

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2022/701

of 4 May 2022

repealing Decision 2010/346/EU on protective measures with regard to equine infectious anaemia in Romania

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') ⁽¹⁾, and in particular Article 141(1) thereof,

Whereas:

- (1) Regulation (EU) 2016/429 empowers the Commission to adopt implementing acts laying down temporary rules, by way of addition or alternative to those laid down in Part IV, Title I, Chapter 3, of Regulation (EU) 2016/429, for movements of specific species or categories of kept terrestrial animals. Those temporary rules may be adopted where a listed disease referred to in Article 9(1), point (d), of Regulation (EU) 2016/429 appears to be spreading despite the movement requirements laid down in accordance with Part IV, Title I, Chapter 3, Sections 1 to 6, of Regulation (EU) 2016/429.
- (2) Commission Implementing Regulation (EU) 2018/1882 ⁽²⁾ was adopted within the framework of Regulation (EU) 2016/429. Implementing Regulation (EU) 2018/1882 lists equine infectious anaemia (EIA) in the Annex thereto, and categorises it as a listed disease referred to in Article 9(1), point (d), of Regulation (EU) 2016/429.
- (3) Commission Decision 2010/346/EU ⁽³⁾ was adopted pursuant to Article 10(4) of Council Directive 90/425/EEC ⁽⁴⁾, and it lays down protective measures with regard to EIA in Romania. Those protective measures are in addition to the animal health conditions governing movements of equidae in the Union that were laid down in Council Directive 2009/156/EC ⁽⁵⁾. Directive 90/425/EEC has now been repealed by Regulation (EU) 2017/625 of the European Parliament and of the Council ⁽⁶⁾, and Directive 2009/156/EC has now been repealed by Regulation (EU) 2016/429.

⁽¹⁾ OJ L 84, 31.3.2016, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) 2018/1882 of 3 December 2018 on the application of certain disease prevention and control rules to categories of listed diseases and establishing a list of species and groups of species posing a considerable risk for the spread of those listed diseases (OJ L 308, 4.12.2018, p. 21).

⁽³⁾ Commission Decision 2010/346/EU of 18 June 2010 on protective measures with regard to equine infectious anaemia in Romania (OJ L 155, 22.6.2010, p. 48).

⁽⁴⁾ 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 (OJ L 224, 18.8.1990, p. 29).

⁽⁵⁾ Council Directive 2009/156/EC of 30 November 2009 on animal health conditions governing the movement and importation from third countries of equidae (OJ L 192, 23.7.2010, p. 1).

⁽⁶⁾ Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 95, 7.4.2017, p. 1).

- (4) Decision 2010/346/EU was adopted in 2010, when EIA was considered endemic in Romania and the disease situation in that Member State presented an animal health risk for equidae in the Union.
- (5) Commission Delegated Regulation (EU) 2020/688 ⁽⁷⁾ lays down, inter alia, animal health requirements for movements within the Union of equine animals. Article 22(1), point (c), of that Delegated Regulation lays down requirements in relation to EIA which must be fulfilled in order to dispatch equine animals to other Member States.
- (6) At the February 2022 meeting of the Standing Committee on Plants, Animals, Food and Feed, Romania presented to the Commission and to the other Member States a situation report demonstrating that progress has been made in that Member State in eradicating EIA, and certain parts of its territory have remained free of the disease for more than 12 months or the prevalence of the disease has remained within limits observed regionally in other Member States. It shows that the national eradication programme for EIA implemented in the territory of Romania has proven to be effective.
- (7) Therefore, the measures laid down in Decision 2010/346/EU have become obsolete, and the animal health requirements laid down in Delegated Regulation (EU) 2020/688 are now sufficient to ensure the safe movement of equine animals between Member States.
- (8) Decision 2010/346/EU should therefore be repealed.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2010/346/EU is repealed.

Article 2

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

Done at Brussels, 4 May 2022.

For the Commission
The President
Ursula VON DER LEYEN

⁽⁷⁾ Commission Delegated Regulation (EU) 2020/688 of 17 December 2019 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council, as regards animal health requirements for movements within the Union of terrestrial animals and hatching eggs (OJ L 174, 3.6.2020, p. 140).