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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council

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Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 30.1.2020 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 <i>- Intention not to raise objections</i>
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Statement of Poland

This Regulation lays down, *inter alia*, general provisions for re-entering, into the Union, consignments of animals originating in the Union whose introduction has been refused by a third country. Under the Regulation, animals will only be able to return to the Union if a third country included in the list of countries authorised for imports into the Union of the animal species concerned refuses their introduction.

When working on the Regulation, Poland requested to amend Article 178 of the Regulation, in such a manner that a possibility of return of exported animals to the country of dispatch, if a consignment is sent back from the first border inspection post after leaving the EU, is acceptable regardless of the presence of this third country in the above-mentioned list. The following issues were highlighted:

- 1) The animals referred to in the Regulation, mainly ungulates, are exported from the European Union mostly to the eastern countries, by the border crossing on the Polish border with the Republic of Belarus. The refusal to introduce animals takes place mainly on the Belarusian border,
- 2) The Republic of Belarus and, basically, other countries beyond the eastern border of the European Union are not included in the list of countries from which ungulates may be imported into the Union. Under the new legislation, their return to the Union will therefore not be possible. In this situation, the Polish public administration will face a need to decide on killing or slaughtering healthy animals, in principle, originating from and belonging to the operators from other EU Member States. Moreover, Poland pointed out the lack of border infrastructure that would allow to kill or slaughter such animals, which creates specific technical problems.
- 3) The consignments of animals are returned by the competent authorities of a third country most frequently for technical or organisational reasons and not for veterinary ones. Most often, these include: incomplete visa documentation of citizens of the European Union, no permits for transit through the territory of a third country, or an improper weight of vehicles. Exported animals, from the moment of leaving the terminal in Poland till the moment of returning from Belarus, stay in the means of transport, without any contact with other animals,
- 4) In Poland's opinion, taking into account the above, the provision on the list of countries, as referred to above, should not apply and is not reasonable for epizootic reasons.

Poland also pointed out that an additional solution could be the application of the provision allowing for a temporary stay of animals at a control posts located closest to the border – until the lacking documentation is completed (as in the cases of the above-described reasons for rejecting the consignments) and for taking another trip to a third country. Moreover, what was raised was the issue of a possibility of granting EU funds to Poland for the purpose of building cross-border places for keeping animals due to the abovementioned circumstances, until a decision is made on what to do with them next - in accordance with Article 66(1) second paragraph of Regulation 2017/625.

In view of the above and the fact that the proposals made by Poland – the country which will be the major recipient of these solutions – have not been taken into account, Poland shall raise an objection to the Regulation in the current wording of its Article 178.
