

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health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC (repealed)

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health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC (repealed)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 and Article 152(4)(b) thereof,

Having regard to the proposal from the Commission<sup>(1)</sup>,

Having regard to the opinion of the Economic and Social Committee<sup>(2)</sup>,

Following consultation of the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty<sup>(3)</sup>, in the light of the joint text approved by the Conciliation Committee on 18 February 2003.

Whereas:

- (1) Harmonisation of animal health requirements applicable to the non-commercial movement of pet animals between Member States and from third countries is necessary and only measures adopted at Community level can enable that objective to be achieved.
- (2) This Regulation concerns the movement of live animals covered by Annex I to the Treaty. Some of its provisions, in particular concerning rabies, have as their direct objective the protection of public health, while others concern solely animal health. Article 37 and Article 152(4)(b) of the Treaty are therefore the appropriate legal basis.
- (3) Over the past 10 years the rabies situation has improved spectacularly throughout the Community following the implementation of programmes for the oral vaccination of foxes in regions affected by the sylvatic-rabies epidemic that has swept through north-eastern Europe since the 1960s.
- (4) This improvement has led the United Kingdom and Sweden to abandon the system of six months' quarantine which they applied for decades, in favour of an alternative, less restrictive system providing an equivalent level of safety. Provision should therefore be made at Community level for the application of a special system for the movement of pet animals to those Member States for a transitional period of five years and for the Commission, in the light of the experience gained and a scientific opinion from the European Food Safety Authority, to present a report in due course with appropriate proposals. Provision should also be made for a rapid procedure to decide on a temporary

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*Status: Point in time view as at 24/06/2008.*

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extension of the above transitional regime, particularly if the scientific assessment of the experience gained were to make necessary longer time periods than those currently laid down.

- (5) Cases of rabies observed in pet carnivores in the Community now mainly affect animals originating in third countries where an urban type of rabies is endemic. The animal health requirements generally applicable hitherto by the Member States to pet carnivores introduced from such third countries should accordingly be made more stringent.
- (6) However, derogations should be considered for movement from third countries belonging, from the animal health standpoint, to the same geographical region as the Community.
- (7) Article 299(6)(c) of the Treaty and Council Regulation (EEC) No 706/73 of 12 March 1973 concerning the Community arrangements applicable to the Channel Islands and the Isle of Man for trade in agricultural products<sup>(4)</sup>, provide that Community veterinary legislation applies to the Channel Islands and the Isle of Man, which, for the purposes of this Regulation, are therefore to be considered as part of the United Kingdom.
- (8) A legal framework should also be established for the animal health requirements applicable to non-commercial movement of species of animals not affected by rabies or of no epidemiological significance as regards rabies and with regard to other diseases affecting the species of animals listed in Annex I.
- (9) It is appropriate that this Regulation should apply without prejudice to Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein<sup>(5)</sup>.
- (10) The measures necessary for the implementation of this Regulation 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<sup>(6)</sup>.
- (11) Existing Community animal health requirements, and more specifically 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<sup>(7)</sup>, generally apply only to trade. To avoid commercial movements being fraudulently disguised as non-commercial movements of pet animals within the meaning of this Regulation, the provisions of Directive 92/65/EEC on the movement of animals of the species specified in parts A and B of Annex I should be overhauled, with the aim of ensuring their uniformity with the rules set out in this Regulation. With the same aim, provision should be made for the possibility of specifying a maximum number of animals that may be the subject of movement within the meaning of this Regulation, above which the rules regarding trade will apply.
- (12) The measures provided for by this Regulation are designed to ensure a sufficient level of safety in regard to those health risks involved. They do not constitute unjustified obstacles to movement coming within its field of application, since they are based upon

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the conclusions of groups of experts consulted on the matter and in particular on a report by the Scientific Veterinary Committee published on 16 September 1997,

HAVE ADOPTED THIS REGULATION:

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- (1) [OJ C 29 E, 30.1.2001, p. 239](#) and [OJ C 270 E, 25.9.2001, p. 109](#).
- (2) [OJ C 116, 20.4.2001, p. 54](#).
- (3) European Parliament opinion of 3 May 2001 ([OJ C 27 E, 31.1.2002, p. 55](#)), Council Common Position of 27 June 2002 ([OJ C 275 E, 12.11.2002, p. 42](#)) and European Parliament Decision of 22 October 2002 (not yet published in the Official Journal). European Parliament Decision of 10 April 2003 and Council Decision of 25 April 2003.
- (4) [OJ L 68, 15.3.1973, p. 1](#). Regulation as amended by Regulation (EEC) No 1174/86 ([OJ L 107, 24.4.1986, p. 1](#)).
- (5) [OJ L 61, 3.3.1997, p. 1](#). Regulation as last amended by Commission Regulation (EC) No 2476/2001 ([OJ L 334, 18.12.2001, p. 3](#)).
- (6) [OJ L 184, 17.7.1999, p. 23](#).
- (7) [OJ L 268, 14.9.1992, p. 54](#). Directive as last amended by Commission Regulation (EC) No 1282/2002 ([OJ L 187, 16.7.2002, p. 3](#)).

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