Commission Regulation (EC) No 119/2009 of 9 February 2009 laying down a list of third countries or parts thereof, for imports into, or transit through, the Community of meat of wild leporidae, of certain wild land mammals and of farmed rabbits and the veterinary certification requirements (Text with EEA relevance)

### COMMISSION REGULATION (EC) No 119/2009

of 9 February 2009

laying down a list of third countries or parts thereof, for imports into, or transit through, the Community of meat of wild leporidae, of certain wild land mammals and of farmed rabbits and the veterinary certification requirements

(Text with EEA relevance)

### THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption<sup>(1)</sup>, and in particular the first subparagraph of point 1 of Article 8, Article 9(2)(b) and Article 9(4)(b) and (c) thereof,

Having regard to Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs<sup>(2)</sup>, and in particular Article 12 thereof,

Having regard to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin<sup>(3)</sup>, and in particular Article 9 thereof.

Having regard to Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption<sup>(4)</sup>, and in particular Articles 11(1) and 14(4) thereof,

Having regard to 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 animal welfare rules<sup>(5)</sup>, and in particular Article 48(1) thereof,

### Whereas:

- (1) Commission Decision 2000/585/EC<sup>(6)</sup> draws up a list of third countries from which Member States are to authorise imports of rabbit meat and certain wild and farmed game meat, and lays down the animal and public health and the veterinary certification conditions for such imports.
- (2) In the interests of consistency of Community legislation, Community rules for imports of meat of wild leporidae, of certain wild land mammals and of farmed rabbits

- should take into account the public health requirements laid down in Regulations (EC) No 852/2004, (EC) No 853/2004, (EC) No 854/2004 and (EC) No 882/2004.
- (3) The measures provided for in this Regulation shall be without prejudice to legislation implementing Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein<sup>(7)</sup>.
- (4) With a view to harmonising Community conditions for imports into the Community of the commodities concerned, as well as making them more transparent and simplifying the legislative procedure for amending such conditions, those conditions should be set out in the appropriate model veterinary certificates set out in this Regulation.
- The veterinary certificates for imports into and transit, including storage during transit, through the Community of meat of wild leporidae, of certain wild land mammals and of farmed rabbits should comply with the appropriate standard models set out in Annex I to Commission Decision 2007/240/EC of 16 April 2007 laying down new veterinary certificates for importing live animals, semen, embryos, ova and products of animal origin into the Community pursuant to Decisions 79/542/EEC, 92/260/EEC, 93/195/EEC, 93/196/EEC, 93/197/EEC, 95/328/EC, 96/333/EC, 96/539/EC, 96/540/EC, 2000/572/EC, 2000/585/EC, 2000/666/EC, 2002/613/EC, 2003/56/EC, 2003/779/EC, 2003/804/EC, 2003/858/EC, 2003/863/EC, 2003/881/EC, 2004/407/EC, 2004/438/EC, 2004/595/EC, 2004/639/EC and 2006/168/EC<sup>(8)</sup>.
- (6) The model veterinary certificates, set out in this Regulation, for imports into and transit, including storage during transit, through the Community of meat of wild leporidae, of certain wild land mammals and of farmed rabbits should also be compatible with the Traces system, as provided for in Commission Decision 2004/292/EC of 30 March 2004 on the introduction of the Traces system<sup>(9)</sup>.
- (7) The list of third countries or parts thereof, listed in Annex II to Council Decision 79/542/ EEC<sup>(10)</sup> should be used for imports into, or transit through, the Community of meat of wild leporidae and of farmed rabbits. The list of countries should be laid down for imports into or transit through, the Community of meat of wild land mammals other than ungulates and leporidae.
- (8) Specific conditions for transit via the Community of consignments to and from Russia should be provided for, owing to the geographical situation of Kaliningrad which only concerns Latvia, Lithuania and Poland.
- (9) To avoid any disruption of trade, the use of the veterinary certificates issued in accordance with Decision 2000/585/EC should be authorised during a transitional period.
- (10) In the interests of clarity of Community legislation, Commission Decision 2000/585/ EC should be repealed and replaced by this Regulation.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

### HAS ADOPTED THIS REGULATION:

### Article 1

### Subject matter and scope

- 1 This Regulation lays down:
  - a list of third countries [F1 and makes provision for the specification for the purposes of this Regulation by the Secretary of State, with the consent of the Scottish Ministers (in relation to Scotland) and the Welsh Ministers (in relation to Wales), of third countries or parts] thereof from which the following commodities may be imported into, or transit through [F2 Great Britain]:
    - (i) meat of wild leporidae not containing offal, except for unskinned and uneviscerated wild leporidae;
    - (ii) meat of wild land mammals other than ungulates and leporidae, not containing offal;
    - (iii) meat of farmed rabbits;
  - b the veterinary certification requirements for the commodities listed in points (i), (ii) and (iii) (the commodities).
- 2 F3... For the purposes of this Regulation, transit covers storage during transit (including putting into storage, as referred to in [F4Commission Delegated Regulation (EU) 2019/2124]).
- This Regulation shall apply without prejudice to:
- (i) specific certification requirements provided for in [F5 agreements between the United Kingdom and] third countries;
- (ii) the relevant rules on certification contained within legislation implementing Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein.

### **Textual Amendments**

- F1 Words in Art. 1 substituted (1.7.2022) by The Import of Animals and Animal Products and Approved Countries (Amendment) Regulations 2022 (S.I. 2022/735), regs. 1(2), 4(2)
- F2 Words in Art. 1(1)(a) 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), 54(2) (a) (with regs. 69-71)
- F3 Words in Art. 1(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), 54(2) (b)(i) (with regs. 69-71)
- F4 Words in Art. 1(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), 54(2) (b)(ii) (with regs. 69-71)
- Words in Art. 1(3)(i) 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), **54(2)** (c) (with regs. 69-71)

### I<sup>F6</sup>Article 2

### Interpretation

For the purposes of this Regulation—

- a) "additional guarantee" means the guarantee given under paragraph 2 of Article 2a;
- b) "wild leporidae" means wild rabbits and hares.]

### **Textual Amendments**

F6 Art. 2 substituted (1.7.2022) by The Import of Animals and Animal Products and Approved Countries (Amendment) Regulations 2022 (S.I. 2022/735), regs. 1(2), 4(3)

### I<sup>F7</sup>Article 2a

### Additional guarantees

- 1 The Secretary of State, with the consent of the Scottish Ministers (in relation to Scotland) and the Welsh Ministers (in relation to Wales), may impose conditions relating to the protection of public health, animal health or food safety in Great Britain on the import of a commodity from a third country listed in Part 1 of Annex 1, or a part thereof.
- The person exporting the commodity from the third country to Great Britain, or another person acting on their behalf, must provide evidence that any condition imposed under paragraph 1 in relation to the commodity is satisfied by giving an additional guarantee in accordance with the veterinary certificate for the commodity concerned.
- 3 The Secretary of State must publish any conditions imposed under paragraph 1 and the commodities to which they relate in a document published for the purposes of this Article.

### **Textual Amendments**

F7 Arts. 2a, 2b inserted (1.7.2022) by The Import of Animals and Animal Products and Approved Countries (Amendment) Regulations 2022 (S.I. 2022/735), regs. 1(2), 4(4)

### Article 2b

### Code of third country or part thereof

The Secretary of State, with the consent of the Scottish Ministers (in relation to Scotland) and the Welsh Ministers (in relation to Wales), may specify in a document published for the purposes of this Article a system of words, letters or numbers representing, for the purposes of a veterinary certificate under this Regulation, a third country listed in Part 1 of Annex 1, or part thereof.]

### **Textual Amendments**

F7 Arts. 2a, 2b inserted (1.7.2022) by The Import of Animals and Animal Products and Approved Countries (Amendment) Regulations 2022 (S.I. 2022/735), regs. 1(2), 4(4)

### I<sup>F10</sup>Article 3

# F8... Third countries or parts thereof from which commodities may be imported into, or transit through, [F9 Great Britain]

The commodities that may be imported into, or transited through, Great Britain from a third country are confined to those from [F11] such of the third countries] listed in Part 1 of Annex I [F12] or parts thereof, as the Secretary of State, with the consent of the Scottish Ministers (in relation to Scotland) and the Welsh Ministers (in relation to Wales), may specify in a document published for the purposes of this Article]; and in this Regulation "third country" means any country or territory other the British Islands.]

### **Textual Amendments**

- Words in Art. 3 heading 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), 4(5)(a)
- Words in Art. 3 heading 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), 54(4) (a) (with regs. 69-71)
- F10 Words in 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), 54(4) (b) (with regs. 69-71)
- F11 Words in Art. 3 substituted (1.7.2022) by The Import of Animals and Animal Products and Approved Countries (Amendment) Regulations 2022 (S.I. 2022/735), regs. 1(2), 4(5)(b)
- F12 Words in Art. 3 inserted (1.7.2022) by The Import of Animals and Animal Products and Approved Countries (Amendment) Regulations 2022 (S.I. 2022/735), regs. 1(2), 4(5)(c)

### Article 4

### **Veterinary certification**

- Commodities imported into [ $^{F13}$ Great Britain] shall be accompanied by a veterinary certificate drawn up in accordance with the model certificate [ $^{F14}$ , in the form published by the appropriate authority from time to time], for the commodity concerned  $^{F15}$ ....
- Commodities in transit through [F16Great Britain] shall be accompanied by a certificate drawn up in accordance with the model certificate [F17, in the form published by the appropriate authority from time to time].
- 3 Compliance with the additional guarantees, as required [F18 for Great Britain,] shall be certified by completing the appropriate section in the veterinary certificate for the commodity concerned.
- 4 Electronic certification <sup>F19</sup>... may be used.

- [F205. "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.]

### **Textual Amendments**

- F13 Words in Art. 4(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), 54(5) (a)(i) (with regs. 69-71)
- F14 Words in Art. 4(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), 54(5) (a)(ii) (with regs. 69-71)
- F15 Words in Art. 4(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), 54(5) (a)(iii) (with regs. 69-71)
- F16 Words in Art. 4(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), 54(5) (b)(i) (with regs. 69-71)
- F17 Words in Art. 4(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), 54(5) (b)(ii) (with regs. 69-71)
- F18 Words in Art. 4(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), 54(5) (c) (with regs. 69-71)
- F19 Words in Art. 4(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), 54(5) (d) (with regs. 69-71)
- **F20** Art. 4(5) 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), **54(5)(e)** (with regs. 69-71)

### F21 Article 5

### Derogation for transit through Latvia, Lithuania and Poland

### **Textual Amendments**

F21 Art. 5 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), 54(6) (with regs. 69-71)

### I<sup>F22</sup>Article 5a

### Matters relating to the exercise of powers under this Regulation

- 1. The powers exercisable by the Secretary of State, with the consent of the Scottish Ministers (in relation to Scotland) and the Welsh Ministers (in relation to Wales), under the provisions listed in paragraph 2 may be exercised only where it is necessary or appropriate to do so in the light of an assessment of the risk to animal or public health in the United Kingdom, taking into account the animal health criteria and the public health criteria.
- 2. The provisions are
  - a Article 2a (additional guarantees)
  - b Article 3 (specification of third countries or parts thereof from which commodities may be imported into, or transit through, Great Britain).
- 3. Any assessment which is relied upon for the purposes of paragraph 1 must have been approved by the Secretary of State, the Scottish Ministers (in relation to Scotland) and the Welsh Ministers (in relation to Wales).
- 4. Where the Scottish Ministers or the Welsh Ministers request that the Secretary of State exercise a power under a provision listed in paragraph 2, the Secretary of State must have regard to that request.
- 5. In this Article—

"animal health criteria" means the criteria set out in Schedule 1 to the Trade in Animals and Animal Products (Legislative Functions) and Veterinary Surgeons (Amendment) (EU Exit) Regulations 2019;

"public health criteria" means the criteria set out in Schedule 2 to those Regulations.]

### **Textual Amendments**

F22 Art. 5a inserted (1.7.2022) by The Import of Animals and Animal Products and Approved Countries (Amendment) Regulations 2022 (S.I. 2022/735), regs. 1(2), 4(6)

### Article 6

### Repeal

Decision 2000/585/EC is repealed.

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

F23Article 7

**Transitional provisions** 

### **Textual Amendments**

**F23** 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), **54(6)** (with regs. 69-71)

### Article 8

### Entry into force and applicability

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 June 2009.

F24 ...

### **Textual Amendments**

**F24** Words in Signature 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), **54**(6) (with regs. 69-71)

### ANNEX I

## MEAT OF WILD LEPORIDAE, OF CERTAIN WILD LAND MAMMALS AND OF FARMED RABBITS

### **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), 8; 2020 c. 1, Sch. 5 para. 1(1)

# PART 1 List of third countries F25...

Country	F27	Leporio	Leporidae				Wild land	
		Wild			Farmed rabbits		mammals other than ungulates and leporidae	
		MC	F28	MC	F29	MC	F30	
1		3	4	5	6	7	8	
Australia		WL		RM		WM		
Canada		WL		RM		WM		
[F31[F32EU member States, Iceland, Liechtenste and Norway] F26	in	WL		RM		WMJ		
Greenland		WL		RM		WM		
New Zealand		WL		RM		WM		
Russia		WL		RM		WM		
Any other to country [F33] Part 1 of A to [F34] Regulation	listed] in nnex II mission			RM				

MC : Model veterinary certificate. AG : Additional guarantees.

F26

• • •

206/2010][ <sup>F35</sup> , or				
territories or parts of				
those third countries,				
specified by the				
Secretary of State,				
with the consent				
of the Scottish				
Ministers (in relation				
to Scotland) and the				
Welsh Ministers (in				
relation to Wales)				
under Article 14 of				
that Regulation in a				
document published				
for the purposes of				
that Article]				
MC :	Model veterinary certificate. Additional guarantees.			

F26

### **Textual Amendments**

- F26 Annex 1 Pt. 1 table footnote 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), 4(7)(c)
- F27 Words in Annex 1 Pt. 1 table 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), 4(7)(b)(i)
- **F28** Words in Annex 1 Pt. 1 table 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), 4(7)(b)(ii)
- **F29** Words in Annex 1 Pt. 1 table 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), 4(7)(b)(iii)
- **F30** Words in Annex 1 Pt. 1 table 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), 4(7)(b)(iv)
- **F31** Words in Annex 1 Pt. 1 table 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), **54(7)** (a)(i) (with regs. 69-71)
- F32 Words in Annex 1 Pt. 1 table substituted (28.3.2021) by The Approved Country Lists (Animals and Animal Products) (Amendment) Regulations 2021 (S.I. 2021/211), regs. 1(2), 4(2)(a)
- F33 Word in Annex 1 Pt. 1 table substituted (13.12.2022) by The Animals and Animal Health, Feed and Food, Plants and Plant Health (Amendment) Regulations 2022 (S.I. 2022/1315), regs. 1(1), 18(2)(a)
- **F34** Words in Annex 1 Pt. 1 table 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), 54(7)(a)(ii) (with regs. 69-71)
- F35 Words in Annex 1 Pt. 1 table inserted (13.12.2022) by The Animals and Animal Health, Feed and Food, Plants and Plant Health (Amendment) Regulations 2022 (S.I. 2022/1315), regs. 1(1), 18(2)(b)

Document Generated: 2023-08-30

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 119/2009. (See end of Document for details)

### F36PART 2

### **Model veterinary certificates**

Textual Amendments

F36 Annex 1 Pts. 2-4 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), 54(7) (b) (with regs. 69-71)

# Additional guarantees F36PART 4 Notes for veterinary certification

F37ANNEX II

### **Textual Amendments**

F37 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), 54(8) (with regs. 69-71)

### F38ANNEX III

### **Textual Amendments**

F38 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), 54(8) (with regs. 69-71)

### ANNEX IV

(as referred to in Article 6)

### **CORRELATION TABLE**

Decision 2000/585/EC	This Regulation
Article 2	Article 1
_	Article 2
Article 2a (a)	Article 3
Article 2a (b, c and d)	Article 4
Article 2b	Article 5
Article 4(1)	Article 6
Article 4(2)	Article 7
Article 3	Article 8

- **(1)** OJ L 18, 23.1.2003, p. 11.
- (2) OJ L 139, 30.4.2004, p. 1, corrected by OJ L 226, 25.6.2004, p. 3.
- (3) OJ L 139, 30.4.2004, p. 55, as corrected by OJ L 226, 25.6.2004, p. 22.
- (4) OJ L 139, 30.4.2004, p. 206, as corrected by OJ L 226, 25.6.2004, p. 83.
- (5) OJ L 165, 30.4.2004, p. 1, as corrected by OJ L 191, 28.5.2004, p. 1.
- **(6)** OJ L 251, 6.10.2000, p. 1.
- (7) OJ L 61, 3.3.1997, p. 1.
- (8) OJ L 104, 21.4.2007, p. 37.
- **(9)** OJ L 94, 31.3.2004, p. 63.
- (10) OJ L 146, 14.6.1979, p. 15.

### **Changes to legislation:**

There are currently no known outstanding effects for the Commission Regulation (EC) No 119/2009.