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**PROPOSAL**

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from:	European Commission
dated:	5 March 2012
No Cion doc.:	COM(2012) 90 final
Subject:	Proposal for a Directive of the European Parliament and of the Council amending Council Directive 92/65/EEC as regards the animal health requirements governing intra-Union trade in and imports into the Union of dogs, cats and ferrets

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Delegations will find attached a proposal from the Commission, submitted under a covering letter from Mr Jordi AYET PUIGARNAU, Director, to Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union.

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Encl.: COM(2012) 90 final



EUROPEAN COMMISSION

Brussels, 5.3.2012  
COM(2012) 90 final

2012/0040 (COD)

Proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**amending Council Directive 92/65/EEC as regards the animal health requirements governing intra-Union trade in and imports into the Union of dogs, cats and ferrets**

(Text with EEA relevance)

## EXPLANATORY MEMORANDUM

The aim of this proposal is to amend 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<sup>1</sup>.

Directive 92/65/EEC lays down *inter alia* the animal health requirements governing trade in and imports into the Union of dogs, cats and ferrets. Those requirements refer to the relevant animal health requirements laid down in Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC<sup>2</sup>.

The repeal of Regulation (EC) No 998/2003 by Regulation (EU) No xxx/2012 of the European Parliament and of the Council on the non-commercial movement of pet animals<sup>3</sup> makes it necessary to amend Directive 92/65/EEC in order to delete and replace the references to Regulation (EC) No 998/2003 by references to Regulation (EU) No xxx/2012.

In addition, Directive 92/65/EEC should also be amended to take account of the adoption of Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97<sup>4</sup>, which applies to the transport of dogs, cats and ferrets carried out within the Union.

Moreover, experience in the application of Directive 92/65/EEC has shown that operators find it difficult to comply with the requirement laid down in that Directive that a clinical examination is carried out on animals 24 hours before their dispatch. The recommendations of the World Organisation for Animal Health for imports of dogs and cats provide for a clinical examination to be carried out 48 hours before shipment of the animals. It is therefore appropriate to extend the time limit laid down in Directive 92/65/EEC to 48 hours and to amend that Directive accordingly.

The proposal has no financial implication for the budget of the Union.

This proposal and the proposal repealing and replacing Regulation (EC) No 998/2003 are presented together in order to be adopted simultaneously.

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<sup>1</sup> OJ L 268, 14.9.1992, p. 54.

<sup>2</sup> OJ L 146, 13.6.2003, p. 1.

<sup>3</sup> OJ L [...], [...], p. [...].

<sup>4</sup> OJ L 3, 5.1.2005, p. 1.

Proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**amending Council Directive 92/65/EEC as regards the animal health requirements governing intra-Union trade in and imports into the Union of dogs, cats and ferrets**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>5</sup>,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The animal health requirements governing trade in and imports into the Union of dogs, cats and ferrets are laid down in 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<sup>6</sup>.
- (2) Those requirements refer to the relevant animal health requirements applicable to the non-commercial movement of dogs, cats and ferrets into a Member State from another Member State or from third countries or territories laid down in Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC<sup>7</sup>.
- (3) The repeal of Regulation (EC) No 998/2003 by Regulation (EU) No xxx/2012 of the European Parliament and of the Council on the non-commercial movement of pet

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<sup>5</sup> OJ C [...], [...], p. [...].

<sup>6</sup> OJ L 268, 14.9.1992, p. 52.

<sup>7</sup> OJ L 146, 13.6.2003, p. 1.

animals<sup>8</sup> makes it necessary to amend Directive 92/65/EEC in order to delete and replace the references to Regulation (EC) No 998/2003 by references to Regulation (EU) No xxx/2012.

- (4) Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97<sup>9</sup> applies *inter alia* to the transport of dogs, cats and ferrets carried out within the Union. Reference to that Regulation should therefore be inserted in Article 10 of Directive 92/65/EEC that establishes the animal health conditions applicable to trade in those animals.
- (5) Moreover, experience in the application of Directive 92/65/EEC has shown that the clinical examination within 24 hours before dispatch is in most cases impracticable. It is therefore appropriate to extend the time limit laid down in Directive 92/65/EEC to 48 hours, as recommended by the World Organisation for Animal Health.
- (6) The Commission considers that in this particular case it is not justified to ask Member States to communicate explanatory documents to the Commission in order to explain the relationship between the provisions of this Directive and the corresponding parts of national transposition documents. This Directive provides for a very limited number of amendments in Directive 92/65/EEC. Therefore, it will be possible for the Commission to obtain the information to check the transposition without devoting significant resources to this task. Member States will in any event transmit the text of the transposed measures to the Commission.
- (7) Directive 92/65/EEC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

*Article 1*  
***Amendments***

Directive 92/65/EEC is hereby amended as follows:

- (1) Article 10 is hereby amended as follows:
  - (a) paragraph 2 is replaced by the following:
    - '2. To be the subject of trade, dogs, cats and ferrets shall:
      - (a) satisfy the conditions set out in Article 5 of Regulation (EU) No xxx/2012\*;
      - (b) undergo a clinical examination carried out within 48 hours prior to the time of dispatch of the animals by a veterinarian authorised by the competent authority;

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<sup>8</sup> OJ L [...], [...], p. [...].

<sup>9</sup> OJ L 3, 5.1.2005, p. 1.

- (c) be accompanied during transportation to the place of destination by a health certificate which:
  - (i) corresponds to the specimen in Part 1 of Annex E;
  - (ii) is signed by an official veterinarian who shall attest that the veterinarian authorised by the competent authority has documented in the relevant section of the identification document in the format provided for in Article 22(1) of Regulation (EU) No xxx/2012 the clinical examination carried out in accordance with point (b) showing, at the time of the clinical examination, the animals to be fit to be transported for the intended journey in accordance with Regulation (EC) No 1/2005\*\*.'

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\* OJ L [...], [...], p. [...].

\*\* OJ L 3, 5.1.2005, p. 1.

(b) paragraph 3 is deleted.

(2) In Article 16, the second and third paragraphs are replaced by the following:

'With respect to cats, dogs and ferrets, import conditions must be at least equivalent to those provided for in Chapter III of Regulation (EU) No xxx/2012.

In addition to the conditions referred to in the second subparagraph, dogs, cats and ferrets shall, during transportation to the place of destination, be accompanied by a health certificate, which is completed and signed by an official veterinarian who shall attest that a clinical examination was carried out within 48 hours prior to the time of dispatch of the animals by a veterinarian authorised by the competent authority who has verified that at the time of the clinical examination, the animals were fit to be transported for the intended journey.'

#### *Article 2* **Transposition**

1. Member States shall adopt and publish, by [\*\*] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from [...].

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

*Article 3*  
***Entry into force and applicability***

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

*Article 4*  
***Addressees***

This Directive is addressed to the Member States.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*