II

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory)

DECISIONS

COMMISSION

COMMISSION DECISION

of 6 April 2009

amending Council Decision 79/542/EEC as regards the transport of animals by air, the transit of animals through certain third countries and the animal health certificates for certain meat from solipeds and for transit and storage of certain fresh meat

(notified under document number C(2009) 2273)

(Text with EEA relevance)

(2009/317/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption [1], and in particular the introductory phrase of Article 8, Article 8(4) and the third indent of Article 8(5) thereof,

Having regard to Council Directive 2004/68/EC of 26 April 2004 laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals, amending Directives 90/426/EEC and 92/65/EEC and repealing Directive 72/462/EEC [2], in particular Article 6(1) thereof,

Whereas:

(1) Council Decision 79/542/EEC of 21 December 1976 drawing up a list of third countries or parts of third countries, and laying down animal and public health and veterinary certification conditions, for importation into the Community of certain live animals and their fresh meat [3] establishes the sanitary conditions for the importation into the Community of live animals, excluding equidae, and for the importation of fresh meat of such animals, including equidae, but excluding meat preparations.

(2) Article 6 of Decision 79/542/EEC concerns transport of live animals for importation into the Community. The transport of such animals by air presents a risk for animal health in the Community, due to insect vectors of animal diseases that could be present in the means of air transport. It is therefore appropriate to provide for measures for disinfestation of the means of such transport in order to avoid the accidental introduction into the Community of potentially infected insect vectors together with imported animals.

(3) Decision 79/542/EEC provides that animals intended for import into the Community can transit only through third countries which are permitted to export animals of the same species to the Community. However, it is permitted to transit animals through certain third countries that are not permitted to export animals to the Community. Such transit is only permitted if the animals are intended for immediate slaughter once they have reached their final destination in the Community. The procedure for listing those third countries has been established taking into account several factors, in particular the animal health situation of the third country, the guarantees about the integrity of the animals during transit, the controls at the border inspection posts and at the final destination.

[1] OJ L 18, 23.1.2003, p. 11.
[2] OJ L 139, 30.4.2004, p. 321; corrected by OJ L 226, 25.6.2004, p. 128.
[3] OJ L 146, 14.6.1979, p. 15.

(4) Animal welfare and traceability aspects should also be taken into account when considering the transport of animals to the Community from or via third countries. The Community rules currently in force lead to a situation where bovine animals for fattening must be transported on longer routes, in order to avoid transit through certain third countries that are not permitted to export animals to the Community. This has a negative impact on animal welfare. It is therefore appropriate to extend also to bovine animals for fattening the possibility for transit through third countries that are not permitted to export animals to the Community.

(5) In addition, it is necessary to ensure an adequate animal health protection in the Community when animals for fattening are introduced after having transited through third countries that are not permitted to export animals to the Community. Appropriate measures should therefore be established, to be applied both during transit and at the final destination. Those measures should ensure the animal health status of the animals and the integrity of the consignment during transport, and limit further movements of the animals from the farms of destination in the Community.

(6) The farms of destination should be specifically designated by the competent veterinary authority of the Member State of destination. When designating such farms, the competent veterinary authority should, in particular, ensure a control of the animals throughout the period from the date of arrival on the farm until the date of slaughter.

(7) Decision 79/542/EEC, as amended by Commission Decision 2008/752/EC [1], includes a reference to the compulsorily notifiable diseases listed in Annex A to Council Directive 90/426/EEC [2] in the animal health certificates for certain meat from domestic and wild solipeds. However, since only African horse sickness and glanders may be transmitted through the meat, those certificates should include specific references only to those diseases.

(8) For reasons of clarity and consistency of Community legislation, the model of animal health certificate for 'Transit/Storage' should be deleted from Annex II to Decision 79/542/EEC and Annex III to that Decision should be replaced.

(9) Decision 79/542/EEC should therefore be amended accordingly.

(10) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Decision 79/542/EEC is amended as follows:

1. in Article 6(1), the following second subparagraph is added:

'Where the animals are transported by air, the crate or container in which they are transported and the surrounding area shall be sprayed with an appropriate insecticide immediately before the doors to the aircraft are closed and whenever the doors of the aircraft are opened subsequently before reaching the final destination.';

2. Annexes I, II and III are amended in accordance with the Annex to this Decision.

Article 2

This Decision shall apply from 1 March 2009.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 6 April 2009.

For the Commission
Androulla VASSILIOU
Member of the Commission

[1] OJ L 261, 30.9.2008, p. 1.
[2] OJ L 224, 18.8.1990, p. 42.

ANNEX

Annexes I, II and III to Decision 79/542/EEC are amended as follows:

1. in Part 1 of Annex I, in the part concerning 'Specific conditions', point 'I' is replaced by the following:

' "I": for transit through the territory of animals for direct slaughter or bovine animals for fattening which are consigned from a Member State and destined to another Member State in lorries which have been sealed with a serially numbered seal. The seal number must be entered on the health certificate issued in accordance with the model laid down in Annex F to Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine [1], for bovine animals and swine, and in accordance with Model I of Annex E to Council Directive 91/68/EEC of 28 January 1991 on animal health conditions governing intra-Community trade in ovine and caprine animals [2], for ovine and caprine animals. In addition, the seal must be intact on arrival at the designated border inspection post of entry into the Community and the seal number recorded in TRACES. The certificate must be stamped at the exit point of the Community by the competent veterinary authorities prior to transiting one or more third countries with the following appropriate wording "ONLY FOR TRANSIT BETWEEN DIFFERENT PARTS OF THE EUROPEAN UNION VIA THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA/MONTENEGRO/SERBIA (*) (**)"

Bovine animals for fattening must be transported directly to the farm of destination designated by the competent veterinary authority of destination. Those animals must not be moved from that farm unless for direct slaughter.

---

[1] OJ 121, 29.7.1964, p. 1977/64.
[2] OJ L 46, 19.2.1991, p. 19.
(*) Delete country as applicable.
(**) Serbia does not include Kosovo as defined by United Nations Security Council Resolution 1244 of 10 June 1999.';

2. Part 2 of Annex II is amended as follows:

(a) the 'Model of veterinary certificate EQU' is replaced by the following:

COUNTRY

'Model EQU
Veterinary certificate to EU

Part I: Details of dispatched consignment

I.1. Consignor Name Address Tel. No		I.2. Certificate reference number	I.2.a.
		I.3. Central Competent Authority	
		I.4. Local Competent Authority	
I.5. Consignee Name Address Postal code Tel. No		I.6.	
I.7. Country of origin ISO code	I.8. Region of origin Code	I.9. Country of destination ISO code	I.10. Region of destination Code
I.11. Place of origin Name Approval number Address		I.12.	
I.13. Place of loading		I.14. Date of departure	
I.15. Means of transport Aeroplane ☐ Ship ☐ Railway wagon ☐ Road vehicle ☐ Other ☐ Identification: Documentary references:		I.16. Entry BIP in EU	
		I.17.	
I.18. Description of commodity		I.19. Commodity code (HS code)	
		I.20. Quantity	
I.21. Temperature of product Ambient ☐ Chilled ☐ Frozen ☐		I.22. Number of packages	
I.23. Identification of container/Seal number		I.24. Type of packaging	
I.25. Commodities certified for: Human consumption ☐			
I.26.		I.27. For import or admission into EU ☐	

I.28. Identification of the commodities

Species (Scientific name)	Nature of commodity	Treatment type	Approval number of establishments: Abattoir	Cutting plant	Cold store	Number of packages	Net weight

COUNTRY **Model EQU**

Part II: Certification

II. **HEALTH INFORMATION**	II.a. Certificate reference number	II.b.

II.1. **Public health attestation**

I, the undersigned official veterinarian, declare that I am aware of the relevant provisions of Regulations (EC) No 178/2002, (EC) No 852/2004, (EC) No 853/2004 and (EC) No 854/2004 and hereby certify that the meat of domestic solipeds described above was produced in accordance with those requirements, in particular that:

II.1.1. the meat comes from (an) establishment(s) implementing a programme based on the HACCP principles in accordance with Regulation (EC) No 852/2004;

II.1.2. the meat has been obtained in compliance with the conditions set out in Section I of Annex III to Regulation (EC) No 853/2004;

II.1.3. the meat fulfils the requirements of Regulation (EC) No 2075/2005 laying down specific rules on official controls for Trichinella in meat, and in particular, has been subject to an examination by a digestion method with negative results;

II.1.4. the meat has been found fit for human consumption following ante and post-mortem inspections carried out in accordance with Section I, Chapter II and Section IV, Chapters III and IX of Annex I to Regulation (EC) No 854/2004;

II.1.5. ([1]) *either* [the carcass or parts of the carcass have been marked with a health mark in accordance with Section I, Chapter III of Annex I to Regulation (EC) No 854/2004;]

([1]) *or* [the packages of meat have been marked with an identification mark in accordance with Section I of Annex II to Regulation (EC) No 853/2004;]

II.1.6. the meat satisfies the relevant criteria set out in Regulation (EC) No 2073/2005 on microbiological criteria for foodstuffs;

II.1.7. the guarantees covering live animals and products thereof provided by the residue plans submitted in accordance with Directive 96/23/EC, and in particular Article 29 thereof, are fulfilled;

II.1.8. the meat has been stored and transported in accordance with the relevant requirements of Section I of Annex III to Regulation (EC) No 853/2004.

II.2. **Animal health attestation**

I, the undersigned official veterinarian, hereby certify, that the fresh meat described above:

II.2.1. has been obtained in the territory with code: ..... ([2])

II.2.2. has been obtained from domestic solipeds, which:

([1]) *either* [have remained in the territory described under point II.2.1 since birth, or for at least the last three months before slaughter;]

([1]) *or* [have been introduced on ..... (date) into the territory described under point II.2.1, from the territory with code: ..... ([2]) that at that date was authorised to export this fresh meat to the European Community;]

([1]) *or* [have been introduced on ..... (date) into the territory described under point II.2.1, from the EU Member State .....;]

II.2.3. has been obtained from animals which were slaughtered on ..... or between ..... and ..... ([3]) in a slaughterhouse around which, within a radius of 10 km, there has been no case/outbreak of African horse sickness or glanders during the previous 40 days or, in the event of a case of such diseases, the preparation of meat for exportation to the European Community has been authorised only after slaughter of all animals present, removal of all meat, and the total cleaning and disinfection of the establishment under the control of an official veterinarian;

II.2.4. has been obtained and prepared without contact with other meats not complying with the conditions required above.

II.3. **Animal welfare attestation**

I, the undersigned official veterinarian, hereby certify, that the fresh meat described above derives from animals which have been treated in the slaughterhouse before and at the time of slaughter or killing in accordance with the relevant provisions of European Community legislation.

Notes

This certificate is meant for fresh meat, excluding minced meat, of domestic solipeds (*Equus caballus, Equus asinus* and their cross-breeds).

Fresh meat means all animal parts fit for human consumption whether fresh, chilled or frozen.

Part I

— Box reference I.8: provide the code of territory as appearing in Part 1 of Annex II to Decision 79/542/EEC (as last amended).

— Box reference I.11: Place of origin: name and address of the dispatch establishment.

— Box reference I.15: registration number (railway wagons or container and lorries), flight number (aircraft) or name (ship) is to be provided. In case of unloading and reloading, the consignor must inform the BIP of entry into the EU.

— Box reference I.19: use the appropriate HS code: 02.05 or 02.06.

— Box reference I.20: indicate total gross weight and total net weight.

— Box reference I.23: for containers or boxes, the container number and the seal number (if applicable) should be included.

— Box reference I.28: Nature of commodity: indicate “carcass-whole”, “carcass-side”, “carcass-quarters” or “cuts”.

— Box reference I.28: Treatment type: if appropriate, indicate “deboned”; “bone in” and/or “matured”. If frozen, indicate the date of freezing (mm/yy) of the cuts/pieces.

Part II

([1]) Keep as appropriate.

([2]) Code of the territory as it appears in Part 1 of Annex II to Decision 79/542/EEC (as last amended).

([3]) Dates: imports of this meat shall not be allowed when obtained from animals slaughtered either prior to the date of authorisation for exportation to the European Community of the territory mentioned under boxes I.7 and I.8, or during a period where restrictive measures have been adopted by the European Community against imports of this meat from this territory.

Official veterinarian

Name (in capital letters): Qualification and title:

Date: Place: Signature:’

Stamp

(b) the 'Model of veterinary certificate EQW' is replaced by the following:

'**Model EQW**
Veterinary certificate to EU

COUNTRY

Part I: Details of dispatched consignment

I.1. Consignor Name Address Tel. No		I.2. Certificate reference number	I.2.a.
		I.3. Central Competent Authority	
		I.4. Local Competent Authority	
I.5. Consignee Name Address Postal code Tel. No		I.6.	
I.7. Country of origin ISO code	I.8. Region of origin Code	I.9. Country of destination ISO code	I.10. Region of destination Code
I.11. Place of origin Name Approval number Address		I.12.	
I.13. Place of loading		I.14. Date of departure	
I.15. Means of transport Aeroplane ☐ Ship ☐ Railway wagon ☐ Road vehicle ☐ Other ☐ Identification: Documentary references:		I.16. Entry BIP in EU	
		I.17.	

I.18. Description of commodity	I.19. Commodity code (HS code)	
		I.20. Quantity
I.21. Temperature of product Ambient ☐ Chilled ☐ Frozen ☐		I.22. Number of packages
I.23. Identification of container/Seal number		I.24. Type of packaging
I.25. Commodities certified for: Human consumption ☐		
I.26.	I.27. For import or admission into EU ☐	

I.28. Identification of the commodities

Species (Scientific name)	Nature of commodity	Treatment type	Approval number of establishments: Abattoir	Cutting plant	Cold store	Number of packages	Net weight

COUNTRY **Model EQW**

Part II: Certification

II. **Health information**	II.a. Certificate reference number	II.b.

II.1. **Public health attestation**

I, the undersigned official veterinarian, declare that I am aware of the relevant provisions of Regulations (EC) No 178/2002, (EC) No 852/2004, (EC) No 853/2004 and (EC) No 854/2004 and hereby certify that the meat of wild solipeds belonging to the subgenus *Hippotigris* (Zebra) described above was produced in accordance with those requirements, in particular that:

II.1.1. the meat comes from (an) establishment(s) implementing a programme based on the HACCP principles in accordance with Regulation (EC) No 852/2004;

II.1.2. the meat was obtained in compliance with Section IV of Annex III to Regulation (EC) No 853/2004;

II.1.3. the meat fulfils the requirements of Regulation (EC) No 2075/2005 laying down specific rules on official controls for Trichinella in meat, and in particular, has been subject to an examination by a digestion method with negative results;

II.1.4. the meat has been found fit for human consumption following a post-mortem inspection carried out in accordance with Section I, Chapter II and Section IV, Chapters VIII and IX of Annex I to Regulation (EC) No 854/2004;

II.1.5. ([1]) *either* [the carcass or parts of the carcass have been marked with a health mark in accordance with Section I, Chapter III of Annex I to Regulation (EC) No 854/2004;]

([1]) *or* [the packages of meat have been marked with an identification mark in accordance with Section I of Annex II to Regulation (EC) No 853/2004;]

II.1.6. the meat satisfies the relevant criteria set out in Regulation (EC) No 2073/2005 on microbiological criteria for foodstuffs;

II.1.7. the guarantees covering live animals and products thereof provided by the residue plans submitted in accordance with Directive 96/23/EC, and in particular Article 29 thereof, are fulfilled;

II.1.8. the meat has been stored and transported in accordance with the relevant requirements of Section I of Annex III to Regulation (EC) No 853/2004.

II.2. **Animal health attestation**

I, the undersigned official veterinarian, hereby certify, that the fresh meat described above:

II.2.1. has been obtained from wild animals that were killed between ..... ([2]) and ..... ([3]);

II.2.2. has been obtained from wild animals which after killing were transported within 12 hours for chilling [to a collection centre, and immediately afterwards] ([1]) to an approved game-handling establishment around which, within a radius of 10 km, there has been no case/outbreak of African horse sickness or glanders during the previous 40 days or, in the event of a case of such diseases, the preparation of meat for exportation to the European Community has been authorised only after removal of all meat, and the total cleaning and disinfection of the establishment under the control of an official veterinarian;

II.2.3. has been obtained and prepared without contact with other meats not complying with the conditions required above.

Notes

This certificate is meant for fresh meat, excluding offal and minced meat, of solipeds belonging to the subgenus *Hippotigris* (Zebra) hunted in the wild.

Fresh meat means all animal parts fit for human consumption whether fresh, chilled or frozen.

After importation, unskinned carcasses must be conveyed without delay to the processing establishment of destination.

Part I

— Box reference I.8: provide the code of territory as appearing in Part 1 of Annex II to Council Decision 79/542/EEC (as last amended).

— Box reference I.11: Place of origin: name and address of the dispatch establishment.

— Box reference I.15: registration number (railway wagons or container and lorries), flight number (aircraft) or name (ship) is to be provided. In case of unloading and reloading, the consignor must inform the BIP of entry into the EU.

— Box reference I.19: use the appropriate HS code: 02.08.90.

— Box reference I.20: indicate total gross weight and total net weight.

— Box reference I.23: for containers or boxes, the container number and the seal number (if applicable) should be included.

— Box reference I.28: Nature of commodity: indicate “carcass-whole”, “carcass-side”, “carcass-quarters” or “cuts”.

— Box reference I.28: Treatment type: if appropriate, indicate “matured” or “unskinned”. If frozen, indicate the date of freezing (mm/yy) of the cuts/pieces.

— Box reference I.28: Abattoir: any abattoir or game handling establishment.

Part II

([1]) Keep as appropriate.

([2]) Dates. Imports of this meat shall not be allowed when obtained from animals killed or hunted either prior to the date of authorisation for exportation to the European Community of the territory mentioned under boxes I.7 and I.8, or during a period where restrictive measures have been adopted by the European Community against imports of this meat from this territory.

([3]) Code of the territory as it appears in Part 1 of Annex II to Decision 79/542/EEC (as last amended).

Official veterinarian

Name (in capital letters): Qualification and title:

Date: Place: Signature:’

Stamp

(c) the model of animal health certificate 'TRANSIT/STORAGE' is deleted;

3. Annex III is replaced by the following:

'ANNEX III

(Transit and/or storage)

COUNTRY

Model TRANSIT/STORAGE
Veterinary certificate to EU

Part I: Details of dispatched consignment

I.1. Consignor Name Address Tel. No		I.2. Certificate reference number	I.2.a.
		I.3. Central Competent Authority	
		I.4. Local Competent Authority	
I.5. Consignee Name Address Postal code Tel. No		I.6. Person responsible for the consignment in EU Name Address Postal code Tel. No	
I.7. Country of origin ISO code	I.8. Region of origin Code	I.9. Country of destination ISO code	I.10. Region of destination Code
I.11. Place of origin Name Approval number Address		I.12. Place of destination Custom warehouse ☐ Ship supplier ☐ Name Approval number Address Postal code	
I.13. Place of loading		I.14. Date of departure	
I.15. Means of transport Aeroplane ☐ Ship ☐ Railway wagon ☐ Road vehicle ☐ Other ☐ Identification: Documentary references:		I.16. Entry BIP in EU I.17. No.(s) of CITES	
I.18. Description of commodity		I.19. Commodity code (HS code)	I.20. Quantity
I.21. Temperature of product Ambient ☐ Chilled ☐ Frozen ☐			I.22. Number of packages
I.23. Identification of container/Seal number			I.24. Type of packaging
I.25. Commodities certified for: Human consumption ☐			
I.26. For transit through EU to 3rd Country ☐ 3rd country ISO code		I.27.	

I.28. Identification of the commodities

Species (Scientific name)	Nature of commodity	Treatment type	Approval number of establishments: Abattoir	Approval number of establishments: Cutting plant/ manufacturing plant	Number of packages	Net weight

COUNTRY **Model TRANSIT/STORAGE**

Part II: Certification

II. **HEALTH INFORMATION**	II.a. Certificate reference number	II.b.

II.1. **Animal health attestation**

I, the undersigned official veterinarian, hereby certify, that the fresh meat described above:

II.1.1. comes from a country or region authorised for imports into the EC as laid down in Part 1 of Annex II to Decision 79/542/EEC at the time of slaughter; and

II.1.2. complies with the relevant animal health conditions as laid down in the animal health attestation in the model certificate [BOV] [OVI] [POR] [EQU] [RUF] [RUW] [SUF] [SUW] [EQW] ([1]) in Part 2 of Annex II to Decision 79/542/EEC; and

II.1.3. is derived from animals which were slaughtered and processed on ..... or between ..... and ..... ([2]);

Notes

This certificate is meant for transit and storage in accordance with Article 12(4)or Article 13 of Directive 97/78/EC of:

— fresh meat, including minced meat, of:

(1) domestic bovine animals (including *Bubalus* and *Bison* species and their cross-breeds) (Model "BOV");

(2) domestic sheep (*Ovis aries*) or goats (*Capra hircus*) (Model "OVI");

(3) domestic porcine animals (*Sus scrofa*) (Model "POR");

— fresh meat, excluding minced meat, of:

(4) domestic solipeds (*Equus caballus, Equus asinus* and their cross-breeds) (Model "EQU");

— fresh meat, excluding offal and minced meat, of:

(5) farmed non-domestic animals of the order Artiodactyla (excluding bovine animals (including *Bison* and *Bubalus* species and their cross-breeds), *Ovis aries, Capra hircus*, Suidae and Tayassuidae), and of the families Rhinocerotidae and Elephantidae. (Model "RUF");

(6) wild non-domestic animals of the order Artiodactyla (excluding bovine animals (including *Bison* and *Bubalus* species and their cross-breeds), *Ovis aries, Capra hircus*, Suidae and Tayassuidae), and of the families Rhinocerotidae and Elephantidae (Model "RUW");

(7) farmed non-domestic animals belonging to the Suidae, Tayassuidae, or Tapiridae families (Model "SUF");

(8) wild non-domestic animals belonging to the Suidae, Tayassuidae, or Tapiridae families (Model "SUW");

(9) wild solipeds belonging to the subgenus *Hippotigris (Zebra)* (Model "EQW").

Fresh meat means all animal parts fit for human consumption whether fresh, chilled or frozen.

Part I

— Box reference I.8: provide the code of territory as appearing in Part 1 of Annex II to Decision 79/542/EEC (as last amended).

— Box reference I.11: Place of origin: name and address of the dispatch establishment.

— Box reference I.12: Address (and approval number if known) of the warehouse in a free zone, free warehouse, customs warehouse or ship chandler shall be included.

— Box reference I.15: registration number (railway wagons or container and lorries), flight number (aircraft) or name (ship) is to be provided. In case of unloading and reloading, the consignor must inform the BIP of entry into the EU.

— Box reference I.19: Box reference I.19: use the appropriate HS code: 02.01, 02.02, 02.03, 02.04, 02.05, 02.06, 02.08.90, 02.09 or 15.02.

— Box reference I.20: indicate total gross weight and total net weight.

— Box reference I.23: for containers or boxes, the container number and the seal number (if applicable) should be included.

— Box reference I.28: Nature of commodity: indicate "carcass-whole", "carcass-side", "carcass-quarters", "cuts", or "minced meat".

— Box reference I.28: Treatment type: if frozen, indicate the date of freezing (mm/yy) of the cuts/pieces.

Part II

(1) Keep as appropriate.

(2) Date or dates of slaughter. Imports of this meat shall not be allowed when obtained from animals slaughtered either prior to the date of authorisation for exportation to the European Community of the territory mentioned under boxes I.7 and I.8, or during a period where restrictive measures have been adopted by the European Community against imports of this meat from this territory.

Official veterinarian

Name (in capital letters): Qualification and title:

Date: Place: Signature:'

Stamp