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**PROPOSAL**

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| from: | European Commission |
| dated: | 5 March 2012 |
| No Cion doc.: | COM(2012) 89 final |
| Subject: | Proposal for a Regulation of the European Parliament and of the Council on the non-commercial movement of pet animals |

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.

Encl.: COM(2012) 89 final

EUROPEAN COMMISSION

Brussels, 5.3.2012
COM(2012) 89 final

2012/0039 (COD)

Proposal for a

# REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

## on the non-commercial movement of pet animals

(Text with EEA relevance)

# EXPLANATORY MEMORANDUM

## 1. CONTEXT OF THE PROPOSAL

### 1.1. Grounds for and objectives of the proposal

The proposal repeals and replaces Regulation (EC) No 998/2003 of the European Parliament and of the Council laying down the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC[1].

### 1.2. Legal background

Regulation (EC) No 998/2003 was brought into line with the regulatory procedure with scrutiny by Regulation (EC) No 219/2009 of the European Parliament and of the Council of 11 March 2009 adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny[2].

It was later substantially amended by Regulation (EU) No 438/2010 of the European Parliament and of the Council of 19 May 2010 amending Regulation (EC) No 998/2003 on the animal health requirements applicable to the non-commercial movement of pet animals[3], in particular to extend the transitional regime provided for in Articles 6, 8 and 16 until 31 December 2011.

It was also partially brought into line with the Treaty on the Functioning of the European Union (TFEU). However, in a statement annexed to Regulation (EU) No 438/2010, the Commission undertook to propose a revision of Regulation (EC) No 998/2003 in its entirety, and, in particular, the aspects of delegated and implementing acts.

Regulation (EC) No 998/2003 also provides that as of 3 July 2011, i.e. the end of the eight-year transitional period provided for in Article 4(1) thereof, electronic identification is the only means of identifying a pet dog, cat or ferret. However, an animal bearing a clearly readable tattoo applied before that date continues to be considered identified in accordance with the Regulation.

Because of the expiry of the aforementioned transitional regime and period and the need to make a number of amendments bringing the animal health requirements laid down in Regulation (EC) No 998/2003 into line with the TFEU in a sufficiently clear and accessible manner for the ordinary citizen, that Regulation should be repealed and replaced by this proposal.

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1 OJ L 146, 13.6.2003, p. 1.
2 OJ L 87, 31.3.2009. p. 109.
3 OJ L 132, 29.5.2010, p. 3.

## 2. CONSULTATION OF INTERESTED PARTIES

Since the objective of this proposal is mainly to bring Regulation (EC) No 998/2003 into line with Articles 290 and 291 TFEU and to clarify certain aspects of the Regulation, no significant impacts are foreseen. Hence no particular consultation or impact assessment were necessary.

## 3. LEGAL ELEMENTS OF THE PROPOSAL

### 3.1. Summary of the proposed action

The aim of the proposal is to repeal and replace Regulation (EC) No 998/2003 by the proposed Regulation, which:

(a) aligns the powers conferred on the Commission under Regulation (EC) No 998/2003 with Articles 290 and 291 TFEU;

(b) clarifies for the ordinary citizen the regime that will apply after the end of the transitional regime provided for in Articles 6, 8 and 16 of Regulation (EC) No 998/2003 and of the transitional period provided for in Article 4(1).

### 3.2. Legal basis

The primary objective of the proposal is the protection of animal and public health.

Therefore, as Regulation (EC) No 998/2003 was based on Article 37 and Article 152(4)(b) of the Treaty establishing the European Community, the proposal is accordingly based on Article 43(2) and Article 168(4) TFEU.

### 3.3. Subsidiarity principle

The subsidiarity principle applies insofar as the proposal does not fall under the exclusive competence of the Union.

The objective of the proposal cannot be sufficiently achieved by Member States' actions. To reduce the administrative burden for the competent authorities (EU, national and third countries) and for ordinary citizens while preserving a high level of protection of animal and public health, animal health requirements for the non-commercial movement of pet animals into Member States from other Member States or third countries are needed at Union level.

### 3.4. Proportionality principle

In accordance with the principle of proportionality, this measure does not go beyond what is necessary in order to achieve the objective.

The form of the measure is a Regulation of the European Parliament and of the Council which is directly applicable in all Member States. This ensures that national and EU administrations will not incur any costs for transposition of the legislation into national legislation.

### 3.5. Choice of instrument

Proposed instrument: Regulation of the European Parliament and of the Council.

Other means would not be appropriate because the objectives of the measure can be achieved most efficiently by fully harmonised requirements (including timely entry into force) throughout the Union, ensuring free movement of pet animals accompanying their owner.

## 4. BUDGETARY IMPLICATIONS

The proposal has no implications for the Union budget.

## 5. ADDITIONAL INFORMATION

The proposed act should extend to the European Economic Area since it concerns an EEA matter.

The provisions of 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[4], which relates to trade in and imports of dogs, cats and ferrets, refer to the respective provisions of Regulation (EC) No 998/2003.

In the interests of the consistency and coherence of Union legislation, Directive 92/65/EEC should be amended in order to replace the references to Regulation (EC) No 998/2003 by references to the proposed act.

The two proposals are presented together in order to be adopted simultaneously.

[4] OJ L 268, 14.9.1992, p. 54.

2012/0039 (COD)

Proposal for a

# REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

## on the non-commercial movement of pet animals

(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) and the introductory phrase and point (b) of Article 168(4) 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[5],

Having regard to the opinion of the Committee of the Regions[6],

Acting in accordance with the ordinary legislative procedure,

Whereas:

(1) 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[7] lays down the animal health requirements applicable to non-commercial movements of pet animals into a Member State from another Member State or from third countries and the checks applicable to such movements. It aims to ensure a sufficient level of safety with regard to the public or animal health risks involved in those non-commercial movements and to remove any unjustified obstacles to such movements.

(2) In a statement annexed to Regulation (EU) No 438/2010 of the European Parliament and of the Council[8] amending Regulation (EC) No 998/2003, the Commission undertook to propose a revision of Regulation (EC) No 998/2003 in its entirety, and, in particular, the aspects of delegated and implementing acts. Therefore, due to the entry into force of the Treaty, the powers conferred on the Commission under Regulation (EC) No 998/2003 need to be aligned with Articles 290 and 291 of that Treaty. Taking

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5 OJ C […], […], p. […].
6 OJ C […], […], p. […].
7 OJ L 146, 13.6.2003, p. 1.
8 OJ L 132, 29.5.2010, p. 3.

into account the number of amendments that need to be made to the animal health requirements laid down in Regulation (EC) No 998/2003 and in order to ensure that they are sufficiently clear and accessible to the ordinary citizen, that Regulation should be repealed and replaced by this Regulation.

(3) Since the objective of this Regulation, namely to lay down public and animal health rules for the non-commercial movement of pet animals of the species listed in Annex I in order to prevent or minimise risks to public or animal health arising from those movements, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

(4) This Regulation should establish a positive list of animal species to which harmonised animal health requirements should apply when animals of those species are kept as pet animals and moved for non-commercial purposes. When drawing up that list, account should be taken of their susceptibility to or role in the epidemiology of rabies.

(5) 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[9] establishes *inter alia* the animal health requirements applicable to trade in and imports of dogs, cats and ferrets, which are animals of species susceptible to rabies. Because those species are also kept as pet animals and frequently moved for non-commercial purposes with their owner within and into the Union, this Regulation should lay down the animal health requirements applicable to the non-commercial movement of those species into Member States. Those species are listed in Part A of Annex I thereto.

(6) Similarly, a legal framework should be established for the animal health requirements applicable to the non-commercial movement of animals of species not affected by rabies or of no epidemiological significance as regards rabies, to which, if they were not kept as pet animals, other Union legislation would apply, including legislation on food-producing animals. Those species are listed in Part B of Annex I to this Regulation.

(7) The list in Part B of Annex I should include invertebrates, with the exception of bees and bumble bees, covered by Directive 92/65/EEC, and molluscs and crustaceans, covered by Directive 2006/88/EC[10]. It should also include ornamental aquatic animals reared in non-commercial aquaria excluded from the scope of Directive 2006/88/EC, and amphibians and reptiles.

(8) The list should further include all species of birds, except poultry falling within the scope of Directive 92/65/EEC and Council Directive 2009/158/EC of 30 November

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[9] OJ L 268, 14.9.1992, p. 54.
[10] OJ L 328, 24.11.2006, p. 14.

2009 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs[11], and rodents and domestic rabbits.

(9) However, in the interest of consistency of Union legislation, pending the establishment of Union rules governing the non-commercial movement into a Member State from third countries or territories of pet animals of species listed in Part B, existing national rules should continue to apply to such movements provided that they are not stricter than those applied to imports of those animals for commercial purposes.

(10) Conversely and without prejudice to Article 3, Article 9(3) and Article 10a of Directive 92/65/EEC, Member States should not lay down any animal health requirements for the non-commercial movement into a Member State from another Member State of pet animals of species listed in Part B unless rules governing such movement are established in accordance with this Regulation.

(11) Because animals of the species listed in Part B may belong to species that require particular protection, this Regulation should apply without prejudice to Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein[12].

(12) In order to make a clear distinction between the rules that apply to movements for non-commercial purposes and to trade in and imports into the Union from third countries of dogs, cats and ferrets covered by the animal health requirements of Directive 92/65/EEC, this Regulation should not only define a pet animal but also the non-commercial movement of such animals as a movement which does not, either directly or indirectly, involve or aim at a financial gain or a transfer of ownership.

(13) The improvement in the rabies situation in the Union prompted Ireland, Malta, Sweden and the United Kingdom to abandon the system of mandatory six months' quarantine which they applied for decades to certain pet animals moving into their territories, in favour of the alternative, less restrictive system providing an equivalent level of safety laid down in Regulation (EC) No 998/2003. Those Member States are listed in Part A of Annex II to Regulation (EC) No 998/2003 and were to apply until 31 December 2011, in addition to a valid anti-rabies vaccination, a pre-entry check on the effectiveness of the anti-rabies vaccination to pet dogs and cats coming from the other Member States and certain third countries and territories in accordance with national rules.

(14) Section 1 of Part B of Annex II to Regulation (EC) No 998/2003 sets out a list of the rest of the Member States, including countries and territories which are, for the purposes of that Regulation, considered part of those Member States because national movement conditions apply to animals of the species listed in Annex I thereto, or considered comparable to Member States, when those animals are moved for non-commercial purposes between the Member States and those countries and territories.

(15) Article 355(5)(c) of the Treaty and Regulation (EEC) No 706/73 of the Council of 12 March 1973 concerning the Community arrangements applicable to the Channel

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[11] OJ L 343, 22.12.2009, p. 74.
[12] OJ L 61, 3.3.1997, p. 1.

Islands and the Isle of Man for trade in agricultural products[13] provide that Union veterinary legislation applies to those islands, which, for the purposes of Regulation (EC) No 998/2003, are treated as part of the United Kingdom.

(16) In view of the end of the transitional regime provided for in Regulation (EC) No 998/2003 and in the interests of clarity of Union legislation, the list of Member States, including Ireland, Malta, Sweden and the United Kingdom, the territories which are part of Member States and Gibraltar, should be set out in Annex II to this Regulation, and this Regulation should clarify the animal health conditions applicable to the non-commercial movement of pet animals of the species listed in Part A of Annex I into a Member State from another Member State and from third countries and territories.

(17) Regulation (EC) No 998/2003 also provides that, for a transitional period, pet animals of the species listed in Parts A and B of Annex I thereto are to be regarded as identified when they bear either a clear readable tattoo or an electronic identification system ('transponder'). This Regulation should therefore clarify the rules for the marking of pet animals of the species listed in Part A of Annex I, including the qualifications required for those who carry out the marking, after expiry of the transitional period on 3 July 2011.

(18) Annex Ia to Regulation (EC) No 998/2003 sets out technical requirements for the identification of pet animals by transponders. Those technical requirements correspond to internationally accepted standards and should be set out, without any substantial amendments being made to them, in Annex III to this Regulation.

(19) In order to protect public health and the health of pet animals of the species listed in Annex I, this Regulation should provide for the possibility to adopt preventive health measures for diseases and infections other than rabies. Those measures should be based on validated scientific information and applied proportionately to the risk to public or animal health associated with the non-commercial movement of those animals likely to be affected by those diseases or infections. They should include rules for the categorisation of Member States or parts thereof, procedures under which Member States that require the application of preventive health measures should substantiate the rationale for such measures on a continuous basis, conditions for applying and documenting the preventive health measures and, where appropriate, conditions for derogating from their application. It should therefore also be provided that a list of Member States or parts thereof categorised pursuant to the rules for the categorisation of Member States or parts thereof is to be laid down in an implementing act to be adopted in accordance with this Regulation.

(20) Rabies vaccines administered to pet animals of the species listed in Part A of Annex I before the age of three months may not induce protective immunity due to competition with maternal antibodies. Consequently, vaccine manufacturers recommend not to vaccinate young animals before that age. Therefore, in order to authorise the non-commercial movement of young animals of the species listed in Part A of Annex I not vaccinated against rabies, this Regulation should establish certain precautionary measures to be taken and give the Member States the possibility to authorise such movement into their territory when young animals comply with those measures.

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[13] OJ L 68, 15.3.1973, p. 1.

(21) In order to simplify the conditions for the non-commercial movement of pet animals of the species listed in Part A of Annex I between Member States of equivalent favourable status with regard to rabies, this Regulation should also provide for the possibility to adopt conditions for derogating from the anti-rabies vaccination requirement. Such measures should be based on validated scientific information and applied proportionately to the risk to public or animal health associated with the non-commercial movement of those animals likely to be affected by rabies. They should include rules for the categorisation of Member States or parts thereof, and procedures under which Member States that require the application of the derogation should substantiate the rationale for such derogation on a continuous basis. It should also be provided that a list of Member States categorised pursuant to the rules for the categorisation of Member States or parts thereof is to be laid down in an implementing act to be adopted in accordance with this Regulation.

(22) Countries and territories listed in Section 2 of Part B of Annex II to Regulation (EC) No 998/2003 apply rules equivalent to those applied by Member States while third countries and territories listed in Part C of Annex II to that Regulation comply with the criteria laid down in Article 10 of that Regulation. It should therefore be provided that those lists, without any substantial amendments being made to them, should be set out in an implementing act to be adopted within one year from the adoption of this Regulation. However, this Regulation should provide that the list of countries and territories set out in Section 2 of Part B and in Part C of Annex II to Regulation (EC) No 998/2003 should continue to apply for the purpose of this Regulation until that implementing act enters into force.

(23) Regulation (EC) No 998/2003 lays down certain requirements for the non-commercial movement of pet animals into Member States from other Member States and from countries or territories listed in Section 2 of Part B and in Part C of Annex II thereto, which *inter alia* include a valid anti-rabies vaccination carried out on the pet animals in question with vaccines complying with the minimum standards as laid down in the relevant Chapter of the Manual of Diagnostic Tests and Vaccines for Terrestrial Animals of the World Organisation for Animal health (OIE), or for which a marketing authorisation has been granted in accordance with either Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products[14] or Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency[15]. Those vaccines have proven to be effective in protecting animals against rabies and form part of the validity requirements for the anti-rabies vaccination set out in Annex Ib to Regulation (EC) No 998/2003. Those requirements, without any substantial amendments being made to them, should be set out in Annex IV to this Regulation.

(24) Regulation (EC) No 998/2003 lays down more stringent animal health requirements for pet animals moved into Member States from third countries or territories other than those listed in Part C of Annex II thereto. Those requirements include checks on the effectiveness in individual animals of the anti-rabies vaccination by titration of

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14 OJ L 311, 28.11.2001, p. 1.
15 OJ L 136, 30.4.2004, p. 1.

antibodies in a laboratory approved in accordance with Council Decision 2000/258/EC of 20 March 2000 designating a specific institute responsible for establishing the criteria necessary for standardising the serological tests to monitor the effectiveness of rabies vaccines[16]. That requirement should therefore be maintained in Annex V to this Regulation and a condition should be included that the test should be performed in accordance with the methods laid down in the relevant Chapter of the OIE Manual of Diagnostic Tests and Vaccines for Terrestrial Animals.

(25) Identification documents accompanying pet animals of the species listed in Part A of Annex I which are moved for non-commercial purposes into Member States are necessary to attest compliance with the conditions of this Regulation. The Regulation should therefore establish the conditions for issuing the identification documents and the requirements for their content, validity and format.

(26) This Regulation should allow Member States to authorise the non-commercial movement onto their territory of pet animals of the species listed in Part A of Annex I accompanied by an identification document issued in a third country or territory which applies rules equivalent to those applied by Member States. It should also allow Member States to authorise the non-commercial movement onto their territory after a temporary movement in a third country or territory of those pet animals accompanied by an identification document issued in a Member State provided that the conditions to return from those countries or territories are met before the animal left the Union.

(27) This Regulation should also give the Member States the possibility to authorise, where the need for an urgent departure arises, the direct entry onto their territory of pet animals of the species listed in Annex I which do not comply with the conditions provided for in this Regulation provided that a permit is applied for in advance and granted by the Member State of destination, and a time-limited quarantine under official supervision is carried out to meet those conditions. Despite the need for such urgent departure, such permit should be indispensable due to the animal health risks arising from the introduction into the Union of a pet animal not complying with the conditions provided for in this Regulation.

(28) Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market[17] and Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC[18] do not apply to veterinary checks on pet animals accompanying travellers for non-commercial purposes.

(29) Therefore, in order for the Member States to verify compliance with the rules laid down in this Regulation and to take the necessary action, this Regulation should require the person accompanying the pet animal to present the required identification document at the time of any non-commercial movement or entry into a Member State

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16 OJ L 79, 30.3.2000, p. 40.
17 OJ L 224, 18.8.1990, p. 29.
18 OJ L 268, 24.9.1991, p. 56.

and provide for targeted or random documentary and identity checks on pet animals moving for non-commercial purposes into a Member State from another Member State. It should also require Member States to carry out systematic documentary and identity checks at designated entry points on pet animals moving for non-commercial purposes into a Member State from third countries or territories. Those checks should take account of the relevant principles of Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and welfare rules[19].

(30) In addition, this Regulation should provide for safeguard measures for the purpose of dealing with risks to public or animal health arising from the non-commercial movement of pet animals.

(31) With a view to providing the citizen with clear and accessible information concerning the rules that apply to the non-commercial movement into the Union of pet animals of the species listed in Annex I, Member States should be required to make that information, notably the relevant provisions of national law, available to the public within one year from the date of adoption of this Regulation.

(32) In order to ensure proper application of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of rules on the conditions for derogating from certain conditions applicable to the non-commercial movement between Member States of equivalent status with regard to rabies of pet animals of the species listed in Part A of Annex I, species-specific requirements for the marking of pet animals listed in Part B of Annex I thereto and species-specific preventive health measures against diseases or infections other than rabies affecting species of pet animals listed in Annex I thereto, as well as to adopt rules for limiting the number of pet animals of species listed in Annex I accompanying their owner during a non-commercial movement and to amend Annexes II to V thereto. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.

The Commission, when preparing and drawing up such delegated acts, should ensure simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

(33) In addition, the power to adopt acts in accordance with the urgency procedure should be delegated to the Commission in duly justified cases of risks to public or animal health in respect of preventive health measures against diseases or infections other than rabies likely to affect pet animals of the species listed in Annex I.

(34) In order to ensure uniform conditions for the implementation of this Regulation with respect to the list of Member States or parts thereof categorised in accordance with the conditions for derogating from certain conditions applicable to the non-commercial movement between Member States of equivalent status with regard to rabies of pet animals of the species listed in Part A of Annex I and with the rules concerning

[19] OJ L 165, 30.4.2004, p. 1.

preventive health measures against diseases and infections other than rabies and the lists of third countries or territories for the purpose of derogating from certain non-commercial movement conditions, the model for the identification documents that are to accompany pet animals of the species listed in Annex I being moved for non-commercial purposes into a Member State from another Member State or from a third country or territory, safeguard measures in the event of the occurrence or spread of rabies, and the uniform application of information requirements, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers[20].

(35) The Commission should adopt immediately applicable implementing acts updating the list of third countries or territories for the purpose of derogating from certain non-commercial movement conditions and regarding safeguard measures in the event of the occurrence or spread of rabies, where, in duly justified cases, related to animal and public health, imperative grounds of urgency so require.

(36) Certain failures to comply with the rules laid down in Regulation (EC) No 998/2003 have been revealed in a number of Member States. Accordingly, Member States must lay down rules on penalties applicable to infringements of this Regulation.

(37) Commission Decision 2003/803/EC of 26 November 2003 establishing a model passport for the intra-Community movement of dogs, cats and ferrets[21] establishes the model passport for the movement of pet animals of the species dogs, cats and ferrets between Member States, as provided for in Regulation (EC) No 998/2003. Identification documents issued in accordance with that model passport should, subject to certain conditions, remain valid for the lifespan of the animal in order to limit the administrative and financial burden on owners.

(38) Commission Implementing Decision 2011/874/EU of 15 December 2011 laying down the list of third countries and territories authorised for imports of dogs, cats and ferrets and for non-commercial movements of more than five dogs, cats and ferrets into the Union and the model certificates for imports and non-commercial movements of those animals into the Union[22] establishes the model health certificate attesting compliance with the requirements of Regulation (EC) No 998/2003 for the non-commercial movements of five or less dogs, cats or ferrets into the Union. In order to give time to Member States to adapt to the new rules laid down in this Regulation, that model certificate should remain valid subject to certain conditions,

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20 OJ L 55, 28.2.2011, p. 13.
21 OJ L 312, 27.11.2003, p. 1.
22 OJ L 343, 23.12.2011, p. 65.

HAVE ADOPTED THIS REGULATION:

## CHAPTER I
## GENERAL PROVISIONS

### *Article 1*
### ***Subject matter***

This Regulation lays down the animal health requirements applicable to the non-commercial movement of pet animals and the rules for checks on such movements.

### *Article 2*
### ***Scope***

1. This Regulation shall apply to the non-commercial movement of pet animals of the species listed in Annex I into a Member State from another Member State or from a third country or territory.

2. This Regulation shall apply without prejudice to:

   (a) Regulation (EC) No 338/97;

   (b) measures taken by Member States to restrict the movement of certain species or breeds of pet animals on the basis of considerations other than those relating to animal health.

### *Article 3*
### ***Definitions***

For the purposes of this Regulation, the following definitions shall apply:

(a) ‘non-commercial movement’ means any movement which does not, either directly or indirectly, involve or aim at a financial gain or a transfer of ownership;

(b) ‘pet animal’ means an animal of the species listed in Annex I accompanying for the purposes of a non-commercial movement its owner, or a natural person acting on behalf of and in agreement with the owner, and which remains during such non-commercial movement under the responsibility of the owner or such person;

(c) ‘owner’ means a natural person who owns and possesses the pet animal;

(d) ‘transponder’ means a read-only passive radio frequency identification device;

(e) ‘identification document’ means any document enabling the pet animal to be clearly identified and its health status to be checked for compliance with this Regulation;

(f) ‘Member States’ means the countries and territories listed in Annex II;

(g) ‘travellers’ point of entry’ means any check-in area designated by Member States for the purposes of Article 36(1).

*Article 4*
***General obligations***

Non-commercial movements of pet animals that comply with the animal health requirements laid down in this Regulation shall not be prohibited, restricted or impeded on animal health grounds other than those resulting from the application of this Regulation.

CHAPTER II
**CONDITIONS APPLICABLE TO NON-COMMERCIAL MOVEMENTS OF PET ANIMALS INTO A MEMBER STATE FROM ANOTHER MEMBER STATE**

*Article 5*
***Non-commercial movement conditions applicable to pet animals of the species listed in Part A of Annex I***

Pet animals of the species listed in Part A of Annex I shall not be moved into a Member State from another Member State unless they:

(a) are actively marked in accordance with Article 16(1);

(b) have received an anti-rabies vaccination that complies with the validity requirements set out in Annex IV;

(c) comply with the preventive health measures for diseases or infections other than rabies, where necessary:

  (i) under Article 18(1) of this Regulation, or

  (ii) adopted pursuant to the second subparagraph of Article 5(1) of Regulation (EC) No 998/2003;

(d) are accompanied by a duly completed identification document issued in accordance with Article 20(1).

*Article 6*
***Derogation from the anti-rabies vaccination condition for young pet animals of the species listed in Part A of Annex I***

By way of derogation from Article 5(b), Member States may authorise the non-commercial movement of pet animals which are less than three months old and not vaccinated against rabies, provided that they are accompanied by their identification document duly completed and issued in accordance with Article 20, and either:

(a) the owner or a natural person acting on behalf of and in agreement with the owner provides proof that they have remained in their place of birth without any contact with wild animals of susceptible species likely to have been exposed to rabies, or

(b) they are accompanied by their mother, on whom they still depend, and it has been documented that their mother received before their birth an anti-rabies vaccination which complied with the validity requirements set out in Annex IV.

*Article 7*

***Derogation from the anti-rabies vaccination condition for pet animals of the species listed in Part A of Annex I***

1. By way of derogation from Article 5(b), the non-commercial movement of pet animals of the species listed in Part A of Annex I not vaccinated against rabies may be authorised between Member States or parts thereof which are free of rabies provided they comply with specific conditions. In order to ensure that the necessary measures are in place for the appropriate authorisation of non-commercial movements under this derogation, the Commission shall be empowered to adopt delegated acts in accordance with Article 41 concerning those specific conditions for the authorisation of such non-commercial movements.

2. The specific conditions for the authorisation laid down in the delegated acts adopted pursuant to paragraph 1 shall be based on adequate, reliable and validated scientific information concerning an assessment of the health status regarding rabies in Member States or parts thereof and applied proportionately to the risks to public or animal health associated with the non-commercial movement of pet animals of the species listed in Part A of Annex I likely to be affected by rabies.

3. For the same purpose the delegated acts referred to in paragraph 1 may also include:

   (a) rules for the categorisation of Member States or parts thereof based on historic data concerning their rabies status and on their surveillance and reporting systems with regard to rabies;

   (b) the conditions that Member States must fulfil to remain eligible for the authorisation referred to in paragraph 2.

*Article 8*

***List of Member States or parts of the territory of Member States to be categorised in accordance with delegated acts adopted pursuant to Article 7(1)***

The Commission shall, by means of an implementing act, adopt lists of Member States or parts of the territory of Member States that comply with the rules for the categorisation of Member States or parts thereof as referred to in Article 7(3)(a). That implementing act shall be adopted in accordance with the examination procedure referred to in Article 43(2).

*Article 9*

***Non-commercial movement conditions applicable to pet animals of the species listed in Part B of Annex I***

1. Pet animals of the species listed in Part B of Annex I shall not be moved into a Member State from another Member State unless they comply with the following conditions:

(a) they are marked or described as provided for in Article 16(2);

(b) they comply with the preventive health measures for diseases or infections other than rabies as provided in Article 18(1);

(c) they are accompanied by a duly completed identification document issued:

(i) in accordance with Article 28;

(ii) in the format provided for in Article 30.

2. The conditions referred to in paragraph 1 shall apply from the date of application of the relevant delegated or implementing acts provided for in Article 16(2), Article 18(1) and Article 30.

## CHAPTER III
## CONDITIONS APPLICABLE TO NON-COMMERCIAL MOVEMENTS OF PET ANIMALS INTO A MEMBER STATE FROM A THIRD COUNTRY OR TERRITORY

### *Article 10*
### *Non-commercial movement conditions applicable to pet animals of the species listed in Part A of Annex I*

Pet animals of the species listed in Part A of Annex I shall not be moved into a Member State from a third country or territory unless they:

(a) are actively marked in accordance with Article 16(1);

(b) have received an anti-rabies vaccination that complies with the validity requirements set out in Annex IV;

(c) have undergone a rabies antibody titration test that complies with the validity requirements set out in Annex V;

(d) comply with the preventive health measures for diseases or infections other than rabies, where necessary:

(i) under Article 18(1) of this Regulation, or

(ii) adopted pursuant to the second subparagraph of Article 5(1) of Regulation (EC) No 998/2003;

(e) are accompanied by a duly completed identification document issued in accordance with Article 24.

*Article 11*

***Derogation from the anti-rabies vaccination condition for young pet animals of the species listed in Part A of Annex I***

1. By way of derogation from Article 10(b), Member States may authorise the non-commercial movement into their territory of pet animals which are less than three months old and not vaccinated against rabies from third countries or territories listed in the implementing acts adopted pursuant to Article 13, provided that they are accompanied by their identification document duly completed and issued in accordance with Article 24, and either:

   (a) the owner or a natural person acting on behalf of and in agreement with the owner provides proof that they have remained in their place of birth without any contact with wild animals of susceptible species likely to have been exposed to rabies, or

   (b) they are accompanied by their mother, on whom they still depend, and it has been documented that their mother received before their birth an anti-rabies vaccination which complied with the validity requirements set out in Annex IV.

2. However, the subsequent non-commercial movement into another Member State of those pet animals shall be prohibited, except where they are moved in accordance with the conditions laid down in Article 5.

*Article 12*

***Derogation from the antibody titration test condition for pet animals of the species listed in Part A of Annex I***

By way of derogation from Article 10(c), the antibody titration test shall not be required for pet animals which are being moved into a Member State:

(a) either directly from a third country or territory listed in the implementing acts adopted pursuant to Article 13 or following residency exclusively in one or more of those third countries or territories, or

(b) from a third country or territory listed in the implementing acts adopted pursuant to Article 13 after transit through third countries or territories other than those listed in the implementing acts adopted pursuant to Article 13, provided that the owner or a natural person acting on behalf of and in agreement with the owner provides proof that during such transit, the pet animals have had no contact with species susceptible to rabies and remain secured within a means of transport or within the perimeter of an international airport.

*Article 13*

***Establishment of a list of third countries or territories for the purpose of Article 12***

1. The Commission shall, by means of an implementing act, by [*date to be inserted: one year after entry into force of this Regulation*] adopt a list of third countries or territories which have demonstrated that they apply rules equivalent to those laid

down in Chapter II, this Chapter and Section 2 of Chapter VI for animals of species listed in Part A of Annex I.

2. The Commission shall, by means of an implementing act, by [*date to be inserted: one year after entry into force of this Regulation*] adopt a list of third countries or territories which have demonstrated that for animals of species listed in Part A of Annex I, they meet at least the following criteria:

(a) the notification of cases of rabies to the competent authorities is obligatory;

(b) an efficient monitoring and reporting system for rabies has been in place for at least two years;

(c) the structure and organisation of their veterinary services are sufficient to guarantee the validity of the animal health certificates provided for in Article 26 and issued in accordance with Article 24;

(d) measures for the prevention and control of rabies have been implemented, including rules for imports into these third countries or territories of pet animals;

(e) rules are in force on the licensing and marketing of anti-rabies vaccines.

3. The implementing acts referred to in paragraphs 1 and 2 shall be adopted in accordance with the examination procedure referred to in Article 43(2).

On duly justified imperative grounds of urgency relating to risks to public or animal health, the Commission shall adopt immediately applicable implementing acts updating the list of third countries or territories referred to in paragraphs 1 and 2 in accordance with the procedure referred to in Article 43(3).

*Article 14*

***Non-commercial movement conditions applicable to pet animals of the species listed in Part B of Annex I***

1. Pet animals of the species listed in Part B of Annex I shall not be moved into a Member State from a third country or territory unless they comply with the following conditions:

(a) they are marked or described as provided for in Article 16(2);

(b) they comply with the preventive health measures for diseases or infections other than rabies as provided for in Article 18(1);

(c) they are accompanied by a duly completed identification document issued:

(i) in accordance with Article 28;

(ii) in the format provided for in Article 33.

2. The conditions referred to in paragraph 1 shall apply from the date of application of the relevant delegated or implementing acts provided for in Article 16(2), Article 18(1) and Article 33.

3. Pending the adoption of the delegated and implementing acts referred to in paragraph 2, national rules shall continue to apply provided that such rules are:

(a) applied proportionately to the risk to public or animal health associated with the non-commercial movement of the pet animals of the species listed in Part B of Annex I;

(b) not stricter than those applied to imports of animals of those species in accordance with Directive 92/65/EEC.

*Article 15*

***Derogation from the non-commercial movement conditions between certain countries of pet animals of the species listed in Annex I***

By way of derogation from Articles 10 and 14, the non-commercial movement of pet animals between the following countries may continue under the conditions laid down by their national rules:

(a) San Marino and Italy;

(b) the Vatican and Italy;

(c) Monaco and France;

(d) Andorra and France;

(e) Andorra and Spain;

(f) Norway and Sweden.

## CHAPTER IV
## MARKING AND PREVENTIVE HEALTH MEASURES

### SECTION 1
### MARKING

*Article 16*

***Marking of pet animals***

1. Pet animals of the species listed in Part A of Annex I shall be actively marked by the implantation of a transponder complying with the technical requirements set out in Annex III or by a clearly readable tattoo applied before 3 July 2011.

Where such pet animal is marked with a transponder that does not comply with the technical requirements set out in Annex III, the owner or the natural person acting on behalf of and in agreement with the owner shall provide the means necessary for

reading that transponder at the time of any verification of identity provided for in Article 20(2), Article 24(2), Article 35 and Article 36(1).

2. Pet animals of the species listed in Part B of Annex I shall be marked or described taking into account the specificities of each species in such a manner that an unequivocal link between the pet animal and its corresponding identification document is ensured.

In order to take into account the specificities of the species in Part B of Annex I the Commission shall be empowered to adopt delegated acts in accordance with Article 41 concerning such species-specific requirements for marking or describing those pet animals.

*Article 17*

***Qualifications required for implanting transponders in pet animals***

Member States shall lay down rules on the minimum qualifications required for the persons carrying out the implantation of transponders in pet animals.

SECTION 2

**PREVENTIVE HEALTH MEASURES FOR DISEASES OR INFECTIONS OTHER THAN RABIES**

*Article 18*

***Preventive health measures and conditions for their application***

1. Where preventive health measures are necessary for the protection of public health or the health of pet animals of the species listed in Annex I for the control of diseases or infections other than rabies, likely to be spread due to the movement of those pet animals, the Commission shall be empowered to adopt delegated acts in accordance with Article 41 concerning species-specific preventive health measures for such diseases or infections.

Where, in the event of risks to public or animal health, imperative grounds of urgency so require, the procedure provided for in Article 42 shall apply to delegated acts adopted pursuant to this paragraph.

2. The species-specific preventive health measures authorised by a delegated act adopted pursuant to paragraph 1 shall be based on adequate, reliable and validated scientific information and applied proportionately to the risk to public or animal health associated with the non-commercial movement of pet animals of the species listed in Annex I likely to be affected by diseases or infections other than rabies.

3. For the same purpose the delegated acts provided for in paragraph 1 may also include:

(a) rules for the categorisation of Member States or parts thereof depending on their animal health status and their surveillance and reporting systems with regard to certain diseases or infections other than rabies;

(b) the conditions that Member States must fulfil to remain eligible for the application of the preventive health measures referred to in paragraph 2;

(c) the conditions for applying and documenting the preventive health measures referred to in paragraph 2 prior to the non-commercial movement of pet animals of the species listed in Annex I;

(d) the conditions for the granting of derogations in certain specified circumstances from the application of the preventive health measures referred to in paragraph 2.

*Article 19*

***List of Member States or parts of the territory of Member States categorised in accordance with delegated acts adopted pursuant to Article 18(1)***

The Commission shall, by means of an implementing act, adopt lists of Member States or parts of the territory of Member States that comply with the rules for the categorisation of Member States or parts thereof as referred to in Article 18(3)(a). That implementing act shall be adopted in accordance with the examination procedure referred to in Article 43(2).

## CHAPTER V
## IDENTIFICATION DOCUMENTS

### SECTION 1
### IDENTIFICATION DOCUMENTS FOR THE NON-COMMERCIAL MOVEMENT INTO A MEMBER STATE FROM ANOTHER MEMBER STATE OF PET ANIMALS OF THE SPECIES LISTED IN PART A OF ANNEX I

*Article 20*

***Issuing of the identification document***

1. The identification document referred to in Article 5(d) shall:

(a) be issued by a veterinarian authorised by the competent authority for that purpose;

(b) document compliance with the requirements provided for in Article 5(a), (b) and (c) and, where applicable, in Article 27(b)(ii); such compliance may be documented in more than one identification document in the format provided for in Article 22(1).

2. Compliance with the marking requirements provided for in Article 5(a) shall be verified before:

(a) the identification document is issued in accordance with paragraph 1(a);

(b) compliance with the requirements referred to in paragraph 1(b) is documented.

*Article 21*

***Information to be provided by the identification document***

1. The identification document referred to in Article 5(d) shall provide the following information:

   (a) the location, date of application and alphanumeric code displayed by the transponder or the tattoo;

   (b) the name, address and signature of the owner;

   (c) details of the anti-rabies vaccination;

   (d) the date of blood sampling for the rabies antibody titration test in the case provided for in Article 27(b)(ii);

   (e) compliance with the preventive health measures for diseases or infections other than rabies, where necessary:

      (i) under Article 18(1) of this Regulation, or

      (ii) adopted pursuant to the second subparagraph of Article 5(1) of Regulation (EC) No 998/2003;

   (f) other relevant information regarding the description and the health status of the animal.

2. The veterinarian issuing the identification document shall record the information referred to in paragraph 1(a) and (b) and keep records of that information for at least 10 years from the date of issue of the identification document.

*Article 22*

***Format of the identification document***

1. The identification document referred to in Article 5(d) shall be in the format of a passport in accordance with the model to be adopted by the Commission by means of an implementing act and contain entries for the insertion of the information required in accordance with Article 21(1). That implementing act shall be adopted in accordance with the examination procedure referred to in Article 43(2) by [*date to be inserted: three years after entry into force of this Regulation*].

2. The implementing act referred to in paragraph 1 shall lay down requirements concerning the languages and the layout of the passport referred to in that paragraph.

3. The passport referred to in paragraph 1 shall bear a number consisting of the ISO code of the Member State of issue followed by a unique alphanumeric code.

*Article 23*

***Derogation from the format of the identification document provided for in Article 22(1)***

1. By way of derogation from Article 22(1), Member States shall authorise the non-commercial movement into a Member State from another Member State of pet animals accompanied by the identification document issued for the purposes of Article 10(e):

   (a) in accordance with Article 24;

   (b) in the format provided for in Article 26(1).

2. Where necessary, compliance with the requirements referred to in Article 5(c) shall be documented in the identification document referred to in paragraph 1, after the completion of the checks provided for in Article 36(1).

SECTION 2

**IDENTIFICATION DOCUMENTS FOR THE NON-COMMERCIAL MOVEMENT INTO A MEMBER STATE FROM A THIRD COUNTRY OR TERRITORY OF PET ANIMALS OF THE SPECIES LISTED IN PART A OF ANNEX I**

*Article 24*

***Issuing of the identification document***

1. The identification document referred to in Article 10(e) shall bear a serial number and:

   (a) be issued by:

      (i) an official veterinarian of the third country of dispatch on the basis of supporting documentation, or

      (ii) a veterinarian authorised by the competent authority of the third country of dispatch for that purpose and subsequently endorsed by the competent authority;

   (b) document compliance with the requirements provided for in Article 10(a) to (d).

2. Compliance with the marking requirements referred to in Article 10(a) shall be verified before:

   (a) the identification document is issued in accordance with paragraph 1;

   (b) compliance with the requirements referred to in Article 10(b), (c) and (d) is documented.

*Article 25*

***Information to be provided by the identification document***

1. The identification document referred to in Article 10(e) shall provide the following information:

   (a) the location, date of application and alphanumeric code displayed by the transponder or the tattoo;

   (b) the name and address of the owner or the natural person acting on behalf of and in agreement with the owner;

   (c) details of the anti-rabies vaccination;

   (d) the date of blood sampling for the rabies antibody titration test;

   (e) compliance with the preventive health measures for diseases or infections other than rabies, where necessary:

      (i) under Article 18(1) of this Regulation, or

      (ii) adopted pursuant to the second subparagraph of Article 5(1) of Regulation (EC) No 998/2003;

   (f) other relevant information regarding the description and the health status of the animal.

2. The identification document referred to in Article 10(e) shall be supplemented by a written declaration signed by the owner or the natural person acting on behalf of and in agreement with the owner stating that the pet animal is moved into the Union for non-commercial purposes.

*Article 26*

***Format of the identification document***

1. The identification document referred to in Article 10(e) shall be in the format of an animal health certificate in accordance with the model to be adopted by the Commission by means of an implementing act and contain entries for the insertion of the information required in accordance with Article 25(1). That implementing act shall be adopted in accordance with the examination procedure referred to in Article 43(2) by [*date to be inserted: three years after entry into force of this Regulation*].

2. The implementing act referred to in paragraph 1 shall lay down requirements concerning the languages, the layout and the validity of the animal health certificate referred to in that paragraph.

*Article 27*

***Derogation from the format of the identification document***

By way of derogation from Article 26(1), Member States shall authorise the non-commercial movement of pet animals accompanied by the identification document in the format provided for in Article 22(1) where:

(a) the identification document has been issued in one of the third countries or territories listed in the implementing act adopted pursuant to Article 13(1), or

(b) such pet animals enter a Member State, after temporary movement to or transit through a third country or territory from a Member State, and a veterinarian authorised by the competent authority has documented that before the pet animals left the Union they had:

(i) received an anti-rabies vaccination;

(ii) undergone a rabies antibody titration test, except in the case of the derogation as provided for in Article 12.

SECTION 3

**IDENTIFICATION DOCUMENTS FOR THE NON-COMMERCIAL MOVEMENT INTO A MEMBER STATE FROM ANOTHER MEMBER STATE OF PET ANIMALS OF THE SPECIES LISTED IN PART B OF ANNEX I**

*Article 28*

***Issuing of the identification document***

1. The identification document referred to in Article 9(1)(c) shall:

(a) be issued by a veterinarian authorised by the competent authority for that purpose;

(b) document compliance with Article 9(1)(a), (b) and (c).

2. Compliance with the marking or description requirements provided for in Article 9(1)(a) shall be verified before:

(a) the identification document is issued in accordance with paragraph 1(a);

(b) the requirements provided for in Article 9(1)(a), (b) and (c) are documented in accordance with Article 18(3)(c).

*Article 29*

***Information to be provided by the identification document***

The identification document referred to in Article 9(1)(c) shall provide the following information:

(a) the characteristics of the mark or the description of the animal as provided for in Article 16(2);

(b) the name, address and signature of the owner;

(c) details of the preventive health measures for diseases or infections other than rabies, where necessary, under Article 18(1);

(d) other relevant information regarding the description and the health status of the animal.

*Article 30*
***Format of the identification document***

1. The Commission shall, by means of an implementing act, adopt a model of the identification document referred to in Article 9(1)(c) which shall contain entries for the insertion of the information required in accordance with Article 29. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 43(2).

2. The implementing act referred to in paragraph 1 shall lay down requirements concerning the languages, the layout and the validity of the identification document referred to in that paragraph.

SECTION 4
**IDENTIFICATION DOCUMENTS FOR THE NON-COMMERCIAL MOVEMENT INTO A MEMBER STATE FROM A THIRD COUNTRY OR TERRITORY OF PET ANIMALS OF THE SPECIES LISTED IN PART B OF ANNEX I**

*Article 31*
***Issuing of the identification document***

1. The identification document referred to in Article 14(1)(c) shall:

   (a) be issued by:

      (i) an official veterinarian on the basis of supporting documentation, or

      (ii) a veterinarian authorised by the competent authority for that purpose and subsequently endorsed by the competent authority;

   (b) document compliance with Article 14(1)(a), (b) and (c).

2. Compliance with the marking or description requirements provided for in Article 14(1)(a) shall be verified before:

   (a) the identification document is issued in accordance with paragraph 1(a);

   (b) the requirements provided for in Article 14(1)(a), (b) and (c) are documented in accordance with Article 18(3)(c).

*Article 32*

***Information to be provided by the identification document***

1. The identification document referred to in Article 14(1)(c) shall provide the following information:

   (a) the characteristics of the mark or the description of the animal as provided for in Article 16(2);

   (b) the name and address of the owner or the natural person acting on behalf of and in agreement with the owner;

   (c) details of the preventive health measures for diseases or infections other than rabies, where necessary, under Article 18(1);

   (d) other relevant information regarding the description and the health status of the animal.

2. The identification document referred to in Article 14(1)(c) shall be supplemented by a written declaration signed by the owner or the natural person acting on behalf of and in agreement with the owner stating that the pet animal is moved into the Union for non-commercial purposes.

*Article 33*

***Format of the identification document***

1. The Commission shall, by means of an implementing act, adopt a model of the identification document referred to in Article 14(1)(c) which shall contain entries for the insertion of the information required in accordance with Article 32(1). That implementing act shall be adopted in accordance with the examination procedure referred to in Article 43(2).

2. The implementing act referred to in paragraph 1 shall lay down requirements concerning the languages, the layout and the validity of the identification document referred to in that paragraph.

## CHAPTER VI
## COMMON PROVISIONS

### SECTION 1
### DEROGATION FOR DIRECT NON-COMMERCIAL MOVEMENT OF PET ANIMALS INTO MEMBER STATES

*Article 34*

***Derogation from the conditions of Articles 5, 9, 10 and 14***

1. By way of derogation from the conditions provided for in Articles 5, 9, 10 and 14, Member States may authorise the movement for non-commercial purposes into their territory of pet animals of the species listed in Annex I which do not comply with the conditions laid down in those Articles, provided that:

(a) a prior application for a permit has been made by the owner or the natural person acting on behalf of and in agreement with the owner and the Member State of destination has granted such permit;

(b) the pet animals are quarantined under official supervision for the time necessary for them to meet those conditions and not exceeding six months:

(i) at a place approved by the competent authority;

(ii) in accordance with the arrangements prescribed in the permit.

2. The permit referred to in paragraph 1(a) may include an authorisation for transiting through another Member State provided that the Member State of transit has given its prior agreement to the Member State of destination.

## SECTION 2
## GENERAL CONDITIONS REGARDING COMPLIANCE

### *Article 35*
### *Documentary, identity and physical checks to be carried out on non-commercial movements of pet animals into a Member State from another Member State or a third country or territory listed pursuant to Article 13(1)*

1. Without prejudice to Article 15, Member States shall carry out targeted or random documentary and identity checks, and where necessary physical checks, on pet animals being moved for non-commercial purposes into a Member State from another Member State or from a third country or territory listed in the implementing act adopted pursuant to Article 13(1), to verify in a non-discriminatory way compliance with Chapter II.

2. The owner or a natural person acting on behalf of and in agreement with the owner at the time of any non-commercial movement into a Member State from another Member State or a third country or territory listed pursuant to Article 13(1) shall, at the request of the competent authority responsible for the checks provided for in paragraph 1 of this Article:

(a) present the identification document which demonstrates compliance with the requirements for such movement in the format provided for in:

(i) Article 22(1), or

(ii) Article 23(1);

(b) make the pet animal available for those checks.

*Article 36*

***Documentary, identity and physical checks to be carried out on non-commercial movements into a Member State from a third country or territory***

1. The non-commercial movement of pet animals into a Member State from a third country or territory other than those listed in the implementing act adopted pursuant to Article 13(1) shall be subject to documentary and identity checks, and where necessary physical checks, by the competent authority at the travellers' point of entry.

2. The owner or a or a natural person acting on behalf of and in agreement with the owner, at the time of entry into a Member State from a third country or territory other than those listed in the implementing act adopted pursuant to Article 13(1), shall at the request of the competent authority provided for in paragraph 1:

   (a) present the identification document which demonstrates compliance with the requirements for such movement in the format provided for in:

      (i) Article 26(1), or

      (ii) Article 27(b);

   (b) make the pet animal available for those checks.

3. Member States shall draw up and keep up-to-date a list of travellers' points of entry.

4. Member States shall ensure that the competent authority that they have designated to carry out checks provided for in paragraph 1:

   (a) is fully informed of the rules laid down in Chapter III and the officials of the competent authority have the necessary training to implement them;

   (b) keeps records of the checks that have been carried out;

   (c) documents the checks that have been carried out in the identification document referred to in:

      (i) Article 10(e), or

      (ii) Article 27(b).

*Article 37*

***Actions in case of non-compliance with the checks provided for in Articles 35 and 36***

1. Where the checks provided for in Articles 35 and 36 reveal that a pet animal does not comply with the conditions laid down in Chapters II and III, the competent authority shall decide, after consultation with the official veterinarian, to:

   (a) return the pet animal to its country or territory of dispatch, or

(b) isolate the pet animal, at the expense of the owner, under official control for the time necessary for it to comply with the conditions laid down in Chapters II and III, or

(c) put the pet animal down, without financial compensation to the owner or the natural person acting on behalf of and in agreement with the owner, where its return is not possible or isolation is not practical.

2. Where the non-commercial movement of pet animals into the Union is refused by the competent authority, they shall be housed under official control pending:

(a) their return to their country or territory of dispatch, or

(b) the adoption of any other administrative decision concerning those pet animals.

*Article 38*
***Safeguard measures***

Where rabies occurs or spreads in a Member State, a third country or territory and is liable to represent a serious threat to public or animal health, the Commission may, acting on its own initiative or at the request of a Member State, adopt one of the following measures, by means of an implementing act, without delay and depending on the gravity of the situation:

(a) suspend the non-commercial movement or transit of pet animals from all or part of the territory of the Member State or third country or territory concerned;

(b) lay down special conditions in respect of non-commercial movements of pet animals coming from all or part of the Member State or third country or territory concerned.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 43(2).

On duly justified imperative grounds of urgency to contain or address a serious risk to public or animal health, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 43(3).

*Article 39*
***Information obligations***

1. By [*date* to *be inserted: one year after entry into force of this Regulation*] at the latest, Member States shall provide the public with clear and easily accessible information concerning the following:

(a) the qualifications required for the implantation of the transponder as provided for in Article 17;

(b) the authorisation to derogate from the anti-rabies vaccination condition for young pet animals of the species listed in Part A of Annex I as provided for in Articles 6 and 11;

(c) the conditions applicable to the non-commercial movement into their territory of pet animals of the species listed in Annex I:

(i) which do not comply with Articles 5, 9, 10 and 14;

(ii) which come from certain countries and territories under conditions laid down by their national rules as provided for in Article 15;

(d) the list of travellers' points of entry as required by Article 36(3), including the competent authority designated to carry out the checks as provided for in Article 36(4);

(e) the conditions applicable to the non-commercial movement into their territory of pet animals of the species listed in Part B of Annex I, laid down by their national rules as provided for in Article 14(2).

2. In order to ensure uniform application of the information requirements provided for in paragraph 1, the Commission may adopt implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 43(2).

SECTION 3
**PROCEDURAL PROVISIONS**

*Article 40*
***Scope of delegated acts***

1. In order to take into account technical progress, scientific developments and the protection of public health or the health of pet animals of the species listed in Annex I, the Commission shall be empowered to adopt delegated acts in accordance with Article 41 to amend Annexes II to V to this Regulation.

2. In order to avoid commercial movements fraudulently disguised as non-commercial movements of pet animals, the Commission shall be empowered to adopt delegated acts in accordance with Article 41 to lay down rules limiting the number of pet animals of the species listed in Annex I that may accompany the owner or a natural person acting on behalf of and in agreement with the owner for a single non-commercial movement.

*Article 41*
***Exercise of the delegation***

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The delegation of power referred to in Article 7(1), the second subparagraph of Article 16(2), the first subparagraph of Article 18(1) and Article 40 shall be conferred on the Commission for an indeterminate period of time from (*).

*(*) Date of entry into force of the basic legislative act or any other date set by the legislator.*

3. The delegation of power referred to in Article 7(1), the second subparagraph of Article 16(2), the first subparagraph of Article 18(1) and Article 40 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 7(1), the second subparagraph of Article 16(2), the first subparagraph of Article 18(1) and Article 40 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

*Article 42*
***Urgency procedure***

1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.

2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 41(5). In such a case, the Commission shall repeal the act without delay following the notification of the decision to object by the European Parliament or by the Council.

*Article 43*
***Committee procedure***

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health established by Article 58 of Regulation (EC) No 178/2002. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery

of the opinion, the chair of the committee so decides or a simple majority of committee members so requests.

3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.

*Article 44*
***Penalties***

The Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

The Member States shall notify those provisions to the Commission by [*date to be inserted: one year after entry into force of this Regulation*] at the latest and shall notify it without delay of any subsequent amendments affecting them.

## CHAPTER VII
## TRANSITIONAL AND FINAL PROVISIONS

*Article 45*
***Repeal***

1. Regulation (EC) No 998/2003 shall be repealed with effect from [*date to be inserted: one year after entry into force of this Regulation*].

   References in this Regulation to the list in the implementing act adopted pursuant to Article 13(1) or (2) shall be construed as references to the list of third countries and territories set out in Section 2 of Part B or in Part C of Annex II to Regulation (EC) No 998/2003 until the entry into force of that implementing act.

2. References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex VI.

*Article 46*
***Transitional measures regarding identification documents***

1. By way of derogation from Article 22(1), the identification document shall be deemed to comply with this Regulation where:

   (a) it is drawn up in accordance with the model passport established by Decision 2003/803/EC;

   (b) it has been issued not later than one year from the date of entry into force of the implementing act adopted pursuant to Article 22(1).

2. By way of derogation from Article 26(1), the identification document shall be deemed to comply with this Regulation where:

(a) it is drawn up in accordance with the model certificate set out in Annex II to Decision 2011/874/EU;

(b) it has been issued not later than one year from the date of entry into force of the implementing act adopted pursuant to Article 26(1).

*Article 47*
***Entry into force and applicability***

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

It shall apply from xxxx [*date to be inserted: one year after entry into force of this Regulation*].

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

Done at Brussels,

| | |
|---|---|
| *For the European Parliament* | *For the Council* |
| *The President* | *The President* |

## ANNEX I

Species of pet animals

PART A

Dogs (*Canis lupus familiaris*)
Cats (*Felis silvestris catus)*
Ferrets (*Mustela putorius furo)*

PART B

Invertebrates (except bees and bumble bees falling within the scope of Directive 92/65/EEC and molluscs and crustaceans falling within the scope of Directive 2006/88/EC)
Ornamental aquatic animals reared in non-commercial aquaria (excluded from the scope of Directive 2006/88/EC)
Amphibia
Reptiles
Birds: all species of birds except poultry falling within the scope of Directives 92/65/EEC and 2009/158/EC)
Mammals: rodents and domestic rabbits.

## ANNEX II

List of Member States as defined in Article 3(f)

| Country code | Country | Included territories |
|---|---|---|
| **BE** | **Belgium** | |
| **BG** | **Bulgaria** | |
| **CZ** | **Czech Republic** | |
| **DK** | **Denmark** | **The Faroe Islands and Greenland** |
| **DE** | **Germany** | |
| **EE** | **Estonia** | |
| **IE** | **Ireland** | |
| **EL** | **Greece** | |
| **ES** | **Spain** | **The Balearic Islands, the Canary Islands, Ceuta and Melilla** |
| **FR** | **France** | **French Guiana, Guadeloupe, Martinique and Réunion** |
| **IT** | **Italy** | |
| **CY** | **Cyprus** | |
| **LV** | **Latvia** | |
| **LT** | **Lithuania** | |
| **LU** | **Luxembourg** | |
| **HU** | **Hungary** | |
| **MT** | **Malta** | |
| **NL** | **Netherlands** | |
| **AT** | **Austria** | |
| **PL** | **Poland** | |
| **PT** | **Portugal** | **The Azores and Madeira** |
| **RO** | **Romania** | |
| **SI** | **Slovenia** | |

| | | |
|---|---|---|
| **SK** | **Slovakia** | |
| **FI** | **Finland** | |
| **SE** | **Sweden** | |
| **UK** | **United Kingdom** | **The Channel Islands and the Isle of Man** |
| **GI** | **Gibraltar** | |

## ANNEX III

Technical requirements for transponders

The transponder shall be a read-only passive radio frequency identification device:

(a) complying with ISO Standard 11784 and applying HDX or FDX-B technology;

(b) capable of being read by a reading device compatible with ISO Standard 11785.

## ANNEX IV

Validity requirements for anti-rabies vaccinations

1. The anti-rabies vaccine must:

   (a) be a vaccine other than a live modified vaccine and fall within one of the following categories:

      (i) an inactivated vaccine of at least one antigenic unit per dose (recommendation from the World Health Organisation), or

      (ii) a recombinant vaccine expressing the immunising glycoprotein of the rabies virus in a live virus vector;

   (b) where it is administered in a Member State, it must have been granted a marketing authorisation in accordance with:

      (i) Article 5 of Directive 2001/82/EC, or

      (ii) Article 3 of Regulation (EC) No 726/2004;

   (c) where it is administered in a third country, it must have been granted an approval or a licence by the competent authority and meet at least the requirements laid down in the relevant part of the Chapter concerning rabies in the Manual of Diagnostic Tests and Vaccines for Terrestrial Animals of the World Organisation for Animal Health.

2. An anti-rabies vaccination must meet the following conditions:

   (a) the vaccine was administered by a veterinarian authorised by the competent authority;

   (b) the date of administration is indicated by a veterinarian authorised by the competent authority in the appropriate section of the identification document in the format provided for in Article 22(1) or Article 26(1);

   (c) the date of administration referred to in point (b) does not precede the date of microchipping or tattooing indicated in the appropriate section of the identification document in the format provided for in Article 22(1) or Article 26(1);

   (d) the period of validity of the vaccination is indicated by the authorised veterinarian in the appropriate section of the identification document in the format provided for in Article 22(1) or Article 26(1).

      It starts from the establishment of protective immunity, which shall not be less than 21 days from the completion of the vaccination protocol required by the manufacturer for the primary vaccination, and continues until the end of the period of protective immunity, as prescribed in the technical specification of the marketing authorisation referred to in point 1(b) or the approval or licence

referred to in point 1(c) for the anti-rabies vaccine in the Member State or third country or territory where the vaccine is administered;

(e) a revaccination must be considered a primary vaccination if it was not carried out within the period of validity referred to in point (d) of the previous vaccination.

## ANNEX V

Validity requirements for the rabies antibody titration test

1. The collection of the sample of blood necessary to carry out the rabies antibody titration test must be carried out and documented by a veterinarian authorised by the competent authority in the appropriate section of the identification document in the format provided for in Article 22(1) or Article 26(1);

2. The rabies antibody titration test must:

   (a) be carried out on a sample collected at least 30 days after the date of vaccination and

      (i) not less than three months before the date of:

         – the non-commercial movement from a third country or territory other than those listed in the implementing acts adopted pursuant to Article 13, or

         – the transit through such third country or territory, where the conditions laid down in Article 12(b) are not fulfilled;

      or

      (ii) before the pet animal left the Union for a movement to or transit through a third country or territory other than those listed in the implementing acts adopted pursuant to Article 13; the identification document in the format provided for in Article 22(1) must confirm that a rabies antibody titration test was carried out with a favourable result before the date of movement;

   (b) measure a level of neutralising antibody to rabies virus in serum equal to or greater than 0.5 IU/ml and using a method prescribed in the relevant part of the Chapter concerning rabies in the Manual of Diagnostic Tests and Vaccines for Terrestrial Animals of the World Organisation for Animal Health;

   (c) be performed in a laboratory approved in accordance with Article 3 of Decision 2000/258/EC;

   (d) not be renewed following a satisfactory result described in point (b) of this Annex, provided that the animal is revaccinated in accordance with point 2(e) of Annex IV.

## ANNEX VI

Correlation table
[referred to in Article 45(2)]

| Regulation (EC) No 998/2003 | This Regulation |
|---|---|
| Article 1 | Article 1 |
| First paragraph of Article 2 | Article 2(1) |
| Second paragraph of Article 2 | Article 2(2)(a) |
| Third paragraph of Article 2 | Article 2(2)(b) |
| Point (a) of Article 3 | Article 3(b) |
| Point (b) of Article 3 | Article 3(e) |
| Point (c) of Article 3 | Article 3(a) |
| Introductory phrase of the first subparagraph of Article 4(1) | --- |
| Points (a) and (b) of the first subparagraph of Article 4(1) | First subparagraph of Article 16(1) |
| Second subparagraph of Article 4(1) | Second subparagraph of Article 16(1) |
| Article 4(2) | Article 21(1)(b) |
| Article 4(3) | --- |
| Article 4(4) | --- |
| Article 5(1)(a) | Article 5(a) |
| Introductory phrase of Article 5(1)(b) | Article 5(d) |
| Article 5(1)(b)(i) | Article 5(b) |
| Article 5(1)(b)(ii) | Article 5(c) |
| Second subparagraph of Article 5(1) | Article 18 |
| Article 5(2) | Article 6 |
| Article 6 | --- |
| Article 7 | Articles 9 and 14, Article 30(1) and Article 40 |
| Article 8(1)(a)(i) | Articles 10 and 12 |
| Article 8(1)(a)(ii) | --- |
| Article 8(1)(b)(i) | Article 10 |
| Article 8(1)(b)(ii) | --- |
| Article 8(2) | Article 10(e) and Article 27 |
| Article 8(3)(a) | Article 13(1) |
| Article 8(3)(b) | Article 15 |
| Article 8(3)(c) | Article 11 |
| Article 8(4) | Article 26(1) |
| Article 9 | Article 14 and Article 33(1) |
| Article 10 | Article 13(2) and (3) |

| | |
|---|---|
| First sentence of Article 11 | Article 39(1) |
| Second sentence of Article 11 | Article 36(3)(a) |
| First subparagraph of Article 12 | Article 36(1) |
| Second subparagraph of Article 12 | Article 36(4) |
| Article 13 | Article 36(3) and Article 39(1)(d) |
| First paragraph of Article 14 | Article 35(2) and Article 36(2) |
| Second paragraph of Article 14 | Second subparagraph of Article 16(1) |
| Third paragraph of Article 14 | Article 37(1) |
| Fourth paragraph of Article 14 | Article 37(2) |
| Article 15 | Paragraph 2(c) of Annex V |
| Article 16 | --- |
| First paragraph of Article 17 | --- |
| Second paragraph of Article 17 | Article 22(1) |
| First paragraph of Article 18 | --- |
| Second paragraph of Article 18 | Article 38 |
| Article 19 | Article 13 and 40 and Article 43(2) |
| Article 19a(1) and (2) | Article 40(1) |
| Article 19a(3) | --- |
| Article 19b(1) | Article 41(1) and (2) |
| Article 19b(2) | Article 41(4) |
| Article 19b(3) | --- |
| Article 19c(1) and (3) | Article 41(3) |
| Article 19c(2) | --- |
| Article 19d(1) and Article 19d(2) | Article 41(5) |
| Article 19d(3) | --- |
| Articles 20 to 23 | --- |
| Article 24(1), (2) and (3) | Article 43(1), (2) and (3) |
| Article 24(4) and (5) | --- |
| Article 25 | Article 47 |
| Annex I | Annex I |
| Annex Ia | Annex III |
| Annex Ib | Annex IV |
| Part A and Section 1 of Part B of Annex II | Annex II |
| Section 2 of Part B of Annex II | [Article 13(1)] |
| Part C of Annex II | [Article 13(2)] |
| --- | Article 3(c), (d), (f) and (g) |
| --- | Article 4 |
| --- | Article 7 |
| --- | Article 8 |

| | |
|---|---|
| --- | Article 16(2) |
| --- | Article 17 |
| --- | Article 19 |
| --- | Article 20 |
| --- | Article 21(1)(a) and (c) to (f) and Article 21(2) |
| --- | Article 22(2) |
| --- | Article 23 |
| --- | Article 24 |
| --- | Article 25(1)(a) and (c) to (f) and Article 25(2) |
| --- | Article 26(2) |
| --- | Article 27 |
| --- | Article 28 |
| --- | Article 29 |
| --- | Article 24 |
| --- | Article 25 |
| --- | Article 26 |
| --- | Article 27 |
| --- | Article 28 |
| --- | Article 29 |
| --- | Article 30(2) |
| --- | Article 31 |
| --- | Article 32 |
| --- | Article 33(2) |
| --- | Article 34 |
| --- | Article 35 |
| --- | Article 39(1)(a), (b), (c), and (e) and Article 39(2) |
| --- | Article 42 |
| --- | Article 44 |
| --- | Article 45 |
| --- | Article 46 |
| --- | Annex V |
| --- | Annex VI |