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[...] (2021) **XXX** draft

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

amending Implementing Regulations (EU) 2020/2235, 2020/2236 and [C(2021)1801] as regards transitional provisions for the use of animal health certificates, animal health/official certificates and official certificates

(Text with EEA relevance)

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(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, and in particular Article 146(2), Article 156(2), first subparagraph, point (a), and Articles 162(5), 168(4), 213(2) 224(4), 238(3) and 239(3) thereof,

Having regard to Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation)², and in particular Article 90, Article 126(3) and Article 134, first subparagraph, point (f) thereof,

Whereas:

- (1) Commission Implementing Regulations (EU) 2020/2235³, (EU) 2020/2236⁴ and (EU) [C(2021)1801]⁵ lay down models of animal health certificates, animal health/official

¹ OJ L 84, 31.3.2016, p. 1.

² OJ L 95, 7.4.2017, p. 1.

³ Commission Implementing Regulation (EU) 2020/2235 of 16 December 2020 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, model official certificates and model animal health/official certificates, for the entry into the Union and movements within the Union of consignments of certain categories of animals and goods, official certification regarding such certificates and repealing Regulation (EC) No 599/2004, Implementing Regulations (EU) No 636/2014 and (EU) 2019/628, Directive 98/68/EC and Decisions 2000/572/EC, 2003/779/EC and 2007/240/EC (OJ L 442, 30.12.2020, p. 1.).

⁴ Commission Implementing Regulation (EU) 2020/2236 of 16 December 2020 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 for the entry into the Union and movements within the Union of consignments of aquatic animals and of certain products of animal origin from aquatic animals, official certification regarding such certificates and repealing Regulation (EC) No 1251/2008 (OJ L 442, 30.12.2020, p. 410).

⁵ Commission Implementing Regulation (EU) [C(2021)1801].../... of laying down rules for the application of Regulations (EU) 2016/429 and 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

certificates and official certificates required to accompany movements within the Union and for entry into the Union of consignments of animals and goods.

- (2) To facilitate the transition to the use of the new animal health certificates and animal health/official certificates for movements of consignments within the Union and between Member States and to allow for appropriate training of operators and of staff of competent authorities in all Member States, it is necessary to establish a transitional period during which the competent authorities in the Member States should be able to use certificates issued in accordance with legislation applicable before the date of application of Implementing Regulations (EU) 2020/2235, (EU) 2020/2236 and (EU) [C(2021)1801].
- (3)
- (4) Implementing Regulation (EU) 2020/2235 provides for a transitional period for the entry into the Union of consignments of products of animal origin, composite products, sprouts intended for human consumption and seeds intended for the production of sprouts for human consumption which are accompanied by the appropriate certificate issued in accordance with the models laid down in Commission Regulation (EU) No 28/2012⁷ and Commission Implementing Regulation (EU) 2019/628⁸. Therefore, in the interest of legal certainty, the duration of the transitional period for use of such certificates should be clarified.
- (5) Implementing Regulation (EU) 2020/2235 repeals Commission Regulation (EC) No 599/2004⁹ with effect from 21 April 2021. That Regulation lays down the harmonised model template of certificates for intra-Union movements of consignments of animals and goods. In addition, that Regulation provides for the compatibility of harmonised model template of certificates with the Trade Control and Expert System (TRACES) and facilitates the system of certification and notification of intra-Union movements of such consignments. To enable the further use in TRACES of certificates issued in accordance with legislation applicable before 21 April 2021, the date of the repeal of that Regulation should be amended in view of the end of the transitional periods in Implementing Regulations (EU) 2020/2236 and (EU) [C(2021)1801], as amended by this Regulation.
- (6) Implementing Regulation (EU) 2020/2236 provides for a transitional period for the entry into the Union of consignments of aquatic animals and products of animal origin from aquatic animals which are accompanied by the appropriate animal health certificate issued in accordance with Commission Regulation (EC) No 1251/2008¹⁰. Therefore, in the interest of legal certainty, the duration of the transitional period for use of such certificates should be clarified.

categories of terrestrial animals and germinal products thereof, official certification regarding such certificates and repealing Decision 2010/470/EU (OJ L XXX, XX.XX.XXXX, p. X).

⁷ Commission Regulation (EU) No 28/2012 of 11 January 2012 laying down requirements for the certification for imports into and transit through the Union of certain composite products and amending Decision 2007/275/EC and Regulation (EC) No 1162/2009 (OJ L 12, 14.1.2012, p. 1).

⁸ Commission Implementing Regulation (EU) 2019/628 of 8 April 2019 concerning model official certificates for certain animals and goods and amending Regulation (EC) No 2074/2005 and Implementing Regulation (EU) 2016/759 as regards these model certificates (OJ L131, 17.5.2019, p. 101).

⁹ Commission Regulation (EC) No 599/2004 of 30 March 2004 concerning the adoption of a harmonised model certificate and inspection report linked to intra-Community trade in animals and products of animal origin (OJ L 94, 31.3.2004, p. 44).

¹⁰ Commission Regulation (EC) No 1251/2008 of 12 December 2008 implementing Council Directive 2006/88/EC as regards conditions and certification requirements for the placing on the market and the import into the Community of aquaculture animals and products thereof and laying down a list of vector species (OJ L 337, 16.12.2008, p. 41).

- (7) In order to facilitate the necessary arrangements by the competent authorities to ensure compliance with Implementing Regulation (EU) 2020/2236 for movements within the Union of consignments of aquatic animals and products of animal origin from aquatic animals, a transitional period should be introduced during which consignments may be accompanied by the appropriate animal health certificate issued in accordance with Regulation (EC) No 1251/2008.
- (8) Implementing Regulation (EU) [C(2021)1801] provides for a transitional period for the entry into the Union of consignments of terrestrial animals and germinal products thereof which are accompanied by the appropriate certificate issued in accordance with the models laid down in Commission Regulations (EC) No 798/2008¹¹ and (EU) No 206/2010¹², Commission Implementing Regulations (EU) No 139/2013¹³ and (EU) 2018/659¹⁴, Commission Decisions 2006/168/EC¹⁵ and 2010/472/EU¹⁶, as well as in accordance with Commission Implementing Decisions 2011/630/EU¹⁷, 2012/137/EU¹⁸ and (EU) 2019/294¹⁹. Therefore, in the interest of legal certainty, the duration of the transitional period for use of such certificates should be clarified.
- (9) In order to facilitate the necessary arrangements by the competent authorities to ensure compliance with Implementing Regulation (EU) [C(2021)1801] for movements between Member States of consignments of terrestrial animals and germinal products thereof, a transitional period should be introduced during which consignments may be accompanied by the appropriate certificate issued in accordance with Council Directives 64/432/EEC²⁰, 88/407/EEC²¹, 89/556/EEC²², 90/429/EEC²³, 91/68/EEC²⁴,

¹¹ Commission Regulation (EC) No 798/2008 of 8 August 2008 laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements (OJ L 226, 23.8.2008, p. 1).

¹² Commission Regulation (EU) No 206/2010 of 12 March 2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the European Union of certain animals and fresh meat and the veterinary certification requirements (OJ L 73, 20.3.2010, p. 1).

¹³ Commission Implementing Regulation (EU) No 139/2013 of 7 January 2013 laying down animal health conditions for imports of certain birds into the Union and the quarantine conditions thereof (OJ L 47, 20.2.2013, p. 1).

¹⁴ Commission Implementing Regulation (EU) 2018/659 of 12 April 2018 on the conditions for the entry into the Union of live equidae and of semen, ova and embryos of equidae (OJ L 110, 30.4.2018, p. 1).

¹⁵ Commission Decision 2006/168/EC of 4 January 2006 establishing the animal health and veterinary certification requirements for imports into the Community of bovine embryos and repealing Decision 2005/217/EC (OJ L 57, 28.2.2006, p. 19).

¹⁶ Commission Decision 2010/472/EU of 26 August 2010 on imports of semen, ova and embryos of animals of the ovine and caprine species into the Union (OJ L 228, 31.8.2010, p. 74).

¹⁷ Commission Implementing Decision 2011/630/EU of 20 September 2011 on imports into the Union of semen of domestic animals of the bovine species (OJ L 247, 24.9.2011, p. 32).

¹⁸ Commission Implementing Decision 2012/137/EU of 1 March 2012 on imports into the Union of semen of domestic animals of the porcine species (OJ L 64, 3.3.2012, p. 29).

¹⁹ Commission Implementing Decision (EU) 2019/294 of 18 February 2019 laying down the list of territories and third countries authorised for imports into the Union of dogs, cats and ferrets and the model animal health certificate for such imports (OJ L 48, 20.2.2019, p. 41).

²⁰ Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine (OJ L 21, 29.7.1964, p. 1977).

²¹ Council Directive 88/407/EEC of 14 June 1988 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species (OJ L 194, 22.7.1988, p. 10).

²² Council Directive 89/556/EEC of 25 September 1989 on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species (OJ L 302, 19.10.1989, p. 1).

²³ Council Directive 90/429/EEC of 26 June 1990 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species (OJ L 224, 18.8.1990, p. 62).

²⁴ Council Directive 91/68/EEC of 28 January 1991 on animal health conditions governing intra-Community trade in ovine and caprine animals (OJ L 46, 19.2.1991, p. 19).

92/65/EEC²⁵, 2009/156/EC²⁶ and 2009/158/EC²⁷, as well as in accordance with Commission Decision 2010/470/EU²⁸.

- (10) As Implementing Regulations (EU) 2020/2235, (EU) 2020/2236 and (EU) [C(2021)1801] apply with effect from 21 April 2021, this Regulation should also apply from that date.
- (11) 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

Amendment to Implementing Regulation (EU) 2020/2235

Article 35 of Implementing Regulation (EU) 2020/2235 is replaced by the following:

'Article 35

Transitional provisions

1. Consignments of products of animal origin, composite products, sprouts intended for human consumption and seeds intended for the production of sprouts for human consumption accompanied by the appropriate certificate issued in accordance with the models laid down in Regulation (EU) No 28/2012 and Implementing Regulation (EU) 2019/628 shall be accepted for entry into the Union until 20 October 2021 provided that the certificate was signed by the person authorised to sign the certificate in accordance with that Regulation and Implementing Regulation before 21 August 2021.
2. **The** harmonised model template of certificates for intra-Union movements laid down in **Regulation (EC) No 599/2004** shall be accepted for movements within the Union until 17 October 2021.
3. References to provisions of repealed acts within the certificates **and in the Annex to Regulation (EC) No 599/2004** shall be construed as references to corresponding replacement provisions and shall be read in accordance with the correlation tables, where applicable.'.

Article 2

Amendment to Implementing Regulation (EU) 2020/2236

Article 10 of Implementing Regulation (EU) 2020/2236 is replaced by the following:

²⁵ 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 (OJ L 268, 14.9.1992, p. 54).

²⁶ Council Directive 2009/156/EC of 30 November 2009 on animal health conditions governing the movement and importation from third countries of equidae (OJ L 192, 23.7.2010, p. 1).

²⁷ Council Directive 2009/158/EC of 30 November 2009 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs (OJ L 343, 22.12.2009, p. 74).

²⁸ Commission Decision 2010/470/EU of 26 August 2010 laying down model health certificates for trade within the Union in semen, ova and embryos of animals of the equine, ovine and caprine species and in ova and embryos of animals of the porcine species (OJ L 228, 31.8.2010, p. 15).

Article 10

Transitional provisions

1. Consignments of aquatic animals and products of animal origin from aquatic animals accompanied by the appropriate animal health certificate issued in accordance with the model laid down in Regulation (EC) No 1251/2008 shall be accepted for entry into the Union until 20 October 2021 provided that the animal health certificate was signed by an official inspector before 21 August 2021.
2. Consignments of aquatic animals and products of animal origin from aquatic animals accompanied by the appropriate animal health certificate issued in accordance with the model laid down in Regulation (EC) No 1251/2008 shall be accepted for movements within the Union until 17 October 2021.
3. References to provisions of repealed acts within the certificates shall be construed as references to corresponding replacement provisions and shall be read in accordance with the correlation tables, where applicable.’.

Article 3

Amendment to Implementing Regulation (EU) [C(2021)1801]

Article 27 of Implementing Regulation (EU) [C(2021)1801] is replaced by the following:

Article 27

Transitional provisions

1. Consignments of terrestrial animals and germinal products thereof accompanied by the appropriate certificate issued in accordance with the models laid down in Regulations (EC) No 798/2008 and (EU) No 206/2010, Implementing Regulations (EU) No 139/2013 and (EU) 2018/659, Decisions 2006/168/EC and 2010/472/EU, as well as in accordance with Implementing Decisions 2011/630/EU, 2012/137/EU and (EU) 2019/294, shall be accepted for entry into the Union until 20 October 2021 provided that the certificate was signed by the person authorised to sign the certificate in accordance with those Regulations, Implementing Regulations, Decisions and Implementing Decisions before 21 August 2021.
2. Consignments of certain categories of ungulates accompanied by the appropriate certificate issued in accordance with the models laid down in Council Directives 64/432/EEC*, 91/68/EEC**, Directive 92/65/EEC and Council Directive 2009/156/EC*** shall be accepted for movements between Member States until 17 October 2021.
3. Consignments of certain categories of birds and germinal products thereof accompanied by the appropriate certificate issued in accordance with the model laid down in Council Directive 2009/158/EC**** shall be accepted for movements between Member States until 17 October 2021.
4. Consignments of certain types of germinal products of bovine animals accompanied by the appropriate certificate issued in accordance with the models laid down in Directives 88/407/EEC and 89/556/EEC shall be accepted for movements between Member States until 17 October 2021.
5. Consignments of certain types of germinal products of ovine and caprine animals accompanied by the appropriate certificate issued in accordance with

the model laid down in Decision 2010/470/EU shall be accepted for movements between Member States until 17 October 2021.

6. Consignments of certain types of germinal products of porcine animals accompanied by the appropriate certificate issued in accordance with the models laid down in Directive 90/429/EEC and Decision 2010/470/EU shall be accepted for movements between Member States until 17 October 2021.
7. Consignments of certain types of germinal products of equine animals accompanied by the appropriate certificate issued in accordance with the model laid down in Decision 2010/470/EU shall be accepted for movements between Member States until 17 October 2021.
8. Consignments of certain categories of bees accompanied by the appropriate certificate issued in accordance with the model laid down in Directive 92/65/EEC shall be accepted for movements between Member States until 17 October 2021.
9. Consignments of certain categories of terrestrial animals and certain germinal products thereof accompanied by the appropriate certificate issued in accordance with the model laid down in Directive 92/65/EEC shall be accepted for movements between Member States until 17 October 2021.
10. References to provisions of repealed acts within the certificates shall be construed as references to corresponding replacement provisions and shall be read in accordance with the correlation tables, where applicable.

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- * Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine (OJ L 121, 29.7.1964, p. 1977).
 - ** Council Directive 91/68/EEC of 28 January 1991 on animal health conditions governing intra-Community trade in ovine and caprine animals (OJ L 46, 19.2.1991, p. 19).
 - *** Council Directive 2009/156/EC of 30 November 2009 on animal health conditions governing the movement and importation from third countries of equidae (OJ L 192, 23.7.2010, p. 1).
 - **** Council Directive 2009/158/EC of 30 November 2009 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs (OJ L 343, 22.12.2009, p. 74).²

Article 4

Entry into force and application

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

It shall apply from 21 April 2021.

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