



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 09.11.1995
COM(95) 535 final

95/0268 (CNS)
95/0269 (CNS)

**Proposal for a Council Directive
amending Directive 90/539/EEC on animal health conditions
governing intra-Community trade in and imports from third countries
of poultry and hatching eggs**

**Proposal for a Council Directive
amending Directive 91/494/EEC on animal health conditions
governing intra-Community trade in and imports from third countries
of fresh poultry meat**

(presented by the Commission)

EXPLANATORY MEMORANDUM

The Council adopted in October 1990 Council Directive 90/539/EEC on animal health conditions governing intra-Community trade in and imports from third countries of poultry and hatching eggs, and in June 1991 Council Directive 91/494/EEC on animal health conditions governing intra-Community trade in and imports from third countries of fresh poultry meat. The two said Directives shall in accordance with Article 12(4) of Directive 90/539/EEC and Article 3,A(1) of Directive 91/494/EEC be reviewed in the light of the application of harmonised standards for vaccines against Newcastle disease.

These proposals concern the sanitary guarantees that apply to trade in poultry and poultry meat moving from the part of the Community that vaccinates against Newcastle disease into the parts that have been granted non-vaccinating status (Denmark, Ireland, Northern Ireland, Finland and Sweden). This proposal, which simplifies the sanitary guarantees that are applicable, has been enabled by the application of the harmonised standards for vaccines use (Commission Decision 93/152/EEC).

It is also proposed to amend Council Directive 90/539/EEC to provide for the possibility of, in accordance with international standards, the importation of live poultry and hatching eggs into the Community from third countries following a strict quarantine regime. This is an alternative to the present system.

Article 11 of the directive contains an exemption to allow the trade in small numbers of poultry from non approved establishments (essentially non commercial trade). It is proposed to amend this to exclude ratites from the exemption because small numbers of these birds are commercial and also because this trade presents a less quantifiable disease risk.

Proposal for a Council Directive 95/0268 (CONS)
amending Directive 90/539/EEC on animal health conditions
governing intra-Community trade in and imports from third countries
of poultry and hatching eggs

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission⁽¹⁾,

Having regard to the opinion of the European Parliament⁽²⁾,

Having regard to the opinion of the Economic and Social Committee⁽³⁾,

Whereas Article 12(1) of Council Directive 90/539/EEC on animal health conditions governing intra-Community trade and imports from third countries of poultry and hatching eggs⁽⁴⁾ as last amended by the Act of Accession of Austria, Finland and Sweden lays down rules which apply to poultry and hatching eggs destined to Member States or regions of Member States, the status of which has been recognised in accordance with Article 12(2) of the Directive;

Whereas Commission Decision 93/152/EEC of 8 February 1993 laying down the criteria for vaccines to be used against Newcastle disease in the context of routine vaccination programmes⁽⁵⁾ applies from 1 January 1995;

Whereas it is appropriate in the light of this situation to modify Council Directive 90/539/EEC and in particular Article 12 thereof;

Whereas Article 11 of the Directive provides, for practical reasons, for a special regime for the intracommunity trade in very small consignments of poultry; whereas trade in ratites should, however, be included in the general provisions of the directive.

(1) OJ No L

(2) OJ No L

(3) OJ No L

(4) OJ No L 303, 31.09.1990, p. 6

(5) OJ No L 59, 12.03.1993, p.35

Whereas it is appropriate to amend the trading rules as applied to third countries to introduce the possibility of establishing rules for quarantine;

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 90/539/EEC is hereby amended as follows:

1. In Article 11, a new paragraph 3 is added as follows:

"3. The provisions of this Article shall not apply to consignments containing ratites or hatching eggs of ratites".

2. Article 12(1) is replaced by the following:

"1. In the case of consignments of poultry from Member States or regions of Member States which vaccinate the poultry referred to in Article 1 against Newcastle disease to a Member State or region of a Member State, the status of which has been established in accordance with paragraph 2 below, the following additional rules shall apply:

(a) day-old chicks (including chicks intended for restocking supplies of game) must not be vaccinated against Newcastle disease.

(b) breeding and productive poultry must:

- not be vaccinated against Newcastle disease, and
- have been isolated for 14 days before consignment at either a holding or a quarantine station under the supervision of the official veterinarian. In this connection, no poultry at the holding of origin or quarantine station, as applicable, may have been vaccinated against Newcastle disease during the 21 days preceding consignment and no bird which is not due for consignment may have entered the holding or the quarantine station during that time; in addition, no vaccinations may be carried out in the quarantine stations, and

- have undergone, during the 14 days preceding consignment, representative serological testing with negative result to detect Newcastle disease antibodies in accordance with detailed rules adopted pursuant to the procedure laid down in Article 32,

(c) slaughter poultry must come from flocks which:

- if not vaccinated against Newcastle disease, satisfy the requirements in the third indent of (b),
- if vaccinated, have undergone, during the 14 days preceding consignment and on the basis of a representative sample, a test to isolate the Newcastle disease virus complying with detailed rules adopted in accordance with the procedure laid down in Article 32,

3. Article 12, paragraph 4 is deleted.

4. Article 26, paragraph 2 is replaced as follows:

"2. The Commission may, in accordance with the procedure laid down in Article 32, determine that the imported poultry, hatching eggs or poultry hatched from imported eggs shall be kept quarantined or isolated for a period which may not exceed two months."

5. A new Article 27 is added as follows:

"Article 27

Notwithstanding the provisions of Articles 20 to 24, the Commission may, in accordance with the procedure laid down in Article 32, decide to permit the importation of poultry and hatching eggs from third countries where such importations do not qualify under the provisions of Articles 20 to 24. Detailed rules for such importation shall be drawn up at the same time by the same procedure. Such rules shall involve compulsory quarantine and testing for Avian Influenza, Newcastle disease and any other relevant diseases."

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 31 December 1995. They shall forthwith inform the Commission thereof.

When Member States adopt these measures they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

2. Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field governed by this Directive.

Article 3

This Directive shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

Article 4

This Directive is addressed to the Member States.

- 5 -

Proposal for a Council Directive 95/026900
amending Directive 91/494/EEC on animal health conditions
governing intra-Community trade in and imports from third countries
of fresh poultry meat

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission⁽¹⁾,

Having regard to the opinion of the European Parliament⁽²⁾,

Having regard to the opinion of the Economic and Social Committee⁽³⁾,

Whereas Article 3A(1) of Council Directive 91/494/EEC of 26 June 1991 on animal health conditions governing intra-Community trade in, and imports from third countries of fresh poultry meat⁽⁴⁾ as last amended by Council Directive 93/121/EC⁽⁵⁾, lays down the rules for Newcastle disease vaccination for flocks of origin of poultry meat destined for Member States or regions of Member States, the status of which has been recognised in accordance with Article 12(2) of Council Directive 90/539/EEC of 15 October 1990 on animal health conditions governing intra-Community trade and imports from third countries of poultry and hatching eggs⁽⁶⁾;

Whereas Commission Decision 93/152/EEC of 8 February 1993 laying down the criteria for vaccines to be used against Newcastle disease in the context of routine vaccination programmes⁽⁷⁾ applies from 1 January 1995;

Whereas it is appropriate in the light of this situation to modify Council Directive 91/494/EEC;

(1) OJ No L

(2) OJ No L

(3) OJ No L

(4) OJ No L 268, 24.09.1991, p.35

(5) OJ No L 340, 31.12.1993, p.39

(6) OJ No L 303, 31.10.1990, p. 6

(7) OJ No L 59, 12.03.1993, p.35

HAS ADOPTED THIS DECISION:

Directive 91/494/EEC is hereby amended as follows:

1. Article 3A, paragraph 1 is replaced by the following:

"1. has been held in Community territory since hatching or has been imported from third countries in accordance with the requirements of Chapter III of Directive 90/539/EEC."

2. Article 3A, paragraph 6 is deleted.

3. The Annex is deleted.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 31 December 1995. They shall forthwith inform the Commission thereof.

When Member States adopt these measures they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

2. Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field governed by this Directive.

Article 3

This Directive shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

Article 4

This Directive is addressed to the Member States.

COM(95) 535 final

DOCUMENTS

EN

03 11

Catalogue number : CB-CO-95-576-EN-C

ISBN 92-77-95473-6

Office for Official Publications of the European Communities

L-2985 Luxembourg