Basic information

2012/0039(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Non-commercial movement of pet animals Repealing Regulation (EC) No 998/2003 2000/0221(COD) Repealed by 2013/0136(COD) **Subject** 3.10.08 Animal health requirements, veterinary legislation and pharmacy 4.20 Public health	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ENVI Environment, Public Health and Food Safety	SCHNELLHARDT Horst (PPE)	29/03/2012
	Shadow rapporteur PALECKIS Justas Vincas (S&D) DAVIES Chris (ALDE) EVANS Jill (Verts/ALE) YANNAKOUDAKIS Marina (ECR) LIOTARD Kartika Tamara (GUE/NGL)	

Committee for opinion	Rapporteur for opinion	Appointed
AGRI Agriculture and Rural Development	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Transport, Telecommunications and Energy	3243	2013-06-10

European Commission

Commission DG	Commissioner
Health and Food Safety	BORG Tonio

European Economic and Social Committee

European Committee of the Regions

Key events

Date	Event	Reference	Summary
05/03/2012	Legislative proposal published	COM(2012)0089	Summary
13/03/2012	Committee referral announced in Parliament, 1st reading		
06/11/2012	Vote in committee, 1st reading		
13/11/2012	Committee report tabled for plenary, 1st reading	A7-0371/2012	Summary
23/05/2013	Decision by Parliament, 1st reading	T7-0220/2013	Summary
23/05/2013	Results of vote in Parliament		
23/05/2013	Debate in Parliament		
10/06/2013	Act adopted by Council after Parliament's 1st reading		
12/06/2013	Final act signed		
12/06/2013	End of procedure in Parliament		
28/06/2013	Final act published in Official Journal		

Technical information

Procedure reference	2012/0039(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Repealing Regulation (EC) No 998/2003 2000/0221(COD) Repealed by 2013/0136(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 043-p2 Treaty on the Functioning of the European Union TFEU 168-p4
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/7/08994

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE492.919	03/08/2012	
Amendments tabled in committee		PE496.565	27/09/2012	

Amendments tabled in committee		PE498.088	05/11/2012	
Committee report tabled for plenary, 1st reading/single reading		A7-0371/2012	13/11/2012	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0220/2013	23/05/2013	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00009/2013/LEX	12/06/2013	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2012)0089	05/03/2012	Summary
Commission response to text adopted in plenary	SP(2013)473	26/06/2013	
Follow-up document	COM(2017)0630	31/10/2017	Summary
Follow-up document	COM(2018)0088	06/03/2018	Summary

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2012)0089	20/04/2012	
Contribution	IT_SENATE	COM(2012)0089	02/05/2012	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Regulation 2013/0576
OJ L 178 28.06.2013, p. 0001 Summary

Delegated acts

Reference	Subject

2017/2983(DEA)	Examination of delegated act
2021/2823(DEA)	Examination of delegated act
2023/3000(DEA)	Examination of delegated act

Non-commercial movement of pet animals

2012/0039(COD) - 13/11/2012 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Environment, Public Health and Food Safety adopted the report by Horst SCHNELLHARDT (EPP, DE) on the proposal for a Regulation of the European Parliament and of the Council on the non-commercial movement of pet animals.

The committee recommends that the European Parliament's position adopted at first reading, under the ordinary legislative procedure, should amend the Commission proposal as follows:

Definitions: the term 'non-commercial movement' has been clarified. It shall mean any movement which does not aim at the sale of a pet animal or the transfer of ownership of the pet animal. In order to avoid the situation whereby pet animals are accompanied in the name of third parties without any evidence being produced, the term '**authorised person**' has been introduced.

Maximum number of pet animals: experience has shown that commercial movements of dogs, cats and sometimes ferrets are frequently fraudulently disguised as non-commercial movements, seeking to circumvent the application of stricter rules on the trade and import of such animals. In order to prevent such practices from occurring, the currently applicable rules based on Commission Regulation 388/2010 **limit the maximum number of animals, which can accompany their owner, to five**. This limitation, however, has caused enormous difficulties in reality for those citizens wanting to participate in certain competitions or exhibitions sport events, for which they need to travel among different Member States with more than 5 animals. In this respect, the report proposes to introduce **derogations from this maximum number.**

Derogation from the anti-rabies vaccination condition for young pet animals of the species listed in Part A of Annex I (dogs, cats and ferrets): Members have introduced amendments allowing young animals aged between 12 and 16 weeks to be excluded from the requirements relating to the validity of the rabies vaccination defined in Annex IV.

It is necessary to ensure that animals which not yet meet the requirements of Annex IV, point 2(d) can be moved for non-commercial purposes. With regard to the immunisation of animals aged less than 12 weeks, these animals should **not necessarily be accompanied by their mother** as proposed by the Commission.

Members consider it important that the **requirements of this derogation are extended and clarified** to minimise any risk. By way of derogation, the non-commercial movement of pet animals not vaccinated against rabies may be authorised between Member States or geographically definable parts thereof which are free of rabies, or in which there is a negligibly low risk of introducing rabies, provided they comply with specific conditions.

Pet animals of the species listed in Part B of Annex I (invertebrates, ornamental aquatic animals, reptiles, birds, mammals: rodents and domestic rabbits): when they are transported to event venues, animals (e.g. birds) should be accompanied by a **duly completed individual or collective identification document**. Members consider that individual identification documents would be costly and unnecessary.

Non commercial movement of pet animals from a third country: Members want to ensure that only pets that pose no threat to the health of humans and animals in the EU are imported from third countries. They propose that pet animals shall be moved through a **travellers' point of entry** in a Member State if arriving from a third country or territory. To this end, Member States shall compile a list of the travellers' points of entry and keep it up to date. By way of derogation, Member States may allow registered military, search or rescue dogs to be imported through a different point of entry from that for travellers.

Members propose establishing, through delegated acts, a **list of third countries or territories** which have demonstrated that they apply rules equivalent to those laid down in Section 2 of Chapter II, this Chapter and Section 2 of Chapter VI for animals of species listed in Part B of Annex 1.

Identification document: the identification document should be in a format that can be easily recognised and identified as such by the supervisory authorities, so this Regulation needs to contain such provisions. Members suggest **amending the structure and wording of the rules on how to complete the identification documents** as this has created confusion among veterinarians and pet owners. The report suggests a new structure of these parts of the regulation: each sections first lists the required format of the respective identification document according to the type of animal and type of non-commercial movement (between EU Member States or arriving from third countries); it then mentions all the relevant entries that need to be filled in by a veterinarian. Each section is concluded by outlining the procedure, which needs to be followed by a veterinarian in order to duly complete the identification document.

The report suggests that the document should contain a **few additional entries to improve the identification of the respective animal** and to better protect the identification documents from falsification. The document should include : (i) the name, address and signature of the owner or the authorised person; (ii) the name, address and signature of the authorised veterinarian issuing or completing the identification document; (iii) the species, breed, sex and colour of the animal and other relevant information regarding the description of the health status of the animal.

In order to improve the user friendliness, the ease of the application of this regulation as well as to guarantee uniformity, the report suggests including a **model of each type of identification document**.

Non-commercial movement of pet animals

2012/0039(COD) - 23/05/2013 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 592 votes to 7, with 4 abstentions, a legislative resolution on the proposal for a Regulation of the European Parliament and of the Council on the non-commercial movement of pet animals.

Parliament adopted its position at first reading following the ordinary legislative procedure. The amendments adopted in plenary are the result of a compromise negotiated between the European Parliament and the Council. They amend the proposal as follows:

Maximum number of pet animals: the amended text sets the maximum number of pet animals (dogs, cats and ferrets) which may accompany the owner or an authorised person during a single non-commercial movement shall **not exceed five**.

A derogation is possible if the owner or the authorised person submits written evidence that the pet animals are registered either to attend an event such as competitions, exhibitions or sporting events or in training or if the pet animals are more than six months old. Member States may undertake standard spot checks to verify that the information is correct.

In order to prevent commercial movement of pet animals of the species listed in Part B of Annex I (invertebrates, ornamental aquatic animals, amphibia, reptiles, birds, rodents and rabbits) from being fraudulently disguised as non-commercial movement, the Commission shall be empowered to adopt delegated acts laying down rules setting the maximum number of pet animals of those species that may accompany the owner or an authorised person during a single non-commercial movement.

Derogation from the anti-rabies vaccination condition for young pet animals: Member States may authorise the non-commercial movement into their territory from another Member State of pet animals which are: (a) either **less than 12 weeks old** and have not received an anti-rabies vaccination; or (b) **between 12 and 16 weeks old** and have received an anti-rabies vaccination, but do not yet meet the validity requirements.

The authorisation may be granted only if: (a) either the owner or the authorised person provides a **signed declaration** that from birth until the time of the non-commercial movement the pet animals have had no contact with wild animals of species susceptible to rabies; or (b) the pet animals are **accompanied by their mother**, on whom they still depend, and from the identification document accompanying their mother it can be established that, before their birth, the mother received an anti-rabies vaccination.

The Commission may, by means of an implementing act, adopt rules on the format, layout and languages of the abovementioned declarations. Under the same rules, it shall adopt a **list of Member States that are authorised to conclude mutual agreements** to derogate from the anti-rabies vaccination obligation for pet animals. In order to be included in the list, the Member States interested in such a mutual agreement shall submit a joint application to the Commission.

Identification document: the identification document shall be in the format of a **passport** in accordance with the model to be adopted by the Commission by means of an implementing act. It shall contain entries for the insertion of the following information: (a) the location of the **transponder** or the **tattoo** and either the date of application or the date of reading of the transponder or the tattoo, as well as the alphanumeric code displayed by the transponder or the tattoo; (b) the **name, species, breed, sex, colour, date of birth** as stated by the owner and any notable or discernable features or characteristics of the pet animal; (c) the name and contact information of the **owner**; (d) the name, contact information and signature of the **authorised veterinarian** issuing or completing the identification document.

Information obligations: Member States shall provide the public with clear and easily accessible information concerning the animal health requirements applicable to the non-commercial movement of pet animals and the rules for compliance checks on such movement laid down in this Regulation. Member States shall establish internet-based pages providing the information and communicate the internet address of those pages to the Commission.

Non-commercial movement of pet animals

2012/0039(COD) - 12/06/2013 - Final act

PURPOSE: to lay down the animal health requirements applicable to the non-commercial movement of pet animals and the rules for compliance checks on such movement.

LEGISLATIVE ACT: Regulation (EU) of the European Parliament and of the Council on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003.

CONTENT: the Regulation lays down **the animal health requirements applicable to the non-commercial movement of pet animals and the rules for compliance checks on such movement**. It applies to the non-commercial movement of pet animals into a Member State from another Member State or from a territory or a third country.

The main provisions of the Regulation are as follows:

Maximum number of pet animals: the maximum number of pet animals (dogs, cats and ferrets) which may accompany the owner or an authorised person during a single non-commercial movement shall not exceed **five**.

A derogation is possible where the owners can prove that the non-commercial movement is for the purpose of participating in competitions, exhibitions or sporting events or in training for such events or if the pet animals are more than six months old. Member States may undertake standard spot checks to verify that the information submitted is correct.

Conditions applicable: pet animals shall not be moved into a Member State from another Member State unless they fulfil the following conditions: (i) they are **marked**; (ii) they have received an **anti-rabies vaccination**; (iii) they comply with **any preventive health measures for diseases or infections other than rabies**; (iv) they are **accompanied by an identification document** duly completed and issued by an authorised veterinarian.

Derogation from the anti-rabies vaccination condition for young pet animals:

Member States may authorise the non-commercial movement into their territory from another Member State of pet animals which are: (a) either **less than 12 weeks old and have not received an anti- rabies vaccination**; or (b) **between 12 and 16 weeks old** and have received an anti- rabies vaccination, but do not yet meet the validity requirements referred to in the Regulation.

The **authorisation may be granted** only if: (a) either the owner or the authorised person provides a signed declaration that from birth until the time of the non-commercial movement the pet animals have had no contact with wild animals of species susceptible to rabies; or (b) the pet animals are accompanied by their mother, on whom they still depend, and from the identification document accompanying their mother it can be established that, before their birth, the mother received an anti-rabies vaccination.

Other derogations: the direct non-commercial movement between Member States or parts thereof, of pet animals that have not been vaccinated against rabies, may be permitted **upon a joint application by the Member States concerned**. The Commission shall, by means of an implementing act, adopt a **list of Member States that are authorised to conclude mutual agreements** to derogate from the anti-rabies vaccination condition for pet animals.

The Commission shall, by means of an implementing act, adopt **a list of territories and third countries** which have made an application for entry on the list in which they demonstrate that for pet animals, they apply rules, the content and effect of which are the same as those laid down in the Regulation.

Identification document: the identification document shall be in the format of a **passport in accordance with the model to be adopted by the Commission** by means of an implementing act. It shall contain the following information:

- the location of the transponder or the tattoo and either the date of application or the date of reading of the transponder or the tattoo, as well as the alphanumeric code displayed by the transponder or the tattoo;
- the name, species, breed, sex, colour, date of birth as stated by the owner and any notable or discernable features or characteristics of the pet animal;
- the name and contact information of the owner;
- the name, contact information and signature of the authorised veterinarian issuing or completing the identification document;
- the signature of the owner;
- details of the anti-rabies vaccination;
- the date of blood sampling for the rabies antibody titration test;
- compliance with any preventive health measures for diseases or infections other than rabies;
- other relevant information regarding the health status of the pet animal.

Safeguard measures: where rabies or a disease or an infection other than rabies occurs or spreads in a Member State, a territory or a third country, and is liable to represent a serious threat to public or animal health, the Commission may, acting on its own initiative or at the request of a Member State, **suspend the non-commercial movement or transit** of pet animals from all or part of the territory of the Member State or territory or third country concerned.

Information obligations: Member States shall provide the public with **clear and easily accessible information** concerning the animal health requirements applicable to the non-commercial movement of pet animals and the rules for compliance checks on such movement laid down in this Regulation. Member States shall establish **internet-based pages** providing the information, and communicate the internet address of those pages to the Commission.

ENTRY INTO FORCE: 28/06/2013.

APPLICATION: from 29/12/2014.

DELEGATED ACTS: the Commission is empowered to adopt delegated acts in order to ensure the proper application of the Regulation. The power to adopt such acts is conferred on the Commission for **a period of five years starting on 28 June 2013**. The delegation of power shall be tacitly extended for periods of an identical duration unless the European Parliament or the Council opposes such extension not later than three months before the end of each period. Should the European Parliament or the Council object to it, the delegated act does not enter into force.

Non-commercial movement of pet animals

2012/0039(COD) - 05/03/2012 - Legislative proposal

PURPOSE: to protect the non-commercial movement of pet animals.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: the proposal repeals and replaces Regulation (EC) No 998/2003 of the European Parliament and of the Council laying down the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC lays down the animal health requirements applicable to non-commercial movements of pet animals into a Member State from another Member State or from third countries and the checks applicable to such movements. It aims to ensure a sufficient level of safety with regard to the public or animal health risks involved in those non-commercial movements and to remove any unjustified obstacles to such movements.

(1) Regulation (EC) No 998/2003 was substantially amended by Regulation (EU) No 438/2010 on the animal health requirements applicable to the non-commercial movement of pet animals, in particular to extend the transitional regime provided for in Articles 6, 8 and 16 until 31 December 2011. In a statement annexed to Regulation (EU) No 438/2010 of the European Parliament and of the Council amending Regulation (EC) No 998/2003, the Commission undertook to propose a revision of Regulation (EC) No 998/2003 in its entirety, and, in

particular, **the aspects of delegated and implementing acts**. Therefore, due to the entry into force of the Treaty, the powers conferred on the Commission under Regulation (EC) No 998/2003 need to be aligned with Articles 290 and 291 of that Treaty.

(2) Regulation (EC) No 998/2003 also provides that as of 3 July 2011, i.e. **the end of the eight-year transitional period** provided for in Article 4(1) thereof, electronic identification is the only means of identifying a pet dog, cat or ferret. However, an animal bearing a clearly readable tattoo applied before that date continues to be considered identified in accordance with the Regulation.

Because of the expiry of the aforementioned transitional regime and period and the need to make a number of amendments bringing the animal health requirements laid down in Regulation (EC) No 998/2003 into line with the TFEU in a sufficiently clear and accessible manner for the ordinary citizen, that Regulation should be repealed and replaced by this proposal.

IMPACT ASSESSMENT: no impact assessment was carried out.

LEGAL BASIS: Article 43(2) and the introductory phrase and point (b) of Article 168(4) of the Treaty of the European Union (TFEU).

CONTENT: the aim of the proposal is to repeal and replace Regulation (EC) No 998/2003 by the proposed Regulation, which:

- aligns the powers conferred on the Commission under Regulation (EC) No 998/2003 with **Articles 290 and 291 TFEU**;
- clarifies for the ordinary citizen **the regime that will apply after the end of the transitional regime** provided for in Articles 6, 8 and 16 of Regulation (EC) No 998/2003 and of the transitional period provided for in Article 4(1).

This proposal and the proposal amending Council Directive 92/65/EEC which relates to trade in and imports of dogs, cats and ferrets should be presented together in order to be adopted simultaneously.

BUDGETARY IMPLICATIONS: the proposal has no implications for the Union budget.

Non-commercial movement of pet animals

2012/0039(COD) - 06/03/2018 - Follow-up document

The Commission presented a report on the implementation of Article 5 of Regulation (EU) No 576/2013 on the non-commercial movement of pet animals, in particular on the maximum number of pet animals of Part A species (and the possibility of derogating from it).

This document draws mainly on the outcome of a consultation held with competent authorities in certain EU Member States and one European Free Trade Association (EFTA) country, Norway, on their experience with the implementation of this Article.

As a reminder, dogs, cats and ferrets are animals of species susceptible to rabies and are listed in **Part A of Annex I** to the Regulation. Animals kept as pet animals that are of species not affected by rabies (or of no epidemiological significance with regard to rabies) are listed in **Part B of Annex I**.

The maximum number of pet animals of Part A species which may accompany their owner or an authorised person during a single non-commercial movement into a Member State from another Member State or from a territory or third country shall **not exceed five**. However, this Article also provides for a derogation, which allows this number to exceed five if certain conditions regarding the age of the animals, the documentary evidence to be presented and the purpose of the movement are fulfilled.

The Commission stated that the contributions of the competent authorities of EU Member States and Norway to the consultation have **not provided solid evidence** that the maximum number of pet animals of Part A species (and the possibility of derogating from it) as set in Article 5 of the Pet Regulation, as well as the absence of EU rules setting the maximum number of pet animals of Part B species, constitute an undue burden for the non-commercial movement of pet animals. Nor do the contributions provide evidence that these rules encourage the disguise of intra-Union trade in and imports into the Union of animals of certain species as non-commercial movements.

Therefore, there is a need to **gather more experience** in the practical application of Article 5 of the Pet Regulation over a longer period of time before the Commission could envisage proposing changes to the current rules for pet animals of Part A species or the adoption of EU rules for pet animals of Part B species.

It is **not realistic** for the Commission to submit to the European Parliament and the Council a proposal for an amendment of paragraphs 1 to 4 of Article 5 of the Regulation on pet animals of Part A species to be adopted under the ordinary legislative procedure before 21 April 2021 and applicable until 21 April 2026. Any amendment in this area should also cover the relevant provisions of Regulation (EU) 2016/429 on transmissible animal diseases and amending and repealing certain acts in the area of animal health (‘Animal Health Law’), including the transitional arrangements.

Taking into account the consultation with EU Member States and Norway, and the need to prioritise the preparatory work for the adoption of the key delegated acts listed in Article 274 of Regulation (EU) 2016/429, the **Commission does not intend to exercise its delegated power** under paragraph 5 of Article 5 of the Pet Regulation.

Nonetheless, the Commission will continue to **monitor** the situation and encourage Member States to take action for the proper implementation and enforcement of the applicable legislation that it considers essential to counter fraudulent practices.

Non-commercial movement of pet animals

2012/0039(COD) - 31/10/2017 - Follow-up document

The Commission presented a report on the exercise of the delegation conferred on the Commission pursuant to Regulation (EU) No 576/2013 on the non-commercial movement of pet animals.

The report has been drawn up not later than nine months before the end of the five-year period of the delegation, running from 28 June 2013.

The report concluded that the Pet Regulation has applied for a period of just over two and a half years.

So far, the Commission has prepared and launched a public consultation on a draft delegated act on preventive health measures for the control of *Echinococcus multilocularis* infection in dogs on the basis of the empowerment conferred on it by the first subparagraph of Article 19(1) of that Regulation.

The Commission has currently **no plan to proceed with the preparation of a delegated act** in relation to any of the delegated powers referred to in Article 5(5), the second subparagraph of Article 17(2) or Article 38 of the Pet Regulation (concerning respectively the maximum number of pet animals of the species listed in Part B of Annex I and amendments to Annexes).

It is of the view that the delegated powers conferred by the Pet Regulation should **remain in force** due to the need to gather more experience on the practical application of the Regulation, to be able to respond to new or emerging health threats related to the movement of pet animals and to adapt to technical progress and scientific developments.