



Brussels, 14.7.2021
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COMMISSION DELEGATED REGULATION (EU) .../...

of 14.7.2021

amending and correcting Delegated Regulation (EU) 2020/688 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council, as regards animal health requirements for movements within the Union of terrestrial animals and hatching eggs

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

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 lays down rules on transmissible animal diseases and rules for animal health requirements for movements within the Union of terrestrial animals and hatching eggs.

Commission Delegated Regulation (EU) 2020/688² supplements the rules for the prevention and control of animal diseases transmissible to animals or to humans laid down in Article 5(1) of Regulation (EU) 2016/429 as regards movements within the Union of kept terrestrial animals, wild terrestrial animals and hatching eggs.

The rules laid down in this Delegated Regulation amend Delegated Regulation (EU) 2020/688 and further clarify certain provisions in relation to the movement within the Union of kept ungulates, poultry, dogs, cats, ferrets and wild animals.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The Commission had meetings and exchanges with the Expert Group on animal health (E00930). The draft delegated regulation was also made available to the European Parliament and the Council, neither of which submitted comments. The Animal Health Advisory Committee met on 29 October 2020 with a range of stakeholders, where the main elements of the draft act were illustrated and discussed.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

3.1. Summary of the proposed action

This Delegated Regulation amends Delegated Regulation (EU) 2020/688 in relation to:

- (a) the rules for the movement of poultry to other Member States;
- (b) the specific rules for assembly operations in respect of ungulates;
- (c) the rules for the movement of dogs, cats and ferrets;
- (d) the rules for certification of movements of kept animals to other Member States;
- (e) the rules for the movement of wild animals to other Member States.

3.2. Legal basis

This Delegated Regulation is to be adopted pursuant to Regulation (EU) 2016/429, in particular Article 131(1), Article 135, Article 136(2), Article 140, Article 144(1), Article 147 and Article 156(1) thereof.

¹ OJ L 84, 31.3.2016, p. 1.

² Commission Delegated Regulation (EU) 2020/688 of 17 December 2019 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council, as regards animal health requirements for movements within the Union of terrestrial animals and hatching eggs (OJ L 174, 3.6.2020, p. 140).

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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')³, and in particular Article 131(1), Article 135, Article 136(2), Article 140, Article 144(1), Article 147 and Article 156(1) thereof,

Whereas:

- (1) Regulation (EU) 2016/429 lays down rules for the prevention and control of animal diseases that are transmissible to animals or humans. That Regulation lays down in its Part IV, Title I, Chapters 3, 4 and 5 the animal health requirements for movements within the Union of kept and wild terrestrial animals and germinal products thereof.
- (2) Commission Delegated Regulation (EU) 2020/688⁴ supplements the rules for the prevention and control of animal diseases transmissible to animals or to humans laid down in Article 5(1) of Regulation (EU) 2016/429 as regards movements within the Union of kept terrestrial animals, wild terrestrial animals and hatching eggs.
- (3) Part II, Chapter 3, Section 1 of Delegated Regulation (EU) 2020/688 lays down the requirements for movements of productive poultry, including the residency period in the establishment of origin. In particular, specific residency periods are laid down for productive poultry for the production of meat or eggs for consumption and for productive poultry for restocking supplies of game birds, but not for productive poultry for the production of other products. A specific residency period should, therefore, be laid down also for that category of productive poultry.
- (4) Article 36 of Delegated Regulation (EU) 2020/688 lays down the requirements for the movement of day-old chicks to another Member State and Article 37 thereof provides for a the derogation from the requirements for the movements of poultry in case of movements of less than 20 heads of poultry other than ratites, including day-old chicks, and lays down specific requirements for such movements. Articles 112 to 114 of Commission Delegated Regulation (EU) 2020/692⁵ lay down the animal health

³ OJ L 84, 31.3.2016, p. 1.

⁴ Commission Delegated Regulation (EU) 2020/688 of 17 December 2019 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council, as regards animal health requirements for movements within the Union of terrestrial animals and hatching eggs (OJ L 174, 3.6.2020, p. 140).

⁵ 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

requirements for movement and handling of poultry hatched from hatching eggs which have entered the Union from a third country or territory or zone thereof. In order to comply with those requirements Article 36 of Delegated Regulation (EU) 2020/688 provides that, in the case of day-old chicks that have hatched from hatching eggs which had entered the Union from a third country, territory or zone thereof and which are moved to another Member State, the competent authority of the Member State of origin should inform the competent authority of the Member State of intended destination. This requirement is, however, not included in Article 37 of that Regulation for the movements of less than 20 heads of poultry other than ratites when the movement concerns day-old chicks. For the sake of consistency, the information requirement in Delegated Regulation (EU) 2020/688 should, therefore, similarly apply to the movement between Member States of less than 20 heads of poultry other than ratites.

- (5) The definition of ‘assembly operation’, laid down in Article 4, point (49), of Regulation (EU) 2016/429, refers to a period which is shorter than the residency period established for the species of animals concerned for the purposes of assembling of kept terrestrial animals from more than one establishment. However, Delegated Regulation (EU) 2020/688 does not lay down a specific residency period for kept ungulates intended for slaughter, except for ovine and caprine animals intended for slaughter not individually identified in accordance with Article 45 of Commission Delegated Regulation (EU) 2019/2035⁶, for which a residency period is laid down in Article 18 of Delegated Regulation (EU) 2020/688. It is, therefore, necessary to specify the residency period in relation to the definition of assembly operation for those kept ungulates intended for slaughter for which a residency period is not laid down in Delegated Regulation (EU) 2020/688. This should only apply after the animals leave the establishment of origin.
- (6) ‘Assembly centre of dogs, cats and ferrets’ is defined in Article 2, point (7), of Delegated Regulation (EU) 2019/2035 and the requirements for granting the approval are laid down in Article 10 of that Regulation. Delegated Regulation (EU) 2020/688, however, does not provide for movements of dogs, cats and ferrets to another Member State from such assembly centres. In order to make the assembly centre of dogs, cats and ferrets functional, it is necessary to lay down requirements for the movement of dogs, cats and ferrets to other Member States when animals from more than one establishment are assembled after leaving the establishment of origin.
- (7) Delegated Regulation (EU) 2020/688 provides that racing pigeons moved to sporting events in another Member State are to comply with the requirements for the movement of captive birds, including the residency period, and are accompanied by an animal health certificate. However, these obligations limit the possibility for those animals to train for and participate in sporting events. Delegated Regulation (EU) 2020/688 should, therefore, be amended to exclude racing pigeons moved to sporting events in another Member State from the requirements to comply with a residency period and to be accompanied by an animal health certificate.

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).

⁶ Commission Delegated Regulation (EU) 2019/2035 of 28 June 2019 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for establishments keeping terrestrial animals and hatcheries, and the traceability of certain kept terrestrial animals and hatching eggs (OJ L 314, 5.12.2019, p. 115).

- (8) Article 101 of Delegated Regulation (EU) 2020/688 lays down requirements for movements of wild terrestrial animals from their habitat to a habitat or an establishment in another Member State. The rules in that Article apply to all species of terrestrial animals. However, the animal health requirements established in Article 101(4), point (c), and in Article 101(5) of Delegated Regulation (EU) 2020/688 are more specific and are only relevant for, and therefore should apply only to, animals of certain species. Therefore, it is necessary to amend Delegated Regulation (EU) 2020/688 and clarify that Article 101(4), point (c) and Article 101(5) of that Delegated Regulation apply only to wild animals of the species which are listed for each specific disease in accordance with Commission Implementing Regulation (EU) 2018/1882⁷.
- (9) Annex II to Delegated Regulation (EU) 2020/688 lays down the minimum pre-movement requirements as regards infection with *Mycobacterium tuberculosis* complex (*M. bovis*, *M. caprae* and *M. tuberculosis*) in caprine, camelid and cervid animals. However, the testing regime established in case of caprine and camelid animals kept on establishments where the disease has been reported is more restrictive than that for cervid animals. This difference is unnecessary and unjustified, and the testing regimes for caprine and camelid animals in Annex II of Delegated Regulation (EU) 2020/688 should, therefore, be corrected to provide for the same possibility of tests to be performed as that for cervid animals for that particular disease.
- (10) Furthermore, Part 1, point 2, of Annex II to Delegated Regulation (EU) 2020/688 provides for a derogation from the requirement for annual testing of all caprine animals kept on the establishment for breeding purposes, under specific conditions. It is necessary to amend Part 1, point 2(a), of Annex II to Delegated Regulation (EU) 2020/688 to clarify which of the provisions of Part 1, point 1, of that Annex should be fulfilled in case of such a derogation.
- (11) Delegated Regulation (EU) 2020/688 contains certain references to Commission Delegated Regulation (EU) 2020/689⁸ that are not accurate and should, therefore, be corrected.
- (12) In the interests of simplicity and transparency, as well as to facilitate the application of the rules and avoid duplication, these rules should be laid down in a single act rather than in a number of cross-referenced separate acts. This approach is also in line with the approach adopted in Regulation (EU) 2016/429 of the European Parliament and of the Council, which favours the streamlining of Union rules to facilitate their application and reduce the administrative burden, as well as in Delegated Regulation (EU) 2020/688,

HAS ADOPTED THIS REGULATION:

Article 1

Delegated Regulation (EU) 2020/688 is amended as follows:

1. in Article 34, paragraph 1 is amended as follows:

⁷ Commission Implementing Regulation (EU) 2018/1882 of 3 December 2018 on the application of certain disease prevention and control rules to categories of listed diseases and establishing a list of species and groups of species posing a considerable risk for the spread of those listed diseases (OJ L 308, 4.12.2018, p. 21).

⁸ Commission Delegated Regulation (EU) 2020/689 of 17 December 2019 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for surveillance, eradication programmes, and disease-free status for certain listed and emerging diseases (OJ L 174, 3.6.2020, p. 211).

- (a) in point (a)(ii), the first intend is replaced by the following:
 - ‘- 42 days prior to departure, in the case of breeding poultry and productive poultry for the production of meat, eggs for consumption or other products;’;
- (b) point (e) is replaced by the following:
 - ‘(e) the surveillance provided for in Article 3(1) of Delegated Regulation (EU) 2020/689 has not detected any confirmed case of infection with low pathogenic avian influenza viruses in the flock of origin of the animals during the last 21 days prior to departure;’;

2. Article 37 is replaced by the following:

Article 37

Derogation for movements of less than 20 heads of poultry other than ratites

1. By way of derogation from the requirements set out in Articles 34, 35 and 36, operators may move less than 20 heads of poultry other than ratites to another Member State when the following requirements are fulfilled:
 - (a) the animals come from flocks which have been continuously resident in a single registered establishment since hatching or for at least 21 days prior to departure;
 - (b) the animals come from flocks which show no clinical signs or suspicion of listed diseases relevant for the species;
 - (c) the surveillance provided for in Article 3(1) of Delegated Regulation (EU) 2020/689 has not detected any confirmed case of infection with low pathogenic avian influenza viruses in the flock of origin of the animals during the last 21 days prior to departure;
 - (d) the animals have had no contact with newly-arrived poultry or with birds of lower health status during the last 21 days prior to departure;
 - (e) in the case of ducks and geese, except those intended for slaughter, the animals have been subjected to a test for highly pathogenic avian influenza according to Annex IV, with negative results;
 - (f) the animals have been subjected to tests for infection with *Salmonella Pullorum*, *S. Gallinarum* and *S. arizonae* and for avian mycoplasmosis (*Mycoplasma gallisepticum* and *M. meleagridis*) in accordance with Annex V, with negative results;
 - (g) the relevant requirements related to vaccination as provided for in Article 41 and 42 for the specific category of poultry.
 2. In the case of day-old chicks hatched from hatching eggs which have entered into the Union from a third country or territory or zone thereof, the competent authority of the Member State of origin of those day-old chicks shall inform the competent authority of the Member State of intended destination that the hatching eggs had entered the Union from a third country.’;
3. in Article 43, the following paragraph (4) is added:
- ‘4. In case of kept ungulates intended for slaughter, except ovine and caprine animals not individually identified in accordance with Article 45 of Delegated

Regulation (EU) 2019/2035, the assembly of animals from more than one establishment for a period of less than 20 days, after leaving the establishment of origin, shall be considered as an assembly operation.’;

4. in Article 53, the following point is added:
- ‘(c) animals that are assembled after leaving their establishment of origin, are assembled in assembly centres of dogs, cats and ferrets approved in accordance with Article 10 of Delegated Regulation (EU) 2019/2035.’;

5. Article 68 is replaced by the following:

Article 68

Specific requirements for movements of racing pigeons to sporting events in another Member State

Operators shall only move racing pigeons to sporting events in another Member State when those animals fulfil the conditions in Article 59, with the exception of the residency period laid down in Article 59(1), point (a).’;

6. in Article 71, paragraph 1 is replaced by the following:
- ‘1. Operators shall only move captive birds except racing pigeons to sporting events, honeybees, bumble bees except bumble bees from approved environmentally isolated production establishments, primates, dogs, cats, ferrets or other carnivores to another Member State if they are accompanied by an animal health certificate issued by the competent authority of the Member State of origin.’;

7. Article 81 is amended as follows:

- (a) paragraph 1 is replaced by the following:

‘1. The animal health certificate for captive birds, except those referred to in paragraph 2, that is issued by the competent authority of the Member State of origin in accordance with Article 71(1), shall contain the general information provided for in Part 1, point 1, of Annex VIII and an attestation of compliance with the requirements provided for in Article 59, and in Articles 61 and 62 where applicable for the specific category of birds.’;

- (b) paragraph 3 is deleted;

8. Article 101 is amended as follows:

- (a) in paragraph 4, point (c), the introduction phrase is replaced by the following:

‘(c) animals that are of listed species for the relevant diseases, come from a habitat in which the following diseases and infections have not been reported during the stipulated timeframes:’;

- (b) in paragraph 5, the introduction phrase is replaced by the following:

‘5. By way of derogation from paragraph 4(d) of this Article, the competent authority of the Member State of origin may authorise the movement of wild terrestrial animals belonging to the families of *Antilocapridae*, *Bovidae*, *Camelidae*, *Cervidae*, *Giraffidae*, *Moschidae* or *Tragulidae*, originating in a habitat which is not in compliance with at least one of the requirements for infection with Bluetongue virus (serotype 1-24) set out in Part II, Chapter 2, Section 1, points 1 to 3, of

Annex V to Delegated Regulation (EU) 2020/689 to another Member State or zone thereof:’.

Article 2

Delegated Regulation (EU) 2020/688 is corrected as follows:

Annex II is corrected in accordance with the Annex to this Regulation.

Article 3

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

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

Done at Brussels, 14.7.2021

For the Commission
The President
Ursula VON DER LEYEN