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COMMISSION IMPLEMENTING REGULATION (EU) …/...

of XXX

amending Annexes IV, VIII, XIII, XIV and XV to Implementing Regulation (EU) 2021/404 as regards the lists of third countries or territories, or zones thereof, authorised for the entry into the Union of consignments of certain animals and products of animal origin, and correcting Annex XIV thereto as regards the list of third countries or territories, or zones thereof, authorised for the entry into the Union of consignments of fresh meat of poultry and game birds

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health (‘Animal Health Law’)[[1]](#footnote-2), and in particular Articles 230(1), 232(1) and 232(3) thereof,

Whereas:

1. Regulation (EU) 2016/429 lays down, *inter alia*, the animal health requirements for the entry into the Union of consignments of animals, germinal products and products of animal origin. One of those animal health requirements is that those consignments must come from a third country or territory, or zone or compartment thereof, listed in accordance with Article 230(1) of that Regulation.
2. Commission Delegated Regulation (EU) 2020/692[[2]](#footnote-3) supplements Regulation (EU) 2016/429 as regards the animal health requirements for the entry into the Union of consignments of certain species and categories of animals, germinal products and products of animal origin from third countries or territories, or zones or compartments thereof. Delegated Regulation (EU) 2020/692 provides that consignments of animals, germinal products and products of animal origin falling within its scope are only to be permitted to enter into the Union if they come from a third country or territory, or zone or compartment thereof, listed for the particular species and categories of animals, germinal products and products of animal origin.
3. Commission Implementing Regulation (EU) 2021/404[[3]](#footnote-4) lays down the lists of third countries or territories, or zones or compartments thereof, from which the entry into the Union of consignments of species and categories of animals, germinal products and products of animal origin, that fall within the scope of Delegated Regulation (EU) 2020/692, is permitted. The lists and certain general rules concerning the lists are set out in Annexes I to XXII to that Implementing Regulation.
4. Annex IV to Implementing Regulation (EU) 2021/404 sets out the list of third countries or territories, or zones thereof, authorised for the entry into the Union of consignments of equine animals. South Africa is listed in that Annex, assigned to Sanitary Group F and regionalised as zone ZA-1, restricted to the Metropolitan area of Cape Town. The entry into the Union of consignments of registered horses from this zone has been suspended since 3 May 2011.
5. A Commission audit[[4]](#footnote-5) took place in South Africa in October 2022 to evaluate the animal health controls in relation to the entry into the Union of consignments of registered equine animals, and in particular the animal health guarantees as regards African horse sickness (AHS). The outcome of that audit showed that South Africa has made considerable progress in recent years to improve the level of surveillance and control of AHS within the controlled area. However, some shortcomings were also identified. South Africa has provided an action plan to comply with the recommendations formulated in the audit report, and additional guarantees as regards surveillance and control of AHS for the purpose of the entry into the Union of consignments of registered horses.
6. In the light of those guarantees provided by South Africa, the entry into the Union of consignments of registered horses from the zone ZA-1 should be re-authorised under specific conditions regarding additional risk-mitigating measures for AHS. Therefore, a specific condition “AHS-ZA” in column 6 of the table in Part 1 of Annex IV to Implementing Regulation (EU) 2021/404 and the opening date in column 9 of that table should be inserted for the zone ZA-1 in South Africa. Additionally, a description of the specific condition “AHS-ZA” should be set out in Part 3 of Annex IV to Implementing Regulation (EU) 2021/404.
7. Commission Implementing Regulation (EU) 2024/351[[5]](#footnote-6) amended Annex II to Commission Implementing Regulation (EU) 2021/403[[6]](#footnote-7) by deleting the model animal health certificate and the model declaration for transit through the Union of consignments of equine animals not intended for slaughter (model 'EQUI-TRANSIT-X'), and the model animal health certificate and the model declaration for transit through the Union of consignments of equine animals intended for slaughter (model 'EQUI-TRANSIT-Y'), as no specific requirements for transit through the Union of equine animals are laid down in Delegated Regulation (EU) 2020/692. In addition, Implementing Regulation (EU) 2024/351 amended the model animal health certificate and model declaration for the re-entry into the Union of consignments of registered horses for racing after temporary export for a period of not more than 90 days to participate in specific race events (model ‘EQUI-RE-ENTRY-90-RACE’) by the addition of the Bahrain Turf Series and the Saudi Cup therein. Therefore, references to 'EQUI-TRANSIT-X' and 'EQUI-TRANSIT-Y' should be deleted from column 5 of the table in Part 1 of Annex IV to Implementing Regulation (EU) 2021/404, while references to ‘EQUI-RE-ENTRY-90-RACE’ should be updated and remain in column 5 of that table for the United Arab Emirates, Australia, Bahrain, Canada, Hong Kong, Japan, Qatar, Saudi Arabia, Singapore and the United States, as the model ‘EQUI-RE-ENTRY-90-RACE’ includes specific race events only in those third countries.
8. Annex VIII to Implementing Regulation (EU) 2021/404 sets out the list of third countries or territories, or zones thereof authorised for the entry into the Union of consignments of dogs, cats and ferrets together with the specific conditions to be met by such consignments in order for them to be permitted to enter into the Union.
9. Checks carried out in the recent years at border control posts by the competent authorities of Member States have shown repetitive non-compliances with certain Union requirements as regards consignments of dogs, cats and ferrets entering into the Union from Belarus and Russia, and in particular as regards rabies preventive measures and their certification. As a result of those non-compliances, Commission Implementing Regulation (EU) [SANTE PLAN/3005/2023][[7]](#footnote-8) updated the list of territories and third countries, set out in Part 2 of Annex II to Commission Implementing Regulation (EU) No 577/2013[[8]](#footnote-9) from where a rabies antibody titration test is not mandatory for dogs, cats and ferrets entering into the Union, in order to delete the entries for Belarus and Russia from that list.
10. To take account of Article 76 of Delegated Regulation (EU) No 2020/692, in the interest of clarity of Union legislation, it is necessary to reflect the recent updates made to the list set out in Part 2 of Annex II to Regulation (EU) No 577/2013 as regards the entries for Belarus and Russia, by indicating in column 5 of the table in Part 1 of Annex VIII to Implementing Regulation (EU) 2021/404 the specific condition for dogs, cats and ferrets to have a valid rabies antibody titration test before entering into the Union from Belarus and Russia. Those amendments to Part 1 of Annex VIII to Regulation (EU) 2021/404 should apply from 16 September 2024, as that is the date of application of Implementing Regulation (EU) [SANTE PLAN/3005/2023].
11. Annex XIII to Implementing Regulation (EU) 2021/404 sets out the list of third countries or territories, or zones thereof authorised for the entry into the Union of consignments of fresh meat of ungulates. Certain states of Brazil are listed in that Annex as authorised for the entry into the Union of the consignments of fresh meat of bovine animals.
12. Brazil has informed the Commission that some of the states of Brazil currently listed for the entry into the Union of fresh meat of bovine animals with a specific condition ‘Controlled vaccination programme’ in column 5 of the table in Part 1 of Annex XIII to Implementing Regulation (EU) 2021/404 have stopped vaccinating the relevant animals against foot and mouth disease due to a favourable epidemiological situation of that disease, and that those states have been recognised internationally as free from foot and mouth disease without vaccination, in accordance with the procedure of the WOAH for the official recognition of disease status[[9]](#footnote-10).
13. Following an audit of the Commission, carried out from 10 to 27 October 2023, in order to evaluate the animal health control system and in particular for foot and mouth disease in Brazil[[10]](#footnote-11), and further exchanges with that third country, the conditions laid down in Union law for the entry into the Union of consignments of fresh meat of bovine animals applicable for a third country or territory, or zone thereof in which vaccination against foot and mouth disease is not carried out have been met by certain Brazilian states which have stopped vaccination and which were recognised as free from foot and mouth disease without vaccination by the WOAH. Therefore, the specific condition ‘Controlled vaccination programme’ referred to in column 5 of the table in Part 1 of Annex XIII to Implementing Regulation (EU) 2021/404 should be replaced by the specific condition ‘No vaccination carried out’ for the states therein.
14. In addition, the description of the specific condition ‘Controlled vaccination programme’ in Part 3 of Annex XIII to Implementing Regulation (EU) 2021/404 should be further clarified by referring to the situations when the competent authority of a third country or territory, or zone thereof has ceased to vaccinate animals against foot and mouth disease due to a favourable epidemiological situation as regards that disease.
15. Finally, the description of the specific condition ‘No vaccination carried out’ in Part 3 of Annex XIII to Implementing Regulation (EU) 2021/404 should be further clarified by deleting the reference to the regular serological surveillance as other methods of surveillance can also be carried out by the competent authority of a third country or territory to demonstrate the absence of foot and mouth disease virus.
16. Section B of Part 1 of Annex XIV to Implementing Regulation (EU) 2021/404 sets out the list of third countries, territories, or zones thereof authorised for the entry into the Union of consignments of fresh meat of poultry and game birds.
17. Moldova has applied to the Commission to be authorised for the entry into the Union of consignments of fresh meat of poultry, and it has provided guarantees regarding compliance with the requirements for the notification and reporting of the listed diseases referred to in Annex I to Delegated Regulation (EU) 2020/692 relevant for fresh meat of poultry, and guarantees regarding compliance with the relevant Union animal health requirements, or with equivalent requirements. A Commission audit[[11]](#footnote-12) took place in Moldova in November 2023 to evaluate the application of disease control measures for the export of fresh meat of poultry into the Union. The outcomes of that audit showed that Moldova has made considerable progress in addressing the previous recommendations. The competent authority of Moldova has also provided a satisfactory action plan for the recommendations formulated in the audit report.
18. However, since 29 December 2023, Moldova has notified the Commission of several outbreaks of highly pathogenic avian influenza (HPAI) in poultry. Following those outbreaks, Moldova has established restricted zones of at least 10 km around the affected establishments and implemented a stamping-out policy in order to control the presence of HPAI and limit the spread of that disease.
19. Moldova has also submitted information to the Commission on the epidemiological situation on its territory and the measures it has taken to prevent the further spread of HPAI. On the basis of the Commission’s evaluation and in order to protect the animal health status of the Union, the entry into the Union of consigments of fresh meat of poultry should be authorised from the whole territory of Moldova, except for the districts which were affected by the recent outbreaks of HPAI. Therefore, as regionalisation is applied in that third country, the zone MD-1 should be listed in column 2 of the table set out in Section B of Part 1 of Annex XIV to Implementing Regulation (EU) 2021/404, and an entry for Moldova with a description of that zone should be inserted in the table set out in Part 2 of that Annex.
20. Annex XV to Implementing Regulation (EU) 2021/404 sets out the list of third countries or territories, or zones thereof authorised for the entry into the Union of consignments of meat products from ungulates, poultry and game birds. Montenegro is listed in that Annex for meat products of porcine animals, either kept or wild, with the assigned specific risk-mitigating treatment D provided for in Annex XXVI to Delegated Regulation (EU) 2020/692.
21. In January 2024, Montenegro notified the Commission of a first occurrence of African swine fever, which is an infectious viral disease affecting kept and wild porcine animals, in wild boar. Taking account of the new epidemiological situation as regards African swine fever in Montenegro and considering that the minimum temperature of 70°C referred to in the risk-mitigating treatment D is not effective to inactivate the African swine fever virus, the more severe risk-mitigating treatment C should be assigned to Montenegro for the entry into the Union of consignments of meat products of kept porcine animals from that third country. In addition, the use of the risk-mitigating treatment D should be limited for Montenegro to the treatment for raw ham consisting of natural fermentation and maturation of not less than nine months and resulting in certain characteristics as provided for in the description of the treatment D in Annex XXVI to Delegated Regulation (EU) 2020/692.
22. Furthermore, due to a higher risk for the disease transmission through meat products of wild porcine animals, the entry into the Union of consignments of such meat products of wild porcine animals, except for domestic breeds, from Montenegro should be suspended. Therefore, the entry for that third country in Section A of Part 1 of Annex XV to Implementing Regulation (EU) 2021/404 should be amended.
23. Annexes IV, VIII, XIII, XIV and XV to Implementing Regulation (EU) 2021/404 should, therefore, be amended accordingly.
24. Furthermore, Annex XIV to Implementing Regulation (EU) 2021/404 sets out the list of third countries or territories, or zones thereof, authorised for the entry into the Union of consignments of fresh meat of poultry and game birds. The erroneous references to the columns for specific conditions and for animal health guarantees of the table set out in Section B of Part 1 of that Annex should be corrected in the titles of Parts 3 and 4 thereof.
25. Annex XIV to Implementing Regulation (EU) 2021/404 should, therefore, be corrected accordingly.
26. The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Implementing Regulation (EU) 2021/404

Annexes IV, VIII, XIII, XIV and XV to Implementing Regulation (EU) 2021/404 are amended in accordance with Part A of the Annex to this Regulation.

Article 2

Corrections to Implementing Regulation (EU) 2021/404

Annex XIV to Implementing Regulation (EU) 2021/404 is corrected in accordance with Part B of the Annex to this Regulation.

Article 3

Entry into force and application

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Point 2(a) and (b) of Part A of the Annex shall apply from 16 September 2024.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission

The President

Ursula VON DER LEYEN

1. OJ L 84, 31.3.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/429/oj. [↑](#footnote-ref-2)
2. Commission Delegated Regulation (EU) 2020/692 of 30 January 2020 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for entry into the Union, and the movement and handling after entry of consignments of certain animals, germinal products and products of animal origin (OJ L 174, 3.6.2020, p. 379, ELI:  <http://data.europa.eu/eli/reg_del/2020/692/oj>). [↑](#footnote-ref-3)
3. Commission Implementing Regulation (EU) 2021/404 of 24 March 2021 laying down the lists of third countries, territories or zones thereof from which the entry into the Union of animals, germinal products and products of animal origin is permitted in accordance with Regulation (EU) 2016/429 of the European Parliament and the Council (OJ L 114, 31.3.2021, p. 1, ELI:  <http://data.europa.eu/eli/reg_impl/2021/404/oj>). [↑](#footnote-ref-4)
4. DG(SANTE) 2022-7514, <https://ec.europa.eu/food/audits-analysis/audit-report/details/4650> [↑](#footnote-ref-5)
5. Commission Implementing Regulation (EU) 2024/351 of 17 January 2024 amending Implementing Regulation (EU) 2021/403 as regards model animal health certificates, model animal health/official certificates, model declarations and model official declarations for the entry into the Union of consignments of certain categories of terrestrial animals and germinal products thereof (OJ L 2024/351, 9.2.2024, p. 1, ELI: http://data.europa.eu/eli/reg\_impl/2024/351/oj) [↑](#footnote-ref-6)
6. Commission Implementing Regulation (EU) 2021/403 of 24 March 2021 laying down rules for the application of Regulations (EU) 2016/429 and (EU) 2017/625 of the European Parliament and of the Council as regards model animal health certificates and model animal health/official certificates, for the entry into the Union and movements between Member States of consignments of certain categories of terrestrial animals and germinal products thereof, official certification regarding such certificates and repealing Decision 2010/470/EU (OJ L 113, 31.3.2021, p. 1, ELI: http://data.europa.eu/eli/reg\_impl/2021/403/oj). [↑](#footnote-ref-7)
7. Commission Implementing Regulation (EU) No [[SANTE PLAN/3005/2023] amending Implementing Regulation (EU) No 577/2013 on the model identification documents for the non-commercial movement of dogs, cats and ferrets, the establishment of lists of territories and third countries and the format, layout and language requirements of the declarations attesting compliance with certain conditions provided for in Regulation (EU) No 576/2013 of the European Parliament and of the Council (OJ L […], dd/mm/yyyy, p .[…], ELI: […]).  
    [↑](#footnote-ref-8)
8. Commission Implementing Regulation (EU) No 577/2013 of 28 June 2013 on the model identification documents for the non-commercial movement of dogs, cats and ferrets, the establishment of lists of territories and third countries and the format, layout and language requirements of the declarations attesting compliance with certain conditions provided for in Regulation (EU) No 576/2013 of the European Parliament and of the Council (OJ L 178 28.6.2013, p. 109, ELI: http://data.europa.eu/eli/reg\_impl/2013/577/2021-01-01). [↑](#footnote-ref-9)
9. https://www.woah.org/en/disease/foot-and-mouth-disease/#ui-id-2 [↑](#footnote-ref-10)
10. DG(SANTE) 2023-7917, <https://ec.europa.eu/food/audits-analysis/audit-report/details/4720> [↑](#footnote-ref-11)
11. DG(SANTE) 2023-8070. [↑](#footnote-ref-12)