

UK questions for clarification – version 10

UK letter of 31 March 2021

1. Listing of the UK as a third country for the export of live animals, products of animal origin and germinal products.

In my letter on the 29th March I asked for clarification on the publication of the list of third countries eligible to export live animals, products of animal origin and germinal products to the EU under the Animal Health Regulation.

Subsequently to this, on 31st March, Commission Implementing Regulation (EU) 2021/404 has been published in the Official Journal. We have noticed that the UK is not listed as a third country for the export of any live animals, products of animal origin or germinal products in this legislation. We understand that this is because the legislation was drafted prior to the UK's listing as a third country in December 2020, and that further legislation amending 2021/404 will be published shortly, adding the UK to the relevant lists.

We would appreciate your confirmation that this will be in place prior to April 21st 2021 and that the UK will be listed for the export of the same commodities as we currently are.

DG SANTE answer:

Reg. 2021/404 and Reg. 2021/405 were initiated before the end of the transition period, when the UK was still applying EU legislation. This is why the UK could not be included in these legal acts. Since then, these acts have been amended to list the UK:

- Reg. 2021/405 has been amended by Reg. 2021/606 (OJ L129, 15.4.2021).
- Reg. 2021/404 has been amended by Reg. 2021/634 (OJ L132, 19.4.2021).

2. Temporary admission of Registered Horses into the EU and Transit of equidae through the EU or NI.

In both EHCs, section II.2 'Attestation of residence and pre-export isolation', paragraph II.2.1 states a requirement that *'During a period of at least 40 days prior to the date of dispatch, the animal has been resident on holdings under veterinary supervision in the country or part of the territory of the country of dispatch which is assigned to Sanitary Group A,B,C,D,E or G, and'*

Following this are further requirements prefaced with (3) either, and (3) and/or statements.

We believe the final "and" is only relevant where the animal has also been resident in either an EU Member State or a country of equivalent health status during this period. Where the animal has only been resident in the country of dispatch, the "and" is therefore irrelevant and the subsequent options can simply be deleted. Is this correct?

DG SANTE answer:

In the described scenario, it would be sufficient to attest as follows:

- ⁽¹⁾*either* [II.3.1. During the 40 day period prior to the date of its departure, or since birth if it is less than 40 days of age, the equine animal described in Part I has been continuously resident in the country, territory or zone thereof of dispatch or entered the country, territory or zone thereof of dispatch from a Member State of the European Union or Norway.]

II.3.	<i>Attestation of residence and pre-export isolation</i>
⁽¹⁾ either	[II.3.1. During the 40 day period prior to the date of its departure, or since birth if it is less than 40 days of age, the equine animal described in Part I has been continuously resident in the country, territory or zone thereof of dispatch or entered the country, territory or zone thereof of dispatch from a Member State of the European Union or Norway.]
⁽¹⁾ or	[II.3.1. During the 40 day period prior to the date of its departure, or since birth if it is less than 40 days of age, the registered horse described in Part I
⁽¹⁾ either	[has been continuously resident in the country, territory or zone thereof of dispatch;]
⁽¹⁾ or	[entered the country, territory or zone thereof of dispatch on one or more occasions from
⁽¹⁾ either	[a Member State of the European Union or Norway;]]]
⁽¹⁾ and/or	[a country, territory or zone thereof authorised for entry into the Union of registered horses, and from which it was imported into the country, territory or zone thereof of dispatch under conditions at least as strict as those required in accordance with Union legislation for the entry of registered horses from this country, territory or zone thereof directly to the Union, and which is:
⁽¹⁾ either	[assigned to the same Sanitary Group ⁽³⁾ as the country, territory or zone thereof of dispatch;]]]
⁽¹⁾ and/or	[assigned to Sanitary Group A, B or C;]]]]
⁽¹⁾ and/or	[China ⁽⁵⁾⁽⁶⁾ , Hong Kong, Japan, Korea Republic, Macao, Singapore, or the United Arab Emirates.]]]]

3. Sub-categorisation of Animal By-Products

We have been made aware of Category 3 animal by-products (ABP) being rejected on the grounds that no details of the sub-categories have been provided in the accompanying documentation. We are not aware of this requirement to describe sub-categories, which it is claimed has been an existing legal requirement for some years. Although Article 10 of Regulation (EC) 1069/2009 sets out sub-categories of Category 3 ABP, we have not previously been made aware of such a requirement. We are being advised by BCP officials that Category 3 ABP should now be described as 3A, 3B, 3C, 3D or 3E, but we are unclear whether this is purely for export purposes or whether all our Category 3 ABP approval listings will now require this sub-categorisation.

We would be grateful for your clarification as to whether it is a legal requirement to describe these sub-categories and, if so, whether this is needed for both export documentation and approval listings.

DG SANTE answer:

We need more details to assess the issue. Please provide the documented examples where these consignments were rejected by EU border control posts.