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Changes to legislation: Commission Implementing Decision of 1 March 2012 on imports into the Union of semen of domestic animals of the porcine species (notified under document C(2012) 1148) (Text with EEA relevance) (2012/137/EU) is up to date with all changes known to be in force on or before 10 December 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)

Commission Implementing Decision of 1 March 2012 on imports into the Union of semen of domestic animals of the porcine species (notified under document C(2012) 1148) (Text with EEA relevance) (2012/137/EU)

COMMISSION IMPLEMENTING DECISION

of 1 March 2012

on imports into the Union of semen of domestic animals of the porcine species

(notified under document C(2012) 1148)

(Text with EEA relevance)

(2012/137/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 90/429/EEC of 26 June 1990 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species⁽¹⁾, and in particular Article 7(1), Article 9(2) and (3) and Article 10(2) thereof,

Whereas:

- (1) Directive 90/429/EEC lays down the animal health conditions applicable to intra-Union trade in and imports from third countries of semen of domestic animals of the porcine species. It provides that Member States may authorise importation of such semen only from those third countries which appear on a list drawn up in accordance with the procedure laid down therein and accompanied by an animal health certificate, the model of which must correspond to a specimen drawn up in accordance with that Directive. The animal health certificate is to certify that the semen comes from approved semen collection centres offering the guarantees provided for in Article 8(1) of that Directive.
- (2) Commission Decision 2009/893/EC of 30 November 2009 on importation of semen of domestic animals of the porcine species into the Community as regards lists of third countries and of semen collection centres, and certification requirements⁽²⁾ sets out a list of third countries from which Member States are to authorise imports of semen. That list is established on the basis of the animal health status of those third countries.
- (3) Directive 90/429/EEC, as amended by Commission Implementing Regulation (EU) No 176/2012⁽³⁾, provides for revised animal health requirements for donor animals of the porcine species and semen as regards brucellosis and Aujeszky's disease.
- (4) Council Directive 2002/60/EC of 27 June 2002 laying down specific provisions for the control of African swine fever and amending Directive 92/119/EEC as regards Teschen disease and African swine fever⁽⁴⁾ deleted Teschen disease (porcine enterovirus encephalomyelitis) from the list of diseases laid down in Annex I to Council Directive

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92/119/EEC of 17 December 1992 introducing general Community measures for the control of certain animal diseases and specific measures relating to swine vesicular disease⁽⁵⁾ and consequently by Commission Decision 2008/650/EC of 30 July 2008 amending Council Directive 82/894/EEC on the notification of animal diseases within the Community to include certain diseases in the list of notifiable diseases and to delete porcine enterovirus encephalomyelitis from that list⁽⁶⁾ that disease was deleted from the list of the compulsorily notifiable diseases within the Union.

- (5) In addition, it is necessary to align certain animal health requirements for imports into the Union of semen of domestic animals of the porcine species to the Terrestrial Animal Health Code of the World Organisation for Animal Health (OIE) in particular as regards country freedom of swine vesicular disease and semen collection centre freedom of tuberculosis and rabies.
- (6) Accordingly, the model animal health certificate set out in Part 1 of Annex II to Decision 2009/893/EC should be amended to take account of those amendments made to Directive 90/429/EEC and to delete all references to Teschen disease (porcine enterovirus encephalomyelitis), country freedom of swine vesicular disease and semen collection centre freedom of tuberculosis and rabies.
- (7) There are bilateral agreements concluded between the Union and certain third countries containing specific conditions for the imports into the Union of semen of domestic animals of the porcine species. Therefore, where the bilateral agreements contain specific conditions and model animal health certificates for imports, those conditions and models should apply instead of the conditions and the model set out in this Decision.
- (8) Switzerland is a third country with an animal health status equivalent to that of the Member States. It is therefore appropriate that semen of domestic animals of the porcine species imported into the Union from Switzerland is accompanied by an animal health certificate drawn up in accordance with the models used for intra-Union trade in such semen set out in Annex D to Directive 90/429/EEC, with the adaptations set out in point 3 of Chapter VIII(B) of Appendix 2 of Annex 11 to the Agreement between the European Community and the Swiss Confederation on Trade in Agricultural Products, as approved by Decision 2002/309/EC, Euratom of the Council, and of the Commission as regards the Agreement on Scientific and Technological Cooperation, of 4 April 2002 on the conclusion of seven Agreements with the Swiss Confederation⁽⁷⁾.
- (9) In the interest of clarity and consistency of Union legislation, Decision 2009/893/EC should be repealed and replaced by this Decision.
- (10) To avoid any disruption of trade, the use of animal health certificates issued in accordance with Decision 2009/893/EC should be authorised during a transitional period.
- (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:

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Article 1

Subject matter

[^{F1}1.] This Decision lays down a list of third countries [^{F2}and makes provision for the specification of parts thereof] from which [^{F3}the appropriate authority][^{F4}may] authorise imports into [^{F5}Great Britain] of semen of domestic animals of the porcine species.

It also lays down certification requirements for imports of semen into [^{F5}Great Britain].

2. [^{F6}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.]

Textual Amendments

- F1** 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), **62(2)(a)** (with regs. 69-71)
- F2** Words in Art. 1(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), **14(2)(a)**
- F3** Words in Art. 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), **62(2)(b)** (with regs. 69-71)
- F4** Word in Art. 1(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), **14(2)(b)**
- F5** Words in Art. 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), **62(2)(c)** (with regs. 69-71)
- F6** Art. 1(2) 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), **62(2)(d)** (with regs. 69-71)

Article 2

Imports of semen

1 [^{F7}The appropriate authority] shall authorise the import of semen provided that it complies with the following conditions:

- a it comes from [^{F8}such third country listed in Annex 1, or a part 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];
- b it comes from a semen collection centre listed in accordance with [^{F9}Article 2a];

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- c it is accompanied by an animal health certificate [^{F10}, in the form published by the appropriate authority from time to time];
- d it complies with the requirements set out in the animal health certificate referred to in point (c).

2 Where specific animal health and certification conditions are laid down in bilateral agreements between [^{F11}Great Britain] and third countries, those conditions shall apply instead of the conditions laid down in paragraph 1.

Textual Amendments

- F7** Words in Art. 2(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), **62(3)(a)(i)** (with regs. 69-71)
- F8** Words in Art. 2(1)(a) 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), **14(3)**
- F9** Words in Art. 2(1)(b) 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), **62(3)(a)(ii)** (with regs. 69-71)
- F10** Words in Art. 2(1)(c) 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), **62(3)(a)(iii)** (with regs. 69-71)
- F11** Words in Art. 2(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), **62(3)(b)** (with regs. 69-71)

[^{F12}Article 2a

Conditions for listing of semen collection centres

1. The appropriate authority must only authorise imports of semen dispatched from a semen collection centre—

- a situated in [^{F13}such third country listed in Annex 1 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];
- b in respect of which the competent authority of the third country concerned is able to guarantee that:
 - i the semen collection centre meets the standards described in paragraph 2; and
 - ii the competent authority's approval of the semen collection centre will be immediately suspended or withdrawn if that semen collection centre does not meet the standards described in paragraph 2;
- c where the appropriate authority is satisfied that the conditions in paragraphs 3 and 4 are met.

2. The standards are that the semen collection centre—

- a meets conditions that are at least equivalent to those:
 - i for the approval of semen collection centres described in Chapter I of Annex A to Directive 90/429/EEC; and
 - ii relating to the supervision of such centres described in Chapter II of Annex A to Directive 90/429/EEC;

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- b has been approved by that competent authority for exports to Great Britain;
 - c is under the supervision of a veterinarian; and
 - d is subject to inspection by an official veterinarian of the third country concerned at least twice a year.
3. The list of semen collection centres that the competent authority of the third country has approved in accordance with the standards described in paragraph 2, and from which semen may be dispatched to Great Britain, has been communicated to the appropriate authority by that competent authority.
4. The suspension or withdrawal of approval of a semen collection centre by the competent authority of the third country will be promptly communicated to the appropriate authority by that competent authority.
5. Each appropriate authority must provide the other appropriate authorities with any new or updated lists received from a competent authority of a third country in accordance with this Article and must make any such lists available to the public for information purposes.]

Textual Amendments

- F12** Art. 2a 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), **62(4)** (with regs. 69-71)
- F13** Words in Art. 2a(1)(a) 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), **14(4)**

Article 3

Conditions concerning the transport of semen to ^{F14}Great Britain]

- 1 The semen referred to in Article 2 shall not be transported in the same container as other consignments of semen that:
- a are not intended for introduction into ^{F14}Great Britain]; or
 - b are of a lower health status.
- 2 During transport to ^{F14}Great Britain], semen shall be placed in closed and sealed flasks and the seal shall not be broken during transport.

Textual Amendments

- F14** 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), **62(5)** (with regs. 69-71)

^{F15}Article 3a

Matters relating to the exercise of powers under this Decision

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

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do so in the light of an assessment of the risk to animal health in the United Kingdom and the matters specified in paragraph 3.

2. The provisions are—
 - a paragraph 1(a) of Article 2 (specification of third country or part thereof authorised for import of semen);
 - b paragraph 1(a) of Article 2a (specification of third country or part thereof authorised for import of semen dispatched from a collection centre).
3. Any assessment which is relied on for the purposes of paragraph 1 must be appropriate to the circumstances and have been approved by the Secretary of State, the Scottish Ministers (in relation to Scotland) and the Welsh Ministers (in relation to Wales), taking into account—
 - a the state of health of the livestock, other domestic animals and wildlife and the environmental situation in the third country, with particular reference to animal diseases that are exotic, notifiable or reportable in the United Kingdom and which might endanger the health and environmental situation of the United Kingdom;
 - b the regularity and rapidity of the provision of information by the third country concerning the existence of contagious animal diseases in its territory, in particular those diseases listed by the World Organisation for Animal Health;
 - c the third country's rules on animal disease prevention and control;
 - d the structures, skills, independence and qualifications of the competent authority's veterinary service and inspection services in the third country;
 - e the organisation and implementation of measures to prevent and control contagious animal diseases;
 - f the assurances which the third country can give with regard to compliance with the animal health requirements relating to the collection, processing, storage and transport of porcine semen that is approved for export.
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.]

Textual Amendments

F15 Art. 3a 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), **14(5)**

Article 4

Repeal

Decision 2009/893/EC is repealed.

^{F16}Article 5

Transitional provision

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Textual Amendments

- F16** 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), **62(6)** (with regs. 69-71)

Article 6

Applicability

This Decision shall apply from 1 June 2012.

^{F17}Article 7

Addressees

Textual Amendments

- F17** 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), **62(6)** (with regs. 69-71)

Done at Brussels, 1 March 2012.

For the Commission

John DALLI

Member of the Commission

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ANNEX I

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), **14**; 2020 c. 1, Sch. 5 para. 1(1)

LIST OF THIRD COUNTRIES ^{F18} ... FROM WHICH [^{F19}IMPORTS OF SEMEN OF DOMESTIC ANIMALS OF THE PORCINE SPECIES ARE TO BE AUTHORISED UNDER ARTICLE 2]

ISO code	Name of the third country	F22 ...
CA	Canada	
CH	Switzerland F20	
	[^{F23} EU member States, Liechtenstein and Norway] F21	
NZ	New Zealand	
US	United States	
F20 ...		
F21 ...		

Textual Amendments

- F18** Words in Annex 1 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), **14(6)(a)**
- F19** Words in Annex 1 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), **62(7)(a)** (with regs. 69-71)
- F20** Annex 1 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), **14(6)(c)(i)**
- F21** Annex 1 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), **14(6)(c)(ii)**
- F22** Words in Annex 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), **14(6)(b)**
- F23** 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), **62(7)(b)** (with regs. 69-71)

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F24 ANNEX II

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Textual Amendments

F24 Annex II 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), **62(8)** (with regs. 69-71)

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- (1) OJ L 224, 18.8.1990, p. 62.
- (2) OJ L 320, 5.12.2009, p. 12.
- (3) OJ L 61, 2.3.2012, p. 1.
- (4) OJ L 192, 20.7.2002, p. 27.
- (5) OJ L 62, 15.3.1993, p. 69.
- (6) OJ L 213, 8.8.2008, p. 42.
- (7) OJ L 114, 30.4.2002, p. 1.

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