidae from other third countries.
- 3 The Commission shall arrange for up-to-date versions of the list drawn up or amended as provided for in paragraph 1 to be made available to the public.

The list may be combined with other lists drawn up for animal and public health purposes and may also include models of health certificates.

4 Special import conditions for each third country or group of third countries, having regard to the animal health situation concerning equidae in the third country or countries concerned shall be established in accordance with the procedure referred to in Article 21(2).

5 Detailed rules for the application of paragraphs 1 to 4 and criteria for including third countries or parts of third countries in the list provided for in paragraph 1 may be adopted in accordance with the procedure referred to in Article 21(2).

Article 13

- 1 The equidae must come from third countries which:
- a are free from African horse sickness;
 - b have been free for two years from Venezuelan equine encephalomyelitis (VEE);
 - c have been free for six months from dourine and glanders.
- 2 In accordance with the procedure referred to in Article 21(2) it may be decided:
- a that the provisions of paragraph 1 of this Article shall apply to only part of the territory of a third country.
- In the event that the African horse sickness requirements apply on a regional basis, at the very least the measures laid down in Article 5(2) and (5) must be complied with;
- b to require additional guarantees for diseases alien to the Community.

Article 14

Before the day of loading for transportation to the Member State of destination, the equidae must have remained without interruption in the territory or part of the territory of a third country or, in the event of regionalisation, in the part of the territory defined pursuant to Article 13(2)(a) for a period to be determined in the decisions to be adopted pursuant to Article 15.

They must come from a holding placed under veterinary supervision.

Article 15

Importation of equidae from the territory of a third country or part thereof as defined in accordance with Article 13(2)(a) on the list drawn up in accordance with Article 12(1) shall be authorised only if the equidae, over and above the requirements of Article 13:

- (a) comply with the animal health requirements adopted, with reference to the species in question, the categories of equidae, in accordance with the procedure referred to in Article 21(2) for importation of equidae from that country.

The reference basis for fixing those animal health requirements shall be the standards laid down in Articles 4 and 5; and

- (b) in the case of a third country not free of vesicular stomatitis or viral arteritis for at least six months, the equidae must meet the following requirements:
- (i) they must come from a holding which has been free of vesicular stomatitis for at least six months and they must have reacted negatively to a serological test prior to dispatch;
- (ii) in the case of viral arteritis, male equidae must, notwithstanding Article 19(b), have reacted negatively to a serological test or to a virus isolation test or to any other test recognised in accordance with the procedure referred to in Article 21(2) which would guarantee freedom from the virus.

In accordance with the procedure referred to in Article 21(2), and following the opinion of the European Food Safety Authority, the categories of male equidae to which this requirement shall apply may be defined.

Article 16

1 The equidae must be identified in accordance with Article 4(4) and accompanied by a health certificate drawn up by an official veterinarian of the exporting third country. This health certificate must:

- a be issued on the day of loading of the animals for dispatch to the Member State of destination or, in the case of registered horses, on the last working day before embarkation;
- b be drawn up in at least one of the official languages of the Member State of destination and one of those of the Member State in which the import inspection is carried out;
- c accompany the animals in the original;
- d attest that the animals satisfy the requirements of this Directive and those laid down pursuant to this Directive with regard to importation from third countries;
- e consist of a single sheet;
- f be made out for a single consignee or, in the case of animals for slaughter, for a consignment, provided the animals are properly marked and identified.

Member States shall inform the Commission if they make use of this option.

2 The health certificate must be drawn up on a form complying with a model established in accordance with the procedure referred to in Article 21(2).

Article 17

1 Immediately upon arrival in the Member State of destination, equidae for slaughter shall be taken to a slaughterhouse, either directly or after transition through an approved marshalling centre, as referred to in Article 7, and, in accordance with animal health requirements, be slaughtered within a period specified in the decisions to be adopted pursuant to Article 15.

2 Without prejudice to any special conditions which may be adopted in accordance with the procedure referred to in Article 21(2), the competent authority of the Member State of destination may, on animal health grounds, designate the slaughterhouse to which such equidae must be taken.

Article 18

Checks shall be carried out on the spot by veterinary experts of the Member States and the Commission to verify whether the provisions of this Directive, and in particular those of Article 12(2), are being applied in practice.

Should checks carried out within the terms of this Article bring to light serious facts as against an approved holding, the Commission shall immediately inform the Member States and forthwith adopt a decision provisionally suspending the approval. The final decision shall be taken in accordance with the procedure referred to in Article 21(3).

The experts from the Member States who are to be entrusted with those checks shall be appointed by the Commission, acting on a proposal from the Member States.

Those checks shall be made on behalf of the Community, which shall bear the cost of any expenditure incurred in this connection.

The frequency of and the procedure for those checks shall be determined in accordance with the procedure referred to in Article 21(2).

Article 19

In accordance with the procedure referred to in Article 21(2):

- (a) it may be decided that importation from a third country or part of a third country is to be confined to particular species or categories of equidae;
- (b) notwithstanding Article 15, the special conditions for the temporary entry into Community territory of registered equidae or equidae intended for special uses or their re-entry into Community territory after being temporarily exported, shall be established;
- (c) the conditions for converting temporary entry into permanent entry shall be determined;
- (d) a Community reference laboratory for one or more of the diseases of equidae listed in Annex I may be designated and the functions, tasks and procedures regarding collaboration with laboratories responsible for diagnosing infectious diseases of equidae in the Member States shall be provided for.