

**COMMISSION IMPLEMENTING DECISION (EU) 2022/575****of 6 April 2022****concerning emergency measures to prevent the introduction into the Union of foot and mouth disease through consignments of hay and straw from third countries or territories and repealing Implementing Regulation (EU) 2020/2208***(notified under document C(2022)2078)***(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') <sup>(1)</sup>, and in particular Article 261(1), point (b), thereof,Having regard to 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) <sup>(2)</sup>, and in particular Article 128(1) thereof,

Whereas:

- (1) Foot and mouth disease ('FMD') is a severe, highly contagious viral disease of livestock, which can have a significant economic impact on the agricultural sector, and the potential to spread rapidly through contaminated plant materials, including hay and straw.
- (2) Hay and straw are the only plant materials for which restrictions on the entry into the Union of consignments thereof were laid down in Commission Regulation (EC) No 136/2004 <sup>(3)</sup>, which applied until 20 April 2021. In particular, only consignments of hay and straw from third countries or territories listed in Annex V to Regulation (EC) No 136/2004 were permitted to enter the Union. Given the risk posed for the spread of FMD through those materials, it is appropriate to continue to have such restrictions laid down in Union law.
- (3) The new legislative framework for animal health, established under Regulation (EU) 2016/429, and which applies from 21 April 2021, should ensure a smooth transition from the requirements laid down in pre-existing Union acts, including those concerning the entry into the Union of plant materials, as they have proved to be effective. Therefore, the aim and substance of those pre-existing rules should be maintained in the rules laid down in this

<sup>(1)</sup> OJ L 84, 31.3.2016, p. 1.

<sup>(2)</sup> OJ L 95, 7.4.2017, p. 1.

<sup>(3)</sup> Commission Regulation (EC) No 136/2004 of 22 January 2004 laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries (OJ L 21, 28.1.2004, p. 11).

Decision, pending a scientific opinion of the European Food Authority (EFSA) evaluating the animal health risks of the introduction into the Union of FMD and other category A diseases as referred to in Article 1(1) of Commission Implementing Regulation (EU) 2018/1882 <sup>(4)</sup> through consignments of hay and straw from third countries or territories.

- (4) It is therefore necessary to lay down in this Decision a list of third countries or territories from which the entry into the Union of consignments of hay and straw is authorised. Such a list should take into account the list in Annex V to Regulation (EC) No 136/2004, and the list, in Annex II to Commission Implementing Regulation (EU) 2021/404 <sup>(5)</sup>, of third countries or territories, or zones thereof from which the entry into the Union of consignments of ungulates is authorised due to their favourable animal health situation as regards, amongst others, FMD. In order not to cause any disturbance to trade and for the sake of clarity, there should also be a separate list of third countries or territories from which the entry into the Union of consignments of pelleted straw intended for combustion in a plant is authorised.
- (5) In order to prevent the contact of consignments of pelleted straw intended for combustion with animals susceptible to FMD, this Decision should also lay down strict risk-mitigating measures for the delivery of such consignments to the plant of destination in the Union. They should be placed under the special custom procedure provided for in Article 210, point (a), of Regulation (EU) No 952/2013 of the European Parliament and of the Council <sup>(6)</sup>, and their transport should be monitored, in accordance with Commission Delegated Regulation (EU) 2019/1666 <sup>(7)</sup>, through the computerised information management system for official controls (IMSOC) provided for in Article 131 of Regulation (EU) 2017/625, and they should be delivered directly from the border control post of entry into the Union to the plant of destination in the Union, where they are going to be burnt.
- (6) The CN codes for hay and straw are laid down in Chapter 12 of the Annex to Commission Implementing Regulation (EU) 2021/632 <sup>(8)</sup>, and should therefore be taken into account in this Decision.
- (7) For the sake of simplification and legal clarity, Commission Implementing Regulation (EU) 2020/2208 <sup>(9)</sup> currently authorising imports into the Union of consignments of hay and straw from Great Britain and the Crown Dependencies should be repealed, and they should be listed in Part 1 of the Annex to this Decision.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

<sup>(4)</sup> 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).

<sup>(5)</sup> Commission Implementing Regulation (EU) 2021/404 of 24 March 2021 laying down the lists of third countries, territories or zones thereof from which the entry into the Union of animals, germinal products and products of animal origin is permitted in accordance with Regulation (EU) 2016/429 of the European Parliament and of the Council (OJ L 114, 31.3.2021, p. 1).

<sup>(6)</sup> Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

<sup>(7)</sup> Commission Delegated Regulation (EU) 2019/1666 of 24 June 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards conditions for monitoring the transport and arrival of consignments of certain goods from the border control post of arrival to the establishment at the place of destination in the Union (OJ L 255, 4.10.2019, p. 1).

<sup>(8)</sup> Commission Implementing Regulation (EU) 2021/632 of 13 April 2021 laying down rules for the application of Regulation (EU) 2017/625 of the European Parliament and of the Council as regards the lists of animals, products of animal origin, germinal products, animal by-products and derived products, composite products, and hay and straw subject to official controls at border control posts, and repealing Commission Implementing Regulation (EU) 2019/2007 and Commission Decision 2007/275/EC (OJ L 132, 19.4.2021, p. 24).

<sup>(9)</sup> Commission Implementing Regulation (EU) 2020/2208 of 22 December 2020 including the United Kingdom as a third country authorised for the imports into the Union of consignments of hay and straw (OJ L 438, 28.12.2020, p. 21).

HAS ADOPTED THIS DECISION:

*Article 1*

**Subject matter and scope**

This Decision lays down emergency measures for the entry into the Union of consignments of hay and straw from third countries and territories.

*Article 2*

**Requirements for the entry into the Union of consignments of hay and straw**

1. Consignments of straw (CN code Ex 1213 00 00) as referred to in Chapter 12 of the Annex to Implementing Regulation (EU) 2021/632, or hay (CN code: Ex 1214 90) as referred to in Chapter 12 of that Annex, shall only be permitted to enter the Union if such consignments originate from the third countries or territories listed in Part 1 of the Annex to this Decision.
2. By way of derogation from paragraph 1, consignments of pelleted straw intended for combustion in a plant shall be permitted to enter the Union provided that they comply with the following conditions:
  - (a) they originate from the third countries or territories listed in Part 2 of the Annex;
  - (b) they are placed, upon entry into the Union, under the special procedure provided for in Article 210, point (a), of Regulation (EU) No 952/2013; their transport is monitored, in accordance with Delegated Regulation (EU) 2019/1666, through the computerised information management system for official controls (IMSOC) provided for in Article 131 of Regulation (EU) 2017/625; and they are delivered directly from the border control post of entry into the Union to the plant of destination in the Union, where they are going to be burnt.

*Article 3*

**Repeal**

Implementing Regulation (EU) 2020/2208 is repealed.

*Article 4*

**Addresses**

This Decision is addressed to the Member States.

Done at Brussels, 6 April 2022.

*For the Commission*  
Stella KYRIAKIDES  
*Member of the Commission*

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## ANNEX

**Part 1 – List of third countries or territories from which the entry into the Union of consignments of hay and straw is authorised, as referred to in Article 2(1)**

ISO code of the third country or territory	Name of the third country or territory
AU	Australia
CA	Canada
CH	Switzerland
CL	Chile
GB	United Kingdom <sup>(1)</sup>
GG	Guernsey
GL	Greenland
IM	Isle of Man
IS	Iceland
JE	Jersey
NZ	New Zealand
RS	Serbia <sup>(2)</sup>
US	United States

<sup>(1)</sup> In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, for the purposes of Part 1 of this Annex references to the United Kingdom do not include Northern Ireland.

<sup>(2)</sup> For the purpose of the emergency measures referred to in Article 1, when reference to Serbia is made in this Annex, the territory of Kosovo\* is not included.

\* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

**Part 2 – List of third countries or territories from which the entry into the Union of consignments of pelleted straw is authorised, as referred to in Article 2(2)**

ISO code of the third country or territory	Name of the third country or territory
UA	Ukraine