

Commission Decision of 22 December 2006 as regards certain protection measures in relation to highly pathogenic avian influenza and movements of pet birds accompanying their owners into the Community (notified under document number C(2006) 6958) (Text with EEA relevance) (2007/25/EC)

COMMISSION DECISION

of 22 December 2006

as regards certain protection measures in relation to highly pathogenic avian influenza and movements of pet birds accompanying their owners into the Community

(notified under document number C(2006) 6958)

(Text with EEA relevance)

(2007/25/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 998/2003 of 26 May 2003 of the European Parliament and of the Council on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC⁽¹⁾, and in particular Article 18 thereof,

Whereas:

- (1) Following the outbreak of avian influenza in south-eastern Asia in 2004, caused by a highly pathogenic strain of the virus, the Commission adopted several protection measures in relation to that disease. Those measures include in particular Commission Decision 2005/759/EC of 27 October 2005 concerning certain protection measures in relation to highly pathogenic avian influenza in certain third countries and the movement from third countries of birds accompanying their owners⁽²⁾. Decision 2005/759/EC currently applies until 31 December 2006.
- (2) Avian influenza outbreaks caused by the highly pathogenic avian influenza strain H5N1 are still detected on a regular basis in certain member countries of the World Organisation for Animal Health (OIE), including countries not affected before. The disease is therefore not yet contained. Furthermore, human cases and even deaths resulting from close contact with infected birds continue to occur in countries around the globe.
- (3) Following a request by the Commission, the EFSA Panel on animal health and welfare (AHAW) adopted during its meeting on 26 and 27 October 2006 a Scientific Opinion on the Animal health and welfare risks associated with the import of wild birds other than poultry into the Community. This opinion points to the risks of the spreading of viral diseases such as avian influenza and Newcastle Disease via the import of birds other than poultry and identifies possible tools and options which can reduce any identified

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animal health risk related to the import of these birds. Furthermore the opinion points out that it is seldom possible to distinguish with certainty between birds ‘caught in the wild’ and ‘captive bred’ birds, since methods of marking can be applied to the different types of birds without it being possible to distinguish between them.

- (4) These conclusions can also be applied to the movement of pet birds from third countries. In order to guarantee a clear distinction between captive birds caught in the wild for commercial importation and pet birds, movement of live pet birds should continue to be subjected to strict conditions, without distinction in country of origin, in order to ensure the status of the pet birds and to prevent the spreading of those viral diseases. It is therefore appropriate to extend the application of the measure established by Decision 2005/759/EC until 31 December 2007.
- (5) Since its coming into force Decision 2005/759/EC has been amended several times. For the sake of clarity of Community legislation, Decision 2005/759/EC should be repealed and replaced by this Decision.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Movement from third countries

- 1 [F¹The appropriate authority] 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) [F²have undergone isolation for 30 days prior to export at the place of departure in a third country listed in Part 1 of Annex I or Part 1 of Annex II to Commission Regulation (EU) No 206/2010⁽³⁾, or]
 - (ii) [F³undergo quarantine for 30 days after import into [F⁴Great Britain, in approved quarantine premises], or
 - (iii) have, within the last six months and not later than 60 days prior to dispatch from the third country, been vaccinated, and on at least one occasion they have been revaccinated, against avian influenza of the H5 and H7 subtypes; the vaccine(s) used must have been 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 avian influenza H5 and H7 antigen or genome as laid down in the Chapter on avian influenza of the Manual of Diagnostic Tests and Vaccines for Terrestrial Animals, as regularly updated by the OIE, carried out on a sample taken not earlier than the third day of isolation, and]

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- (v) [F⁵are moved to a household or another residence F⁶... and they must not be permitted to enter shows, fairs, exhibitions or other gatherings of birds during the period of 30 days following their entry F⁷..., with the exception of movements to an approved facility for quarantine following their importation F⁷... as referred to in (ii).]

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 owner's declaration, in the third country of dispatch in accordance with the model certificate [F⁸, in the form published by the appropriate authority from time to time].

3 The veterinary certificate shall be complemented by a declaration of the owner or the representative of the owner [F⁹given in accordance with a model in the form published by the appropriate authority from time to time].

[F¹⁰4 In this Decision:

“appropriate authority” means the Secretary of State (in relation to England), the Welsh Ministers (in relation to Wales) and the Scottish Ministers (in relation to Scotland); but the “appropriate authority” is the Secretary of State if consent is given by:

- (a) in relation to Wales, the Welsh Ministers;
(b) in relation to Scotland, the Scottish Ministers;

“third country” means any country or territory other than the British Islands.]

Textual Amendments

- F1** Words in Art. 1(1) substituted (31.12.2020) by The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), **47(2)(a)(i)** (with regs. 69-71)
- F2** Substituted by Commission Decision of 30 November 2010 amending Decisions 2005/692/EC, 2005/734/EC, 2006/415/EC, 2007/25/EC and 2009/494/EC as regards avian influenza (notified under document C(2010) 8282) (Text with EEA relevance) (2010/734/EU).
- F3** Substituted by Commission Implementing Decision (EU) 2017/2410 of 20 December 2017 amending Decisions 2006/415/EC and 2007/25/EC and Implementing Decision 2013/657/EU concerning certain protection measures in relation to highly pathogenic avian influenza (notified under document C(2017) 8969) (Text with EEA relevance).
- F4** Words in Art. 1(1)(b)(ii) substituted (31.12.2020) by The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), **47(2)(a)(ii)** (with regs. 69-71)
- F5** Inserted by Commission Implementing Decision (EU) 2017/2410 of 20 December 2017 amending Decisions 2006/415/EC and 2007/25/EC and Implementing Decision 2013/657/EU concerning certain protection measures in relation to highly pathogenic avian influenza (notified under document C(2017) 8969) (Text with EEA relevance).
- F6** Words in Art. 1(1)(b)(v) omitted (31.12.2020) by virtue of The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), **47(2)(a)(iii)(aa)** (with regs. 69-71)
- F7** Words in Art. 1(1)(b)(v) omitted (31.12.2020) by virtue of The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), **47(2)(a)(iii)(bb)** (with regs. 69-71)

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- F8** Words in Art. 1(2) substituted (31.12.2020) by [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **47(2)(b)** (with regs. 69-71)
- F9** Words in Art. 1(3) substituted (31.12.2020) by [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **47(2)(c)** (with regs. 69-71)
- F10** Art. 1(4) inserted (31.12.2020) by [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **47(2)(d)** (with regs. 69-71)

Article 2

Veterinary checks

1 ^{F11}[The appropriate authority] shall take the measures necessary to ensure that pet birds moved into ^{F12}[Great Britain] from a third country are subject to documentary and identity checks by the competent ^{F13}[authority] at the traveller's point of entry ^{F14}....

2 ^{F15}[The appropriate authority] shall designate the ^{F16}[authority] referred to in paragraph 1 which is responsible for such checks ^{F17}....

3 ^{F18}[The appropriate authority] shall draw up a list of points of entry as referred to in paragraph 1 and forward it to ^{F19}[the other appropriate authorities].

^{F34} Where such checks reveal that the animals do not meet the requirements laid down in this Decision, Article 35 of Regulation (EU) No 576/2013 ^{F20}... shall apply.]

Textual Amendments

- F3** Substituted by [Commission Implementing Decision \(EU\) 2017/2410 of 20 December 2017 amending Decisions 2006/415/EC and 2007/25/EC and Implementing Decision 2013/657/EU concerning certain protection measures in relation to highly pathogenic avian influenza \(notified under document C\(2017\) 8969\) \(Text with EEA relevance\).](#)
- F11** Words in Art. 2(1) substituted (31.12.2020) by [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **47(3)(a)(i)** (with regs. 69-71)
- F12** Words in Art. 2(1) substituted (31.12.2020) by [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **47(3)(a)(ii)** (with regs. 69-71)
- F13** Word in Art. 2(1) substituted (31.12.2020) by [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **47(3)(a)(iii)** (with regs. 69-71)
- F14** Words in Art. 2(1) omitted (31.12.2020) by virtue of [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **47(3)(a)(iv)** (with regs. 69-71)
- F15** Words in Art. 2(2) substituted (31.12.2020) by [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **47(3)(b)(i)** (with regs. 69-71)
- F16** Word in Art. 2(2) substituted (31.12.2020) by [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **47(3)(b)(ii)** (with regs. 69-71)

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- F17** Words in Art. 2(2) omitted (31.12.2020) by virtue of The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), **47(3)(b)(iii)** (with regs. 69-71)
- F18** Words in Art. 2(3) substituted (31.12.2020) by The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), **47(3)(c)(i)** (with regs. 69-71)
- F19** Words in Art. 2(3) substituted (31.12.2020) by The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), **47(3)(c)(ii)** (with regs. 69-71)
- F20** Words in Art. 2(4) omitted (31.12.2020) by virtue of The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), **47(3)(d)** (with regs. 69-71)

Article 3

This Decision shall not apply to the movement [^{F21}into Great Britain] of birds accompanying their owners from Andorra, ^{F22}... the Faeroe Islands, Greenland, Iceland, Liechtenstein, Monaco, Norway, San Marino, Switzerland and the Vatican City State.

Textual Amendments

- F21** Words in Art. 3 substituted (31.12.2020) by The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), **47(4)** (with regs. 69-71)
- F22** Deleted by Commission Regulation (EU) No 519/2013 of 21 February 2013 adapting certain regulations and decisions in the fields of free movement of goods, freedom of movement for persons, right of establishment and freedom to provide services, company law, competition policy, agriculture, food safety, veterinary and phytosanitary policy, fisheries, transport policy, energy, taxation, statistics, social policy and employment, environment, customs union, external relations, and foreign, security and defence policy, by reason of the accession of Croatia.

^{F23} Article 4

Textual Amendments

- F23** Art. 4 omitted (31.12.2020) by virtue of The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), **47(5)** (with regs. 69-71)

Article 5

Decision 2005/759/EC is repealed.

^{F24} Article 6

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Textual Amendments

- F24** Art. 6 omitted (31.12.2020) by virtue of [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **47(5)** (with regs. 69-71)

^{F25} *Article 7*

Textual Amendments

- F25** Art. 7 omitted (31.12.2020) by virtue of [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **47(5)** (with regs. 69-71)

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ANNEX I

PART A

OIE member countries falling within the competence of the OIE Regional Commissions referred to in Article 1(1)(a):

PART B

OIE member countries falling within the competence of the OIE Regional Commissions referred to in Article 1(1)(b):

- Africa,
- Americas,
- Asia, Far East and Oceania,
- Europe, and
- Middle East

^{F26} ANNEX II

Textual Amendments

- F26** Annex 2 omitted (31.12.2020) by virtue of [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **47(6)** (with regs. 69-71)

ANNEX III

DECLARATION

^{F27}

Textual Amendments

- F27** Annex 3 omitted (31.12.2020) by virtue of [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **47(6)** (with regs. 69-71)

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- (1) [OJ L 146, 13.6.2003, p. 1](#). Regulation as last amended by Commission Regulation (EC) No 1467/2006 ([OJ L 274, 5.10.2006, p. 3](#)).
- (2) [OJ L 285, 28.10.2005, p. 52](#). Decision as last amended by Decision 2006/522/EC ([OJ L 205, 27.7.2006, p. 28](#)).
- (3) [^{F2}[OJ L 73, 20.3.2010, p. 1](#).]

Textual Amendments

- F2** Substituted by Commission Decision of 30 November 2010 amending Decisions 2005/692/EC, 2005/734/EC, 2006/415/EC, 2007/25/EC and 2009/494/EC as regards avian influenza (notified under document C(2010) 8282) (Text with EEA relevance) (2010/734/EU).

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