

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 and repealing Regulation (EC) No 998/2003 (Text with EEA relevance)

CHAPTER VI

COMMON PROVISIONS

SECTION 1

Derogation for the non-commercial movement of pet animals into Member States

Article 32

Derogation from the conditions of Articles 6, 9, 10 and 14

1 By way of derogation from the conditions provided for in Articles 6, 9, 10 and 14, Member States may, in exceptional situations, authorise the non-commercial movement into their territory of pet animals which do not comply with the conditions laid down in those Articles provided that:

- a a prior application for a permit has been made by the owner and the Member State of destination has granted such a permit;
- b the pet animals are isolated under official supervision for the time necessary for them to fulfil those conditions and not exceeding six months:
 - (i) at a place approved by the competent authority; and
 - (ii) in accordance with the arrangements set out in the permit.

2 The permit referred to in point (a) of paragraph 1 may include an authorisation for transiting through another Member State provided that the Member State of transit has given its prior agreement to the Member State of destination.

SECTION 2

General conditions regarding compliance

Article 33

Documentary and identity checks to be carried out in respect of non-commercial movement of pet animals into a Member State from another Member State or a territory or a third country listed pursuant to Article 13(1) and Article 15

1 Without prejudice to Article 16 and in order to verify compliance with Chapter II, Member States shall carry out documentary and identity checks in a non-discriminatory way on pet animals that are subject to non-commercial movement into their territory from another Member State or from a territory or a third country listed pursuant to Article 13(1) and, where applicable, Article 15.

2 At the time of any non-commercial movement into a Member State from another Member State or a territory or a third country listed pursuant to Article 13(1) and, where applicable, Article 15, the owner or the authorised person shall, at the request of the competent authority responsible for the checks provided for in paragraph 1 of this Article:

- a present the identification document of the pet animal required under this Regulation which demonstrates compliance with the requirements for such movement; and
- b make the pet animal available for those checks.

Article 34

Documentary and identity checks to be carried out in respect of non-commercial movement from a territory or a third country other than those listed pursuant to Article 13(1) or Article 15

1 In order to verify compliance with Chapter III, the competent authority of a Member State shall carry out documentary and identity checks at the travellers' point of entry on pet animals that are subject to non-commercial movement into that Member State from a territory or a third country other than those listed pursuant to Article 13(1) and, where applicable, Article 15.

2 The owner or the authorised person shall, at the time of entry into a Member State from a territory or a third country other than those listed pursuant to Article 13(1) and, where applicable, Article 15, contact the competent authority present at the point of entry for the purpose of the checks referred to in paragraph 1 and shall:

- a present the identification document of the pet animal required under this Regulation which demonstrates compliance with the requirements for such movement; and
- b make the pet animal available for those checks.

3 Member States shall draw up and keep up to date a list of travellers' points of entry.

4 Member States shall ensure that the competent authority that they have designated to carry out the checks provided for in paragraph 1:

- a is fully informed of the rules laid down in Chapter III and the officials of the competent authority have the necessary training to implement them;
- b keeps records of the total number of checks that have been carried out and of instances of non-compliance revealed during those checks; and
- c documents the checks that have been carried out in the relevant entry of the identification document where such documentation is necessary for the purposes of non-commercial movement into other Member States as provided for in Article 24(1).

Article 35

Actions in case of non-compliance revealed during the checks provided for in Articles 33 and 34

1 Where the checks provided for in Articles 33 and 34 reveal that a pet animal does not comply with the conditions laid down in Chapters II or III, the competent authority shall decide, after consultation with the official veterinarian and, where necessary, with the owner or the authorised person, to:

- a return the pet animal to its country or territory of dispatch;
- b isolate the pet animal under official control for the time necessary for it to comply with the conditions laid down in Chapter II or III; or

- c as a last resort where its return is not possible or isolation is not practical, put the pet animal down in accordance with applicable national rules relating to the protection of pet animals at the time of killing.
- 2 Where the non-commercial movement of pet animals into the Union is refused by the competent authority, the pet animals shall be isolated under official control pending:
- a either their return to their country or territory of dispatch; or
 - b the adoption of any other administrative decision concerning those pet animals.
- 3 The measures referred to in paragraphs 1 and 2 shall be applied at the expense of the owner and without the possibility of any financial compensation for the owner or the authorised person.

Article 36

Safeguard measures

- 1 Where rabies or a disease or an infection other than rabies occurs or spreads in a Member State, a territory or a third country, and is liable to represent a serious threat to public or animal health, the Commission may, acting on its own initiative or at the request of a Member State, adopt one of the following measures, by means of an implementing act, without delay and depending on the gravity of the situation:
- a suspend the non-commercial movement or transit of pet animals from all or part of the territory of the Member State or territory or third country concerned;
 - b lay down special conditions in respect of the non-commercial movement of pet animals from all or part of the Member State or territory or third country concerned.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 41(2).

- 2 On duly justified imperative grounds of urgency to contain or address a serious risk to public or animal health, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 41(3).

Article 37

Information obligations

- 1 Member States shall provide the public with clear and easily accessible information concerning the animal health requirements applicable to the non-commercial movement of pet animals and the rules for compliance checks on such movement laid down in this Regulation.
- 2 The information referred to in paragraph 1 shall in particular include the following:
- a the qualifications required for the persons carrying out the implantation of the transponder provided for in Article 18;
 - b the authorisation to derogate from the anti-rabies vaccination condition for young pet animals of the species listed in Part A of Annex I as provided for in Articles 7 and 11;
 - c the conditions applicable to the non-commercial movement into the Member States' territory of pet animals:
 - (i) which do not comply with Articles 6, 9, 10 or 14;

- (ii) which come from certain countries and territories under conditions laid down by their national rules as provided for in Article 16;
 - d the list of travellers' points of entry drawn up pursuant to Article 34(3), including the competent authority designated to carry out the checks provided for in Article 34(4);
 - e the conditions applicable to the non-commercial movement into the Member States' territory of pet animals of the species listed in Part B of Annex I, laid down by their national rules as provided for in Article 9(3) and Article 14(3);
 - f information on anti-rabies vaccines for which the competent authority of the Member States has granted a marketing authorisation as provided for in point 1(b) of Annex III, and in particular on the corresponding vaccination protocol.
- 3 Member States shall establish internet-based pages providing the information referred to in paragraph 1 and communicate the internet address of those pages to the Commission.
- 4 The Commission shall assist the Member States in making that information available to the public by providing on its internet page:
- a) the links to the internet-based information pages of the Member States; and
 - b) the information referred to in points (b), (d) and (e) of paragraph (2) of this Article, and the information made available to the public as referred to in point (b) of Article 2(2) in additional languages, as appropriate.

SECTION 3

Procedural provisions

Article 38

Amendments to Annexes

In order to take into account technical progress, scientific developments and the protection of public health or the health of pet animals, the Commission shall be empowered to adopt delegated acts in accordance with Article 39 to amend Annexes II to IV.

Article 39

Exercise of the delegation

1 The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2 The power to adopt delegated acts referred to in Article 5(5), the second subparagraph of Article 17(2), the first subparagraph of Article 19(1) and Article 38 shall be conferred on the Commission for a period of five years from 28 June 2013. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3 The delegation of power referred to in Article 5(5), the second subparagraph of Article 17(2), the first subparagraph of Article 19(1) and Article 38 may be revoked at any time by the

European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4 As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5 A delegated act adopted pursuant to Article 5(5), the second subparagraph of Article 17(2), the first subparagraph of Article 19(1) and Article 38 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

Article 40

Urgency procedure

1 Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.

2 Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 39(5). In such a case, the Commission shall repeal the act without delay following the notification of the decision to object by the European Parliament or by the Council.

Article 41

Committee procedure

1 The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health established by Article 58 of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁽¹⁾. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2 Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a simple majority of committee members so requests.

3 Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.

Status: This is the original version (as it was originally adopted).

Article 42

Penalties

The Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.

The Member States shall notify those provisions and any subsequent amendments affecting them to the Commission without delay.

(1) OJ L 31, 1.2.2002, p. 1.