



Brussels, 21.10.2021  
C(2021) 7461 final

**COMMISSION DELEGATED REGULATION (EU) .../...**

**of 21.10.2021**

**amending Delegated Regulation (EU) 2020/692 as regards additional requirements for the entry into the Union of certain ungulates which originate in the Union, are moved to a third country or territory to participate in events, exhibitions, displays and shows and are then moved back to the Union**

(Text with EEA relevance)

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE DELEGATED ACT**

Commission Delegated Regulation (EU) 2020/692<sup>1</sup> lays down animal health requirements for the entry into the Union of animals, germinal products and products of animal origin. In particular, Part VI of that Delegated Regulation lays down special rules for the entry into the Union of certain commodities originating in the Union and returning to the Union based on Article 239(2) of Regulation (EU) 2016/429 of the European Parliament and of the Council<sup>2</sup>.

To facilitate their participation in events, exhibitions, displays and shows that take place outside the Union, this draft Delegated Regulation lays down special rules for the entry into the Union of ungulates that originate in the Union, are moved to a third country or territory to participate in such acts and are then moved back immediately to the Union.

### **2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT**

The Commission circulated the contents of this draft Delegated Regulation to members of the Expert Group on Animal Health (E00930).

### **3. LEGAL ELEMENTS OF THE DELEGATED ACT**

This Regulation is to be adopted within the framework of Regulation (EU) 2016/429, and in particular pursuant to Article 239(2) thereof.

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<sup>1</sup> 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).

<sup>2</sup> 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') (OJ L 84, 31.3.2016, p. 1).

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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')<sup>3</sup>, and in particular Article 239(2) thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2020/692<sup>4</sup> lays down, inter alia, animal health requirements for the entry into the Union of consignments of certain kept terrestrial animals. More particularly, Part VI of that Delegated Regulation lays down special rules for the entry into the Union of certain commodities originating in the Union and returning to the Union. At present, Article 177 of Delegated Regulation (EU) 2020/692 only includes special rules to be complied with by registered horses originating from and returning to the Union after temporary export to a third country or territory or zone thereof to participate in competitions, races or equestrian cultural events.
- (2) To facilitate their participation in events, exhibitions, displays and shows ('events') carried out outside the Union, it is necessary to provide for a derogation from certain general animal health requirements laid down in Article 11 of Delegated Regulation (EU) 2020/692 for consignments of ungulates that originate in the Union, are moved to a third country or territory or zone thereof to participate in events and are then moved back immediately to the Union. However, to minimise the risks to animal health and taking into account the current animal health situation as regards certain diseases affecting porcine animals and poultry, that derogation should be limited to certain species of ungulates, namely bovine, ovine and caprine animals ('derogation for ungulates'). Article 177 of Delegated Regulation (EU) 2020/692 should therefore be amended to include the derogation for ungulates.
- (3) The special rules for the derogation for ungulates should take into account the potential animal health risks that could arise from those types of movements for events, and be proportionate to the animal health risks involved. These special rules

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<sup>3</sup> OJ L 84, 31.3.2016, p. 1.

<sup>4</sup> 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).

should therefore be strict enough to ensure that the animals participating in the events do not come into contact with animals of a lower health status that do not comply with all the animal health requirements laid down in Union law.

- (4) Furthermore, given the similarity of the operations carried out in the events to the operations carried out in assembly centres, it is appropriate to establish requirements equivalent to those that are applicable to assembly centres in third countries or territories, which are laid down in Article 20(2), point (b), of Delegated Regulation (EU) 2020/692, which are based on the requirements applicable in the Union laid down in Commission Delegated Regulation (EU) 2019/2035<sup>5</sup>.
- (5) In addition to all those risk mitigating measures, it is also necessary to restrict the period during which the animals are exposed to the potential animal health risks posed by those types of movements to participate in the events and by their stay outside the Union territory.
- (6) Article 177 of Delegated Regulation (EU) 2020/692 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

Article 177 of Delegated Regulation (EU) 2020/692 is amended as follows:

1. the title is replaced by the following:

#### *'Article 177*

**Additional requirements for the entry into the Union of certain ungulates which originate in the Union, are moved to a third country or territory or zone thereof to participate in events, exhibitions, displays and shows and which are then moved back to the Union'**

2. the following paragraph is added:

'3. By way of derogation from Article 11, consignments of bovine, ovine and caprine animals that originate in the Union and are moved for a period not exceeding 15 days to a third country or territory or zone thereof to participate in events, exhibitions, displays or shows ('the event'), shall be permitted to enter the Union from that third country or territory provided that they comply with the following conditions:

- (a) the third country or territory or zone thereof where the event takes place is listed for the entry into the Union of the specific species of animals;
- (b) the establishment where the event takes place:
  - (i) complies with the requirements applicable to establishments conducting assembly operations of ungulates laid down in Article 20(2), point(b);
  - (ii) upon the arrival of the consignment at the establishment and for the entire duration of the event, only keeps bovine, ovine or caprine animals

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<sup>5</sup> 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).

that comply with all the relevant requirements laid down in Union law for the entry into the Union of such animals;

- (c) the dispatch of the consignment of animals from the Union to the establishment referred to in point (b) and from that establishment to the Union is carried out in means of transport that comply with the general requirements regarding means of transport of terrestrial animals laid down in Article 17 and without unloading in any other third country or territory or zone thereof;
- (d) the animals of the consignment had no contact with other animals of a lower health status from the moment of loading for dispatch from the Union to the establishment referred to in point (b) and for all the duration of the event until their arrival back to the Union.

#### *Article 2*

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, 21.10.2021

*For the Commission*  
*The President*  
*Ursula VON DER LEYEN*