

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)

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(codified version)

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament⁽¹⁾,

Whereas:

- (1) Council Directive 90/426/EEC of 26 June 1990 on animal health conditions governing the movement and import from third countries of equidae⁽²⁾ has been substantially amended several times⁽³⁾. In the interests of clarity and rationality the said Directive should be codified.
- (2) Equidae, being live animals, are included in the list of products in Annex I to the Treaty.
- (3) In order to ensure the rational development of equidae production, thereby increasing productivity in that sector, rules governing the movement of equidae between Member States should be laid down at Community level.
- (4) The breeding and rearing of equidae, and in particular of horses, is generally included in the farming sector. It constitutes a source of income for part of the farming population.
- (5) Disparities as regards animal health conditions in the Member States should be eliminated in order to encourage intra-Community trade in equidae.
- (6) In order to encourage the harmonious development of intra-Community trade, a Community system should be provided for to govern imports from third countries.
- (7) The conditions for the movement on national territory of registered equidae bearing an identification document should also be regulated.
- (8) In order to be the subject of trade, equidae should satisfy certain animal health requirements, so as to avoid the spreading of infectious or contagious diseases. It

appears in particular appropriate to provide for a possible regionalisation of restrictive measures.

- (9) The transport conditions should be laid down for the same reasons, taking into account the animal welfare conditions laid down in Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations⁽⁴⁾.
- (10) To ensure that those requirements are satisfied, provision should be made for the issue by an official veterinarian of a health certificate to accompany the equidae to their place of destination.
- (11) The organisation of and the follow-up to the checks to be carried out by the Member State of destination and the safeguard measures to be implemented have been laid down in Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market⁽⁵⁾.
- (12) Provision should be made for the possibility of checks by the Commission. These checks should be carried out in cooperation with the competent national authorities.
- (13) Defining Community provisions applicable to imports from third countries requires a list to be drawn up of third countries or parts of third countries from which equidae may be imported.
- (14) The choice of those countries should be based on criteria of a general nature such as the state of health of the livestock, the organisation and powers of the veterinary services and the health regulations in force.
- (15) In addition, imports of equidae should not be authorised from countries infected with infectious or contagious animal diseases which present a risk to Community livestock or which have been free from such infection for too short a period. Such considerations are also valid for imports from third countries in which vaccination against such diseases is carried out.
- (16) The general conditions applicable to imports from third countries should be supplemented by special conditions drawn up on the basis of the health situation in each of them. The technical nature and the diversity of the criteria on which those special conditions depend require for their definition recourse to a flexible and rapid Community procedure in which the Commission and the Member States cooperate closely.
- (17) The presentation of a common standard form of certificate upon import of equidae constitutes an effective means of verifying that the Community rules are being applied. Such rules may include special provisions which may vary according to the third country concerned, and this should be taken into account in drawing up the standard forms of certificates.
- (18) Veterinary experts of the Commission and of the Member States, appointed by the Commission, should be responsible for verifying that the requirements of this Directive are observed, particularly in third countries.

- (19) The checks carried out upon importation should cover the origin and the state of health of the equidae.
- (20) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽⁶⁾.
- (21) This Directive is without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law of the Directives set out in Annex V, Part B,

HAS ADOPTED THIS DIRECTIVE:

- (1) Opinion of 22 April 2009 (not yet published in the Official Journal).
- (2) [OJ L 224, 18.8.1990, p. 42.](#)
- (3) See Annex V, Part A.
- (4) [OJ L 3, 5.1.2005, p. 1.](#)
- (5) [OJ L 224, 18.8.1990, p. 29.](#)
- (6) [OJ L 184, 17.7.1999, p. 23.](#)