

Council Directive of 15 October 1990 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs (90/539/EEC) (repealed)

COUNCIL DIRECTIVE

of 15 October 1990

on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs

(90/539/EEC) (repealed)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic 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 poultry, being live animals, and hatching eggs, being animal products, are included in the list of products in Annex II to the Treaty;

Whereas, in order to ensure the rational development of poultry production, thereby increasing productivity in that sector, certain animal health rules governing intra-Community trade in poultry and hatching eggs must be laid down at Community level;

Whereas the breeding and rearing of poultry is included in the farming sector; whereas it constitutes a source of income for part of the farming population;

Whereas disparities as regards animal health conditions in the Member States should be eliminated in order to encourage intra-Community trade in poultry and hatching eggs, thus contributing to the completion of the internal market;

Whereas, in order to encourage the harmonious development of intra-Community trade, a Community system should be laid down to govern import from third countries;

Whereas the provisions of this Directive should not, in principle, apply to specific trade such as exhibitions, shows and contests;

Whereas this Directive should cover trade in quails, pigeons, ducks, pheasants and partridges reared for breeding or consumption;

Whereas, in view of the nature of modern poultry farming, the best way to promote the harmonious development of intra-Community trade in poultry and hatching eggs is to monitor production establishments;

Whereas it should be left to the competent authorities of the Member States to approve establishment which satisfy the conditions laid down in this Directive and to ensure that the conditions are applied;

Whereas Council Regulation (EEC) No 2782/75 of 29 October 1975 on the production and marketing of eggs for hatching and of farmyard poultry chicks⁽⁴⁾, as last amended by Regulation (EEC) No 3987/87⁽⁵⁾, provides for the granting of a distinguishing registration number to each production establishment and for the marking of hatching eggs; whereas Commission Regulation (EEC) No 1868/77⁽⁶⁾, as last amended by Regulation (EEC) No 1351/87⁽⁷⁾, lays down detailed rules for the application of the said Regulation; whereas, for practical reasons, the same criteria for identifying production establishments and marking hatching eggs should be adopted for the purposes of this Directive;

Whereas, in order to be the subject of intra-Community trade, poultry and hatching eggs must satisfy certain animal health requirements, so as to avoid the spread of contagious diseases;

Whereas, however, it is appropriate to postpone laying down the control rules applicable to combating avian influenza and Newcastle disease;

Whereas transport conditions should be laid down for the same reason;

Whereas provision should be made for allowing the Commission to approve certain additional requirements in the light of the progress made by a Member State in eradicating certain poultry diseases, provided that those requirements in no case exceed those applied nationally by the Member State concerned; whereas, in this context, it could prove desirable to determine the status of the Member States or regions thereof with regard to certain diseases likely to affect poultry;

Whereas, although intra-Community trade transactions in very small quantities cannot, for practical reasons, be subject to all the Community requirements, certain essential rules should be complied with;

Whereas, to ensure that the prescribed requirements are satisfied, provision must be made for the issue by an official veterinarian of a health certificate to accompany the poultry and hatching eggs to their destination;

Whereas, in respect of the organization of, and the follow-up to, the checks to be carried out by the Member State of destination and the safeguard measures to be implemented, reference should be made to the general rules laid down in Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market⁽⁸⁾;

Whereas provision should be made for checks to be carried out by the Commission in cooperation with the competent authorities of Member States;

Whereas defining Community arrangements applicable to imports from third countries requires a list to be drawn up of third countries or parts of third countries from which poultry and hatching eggs may be imported;

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Whereas the choice of these countries must be based on criteria of a general nature such as the state of health of the poultry and other livestock, the organization and powers of the veterinary services and the health regulations in force;

Whereas, in addition, importation of poultry and hatching eggs should not be authorized from countries which are infected with contagious poultry diseases presenting a risk to Community livestock or which have been free from such diseases for too short a period;

Whereas the general conditions applicable to importation from third countries must be supplemented by special conditions drawn up on the basis of the health situation in each of them; whereas, owing to the technical nature and the diversity of the criteria on which these special conditions depend, recourse must be had, in order to define them, to the Standing Veterinary Committee;

Whereas the presentation of a standard form of certificate upon importation of poultry and hatching eggs constitutes an effective means of verifying that the Community rules are being applied; whereas such rules may include special provisions which may vary according to the third country concerned; whereas this must be taken into account in drawing up the standard forms of certificate;

Whereas Commission veterinary experts should be responsible for verifying that the rules are observed in third countries;

Whereas the checks carried out upon importation must cover the origin and the state of health of the poultry and hatching eggs;

Whereas Member States must be allowed, on the arrival of poultry and hatching eggs in the territory of the Community and during transit to their place of destination, to take all measures, including slaughter and disposal, required for the purpose of safeguarding public and animal health;

Whereas the rules and general principles governing checks on poultry and hatching eggs will be determined later as part of the measures to be taken to bring about the internal market;

Whereas every Member State must have the right to place an immediate prohibition on imports from a third country when such imports may be dangerous for human and animal health; whereas, in such a case, coordination of the attitudes of the Member States with regard to that third country must be ensured without delay, without prejudice to possible amendments to the list of countries authorized to export to the Community;

Whereas the constant development of poultry-rearing techniques means that periodic changes in the methods of poultry-disease control will have to be made;

Whereas the provisions of this Directive should be revised in connection with the completion of the internal market;

Whereas provision should be made for a procedure establishing close cooperation between the Member States and the Commission within the Standing Veterinary Committee,

HAS ADOPTED THIS DIRECTIVE:

CHAPTER I

General provisions

Article 1

1 This Directive lays down animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs.

2 This Directive shall not apply to poultry for exhibitions, show or contests.

Article 2

For the purposes of this Directive ‘official veterinarian’ and ‘third country’ shall mean the official veterinarian and third country referred to in Directive 72/462/EEC.

In addition:

1. ‘poultry’ shall mean fowl, turkeys, guinea fowl, ducks, geese, quails, pigeons, pheasants^[F1], partridges ^[F2]and ratites (*Ratitae*) reared or kept in captivity for breeding, the production of meat or eggs for consumption, or for re-stocking supplies of game;
2. ‘hatching eggs’ shall mean eggs for incubation, laid by poultry as defined in 1;
3. ‘^[F3]day-old chicks’ shall mean all poultry less than 72 hours old, not yet fed; however, muscovy ducks (*Cairina moschata*) or their crosses may be fed;]
4. ‘breeding poultry’ shall mean poultry 72 hours old or more, intended for the production of hatching eggs;
5. ‘productive poultry’ shall mean poultry 72 hours old or more, reared for the production of meat and/or eggs for consumption (or for restocking supplies of game);
6. ‘slaughter poultry’ shall mean poultry sent direct to a slaughterhouse for slaughter as soon as possible after arrival, and in any case within 72 hours;
7. ^[F3]‘flock’ shall mean all poultry of the same health status kept on the same premises or in the same enclosure and constituting a single epidemiological unit. In housed poultry this will include all birds sharing the same airspace;]
8. ‘holding’ shall mean a facility — which may include an establishment — used for the rearing or keeping of breeding or productive poultry;
9. ‘establishment’ shall mean a facility or part of a facility which occupies a single site and is devoted to the following activities:
 - (a) pedigree breeding establishment: an establishment which produces hatching eggs for the production of breeding poultry;
 - (b) breeding establishment: an establishment which produces hatching eggs for the production of productive poultry;
 - (c) ^[F3]rearing establishment:
 - (i) either a breeding poultry rearing establishment which is an establishment which rears breeding poultry prior to the reproductive stage;

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or

- (ii) a productive poultry rearing establishment which is an establishment which rears egg-laying productive poultry prior to the laying stage;]
 - (d) hatchery: an establishment which incubates and hatches eggs and supplies day-old chicks:
10. ‘authorized veterinarian’ shall mean a veterinarian instructed by the competent veterinary authority, under its responsibility, to carry out the checks provided for in this Directive in a particular establishment;
 11. ‘approved laboratory’ shall mean a laboratory located in the territory of a Member State, approved by the competent veterinary authority, under its responsibility, for the purpose of carrying out the diagnostic tests provided for in this Directive;
 12. ‘health inspection’ shall mean a visit by the official veterinarian or authorized veterinarian for the purpose of inspecting the health status of all the poultry in an establishment;
 13. ‘compulsorily notifiable diseases’ shall mean the diseases listed in Annex V;
 14. ‘outbreak site’ shall mean a site as defined in Directive 82/894/EEC;
 15. [F4]
 16. ‘quarantine station’ shall mean facilities where the poultry is kept in complete isolation and away from direct or indirect contact with other poultry, so as to permit long-term observation and testing for the diseases listed in Annex V;
 17. ‘sanitary slaughter’ shall mean the destruction, subject to all the necessary health safeguards including disinfection, of all poultry and products at the outbreak site which are infected or suspected of being contaminated.

Textual Amendments

- F1** Substituted by Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A (I) to Directive 90/425/EEC.
- F2** Inserted by Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A (I) to Directive 90/425/EEC.
- F3** Substituted by Council Directive 93/120/EC of 22 December 1993 amending Directive 90/539/EEC on animal health conditions governing intra-Community trade in and imports from third countries of poultry and hatching eggs.
- F4** Deleted by Council Directive 93/120/EC of 22 December 1993 amending Directive 90/539/EEC on animal health conditions governing intra-Community trade in and imports from third countries of poultry and hatching eggs.

CHAPTER II

Rules for intra-Community trade*Article 3*

1 Member States shall submit to the Commission by 1 July 1991 a plan describing the national measures which they intend to implement to ensure compliance with the rules set out in Annex II for the approval of establishments for the purposes of intra-Community trade in poultry and hatching eggs.

2 The Commission shall examine the plans. In accordance with the procedure laid down in Article 32, the plans may be approved, or amendments or additions made, before approval is given.

3 In accordance with the procedure referred to in paragraph 2, amendments or additions to a plan which has been approved in accordance with the said paragraph may be:

- approved at the request of the Member State concerned, in order to take account of a change in the situation in that Member State, or
- requested, in order to take account of progress in methods of disease prevention and control.

Article 4

Each Member State shall designate a national reference laboratory to be responsible for coordinating the diagnostic methods provided for in this Directive and their use by the approved laboratories located in its territory. These reference laboratories are listed in Annex I.

[^{F3}Article 5

In order to be traded in the Community:

- (a) hatching eggs, day-old chicks, breeding poultry and productive poultry must satisfy the conditions laid down in Articles 6, 12, 15 and 17. They must also satisfy any conditions laid down pursuant to Articles 13 and 14.

In addition:

- hatching eggs must satisfy the conditions laid down in Article 7,
- day-old chicks must satisfy the conditions laid down in Article 8,
- breeding poultry and productive poultry must satisfy the conditions laid down in Article 9;

- (b) Slaughter poultry must fulfil the conditions set out in Articles 10, 12, 15 and 17 and those laid down pursuant to Articles 13 and 14;

- (c) Poultry (including day-old chicks) intended for restocking supplies of game must fulfil the conditions set out in Articles 10a, 12, 15 and 17 and those laid down pursuant to Articles 13 and 14^{[F5];}

- (d) ^[F6]^[F7]as regards salmonella, poultry intended for Finland and Sweden must fulfil the conditions laid down pursuant to Articles 9a, 9b and 10b.^{]]]}

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Textual Amendments

- F3** Substituted by [Council Directive 93/120/EC of 22 December 1993 amending Directive 90/539/EEC on animal health conditions governing intra-Community trade in and imports from third countries of poultry and hatching eggs.](#)
- F5** Substituted by [Act concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded \(94/C 241/08\).](#)
- F6** Inserted by [Act concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded \(94/C 241/08\).](#)
- F7** Substituted by [Decision of the Council of the European Union of 1 January 1995 adjusting the instruments concerning the accession of new Member States to the European Union \(95/1/EC, Euratom, ECSC\).](#)

Article 6

Hatching eggs, day-old chicks, breeding poultry and productive poultry must come from:

1. establishments which fulfil the following requirements:
 - (a) they must be approved and given a distinguishing number by the competent authority, in accordance with the rules set out in Chapter I of Annex II;
 - (b) they must not, at the time of consignment, be the subject of any animal health restrictions applicable to poultry;
 - (c) [^{F3}they must not be located in an area which for animal health reasons is subject to restrictive measures in accordance with Community legislation as a result of the outbreak of a disease to which poultry is susceptible;]
2. [^{F3}a flock which at the time of consignment presents no clinical sign or suspicion of contagious poultry disease.]

Textual Amendments

- F3** Substituted by [Council Directive 93/120/EC of 22 December 1993 amending Directive 90/539/EEC on animal health conditions governing intra-Community trade in and imports from third countries of poultry and hatching eggs.](#)

^{F3}Article 7

At the time of consignment, hatching eggs must:

1. come from flocks which:
 - have been held for more than six weeks in one or more Community establishments as defined in Article 6 (1)(a),
 - if vaccinated, have been vaccinated in accordance with the vaccination conditions in Annex III;
 - have either undergone an animal health examination carried out by an official veterinarian or an authorized veterinarian during the 72 hours preceding consignment and, at the time of the examination, have shown no clinical sign or suspicion of contagious disease,

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- or have had a monthly health inspection visit by an official veterinarian or an authorized veterinarian, the most recent visit having been within 31 days of consignment. If this option is chosen there must also be an examination by the official veterinarian or authorized veterinarian of the records of the health status of the flock and an evaluation of its current health status as assessed by up-to-date information supplied by the person in charge of the flock during the 72 hours preceding consignment. In a case where records or other information give rise to suspicion of disease, the flocks must have had an animal health examination by the official veterinarian or authorized veterinarian that has ruled out the possibility of contagious poultry disease;
- 2. be marked in accordance with Commission Regulation (EEC) No 1868/77;
- 3. have been disinfected in accordance with the instructions of the official veterinarian.

In addition, if contagious poultry diseases which may be transmitted through eggs develop in the flock which supplied the hatching eggs during the period of their incubation, the hatchery involved and the authority or authorities responsible for the hatchery and the flock of origin must be notified.]

Textual Amendments

- F3** Substituted by [Council Directive 93/120/EC of 22 December 1993 amending Directive 90/539/EEC on animal health conditions governing intra-Community trade in and imports from third countries of poultry and hatching eggs.](#)

Article 8

Day-old chicks must:

- (a) have been hatched from hatching eggs satisfying the requirements of Articles 6 and 7;
- (b) [^{F3}satisfy the vaccination conditions in Annex III, if they have been vaccinated;]
- (c) present, at the time of consignment, no suspicion of diseases on the basis of Annex II, Chapter II, B 2 (g) and (h).

Textual Amendments

- F3** Substituted by [Council Directive 93/120/EC of 22 December 1993 amending Directive 90/539/EEC on animal health conditions governing intra-Community trade in and imports from third countries of poultry and hatching eggs.](#)

Article 9

At the time of consignment, breeding poultry and productive poultry must:

- (a) have been held since hatching or for more than six weeks in one or more Community establishments as defined in Article 6 (1) (a);
- (b) [^{F3}satisfy the vaccination conditions in Annex II, if they have been vaccinated;]

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- (c) [^{F3}have been submitted to a health examination by an official veterinarian or authorized veterinarian during the 48 hours preceding consignment and, at the time of the examination, have presented no clinical sign or suspicion of contagious poultry disease.]

Textual Amendments

- F3** Substituted by [Council Directive 93/120/EC of 22 December 1993 amending Directive 90/539/EEC on animal health conditions governing intra-Community trade in and imports from third countries of poultry and hatching eggs.](#)

[^{F6}^{F7} Article 9a

1 As regards salmonella, Finland and Sweden may submit to the Commission an operational programme concerning flocks of breeding poultry and flocks of day-old chicks intended to be introduced into flocks of breeding poultry or flocks of productive poultry.

2 The Commission shall examine the operational programmes. Following that examination and if it is justified, the Commission shall, in accordance with the procedure laid down in Article 32, specify the additional general or limited guarantees which may be required for consignments to Finland and Sweden. Those guarantees must be equivalent to those which Finland and Sweden implement respectively at national level. The appropriate decisions shall be adopted before the date of entry into force of the Accession Treaty.

Textual Amendments

- F6** Inserted by [Act concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded \(94/C 241/08\).](#)
- F7** Substituted by [Decision of the Council of the European Union of 1 January 1995 adjusting the instruments concerning the accession of new Member States to the European Union \(95/1/EC, Euratom, ECSC\).](#)

Article 9b

1 As regards salmonella and pending the adoption of Community rules, Finland and Sweden may submit to the Commission an operational programme concerning flocks of laying hens (productive poultry reared to produce eggs for consumption).

2 The Commission shall examine the operational programmes. Following that examination and if it is justified, the Commission shall, in accordance with the procedure laid down in Article 32, specify the additional general or limited guarantees which may be required for consignments to Finland and Sweden. Those guarantees must be equivalent to those which Finland and Sweden implement respectively at national level. In addition, these guarantees shall take into account the opinion of the Scientific Veterinary Committee as regards serotypes of salmonella to be included in the list of invasive serotypes for poultry. The appropriate decisions shall be adopted before the date of entry into force of the Accession Treaty.]]

Textual Amendments

- F6** Inserted by [Act concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded \(94/C 241/08\).](#)

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- F7** Substituted by [Decision of the Council of the European Union of 1 January 1995 adjusting the instruments concerning the accession of new Member States to the European Union \(95/1/EC, Euratom, ECSC\)](#).

Article 10

At the time of the consignment, slaughter poultry must have come from a holding:

- (a) where they have been held since hatching or for more than 21 days;
- (b) which is not the subject of any animal health restrictions applicable to poultry;
- (c) [^{F3}where the health examination carried out by the official veterinarian or authorized veterinarian during the 5 days preceding dispatch on the flock from which the consignment to be slaughtered is to be drawn has not revealed within that flock any clinical sign or suspicion of contagious poultry disease;]
- (d) [^{F3}which is not located in an area which for animal health reasons is subject to restrictive measures in accordance with Community legislation as a result of the outbreak of a disease to which poultry is susceptible.]

Textual Amendments

- F3** Substituted by [Council Directive 93/120/EC of 22 December 1993 amending Directive 90/539/EEC on animal health conditions governing intra-Community trade in and imports from third countries of poultry and hatching eggs](#).

[^{F8}Article 10a

1 At the time of consignment, poultry over 72 hours old intended for restocking supplies of wild game must have come from a holding:

- a where it has been held since hatching or for more than 21 days and where it has not been placed in contact with newly-arrived poultry during the two weeks preceding consignment;
- b which is not the subject of any animal health restrictions applicable to poultry;
- c where the health examination carried out by the official veterinarian or authorized veterinarian during the 48 hours preceding dispatch on the flock from which the consignment is to be drawn has not revealed within that flock any clinical sign or suspicion of contagious poultry disease;
- d which is not located in an area which for animal health reasons is subject to prohibition in accordance with Community legislation as a result of an outbreak of disease to which poultry is susceptible.

2 Articles 6 and 9a shall not apply to the poultry referred to in paragraph 1.]

Textual Amendments

- F8** Inserted by [Council Directive 93/120/EC of 22 December 1993 amending Directive 90/539/EEC on animal health conditions governing intra-Community trade in and imports from third countries of poultry and hatching eggs](#).

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[^{F6}]^{F7} Article 10b

1 As regards salmonella and in respect of serotypes not mentioned in Annex II, Chapter III(A), consignments of poultry for slaughter for Finland and Sweden shall be subject to a microbiological test by sampling in the establishment of origin in accordance with rules to be laid down by the Council acting on a proposal from the Commission before the date of entry into force of the Accession Treaty.

2 The range of the test referred to in paragraph 1 and the methods to be adopted must be determined in the light of the opinion of the Scientific Veterinary Committee and of the operational programme which Finland and Sweden must submit to the Commission.

3 The test referred to in paragraph 1 shall not be carried out for slaughter poultry from a holding subject to a programme recognized as equivalent to that referred to in paragraph 2 under the procedure laid down in Article 32.]]

Textual Amendments

- F6** Inserted by [Act concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded \(94/C 241/08\)](#).
- F7** Substituted by [Decision of the Council of the European Union of 1 January 1995 adjusting the instruments concerning the accession of new Member States to the European Union \(95/1/EC, Euratom, ECSC\)](#).

Article 11

1 The requirement of Articles 5 to 10 and 15 shall not apply to intra-Community trade in poultry and hatching eggs in respect of consignments comprising fewer than 20 units.

2 However, poultry and hatching eggs as referred to in paragraph 1 must, at the time of consignment, have come from flocks which:

- have been held in the Community since hatching or for at least three months,
- present no clinical signs of a contagious poultry disease at the time of consignment,
- [^{F3}satisfy the vaccination conditions in Annex III, if they have been vaccinated,]
- are not the subject of any animal health restrictions applicable to poultry,
- [^{F3}are not located in an area which for animal health reasons is subject to restrictive measures in accordance with Community legislation as a result of an outbreak of disease to which poultry is susceptible.]
- [^{F4}. . . .]

[^{F3}All birds in the consignment must have been found negative in serological tests for *Salmonella pullorum* and *Salmonella gallinarum* antibodies, in accordance with Annex II, Chapter III, in the month preceding the consignment. In the case of hatching eggs or day-old chicks, the flock of origin must be tested serologically for *Salmonella pullorum* and *Salmonella gallinarum* in the three months preceding the consignment at a level which gives 95 % confidence of detecting infection at 5 % prevalence.]

[^{F93} The provisions of paragraphs 1 and 2 shall not apply to consignments containing ratites or hatching eggs of ratites.]

Textual Amendments

- F3** Substituted by [Council Directive 93/120/EC of 22 December 1993 amending Directive 90/539/EEC on animal health conditions governing intra-Community trade in and imports from third countries of poultry and hatching eggs.](#)
- F4** Deleted by [Council Directive 93/120/EC of 22 December 1993 amending Directive 90/539/EEC on animal health conditions governing intra-Community trade in and imports from third countries of poultry and hatching eggs.](#)
- F9** Inserted by [Council Directive 1999/90/EC of 15 November 1999 amending Directive 90/539/EEC on animal health conditions governing intra-Community trade in and imports from third countries of poultry and hatching eggs.](#)

Article 12

[^{F10}1 In the case of consignments of poultry and hatching eggs 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 rules shall apply:

- a hatching eggs must come from flocks which are:
 - not vaccinated, or
 - vaccinated using inactivated vaccine, or
 - vaccinated using a live vaccine, provided that vaccination has taken place at least 30 days before the collection of the hatching eggs;
- b day-old chicks (including chicks intended for restocking supplies of game) must not be vaccinated against Newcastle disease, and must come from:
 - hatching eggs satisfying the conditions in (a), and
 - a hatchery where working practice ensures that such eggs are incubated at completely separate times and locations from eggs not satisfying the conditions in (a);
- c 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 vaccination may be carried out in the quarantine stations, and
 - have undergone, during the 14 days preceding consignment, representative serological testing, with negative results, to detect Newcastle disease antibodies in accordance with detailed rules adopted pursuant to the procedure laid down in Article 32;
- d slaughter poultry must come from flocks which:
 - if not vaccinated against Newcastle disease, satisfy the requirements in the third indent of (c),
 - if vaccinated have undergone, during the 14 days preceding consignment and on the basis of a representative sample, a test to isolate Newcastle disease virus complying with detailed rules adopted in accordance with the procedure laid down in Article 32.]

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[^{F32} If a Member State or a region or regions of a Member State wish to be established as Newcastle disease non-vaccinating they can present a programme as laid down in Article 13 (1).

The Commission shall examine the programmes presented by the Member States. The programmes may be approved, in compliance with the criteria referred to in Article 13 (1), in accordance with the procedure laid down in Article 32. Any additional guarantees, general or specific, which may be required in intra-Community trade may be defined in accordance with the same procedure.

Where a Member State or a region of a Member State considers it has achieved Newcastle disease non-vaccinating status, an application may be made to the Commission for Newcastle disease non-vaccinating status to be established in accordance with the procedure laid down in Article 32.

The elements to be taken into account for determination of a Member State's or region's status as Newcastle disease non-vaccinating shall be the data referred to in Article 14 (1) and, in particular, the following criteria:

- vaccination against Newcastle disease in the poultry referred to in Article 1 shall not have been authorized for the preceding 12 months, except for the compulsory vaccination of racing pigeons referred to in Article 17 (3) of Directive 92/66/EEC,
- breeding flocks shall have been serologically monitored at least once a year for the presence of Newcastle disease according to the detailed rules adopted under the procedure laid down in Article 32,
- the holdings shall contain no poultry which has been vaccinated against Newcastle disease in the previous 12 months, with the exception of racing pigeons vaccinated pursuant to Article 17 (3) of Directive 92/66/EEC.

[^{F6}[^{F7} As regards Finland and Sweden, the appropriate decisions concerning the status of 'non-vaccinationzone against Newcastle disease' shall be adopted under the procedure laid down in Article 32 before the date of entry into force of the Accession Treaty.]]

3 The Commission may suspend Newcastle disease non-vaccinating status in accordance with the procedure laid down in Article 32 in the event of:

- (i) either a serious epizootic of Newcastle disease which is not being brought under control;
- (ii) or the removal of the legislative restrictions prohibiting systematic recourse to routine vaccination against Newcastle disease.]

^{F114}

Textual Amendments

- F3** Substituted by Council Directive 93/120/EC of 22 December 1993 amending Directive 90/539/EEC on animal health conditions governing intra-Community trade in and imports from third countries of poultry and hatching eggs.
- F6** Inserted by Act concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded (94/C 241/08).
- F7** Substituted by Decision of the Council of the European Union of 1 January 1995 adjusting the instruments concerning the accession of new Member States to the European Union (95/1/EC, Euratom, ECSC).

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- F10** Substituted by Council Directive 1999/90/EC of 15 November 1999 amending Directive 90/539/EEC on animal health conditions governing intra-Community trade in and imports from third countries of poultry and hatching eggs.
- F11** Deleted by Council Directive 1999/90/EC of 15 November 1999 amending Directive 90/539/EEC on animal health conditions governing intra-Community trade in and imports from third countries of poultry and hatching eggs.

Article 13

1 Where a Member State draws up or has drawn up a voluntary or compulsory control programme for a disease to which poultry are susceptible, it may present the programme to the Commission, outlining in particular:

- the distribution of the disease in its territory,
- the reasons for the programme, taking into consideration the importance of the disease and the programme's likely benefit in relation to its cost,
- the geographical area in which the programme will be implemented,
- the status categories to be applied to poultry establishments, the standards which must be attained in each category, and the test procedures to be used,
- the programme monitoring procedures,
- the action to be taken if, for any reason, an establishment loses its status,
- the measures to be taken if the results of the tests carried out in accordance with the provisions of the programme are positive.

2 The Commission shall examine the programmes presented by the Member States. The programmes may be approved, in compliance with the criteria referred to in paragraph 1, in accordance with the procedure laid down in Article 32. Any additional guarantees, general or specific, which may be required in intra-Community trade may be defined in accordance with the same procedure. Such guarantees must not exceed those required by the Member State in its own territory.

In the case of programmes presented to the Commission before 1 July 1991, decisions as to their approval and additional trade guarantees shall be taken before 1 January 1992.

3 Programmes submitted by Member States may be amended or supplemented in accordance with the procedure laid down in Article 32. Amendments or additions to programmes which have already been approved or to guarantees which have been defined in accordance with paragraph 2 may be approved under the same procedure.

[^{F6}[^{F74} The Commission shall examine as quickly as possible the programme submitted by Sweden as regards infectious bronchitis (IB). Following that examination and if it is justified, the provisions of paragraph 2 may be applicable. The appropriate decisions provided for in paragraph 2 shall be adopted as quickly as possible. Pending those decisions Sweden may, during a period of one year from the date of entry into force of the Accession Treaty, apply its national rules in force before that date as regards the abovementioned diseases. The period of one year may if necessary be extended in accordance with the procedure laid down in Article 32.]]

Textual Amendments

- F6** Inserted by Act concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded (94/C 241/08).

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F7 Substituted by Decision of the Council of the European Union of 1 January 1995 adjusting the instruments concerning the accession of new Member States to the European Union (95/1/EC, Euratom, ECSC).

Article 14

1 Where a Member State considers that its territory or part of its territory is free from one of the diseases to which poultry are susceptible, it shall present to the Commission appropriate supporting documentation, setting out in particular:

- the nature of the disease and the history of its occurrence in that Member State,
- the results of surveillance testing based on serological, microbiological or pathological investigations and on the fact that the disease must by law be notified to the competent authorities,
- the period over which the surveillance was carried out,
- where applicable, the period during which vaccination against the disease has been prohibited and the geographical area concerned by the prohibition,
- the arrangements for verifying that the area concerned remains free from the disease.

2 The Commission shall examine documentation submitted by Member States. The additional guarantees, general or specific, which may be required in intra-Community trade may be defined in accordance with the procedure laid down in Article 32. Such guarantees must not exceed those required by the Member State in its own territory. Where justification is submitted before 1 July 1991, decisions on additional guarantees shall be taken before 1 January 1992.

3 The Member State concerned shall notify the Commission of any change in the particulars specified in paragraph 1. The guarantees defined as laid down in paragraph 2 may, in the light of such notification, be amended or withdrawn in accordance with the procedure laid down in Article 32.

[^{F6}[^{F74} The Commission shall examine as quickly as possible the grounds submitted by Sweden as regards turkey rhinotracheitis (TRT), swollenhead syndrome (SHS), infectious laryngotracheitis (ILT), egg-drop syndrome 76 (EDS 76) and fowl pox. Following that examination and if it is justified, the provisions of paragraph 2 may be applicable. The appropriate decisions provided for in paragraph 2 shall be adopted as quickly as possible. Pending those decisions Sweden may, during a period of one year from the date of entry into force of the Accession Treaty, apply its national rules in force before that date as regards the abovementioned diseases. The period of one year may if necessary be extended in accordance with the procedure laid down in Article 32.]]

Textual Amendments

- F6** Inserted by Act concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded (94/C 241/08).
- F7** Substituted by Decision of the Council of the European Union of 1 January 1995 adjusting the instruments concerning the accession of new Member States to the European Union (95/1/EC, Euratom, ECSC).

Article 15

[^{F31} 'Day-old chicks' and hatching eggs must be transported in:
— either unused purpose-designed disposable containers to be used only once and then destroyed,

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- or containers which may be re-used provided they are cleaned and disinfected beforehand.

In any event such containers must:

- a contain only day-old chicks or hatching eggs of the same species, category and type of poultry, coming from the same establishment;
 - b be labelled with:
 - the name of the Member State and region of origin,
 - the establishment of origin's approval number as provided for in Annex II, Chapter I (2),
 - the number of chicks or eggs in each box,
 - the poultry species to which the eggs or chicks belong.]
- 2 Boxes holding day-old chicks or hatching eggs may be grouped for transport in appropriate containers. The number of boxes thus grouped and the indications referred to in paragraph 1 (b) must be shown on those containers.
- 3 Breeding and productive poultry must be transported in crates or cages:
- which contain only poultry of the same species, categories and type, coming from the same establishment,
 - bearing the approval number of the establishment of origin as provided for in Annex II, Chapter I (2)^[F3].
 - ^[F4]]
- 4
- a Breeding and productive poultry and day-old chicks must be conveyed without delay to the establishment of destination, without coming into contact with other live birds, except breeding and productive poultry or day-old chicks satisfying the conditions laid down in this Directive.
 - b Slaughter poultry must be conveyed without delay to the slaughterhouse of destination, without coming into contact with other poultry, except slaughter poultry satisfying the conditions laid down in this Directive.
 - ^[F8]c Poultry intended for restocking supplies of game must be conveyed without delay to the point of destination without coming into contact with other poultry except poultry intended for restocking supplies of game satisfying the conditions laid down in this Directive.]
- 5 Crates, cages and vehicles must be designed so as to:
- preclude the loss of excrement and minimize the loss of feathers during transit,
 - allow visual inspection of the poultry,
 - allow cleansing and disinfection.
- 6 The vehicles and, if they are not disposable, the containers, crates and cages must, before loading and unloading, be cleansed and disinfected in accordance with the instructions of the competent authority of the Member State concerned.

Textual Amendments

- F3** Substituted by [Council Directive 93/120/EC of 22 December 1993 amending Directive 90/539/EEC on animal health conditions governing intra-Community trade in and imports from third countries of poultry and hatching eggs.](#)

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- F4** Deleted by Council Directive 93/120/EC of 22 December 1993 amending Directive 90/539/EEC on animal health conditions governing intra-Community trade in and imports from third countries of poultry and hatching eggs.
- F8** Inserted by Council Directive 93/120/EC of 22 December 1993 amending Directive 90/539/EEC on animal health conditions governing intra-Community trade in and imports from third countries of poultry and hatching eggs.

Article 16

Poultry as referred to in Article 15 (4) may not be transported through areas infected with avian influenza or Newcastle disease, unless by trunk road or rail.

Article 17

In trade between Member States, poultry and hatching eggs must, during transportation to the place of destination, be accompanied by a health certificate which:

- conforms with the appropriate model in Annex IV,
- is signed by an official veterinarian,
- is drawn up on the date of loading in the language or languages of the Member State of dispatch and in the official language or languages of the Member State of destination,
- is valid for five days,
- consists of a single sheet,
- is normally made out for a single consignee,
- [^{F3}bears a stamp and a signature of a different colour from that of the certificate.]

Textual Amendments

- F3** Substituted by Council Directive 93/120/EC of 22 December 1993 amending Directive 90/539/EEC on animal health conditions governing intra-Community trade in and imports from third countries of poultry and hatching eggs.

Article 18

The Member States of destination may, in compliance with the general provisions of the Treaty, grant one or more Member States of dispatch general authorizations or authorizations limited to specific cases permitting entry into their territory of poultry and hatching eggs without the certificate provided for in Article 17.

^{F4}*Article 19*

Textual Amendments

- F4** Deleted by Council Directive 93/120/EC of 22 December 1993 amending Directive 90/539/EEC on animal health conditions governing intra-Community trade in and imports from third countries of poultry and hatching eggs.

CHAPTER III

Rules for imports from third countries*Article 20*

Poultry and hatching eggs imported into the Community must satisfy the conditions laid down in Articles 21 to 24.

Article 21

1 Poultry and hatching eggs must have originated in a third country or part of a third country included on a list drawn up by the Commission in accordance with the procedure laid down in Article 32. That list may be supplemented or amended in accordance with the procedure laid down in Article 33.

2 In deciding whether a third country or part thereof may be included on the list referred to in paragraph 1, particular account shall be taken of:

- a the state of health of the poultry, other domestic animals and wildlife in the third country, particular attention being paid to exotic animal diseases, and the health situation in the surrounding area, where either is liable to endanger public and animal health in the Member States;
- b the regularity and rapidity of the supply of information by the third country relating to the existence of contagious animal diseases in its territory, in particular the diseases on Lists A and B of the International Office of Epizootics;
- c the country's rules on animal-disease prevention and control;
- d the structure of the veterinary services in the country and their powers;
- e the organization and implementation of measures to prevent and control contagious animal diseases;
- f the guarantees which the third country can give with regard to compliance with this Directive;
- g compliance with Community rules on hormones and residues.

3 The list referred to in paragraph 1 and any amendments thereto shall be published in the *Official Journal of the European Communities*.

[^{F3} Article 22

1 Poultry and hatching eggs must come from third countries:

- a in which avian influenza and Newcastle disease, as defined in Council Directives 92/40/EEC and 92/66/EEC respectively, are legally notifiable diseases;
- b free from avian influenza and Newcastle disease,

or

which, although they are not free from these diseases, apply measures to control them which are at least equivalent to those laid down in Directives 92/40/EEC and 92/66/EEC respectively.

2 Additional criteria for classifying third countries in respect of paragraph 1(b), particularly as regards the type of vaccine used, shall be adopted in accordance with the procedure laid down in Article 32 before 1 January 1995.

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3 The Commission may, in accordance with the procedure laid down in Article 32, decide under which conditions paragraph 1 is to apply only to a part of the territory of third countries.]

Textual Amendments

- F3** Substituted by [Council Directive 93/120/EC of 22 December 1993 amending Directive 90/539/EEC on animal health conditions governing intra-Community trade in and imports from third countries of poultry and hatching eggs.](#)

Article 23

1 Poultry and hatching eggs may be imported from the territory of a third country or part of the territory of a third country included on the list drawn up in accordance with Article 21 (1) only if they come from flocks which:

- a prior to consignment have been held without interruption in the territory or part of the territory concerned of such country for a period to be determined in accordance with the procedure laid down in Article 32;
- b satisfy the animal health conditions adopted in accordance with the procedure laid down in Article 32 for imports of poultry and hatching eggs from the country in question. The conditions may differ according to the species or category of poultry.

2 The animal health conditions shall be determined on the basis of the rules laid down in Chapter II and its corresponding Annexes. In accordance with the procedure laid down in Article 32, derogations may be granted on a case-by-case basis if the third country concerned offers similar animal health guarantees which are at least equivalent.

Article 24

1 Poultry and hatching eggs must be accompanied by a certificate drawn up and signed by an official veterinarian of the exporting third country.

The certificate must:

- a be issued on the day of loading for consignment to the Member State of destination;
- b be drawn up in the official language or languages of the Member State of destination;
- c accompany the consignment in the original;
- d attest to the fact that the poultry or hatching eggs satisfy the requirements of this Directive and those adopted pursuant to this Directive with regard to importation from third countries;
- e be valid for five days;
- f consist of a single sheet;
- g be made out for a single consignee;
- [^{F3}h bear a stamp and a signature of a different colour from that of the certificate.]

2 The certificate referred to in paragraph 1 must comply with a model drawn up in accordance with the procedure laid down in Article 32.

Textual Amendments

- F3** Substituted by [Council Directive 93/120/EC of 22 December 1993 amending Directive 90/539/EEC on animal health conditions governing intra-Community trade in and imports from third countries of poultry and hatching eggs.](#)

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Article 25

On-the-spot inspections shall be carried out by veterinary experts of the Member States and the Commission to ensure that all the provisions of this Directive are effectively applied.

The Member States' experts responsible for these inspections shall be designated by the Commission on proposals for the Member States.

The inspections shall be carried out on behalf of the Community, and the latter shall bear the costs thereof.

The frequency of the inspections and the inspection procedure shall be determined in accordance with the procedure laid down in Article 32.

Article 26

1 The Commission may, in accordance with the procedure laid down in Article 33, decide that imports from a third country or part of a third country are to be confined to particular species, to hatching eggs, to poultry for breeding or production, to slaughter poultry or to poultry intended for special purposes.

[^{F10}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 is to be kept quarantined or isolated for a period which may not exceed two months.]

Textual Amendments

F10 Substituted by [Council Directive 1999/90/EC of 15 November 1999 amending Directive 90/539/EEC on animal health conditions governing intra-Community trade in and imports from third countries of poultry and hatching eggs.](#)

^{F12}Article 27

Textual Amendments

F12 Deleted by [Council Directive of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC \(91/496/EEC\).](#)

[^{F9}Article 27a

Notwithstanding Articles 20, 22, 23 and 24, the Commission may, in accordance with the procedure laid down in Article 32, decide to permit on a case-by-case basis the importation of poultry and hatching eggs from third countries where such imports do not conform to the provisions of Articles 20, 22, 23 and 24. Detailed rules for such importation shall be drawn up concomitantly with the same procedure. Such rules shall offer animal health guarantees at least equivalent to the animal health guarantees offered by Chapter II of this Directive, involving compulsory quarantine and testing for Avian Influenza, Newcastle disease and any other relevant disease.]

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Textual Amendments

- F9** Inserted by [Council Directive 1999/90/EC of 15 November 1999 amending Directive 90/539/EEC on animal health conditions governing intra-Community trade in and imports from third countries of poultry and hatching eggs](#).

Article 28

On arrival in the Member State of destination, slaughter poultry must be taken directly to a slaughterhouse for slaughter as soon as possible.

Without prejudice to any special conditions which may be adopted in accordance with the procedure laid down in Article 33, the competent authority of the Member State of destination may, on animal-health grounds, designate the slaughterhouse to which the poultry must be conveyed.

CHAPTER IV

Common provisions

Article 29

1 For the purposes of intra-Community trade, the safeguard measures provided for in Directive 89/662/EEC shall apply to poultry and hatching eggs.

^{F12}2

Textual Amendments

- F12** Deleted by [Council Directive of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC \(91/496/EEC\)](#).

Article 30

1 The veterinary control rules provided for by Directive 90/425/EEC shall apply to intra-Community trade in poultry and hatching eggs.

2 Directive 90/425/EEC shall be amended as follows:

a In Annex A, under I, the following reference shall be added:

Council Directive 90/539/EEC of 15 October 1990 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs

[OJ No L 303, 31. 10. 1990, p. 6.](#)

b In Annex B the following indents shall be deleted:

live poultry

,

eggs for hatching

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Article 31

Until the date of entry into force of the decisions adopted pursuant to Articles 20, 21 and 22, the Member States shall apply to imports of poultry and hatching eggs from third countries conditions at least equivalent to those resulting from the application of Chapter II.

^{F13}Article 32

1 The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health set up pursuant to Article 58 of Regulation (EC) No 178/2002⁽⁹⁾.

2 Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC⁽¹⁰⁾ shall apply.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3 The Committee shall adopt its Rules of Procedure.

Textual Amendments

F13 Substituted by [Council Regulation \(EC\) No 806/2003 of 14 April 2003 adapting to Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in Council instruments adopted in accordance with the consultation procedure \(qualified majority\).](#)

Article 33

1 The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health.

2 Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at 15 days.]

Textual Amendments

F13 Substituted by [Council Regulation \(EC\) No 806/2003 of 14 April 2003 adapting to Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in Council instruments adopted in accordance with the consultation procedure \(qualified majority\).](#)

Article 34

Amendments to the Annexes, particularly in order to adapt them to changes in diagnostic methods and to variations in the economic importance of particular diseases, shall be decided by the Commission in accordance with the procedure laid down in Article 32.

^{F4}Article 35

.....

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.....

Textual Amendments

- F4** Deleted by [Council Directive 93/120/EC of 22 December 1993 amending Directive 90/539/EEC on animal health conditions governing intra-Community trade in and imports from third countries of poultry and hatching eggs](#).

Article 36

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive no later than [^{F14}1 May 1992]. They shall forthwith inform the Commission thereof.

.....

Textual Amendments

- F14** Substituted by [Council Directive of 26 June 1991 on animal health conditions governing intra-Community trade in and imports from third countries of fresh poultrymeat \(91/494/EEC\)](#).

Article 37

This Directive is addressed to the Member States.

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ANNEX I

1. ^[F15]The national reference laboratories for avian diseases are as follows:

| | |
|---------------------|--|
| AT | AGES: Österreichische Agentur für Gesundheit und Ernährungssicherheit GmbH — Institut für veterinärmedizinische Untersuchungen Mödling (Austrian Agency for Health and Consumer Protection-Institute for veterinary investigations Mödling) Robert Koch-Gasse 17 A-2340 Mödling Tel.: +43 (0) 505 55-38112 Fax: +43 (0) 505 55-38108 E-mail: vetmed.moedling@ages.at |
| BE | CODA — CERVA — VAR Veterinary and Agrochemical Research Centre Groeselenberg 99 B-1180 Brussels |
| ^[F16] BG | Национален диагностичен научноизследователски ветеринарномедицински институт 'Проф. д-р Георги Павлов', Национална референтна лаборатория 'Нюкясълска болест и Инфлуенца А по птиците', бул. 'Пенчо Славейков' 15, София 1606 (National Diagnostic Veterinary Research Institute 'Prof. Dr. Georgi Pavlov', National Reference Laboratory for Newcastle Disease and Avian Influenza A, 15, Pencho Slaveykov Blvd., 1606 Sofia)] |
| CY | State Veterinary Laboratory Veterinary Services 1417 Athalassa Nicosia |
| CZ | State Veterinary Institute Praha Sídlištní 136/24 165 03 Praha 6 |
| DE | Friedrich-Loeffler-Institut Bundesforschungsinstitut für Tiergesundheit Boddenblick 5a 17493 Greifswald-Insel Riems Tel.: +49 383 51-7-0 |

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| | |
|----|---|
| | Fax: +49 383 51-7-151 |
| DK | Danish Institute for Food and Veterinary Research, Dpt. of Poultry, Fish and Fur Animals, Hangovej 2, DK-8200 Aarhus N |
| EE | Veterinaar- ja Toidulaboratoorium Väike-Paala 3, 11415 Tallinn, Estonia Tel.: +372 603 58 10 Faks: +372 603 58 11 E-post: tallinn@vetlab.ee |
| ES | Laboratorio Central de Sanidad Animal de Algete Carretera de Algete, km 8 Algete 28110 (Madrid) Tel.: +34 916 290 300 Fax: +34 916 290 598 E-mail: lcv@mapya.es |
| FI | Finnish Food Safety Authority Animal Diseases and Food Safety Research Mustialankatu 3 FI-00790 Helsinki, Finland E-mail: info@evira.fi Tel.: +358 20 772 003 (exchange) Fax: +358 20 772 4350 |
| FR | Laboratoire d'études et de recherches avicoles, porcines et piscicoles AFSSA site de Ploufragan/Brest — LERAPP BP 53 22440 Ploufragan |
| GB | Veterinary Laboratories Agency New Haw, Addlestone, Weybridge Surrey KT15 3NB, UK Tel. (44-1932) 341111 Fax (44-1932) 347046 |
| GR | Centre of Thessaloniki Veterinary Institutions, 80, 26th October Street, GR-546 27 Thessaloniki Tel.: 2310785104 |
| HU | Országos Állategészségügyi Intézet (Central Veterinary Institute) H-1581 Budapest 146., Pf. 2. Tel.: +36-1-460-6300, +36-1-460-6317 Fax: +36-1-222-6070 |

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| | |
|----|---|
| IE | Virology Division Central Veterinary Research Laboratory Department of Agriculture and Food Laboratories Backweston Campus Stacumny Lane Celbridge Co. Kildare |
| IT | Centro di Riferenza Nazionale per l'influenza aviare e la malattia di New Castle e Centro di Riferenza Nazionale per le Salmonellosi c/o Istituto zooprofilattico sperimentale delle Venezie, V.le dell'Università, 10-35020 Legnaro (Pd) |
| LT | National Veterinary Laboratory (Nacionalinė veterinarijos laboratorija) J. Kairiūkščio 10 LT-08409 Vilnius |
| LU | CODA — CERVA — VAR Veterinary and Agrochemical Research Centre Groeselenberg 99 B-1180 Brussels |
| LV | Nacionālais diagnostikas centrs (National Diagnostic Centre) Lejupes iela 3, Rīga, LV-1076 Tel.: +371 7620526 Fax: +371 7620434 E-mail: ndc@ndc.gov.lv |
| MT | National Veterinary Laboratory, Marsa |
| NL | Centraal Instituut voor Dierziekte Controle CIDC-Lelystad Hoofdvestiging: Houtribweg 39 Nevenvestiging: Edelhertweg 15 Postbus 2004 8203 AA Lelystad |
| PL | Laboratory Department of Poultry Diseases Państwowy Instytut Weterynaryjny – Państwowy Instytut Badawczy Al. Partyzantów 57, 24-100 Puławy Tel.: +48.81.886 30 51 Fax: +48.81.886 25 95 E-mail: sekretariat@piwet.pulawy.pl |

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| | |
|---------------------|---|
| PT | Laboratório Nacional de Investigação Veterinária (LNIV) Estrada de Benfica, 701 P-1549-011 Lisboa |
| [^{F16} RO | Institutul de Diagnostic și Sănătate Animală Strada Dr. Staicovici nr. 63, sector 5 Codul 050557, București] |
| SE | Statens Veterinärmedicinska Anstalt Department of Virology SE-751 89 Uppsala Tel (46-18) 674000 Fax (46-18) 674467 Department of Bacteriology SE-751 89 Uppsala Tel (46-18) 674000 Fax (46-18) 309162 |
| SI | Univerza v Ljubljani Veterinarska fakulteta Nacionalni veterinarski inštitut Gerbičeva 60, SI-1000 Ljubljana |
| SK | Štátny veterinárny a potravinový ústav, Botanická 15, 842 52 Bratislava] |

2. The national reference laboratories for avian diseases listed in point 1 are responsible in each Member State for coordinating the diagnostic methods provided for in this Directive. To this end:
- (a) they may supply approved laboratories with the reagents needed for diagnostic testing;
 - (b) they monitor the quality of all the reagents used by the approved laboratories;
 - (c) they organize periodic comparative tests.

Textual Amendments

F15 Substituted by [Commission Decision of 5 December 2006 amending Council Directives 64/432/EEC, 90/539/EEC, 92/35/EEC, 92/119/EEC, 93/53/EEC, 95/70/EC, 2000/75/EC, 2001/89/EC, 2002/60/EC and Decision 2001/618/EC as regards lists of national reference laboratories and State institutes \(notified under document number C\(2006\) 5856\) \(Text with EEA relevance\) \(2006/911/EC\).](#)

F16 Inserted by [Council Directive 2006/104/EC of 20 November 2006 adapting certain Directives in the field of agriculture \(veterinary and phytosanitary legislation\), by reason of the accession of Bulgaria and Romania.](#)

ANNEX II

APPROVAL OF ESTABLISHMENTS

CHAPTER I

General rules

1. In order to be approved by the competent authority for the purposes of intra-Community trade, establishments must:
 - (a) satisfy the conditions as regards facilities and operation set out in Chapter II;
 - (b) apply and adhere to a disease surveillance programme approved by the competent central veterinary authority, taking into account the requirements of Chapter III;
 - (c) provide every facility for the carrying out of the operations listed in (d);
 - (d) be subject to the supervision of the competent veterinary authority within the context of an organized form of animal health monitoring. Such monitoring will include in particular:
 - at least one inspection visit per year by the official veterinarian, supplemented by checks to verify the application of hygiene measures and the operation of the establishment in accordance with the conditions in Chapter II,
 - the recording by the farmer of all the information necessary for the continuous monitoring of the health status of the establishment by the competent veterinary authority;
 - (e) contain only poultry as defined in Article 2 (1).
2. The competent authority will give each establishment which complies with the conditions laid down in point 1 a distinguishing approval number, which may be the same as that given pursuant to Regulation (EEC) No 2782/75.

CHAPTER II

Facilities and operation

- A. *Pedigree breeding, breeding and rearing establishments*
 1. *Facilities*
 - (a) The siting and layout of the facilities must be compatible with the type of production pursued, ensuring that the introduction of disease can be prevented or, if an outbreak occurs, that it can be controlled. If an establishment houses several species of poultry, there must be a dear separation between them.
 - (b) The facilities must provide good conditions of hygiene and allow health monitoring to be carried out.

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- (c) The equipment must be compatible with the type of production pursued, and allow cleansing and disinfection of the facilities and of vehicles for transporting poultry and eggs at the most suitable spot.

2. *Rearing*

- (a) Rearing techniques must be based as far as possible on the 'protected rearing' principle and on the 'all-in/all-out' principle. Cleansing, disinfection and depopulation must be carried out between batches.
- (b) Pedigree-breeding, breeding and rearing establishments must house only poultry:
 - from the establishment itself, and/or
 - from other pedigree-breeding, breeding or rearing establishments in the Community approved in accordance with Article 6 (a), and/or
 - imported from third countries in accordance with this Directive.
- (c) Hygiene rules must be drawn up by the management of the establishment; personnel must wear appropriate working clothing and visitors protective clothing.
- (d) Buildings, pens and equipment must be kept in good repair.
- (e) Eggs must be collected several times a day, and must be clean and be disinfected as soon as possible.
- (f) The farmer must notify the authorized veterinarian of any variation in production performance or any other sign suggesting the presence of a contagious poultry disease. As soon as disease is suspected, the authorized veterinarian must send the samples needed for making or confirming the diagnosis to an approved laboratory.
- (g) A flock history, register or data medium must be kept for each flock for at least two years after the disposal of the flock and must show:
 - arrivals and departures,
 - production performance,
 - morbidity and mortality with causes,
 - any laboratory tests and the results thereof,
 - the place of origin of the poultry,
 - the destination of eggs.
- (h) Where a contagious poultry disease occurs, the results of laboratory tests must be communicated immediately to the authorized veterinarian.

B. *Hatcheries*

1. *Facilities*

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- (a) A hatchery must be physically and operationally separate from rearing facilities. The layout must be such as to allow the various functional units listed below to be kept separate:
 - egg storage and grading,
 - disinfection,
 - pre-incubation,
 - hatching,
 - preparation and packaging of goods for dispatch.
- (b) Buildings must be protected against birds coming from outside and rodents; floors and walls must be of hard-wearing, impervious and washable materials; natural or artificial lighting and air flow and temperature systems must be of an appropriate type; provision must be made for the hygienic evacuation of waste (eggs and chicks).
- (c) Equipment must have smooth and waterproof surfaces.

2. *Operation*

- (a) Operation must be based on a one-way circuit for eggs, mobile equipment and personnel.
- (b) Hatching eggs must be:
 - from Community pedigree breeding or breeding establishments approved in accordance with Article 6 (a),
 - imported from third countries in accordance with this Directive.
- (c) Hygiene rules must be drawn up by the management of the establishment; personnel must wear appropriate working clothing and visitors protective clothing.
- (d) Buildings and equipment must be kept in good repair.
- (e) The following must be disinfected:
 - eggs, between the time of their arrival and the incubation process,
 - the incubators, regularly,
 - hatchers and equipment, after the hatching of each batch.
- (f) A programme of microbiological quality control must be used to assess the health status of the hatchery.
- (g) The farmer must notify the authorized veterinarian of any variation in production performance or any other sign suggesting the presence of a contagious poultry disease. As soon as contagious disease is suspected, the authorized veterinarian must send the samples needed for making or confirming the diagnosis to an approved laboratory and inform the competent veterinary authority, which will decide on appropriate measures to be taken.
- (h) A flock history, register or data medium for the hatchery must be kept for at least two years showing, if possible by flock:

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- the origin of the eggs and their arrival date,
 - hatching yields,
 - any abnormalities,
 - any laboratory tests and the results thereof,
 - details of any vaccination programmes,
 - the number and the destination of incubated eggs which have not hatched,
 - the destination of day-old chicks.
- (i) Where a contagious poultry disease occurs, the results of laboratory tests must be communicated immediately to the authorized veterinarian.

CHAPTER III

Disease surveillance programme

Without prejudice to health measures and to Articles 13 and 14, disease surveillance programmes must, as a minimum, comprise surveillance of the infections and species listed below.

A. *Salmonella pullorum*, *Salmonella gallinarum* and *Salmonella arizonae* infections

1. *Species concerned*

- (a) *S. pullorum et gallinarum*: fowls, turkeys, guinea fowls, quails, pheasants, partridges and ducks.
- (b) *S. arizonae*: turkeys.

2. *Disease surveillance programme*

- (a) Serological and/or bacteriological tests must be used to determine whether an infection is present.
- (b) Samples for testing must be taken, as appropriate, from blood, second-grade chicks, down or dust taken from hatchers, swabs taken from the walls of the hatchery, litter or water from a drinker.
- (c) When blood samples are taken from a flock for serological testing for *S. pullorum* or *S. arizonae*, prevalence of infection in the country concerned and its past incidence in the establishment must be allowed for in determining the number of samples to be taken.

Flocks must be inspected during each laying period at the best time for detecting the disease.

B. *Mycoplasma gallisepticum* and *Mycoplasma meleagridis* infections

1. *Species concerned*

- (a) *Mycoplasma gallisepticum*: fowls and turkeys.
- (b) *Mycoplasma meleagridis*: turkeys.

2. *Disease surveillance programme*

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- (a) Presence of infection must be tested by serological and/or bacteriological testing and/or by the presence of air sacculitis lesions in day-old chicks and turkey poults.
- (b) Samples for testing must be taken, as appropriate, from blood, day-old chicks and turkey poults, sperm, or swabs taken from the trachea, the cloaca or air sacs.
- (c) Tests for detecting *M. gallisepticum* or *M. meleagridis* must be performed on a representative sample in order to allow continuous surveillance of the infection during rearing and laying, i.e. just before the start of laying and every three months thereafter.

C. *Results and measures to be taken*

If there are no reactors, the test is deemed negative. Otherwise, the flock is suspect and the measures specified in Chapter IV must be applied to it.

- D. In the case of holdings which consist of two or more separate production units, the competent veterinary authority may derogate from these measures as regards healthy production units on a holding which is infected provided that the authorized veterinarian has confirmed that the structure and size of these production units and the operations carried out there are such that the production units provide completely separate facilities for housing, keeping and feeding, so that the disease in question cannot spread from one production unit to another.

CHAPTER IV

Criteria for suspending or withdrawing approval of an establishment

1. Approval granted to an establishment must be suspended:
 - (a) when the conditions laid down in Chapter II are no longer met;
 - (b) until an investigation appropriate to the disease has been completed:
 - if avian influenza or Newcastle disease are suspected at the establishment,
 - if the establishment has received poultry or hatching eggs from an establishment with suspected or actual infection by avian influenza or Newcastle disease,
 - if contact liable to transmit the infection has occurred between the establishment and the site of an outbreak of avian influenza or Newcastle disease;
 - (c) until such time as new tests are performed, if the results of surveillance carried out in accordance with the conditions laid down in Chapters II and III for infection by *S. pullorum*, *S. gallinarum*, *S. arizonae*, *M. gallisepticum* or *M. meleagridis* give cause to suspect infection;
 - (d) until completion of the appropriate measures required by the official veterinarian, if the establishment is found not to conform with the requirements of Chapter I, paragraph 1 (a), (b) and (c).
2. Approval must be withdrawn:

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- (a) if avian influenza or Newcastle disease occurs at the establishment;
 - (b) if a second test of an appropriate type confirms the presence of infection by *S. pullorum*, *S. gallinarum*, *S. arizonae*, *M. gallisepticum* or *M. meleagridis*;
 - (c) if, after a second notice served by the official veterinarian, action to bring the establishment into line with the requirements of Chapter I, paragraph 1 (a), (b) and (c), has not been taken.
3. Conditions for restoring approval:
- (a) if approval has been withdrawn because of an occurrence of avian influenza or Newcastle disease, it may be restored 21 days after cleansing and disinfection if sanitary slaughter has been carried out;
 - (b) if approval has been withdrawn because of infection caused by:
 - (i) *Salmonella pullorum et gallinarum*, or *Salmonella arizonae*, it may be restored after negative results have been recorded in two tests performed with an interval of at least 21 days on the establishment and after disinfection following sanitary slaughter of the infected flock;
 - (ii) *Mycoplasma gallisepticum* or *Mycoplasma meleagridis*, it may be restored after negative results have been recorded in two tests performed on the entire flock with an interval of at least 60 days.

[^{F17}ANNEX III

POULTRY VACCINATION CONDITIONS

Textual Amendments

F17 Substituted by [Commission Decision of 24 June 1992 amending Annex III to Council Directive 90/539/EEC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs as regards poultry vaccination conditions \(92/369/EEC\)](#).

1. Vaccines used for vaccinating poultry or flocks producing hatching eggs must have a marketing authorization issued by the competent authority of the Member State in which the vaccine is used.
2. The criteria for using vaccines against Newcastle disease in the context of routine-vaccination programmes may be determined by the Commission.]

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[^{F18}ANNEX IV

HEALTH CERTIFICATES FOR INTRA-COMMUNITY TRADE
(Models 1 to 6)]

Textual Amendments

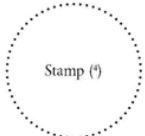
F18 Substituted by [Commission Decision of 3 December 2001 amending Council Directive 90/539/EEC as regards health certificates for intra-Community trade in poultry and hatching eggs \(notified under document number C\(2001\) 3821\) \(Text with EEA relevance\) \(2001/867/EC\)](#).

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MODEL 6

EUROPEAN COMMUNITY

POULTRY FOR RESTOCKING GAME SUPPLIES

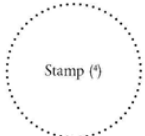
| | | |
|---|---|----------|
| 1. Consignor (name and address in full) | HEALTH CERTIFICATE | |
| | No | Original |
| 2. Member State of origin: | | |
| 3. Consignee (name and address in full) — initial: — final: | 4.1. Competent authority (ministry): | |
| | 4.2. Competent authority (local level): | |
| Notes (a) A separate certificate must be provided for each consignment of poultry. | (b) The original of the certificate must accompany the consignment to its final destination. | |
| 5.1. Place of loading: | 6.1. Address of establishment or holding of origin: | |
| 5.2. Means of transport ⁽¹⁾ : | 6.2. Approval number of the establishment (where appropriate): | |
| 7.1. Member State of destination: | 8.1. Poultry species: | |
| 7.2. Final destination: | 8.2. Category: pure line/grandparents/parents/laying pullets/fattening/others ⁽²⁾ : | |
| 9. Consignment identification details (including any container seal numbers): | | |
| 10. Quantity (in words and figures): | 11. Approximate age of the poultry: | |
| 10.1. Number of heads of poultry: | 12. Identification details of flocks of origin: | |
| 10.2. Number of containers/boxes: | | |
| 13. I, the undersigned official veterinarian, certify that the poultry described above: (a) comply with the provisions of Articles 10a and 15 of Council Directive 90/539/EEC; (b) comply with Article 12(1)(c) of Council Directive 90/539/EEC ⁽³⁾ ; (c) comply with the provisions of Commission Decision(s): . . . / . . . /EC concerning additional guarantees with regard to (indicate disease(s)) in accordance with Article 13 or 14 of Council Directive 90/539/EEC ⁽³⁾ ; (d) — have not been vaccinated against Newcastle disease ⁽⁴⁾ , — have been vaccinated against newcastle disease ⁽⁴⁾ using: | | |
| Date(s) of vaccination: | Name, type (inactivated or live) and NDV strain(s) used: | |
| Done at (date) | | |
|  | (Signature of official veterinarian) ⁽⁴⁾ (Name in capital letters, qualifications, title) | |
| ⁽¹⁾ Indicate means of transport and registration marks, or registered name, as appropriate. ⁽²⁾ Delete unnecessary reference. ⁽³⁾ To certify in case of dispatch to a Member State, which has an EC-approved non-vaccinating status for Newcastle disease currently: Denmark, Finland and Sweden otherwise delete reference. ⁽⁴⁾ Stamp and signature in a colour different to that of the printing. | | |

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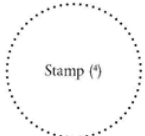
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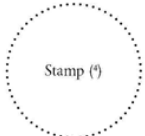
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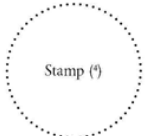
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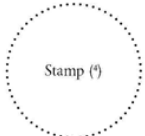
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POULTRY FOR RESTOCKING GAME SUPPLIES

| | | |
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| 1. Consignor (name and address in full) | HEALTH CERTIFICATE | |
| | No | Original |
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| 5.2. Means of transport ⁽¹⁾ : | 6.2. Approval number of the establishment (where appropriate): | |
| 7.1. Member State of destination: | 8.1. Poultry species: | |
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| Date(s) of vaccination: | Name, type (inactivated or live) and NDV strain(s) used: | |
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| ⁽¹⁾ Indicate means of transport and registration marks, or registered name, as appropriate. ⁽²⁾ Delete unnecessary reference. ⁽³⁾ To certify in case of dispatch to a Member State, which has an EC-approved non-vaccinating status for Newcastle disease currently: Denmark, Finland and Sweden otherwise delete reference. ⁽⁴⁾ Stamp and signature in a colour different to that of the printing. | | |

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ANNEX V

COMPULSORILY NOTIFIABLE DISEASES

- Avian influenza
- Newcastle disease

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- (1) OJ No C 89, 10. 4. 1989, p. 1.
- (2) OJ No C 260, 15. 10. 1990.
- (3) OJ No C 194, 31. 7. 1989, p. 11.
- (4) OJ No L 282, 1. 11. 1975, p. 100.
- (5) OJ No L 376, 31. 12. 1987, p. 20.
- (6) OJ No L 209, 17. 8. 1977, p. 1.
- (7) OJ No L 127, 16. 5. 1987, p. 18.
- (8) OJ No L 224, 18. 8. 1990, p. 29.
- (9) [^{F13}OJ L 31, 1.2.2002, p. 1.
- (10) OJ L 184, 17.7.1999, p. 23.]

Textual Amendments

- F13** Substituted by Council Regulation (EC) No 806/2003 of 14 April 2003 adapting to Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in Council instruments adopted in accordance with the consultation procedure (qualified majority).