

II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2023/118

of 23 September 2022

amending Delegated Regulation (EU) 2020/688 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council, as regards animal health requirements for movements within the Union of captive birds intended for exhibitions

(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 140(b) and Article 149(4) thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2020/688⁽²⁾ lays down rules supplementing Regulation (EU) 2016/429 as regards animal health requirements for movements within the Union of terrestrial animals and hatching eggs.
- (2) Article 67 of Delegated Regulation (EU) 2020/688 lays down the requirements for movements of captive birds intended for exhibitions and Article 71 of that Delegated Regulation indicates that operators shall only move captive birds to another Member State if they are accompanied by an animal health certificate issued by the competent authority of the Member State of origin. Article 81(2) of that Delegated Regulation lays down the details on the content of the animal health certificate for those captive birds.
- (3) When a captive birds' exhibition takes place in a Member State, any participant located in another Member State must obtain an animal health certificate to participate to this exhibition, in accordance with Article 71 of Delegated Regulation (EU) 2020/688. When several participants are located in the same Member State, the competent authority of this Member State may consider inappropriate to allocate resources to issue the animal health certificate in each establishment of origin.
- (4) In order to overcome this issue, and at the same time provide adequate animal health guarantees, it is appropriate to allow competent authorities to issue certificates in establishments where captive birds are temporarily gathered and kept before being dispatched to an exhibition in another Member State. Article 67 of Regulation (EU) 2020/688 should therefore be amended accordingly.

⁽¹⁾ OJ L 84, 31.3.2016, p. 1.

⁽²⁾ 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).

- (5) In the Union, aerobatic pigeons' events take place regularly. They consist in the gathering of pigeons which can come from several Member States and are transported in cages by their keepers from the establishments of origin where they are normally kept to the event location. The birds are released there for flight demonstrations before returning to their cages in which they are brought back to their establishment of origin. These events can therefore be considered as exhibitions, equivalent to those organised for birds of prey. Article 67 should therefore be amended to extend the requirements for flight hunting exhibitions of birds of prey to all equivalent types of exhibition and to specify the conditions relevant for movements to and from such events.
- (6) Moreover, Article 71 of Delegated Regulation (EU) 2020/688 requires that operators only move captive birds to another Member State if they are accompanied by an animal health certificate issued by the competent authority of the Member State of origin. This Article also provides for certain derogations from such obligation. In view of the amendments made to Article 67, it is necessary to reflect those changes in the derogations provided for in paragraphs 2 and 3 of Article 71. Therefore, Article 71 should be amended accordingly.
- (7) Article 81(2) of Delegated Regulation (EU) 2020/688 lays down the details on the content of the animal health certificate for captive birds. In view of the possibility introduced in Article 67 by this Regulation of moving captive birds collected in a single registered establishment located in the Member State of origin, it is appropriate to specify the requirements that should be complied with in that specific case. Therefore, Article 81(2) should be amended accordingly.
- (8) Article 91 of Delegated Regulation (EU) 2020/688 details the responsibility of the competent authority for animal health certification and specific provisions concerning captive birds are set out in paragraph 1, point (e), of that Article. It is appropriate to complete those provisions in order to provide for the identity and physical checks, and documentary checks to be carried out when captive birds intended for an exhibition in another Member State are temporarily collected and kept in an establishment for certification purposes. Article 91 should therefore be amended accordingly.
- (9) Regulation (EU) 2020/688 should therefore be amended,

HAS ADOPTED THIS REGULATION:

Article 1

Delegated Regulation (EU) 2020/688 is amended as follows:

- (1) Article 67 is replaced by the following:

'Article 67

Requirements for movements of captive birds intended for exhibitions

1. Operators shall only move captive birds to an exhibition in another Member State when those animals fulfil the conditions set out in Article 59.
2. Before the movement to an exhibition in another Member State, the operators in a Member State may collect captive birds in a single registered establishment located in the same Member State under the following conditions:
 - (a) the captive birds stay in that establishment for a maximum period of 12 hours;
 - (b) at the time of collecting, the establishment only keeps captive birds intended to the relevant exhibition;
 - (c) all captive birds collected in the establishment come directly from registered or approved establishments in which they are continuously kept and in which they fulfil the conditions set out in Article 59.

3. The operator of the exhibition, excluding any flight exhibitions, shall ensure that:
- (a) the entry into the exhibition of animals is limited to captive birds registered in advance for the participation in the exhibition;
 - (b) the entry into the exhibition of birds originating from establishments situated in the Member State where the exhibition takes place does not jeopardise the health status of birds participating in the exhibition by
 - either
 - (i) requiring the same health status for all captive birds participating in the exhibition;
 - or
 - (ii) keeping the captive birds originating from the Member State where the exhibition takes place on separate premises or enclosures apart from captive birds originating from other Member States;
 - (c) a veterinarian
 - (i) carries out identity checks on captive birds participating in the exhibition prior to their entry in the exhibition;
 - (ii) monitors the clinical conditions of the birds upon entry into and during the exhibition.
4. Operators shall ensure that captive birds which are moved to an exhibition in accordance with paragraphs 1, 2 and 3, are only moved from such exhibition to another Member State when they fulfil the following requirements:
- (a) the animals are accompanied by an animal health certificate in accordance with Article 81;
 - or
 - (b) in the case of captive birds other than those participating to flight exhibitions, the animals are accompanied by all of the following documents:
 - (i) a declaration issued by the veterinarian referred to in paragraph 3, point (c), stating that the health status of the birds as attested in the original animal health certificate in accordance with Article 81 has not been compromised during the exhibition,
 - (ii) the valid original animal health certificate in accordance with Article 81 issued by the competent authority of the Member State of origin for the movement of the captive birds to the exhibition;
 - (c) in the case of birds that participated in a flight exhibition, the animals are accompanied by the valid original animal health certificate in accordance with Article 81 issued by the competent authority of the Member State of origin for the movement of the birds to the flight exhibition, without the attestation described in point (b) (i), provided that:
 - (i) they are moved back to the Member State of origin, and
 - (ii) the intended movement of the captive birds to the Member State of origin will be completed within the period of validity of the original animal health certificate in accordance with Article 81 issued by the competent authority of the Member State of origin for the movement of the captive birds to the flight exhibition.
5. The veterinarian referred to in paragraph 3, point (c), shall only issue the declaration referred to in paragraph 4, point (b)(i) provided that:
- (a) the animals are moved back to the Member State of origin,
 - (b) arrangements have been made that the intended movement of the captive birds to the Member State of origin will be completed within the period of validity of the original animal health certificate in accordance with Article 81 issued by the competent authority of the Member State of origin for the movement of the captive birds to the exhibition,

- (c) the conditions set out in paragraph 3, point (b) have been fulfilled.’
- (2) In Article 71, paragraph 2 is replaced by the following:
- ‘2. By way of derogation from paragraph 1, operators may move captive birds from exhibitions other than flight exhibitions back to the Member State of origin of the birds in accordance with Article 67(4), point (b).’
- (3) In Article 71, paragraph 3 is replaced by the following:
- ‘3. By way of derogation from paragraph 1, operators may move captive birds from flight exhibitions back to the Member State of origin of the birds in accordance with Article 67(4), point (c).’
- (4) In Article 81, paragraph 2 is replaced by the following:
- ‘2. The animal health certificate for captive birds intended for exhibitions, that is issued by the competent authority of the Member State of origin in accordance with Article 71(1), shall contain the general information provided for in point 1 of Part 1 of Annex VIII and an attestation of compliance with the requirements provided for in Article 67(1) and, where birds are collected in a single registered establishment, with the requirements provided for in Article 67(2).’
- (5) in Article 91(1), point (e), the following point (iii) is added after point (ii) as follows:
- ‘(iii) for captive birds moved to an exhibition in another Member State from a single registered establishment pursuant to Article 67(2): identity and physical checks of the captive birds and a documentary check of health and production records of the registered or approved establishment of origin and of a declaration by the operator of that establishment attesting that:
- the captive birds presented for certification have been continuously resident in the establishment of origin since hatching or for at least the last 21 days prior to their departure,
 - the flock of origin does not present abnormal mortalities with an undetermined cause, and
 - within the last 48 hours, the birds of the flock of origin have not shown clinical signs or suspicion of listed diseases relevant for the species.’

Article 2

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

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 23 September 2022.

For the Commission
The President
Ursula VON DER LEYEN
