

Commission Decision of 4 January 2006 establishing the animal health and veterinary certification requirements for imports into the Community of bovine embryos and repealing Decision 2005/217/EC (notified under document number C(2005) 5796) (Text with EEA relevance) (2006/168/EC)

COMMISSION DECISION

of 4 January 2006

establishing the animal health and veterinary certification requirements for imports into the Community of bovine embryos and repealing Decision 2005/217/EC

(notified under document number C(2005) 5796)

(Text with EEA relevance)

(2006/168/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/556/EEC of 25 September 1989 on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species<sup>(1)</sup>, and in particular Article 7(1) and Article 9(1)(b) thereof,

Whereas:

- (1) Directive 89/556/EEC sets out the animal health conditions governing intra-Community trade in and importation from third countries of fresh and frozen embryos of domestic animals of the bovine species.
- (2) That Directive provides, *inter alia*, that bovine embryos are not to be sent from one Member State to another unless they have been conceived by artificial insemination or *in vitro* fertilisation using semen from a donor sire standing at a semen collection centre approved by the competent authority for the collection, processing and storage of semen or semen imported in accordance with Council Directive 88/407/EEC of 14 June 1988 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species<sup>(2)</sup>.
- (3) Commission Decision 92/452/EEC of 30 July 1992 establishing lists of embryo collection teams and embryo production teams approved in third countries for export of bovine embryos to the Community<sup>(3)</sup>, provides that Member States are to import such embryos from third countries only if they have been collected, processed, including *in vitro* fertilisation, and stored by embryo collection teams included in the lists in that Decision.
- (4) Following trade problems relating to new, stricter requirements for bovine semen used for fertilisation introduced by Commission Decision 92/471/EEC<sup>(4)</sup>, the Commission

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**Changes to legislation:** Commission Decision of 4 January 2006 establishing the animal health and veterinary certification requirements for imports into the Community of bovine embryos and repealing Decision 2005/217/EC (notified under document number C(2005) 5796) (Text with EEA relevance) (2006/168/EC) is up to date with all changes known to be in force on or before 27 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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adopted Decision 2005/217/EC of 9 March 2005 establishing the animal health conditions and the veterinary certification requirements for imports into the Community of bovine embryos<sup>(5)</sup>.

- (5) Decision 2005/217/EC allows for a transitional period expiring on 31 December 2006 for imports of bovine embryos collected or produced before 1 January 2006 and conceived using semen not fully complying with Directive 88/407/EEC on condition that such embryos are implanted into female bovine animals present in the Member State of destination and are excluded from intra-Community trade.
- (6) The International Embryo Transfer Society (IETS) has assessed as negligible the risk of transmission of certain contagious diseases via embryos to recipients or offspring, provided that the embryos are handled properly between their collection and their transfer. That position is also that of the World Organisation for Animal Health (OIE) as far as *in vivo* derived embryos are concerned. Nevertheless, in the interests of animal health, appropriate safeguards should be taken upstream with regard to semen used for fertilisation, in particular with respect to *in vitro* generated embryos.
- (7) Community requirements for imports of bovine embryos derived by natural (*in vivo*) fertilisation and produced by *in vitro* fertilisation, in particular as regards semen used for fertilisation, should therefore be adapted.
- (8) In the light of the risk assessment carried out by the IETS and in line with the recommendations of the OIE, the conditions governing imports of *in vivo* derived bovine embryos should be simplified while stricter animal health requirements should be maintained for imports of *in vitro* produced embryos, with special restrictions where the *zona pellucida* has been damaged during the process.
- (9) In the interests of clarity of Community legislation, Decision 2005/217/EC should be repealed and replaced by this Decision.
- (10) However, in order to enable economic operators to adapt to the new requirements set out in this Decision it is appropriate to provide for a transitional period whereby imports of embryos of domestic animals of the bovine species collected or produced before 1 January 2006 may, subject to certain conditions, be imported into the Community according to the requirements set out in Annex V to this Decision.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

### <sup>F1</sup> Article 1

#### **General conditions for imports of embryos**

[<sup>F2</sup>1.] [<sup>F3</sup>The appropriate authority] shall authorise imports of embryos of domestic animals of the bovine species (embryos) collected or produced in a third country listed in Annex I to this Decision by embryo collection or production teams [<sup>F4</sup>which meet the conditions described in subparagraphs (a) to (c) of Article 8(1) of Directive 89/556/EEC, as read in accordance with paragraph 3, and accompanied by the model veterinary certificate referred to in Article 2 and 3].

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- [<sup>F52</sup> In this Decision:
- “appropriate authority” means the Secretary of State (in relation to England), the Welsh Ministers (in relation to Wales) and the Scottish Ministers (in relation to Scotland); but the “appropriate authority” is the Secretary of State if consent is given by:
- a in relation to Wales, the Welsh Ministers;
  - b in relation to Scotland, the Scottish Ministers;
- “third country” means any country or territory other than the British Islands.
3. For the purposes of this Article, subparagraph (b) of Article 8(1) of, and Chapter II of Annex A to, Directive [89/556/EEC](#) are to be read as if—
- a in Article 8(1)(b), for “the Community” there were substituted “ Great Britain ”;
  - b in Annex A, in Chapter II—
    - i in paragraph 1(a), for “this Directive” there were substituted “ national legislation ”;
    - ii in paragraph 1(h), the final sentence were omitted;
    - iii paragraph 1(m) were omitted;
    - iv in paragraph 1(n), the second and final sentences were omitted;
    - v in paragraph 2, in the final subparagraph, for “Directive [88/407/EEC](#)” there were substituted “national legislation relating to the storage of bovine semen.]]

#### Textual Amendments

- F1** Substituted by [Commission Decision of 30 November 2009 amending Decision 2006/168/EC as regards the listing of embryo collection and production teams approved for imports of bovine embryos into the Community \(notified under document C\(2009\) 9320\) \(Text with EEA relevance\) \(2009/873/EC\)](#).
- F2** Art. 1 renumbered as Art. 1(1) (31.12.2020) by [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **46(2)(a)** (with regs. 69-71)
- F3** Words in Art. 1(1) substituted (31.12.2020) by [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **46(2)(b)(i)** (with regs. 69-71)
- F4** Words in Art. 1(1) substituted (31.12.2020) by [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **46(2)(b)(ii)** (with regs. 69-71)
- F5** Art. 1(2)(3) inserted (31.12.2020) by [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **46(2)(c)** (with regs. 69-71)

### Article 2

#### Imports of *in vivo* derived embryos

[<sup>F6</sup>The appropriate authority] shall authorise imports of embryos derived by *in vivo* fertilisation and complying with the animal health requirements set out in the model veterinary certificate [<sup>F7</sup>, in the form published by the appropriate authority from time to time].

**Changes to legislation:** Commission Decision of 4 January 2006 establishing the animal health and veterinary certification requirements for imports into the Community of bovine embryos and repealing Decision 2005/217/EC (notified under document number C(2005) 5796) (Text with EEA relevance) (2006/168/EC) is up to date with all changes known to be in force on or before 27 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

#### Textual Amendments

- F6** Words in Art. 2 substituted (31.12.2020) by [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **46(3)** (a) (with regs. 69-71)
- F7** Words in Art. 2 substituted (31.12.2020) by [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **46(3)** (b) (with regs. 69-71)

### *F<sup>8</sup>* Article 3

#### Imports of *in vitro* produced embryos

1 The appropriate authority shall authorise imports of embryos which are produced by *in vitro* fertilisation using semen from a third country listed in Annex 1 of Commission Implementing Decision 2011/630/EU and in respect of which the model veterinary certificate, in the form published by the appropriate authority from time to time, has been completed to the satisfaction of the appropriate authority.

2 The appropriate authority must authorise imports of embryos which are produced by *in vitro* fertilisation using semen produced in approved semen collection centres or stored in semen storage centres in third countries which comply with the animal health requirements set out in a model veterinary certificate, in the form published by the appropriate authority from time to time, on condition that such embryos are implanted exclusively into female bovine animals present in the country of destination indicated in that certificate.]

#### Textual Amendments

- F8** Art. 3 substituted (31.12.2020) by [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **46(4)** (with regs. 69-71)

### *F<sup>9</sup>* Article 4

#### Transitional measures

#### Textual Amendments

- F9** Art. 4 omitted (31.12.2020) by virtue of [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **46(5)** (with regs. 69-71)

### Article 5

#### Repeal

Decision 2005/217/EC is repealed.

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## Article 6

### Applicability

This Decision shall apply from 1 January 2006.

## <sup>F10</sup>Article 7

### Addressees

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#### Textual Amendments

**F10** Art. 7 omitted (31.12.2020) by virtue of [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **46(5)** (with regs. 69-71)

**Changes to legislation:** Commission Decision of 4 January 2006 establishing the animal health and veterinary certification requirements for imports into the Community of bovine embryos and repealing Decision 2005/217/EC (notified under document number C(2005) 5796) (Text with EEA relevance) (2006/168/EC) is up to date with all changes known to be in force on or before 27 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## [<sup>F11</sup>ANNEX I

### Textual Amendments

**F11** Substituted by Commission Implementing Decision of 17 July 2012 amending Annexes I to IV to Decision 2006/168/EC as regards certain veterinary certification requirements for imports into the Union of bovine embryos (notified under document C(2012) 4816) (Text with EEA relevance) (2012/414/EU).

### Modifications etc. (not altering text)

**C1** Annex 1: power to amend conferred (31.12.2020) by The Trade in Animals and Animal Products (Legislative Functions) and Veterinary Surgeons (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/1225), regs. 1(3), 4; 2020 c. 1, Sch. 5 para. 1(1)

ISO code	Third country	Applicable veterinary certificate		
AR	Argentina	F15	F15	F15
		...	...	...
AU	Australia	F15	F15	F15
		...	...	...
CA	Canada	F15	F15	F15
		...	...	...
CH	Switzerland <sup>a</sup>	F15	F15	F15
		...	...	...

[<sup>F14</sup>EU member States, Liechtenstein and Norway <sup>d]</sup>

F16

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IL	Israel	F15	F15	F15
		...	...	...
MK	the former Yugoslav Republic of Macedonia <sup>b</sup>	F15	F15	F15
		...	...	...
NZ	New Zealand F13	F15	F15	F15
	...	...	...	...
US	United States	F15	F15	F15
		...	...	...

**a** [<sup>F12</sup>This is subject to any specific certification requirements for imports from Switzerland, in such form as the Secretary of State may, with the consent of the appropriate authority, publish from time to time.]

**b** Provisional code that does not affect the definitive denomination of the country to be attributed after the conclusion of the negotiations currently taking place in the United Nations.

F13

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[<sup>F14d</sup>This is subject to any specific certification requirements for imports from EU member States, Liechtenstein and Norway, in such form as the Secretary of State may, with the consent of the appropriate authority, publish from time to time.]]

## ANNEX III

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**Changes to legislation:** Commission Decision of 4 January 2006 establishing the animal health and veterinary certification requirements for imports into the Community of bovine embryos and repealing Decision 2005/217/EC (notified under document number C(2005) 5796) (Text with EEA relevance) (2006/168/EC) is up to date with all changes known to be in force on or before 27 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

**Textual Amendments**

- F12** Words in Annex 1 footnote substituted (31.12.2020) by [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **46(6)(b)** (with regs. 69-71)
- F13** Annex 1 footnote (and accordingly also the footnote reference) omitted (1.7.2022) by virtue of [The Import of Animals and Animal Products and Approved Countries \(Amendment\) Regulations 2022 \(S.I. 2022/735\)](#), regs. 1(2), **8(2)**
- F14** Words in Annex 1 inserted (31.12.2020) by [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **46(6)(a)(ii)** (with regs. 69-71)
- F15** Words in Annex 1 omitted (31.12.2020) by virtue of [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **46(6)(a)(i)** (with regs. 69-71)
- F16** Deleted by [Commission Regulation \(EU\) No 519/2013 of 21 February 2013](#) adapting certain regulations and decisions in the fields of free movement of goods, freedom of movement for persons, right of establishment and freedom to provide services, company law, competition policy, agriculture, food safety, veterinary and phytosanitary policy, fisheries, transport policy, energy, taxation, statistics, social policy and employment, environment, customs union, external relations, and foreign, security and defence policy, by reason of the accession of Croatia.

**F17** ANNEX II**Textual Amendments**

- F17** Annex 2 omitted (31.12.2020) by virtue of [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **46(7)** (with regs. 69-71)

F17

**F18** ANNEX III**Textual Amendments**

- F18** Annex 3 omitted (31.12.2020) by virtue of [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **46(7)** (with regs. 69-71)

F18

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**Changes to legislation:** Commission Decision of 4 January 2006 establishing the animal health and veterinary certification requirements for imports into the Community of bovine embryos and repealing Decision 2005/217/EC (notified under document number C(2005) 5796) (Text with EEA relevance) (2006/168/EC) is up to date with all changes known to be in force on or before 27 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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## F19 ANNEX IV

### Textual Amendments

**F19** Annex IV omitted (31.12.2020) by virtue of [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **46(7)** (with regs. 69-71)

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## F20 ANNEX V

### Textual Amendments

**F20** Annex V omitted (31.12.2020) by virtue of [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **46(7)** (with regs. 69-71)

F20  
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**Changes to legislation:** Commission Decision of 4 January 2006 establishing the animal health and veterinary certification requirements for imports into the Community of bovine embryos and repealing Decision 2005/217/EC (notified under document number C(2005) 5796) (Text with EEA relevance) (2006/168/EC) is up to date with all changes known to be in force on or before 27 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- (1) [OJ L 302, 19.10.1989, p. 1](#). Directive as last amended by Regulation (EC) No 806/2003 ([OJ L 122, 16.5.2003, p. 1](#)).
- (2) [OJ L 194, 22.7.1988, p. 10](#). Directive as last amended by Commission Decision 2004/101/EC ([OJ L 30, 4.2.2004, p. 15](#)).
- (3) [OJ L 250, 29.8.1992, p. 40](#). Decision as last amended by Decision 2005/774/EC ([OJ L 291, 5.11.2005, p. 46](#)).
- (4) [OJ L 270, 15.9.1992, p. 27](#). Decision as last amended by Decision 2004/786/EC ([OJ L 346, 23.11.2004, p. 32](#)).
- (5) [OJ L 69, 16.3.2005, p. 41](#).

**Changes to legislation:**

Commission Decision of 4 January 2006 establishing the animal health and veterinary certification requirements for imports into the Community of bovine embryos and repealing Decision 2005/217/EC (notified under document number C(2005) 5796) (Text with EEA relevance) (2006/168/EC) is up to date with all changes known to be in force on or before 27 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- Annex 1 Table Text addition by [EUDN 2019/602 Decision](#)
- Annex 5 omitted by [S.I. 2019/795 reg. 19\(6\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/795 revoked (31.12.2020) by virtue of S.I. 2020/1462, regs. 1(2)(b), 73(1))
- Annex 3 omitted by [S.I. 2019/795 reg. 19\(6\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/795 revoked (31.12.2020) by virtue of S.I. 2020/1462, regs. 1(2)(b), 73(1))
- Annex 2 omitted by [S.I. 2019/795 reg. 19\(6\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/795 revoked (31.12.2020) by virtue of S.I. 2020/1462, regs. 1(2)(b), 73(1))
- Annex 4 omitted by [S.I. 2019/795 reg. 19\(6\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/795 revoked (31.12.2020) by virtue of S.I. 2020/1462, regs. 1(2)(b), 73(1))
- Art. 1 words inserted by [S.I. 2019/795 reg. 19\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/795 revoked (31.12.2020) by virtue of S.I. 2020/1462, regs. 1(2)(b), 73(1))
- Art. 1 words substituted by [S.I. 2019/795 reg. 19\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/795 revoked (31.12.2020) by virtue of S.I. 2020/1462, regs. 1(2)(b), 73(1))
- Art. 2 words substituted by [S.I. 2019/795 reg. 19\(3\)\(a\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/795 revoked (31.12.2020) by virtue of S.I. 2020/1462, regs. 1(2)(b), 73(1))
- Art. 2 words substituted by [S.I. 2019/795 reg. 19\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/795 revoked (31.12.2020) by virtue of S.I. 2020/1462, regs. 1(2)(b), 73(1))
- Art. 3(1) words substituted by [S.I. 2019/795 reg. 19\(4\)\(a\)\(i\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/795 revoked (31.12.2020) by virtue of S.I. 2020/1462, regs. 1(2)(b), 73(1))
- Art. 3(1) words substituted by [S.I. 2019/795 reg. 19\(4\)\(a\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/795 revoked (31.12.2020) by virtue of S.I. 2020/1462, regs. 1(2)(b), 73(1))
- Art. 3(2) substituted by [S.I. 2019/795 reg. 19\(4\)\(c\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/795 revoked (31.12.2020) by virtue of S.I. 2020/1462, regs. 1(2)(b), 73(1))
- Art. 4 omitted by [S.I. 2019/795 reg. 19\(5\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/795 revoked (31.12.2020) by virtue of S.I. 2020/1462, regs. 1(2)(b), 73(1))
- Art. 7 omitted by [S.I. 2019/795 reg. 19\(5\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/795 revoked (31.12.2020) by virtue of S.I. 2020/1462, regs. 1(2)(b), 73(1))

**Changes and effects yet to be applied to the whole legislation item and associated provisions**

- Art. 3(1A) inserted by [S.I. 2019/795 reg. 19\(4\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2019/795 revoked (31.12.2020) by virtue of S.I. 2020/1462, regs. 1(2)(b), 73(1))