

Commission Decision of 30 November 2005 amending Decisions 2005/759/EC and 2005/760/EC relating to measures to combat avian influenza in birds other than poultry (notified under document number C(2005) 4663) (Text with EEA relevance) (2005/862/EC)

*Article 1*

Decision 2005/759/EC is amended as follows:

1. Article 1 is replaced by the following:

*Article 1*

**Movement from third countries**

- 1 Member States shall authorise the movement from third countries of live pet birds solely where the consignment consists of not more than five birds and:
    - a the birds come from an OIE member country falling within the competence of a Regional Commission listed in Part A of Annex I; or
    - b the birds come from an OIE member country falling within the competence of a Regional Commission listed in Part B of Annex I on condition that the birds:
      - (i) have undergone isolation for 30 days prior to export at the place of departure in a third country listed in Decision 79/542/EEC, or
      - (ii) undergo quarantine for 30 days after import in the Member State of destination on premises approved in accordance with Article 3(4) of Decision 2000/666/EC, or
      - (iii) have, within the last six months and not later than 60 days prior to dispatch from the third country, been vaccinated, and at least on one occasion re-vaccinated, against avian influenza using an H5 vaccine approved for the species concerned in accordance with the manufacturer's instructions; or
      - (iv) have been in isolation for at least 10 days prior to export and have undergone a test to detect the H5N1 antigen or genome as laid down in Chapter 2.7.12 of the Manual of Diagnostic Tests and Vaccines for Terrestrial Animals carried out on a sample taken not earlier than the third day of isolation.
  - 2 Compliance with the conditions in paragraph 1 shall be certified by an official veterinarian, in the case of the conditions provided for in paragraph 1(b)(ii) based on owners' declaration, in the third country of dispatch in accordance with the model certificate provided for in Annex II.
  - 3 The veterinary certificate shall be complemented by
    - a a declaration of the owner or the representative of the owner in accordance with Annex III,
    - b a confirmation as follows:

“Pet birds in accordance with Article 1 of Decision 2005/759/EC”.
2. Article 3 is replaced by the following:

**Changes to legislation:** There are currently no known outstanding effects for the Commission Decision of 30 November 2005 amending Decisions 2005/759/EC and 2005/760/EC relating to measures to combat avian influenza in birds other than poultry (notified under document number C(2005) 4663) (Text with EEA relevance) (2005/862/EC). (See end of Document for details)

### Article 3

This Decision shall not apply to the movement onto Community territory of live pet birds accompanying their owners from Andorra, the Faeroe Islands, Greenland, Iceland, Liechtenstein, Monaco, Norway, San Marino, Switzerland and the Vatican City State.

3. In Article 5, the date '30 November 2005' is replaced by '31 January 2006'.
4. Annex I is amended in accordance with the Annex to this Decision.

### Article 2

Decision 2005/760/EC is amended as follows:

1. Article 2 is replaced by the following:

#### Article 2

1. By way of derogation from Article 1(1)(a), Member States shall authorise imports of birds from bodies, institutes and centres and destined for bodies, institutes and centres approved by the competent authority of the Member State of destination in compliance with Directive 92/65/EEC.

2. By way of derogation from Article 1(1)(b), Member States shall authorise imports of:

- a hatching eggs of the species referred to in Article 1(1)(a), provided that the eggs are destined for:

- (i) the approved bodies, institutes and centres referred to in paragraph 1, or

- (ii) dedicated hatcheries approved by the competent authority for that purpose, which are not at the same time engaged in hatching eggs for poultry and in which eggs are placed only after fumigation effectively to decontaminate the shells;

- b specimens collected from any species of birds and which are safely packaged and sent directly to an approved laboratory in a Member State for laboratory diagnosis under the responsibility of the competent authorities of a dispatching country listed in the Annex;

- c products derived from those species complying with the conditions provided for in Chapter II(C), Chapter III(C), Chapter IV(B), Chapter VI(C) and Chapter X(B) of Annex VII, and Chapter II(C), Chapter III(II)(B), Chapter VII(A)(1)(a), Chapter VII(B)(5) and Chapter X of Annex VIII to Regulation (EC) No 1774/2002;

- d products derived from those species which, in accordance with Community legislation, are not subject to any animal health conditions or which are not subject to any ban or restriction for reason of animal health, including the products referred to in Chapter III(III) of Annex VIII to Regulation (EC) No 1774/2002, as far as regards mineralized bird guano coming from countries which have not declared the presence of highly pathogenic avian influenza caused by influenza A virus of subtype H5N1 during the last 12 months.

2. In Article 6, the date '30 November 2005' is replaced by '31 January 2006'.

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**Changes to legislation:** There are currently no known outstanding effects for the Commission Decision of 30 November 2005 amending Decisions 2005/759/EC and 2005/760/EC relating to measures to combat avian influenza in birds other than poultry (notified under document number C(2005) 4663) (Text with EEA relevance) (2005/862/EC). (See end of Document for details)

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*Article 3*

Member States shall take the necessary measures to comply with this Decision and publish those measures. They shall immediately inform the Commission thereof.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 30 November 2005.

*For the Commission*

Markos KYPRIANOU

*Member of the Commission*

**Changes to legislation:**

There are currently no known outstanding effects for the Commission Decision of 30 November 2005 amending Decisions 2005/759/EC and 2005/760/EC relating to measures to combat avian influenza in birds other than poultry (notified under document number C(2005) 4663) (Text with EEA relevance) (2005/862/EC).