

Council Directive 2009/158/EC of 30 November 2009 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs (codified version) (Text with EEA relevance)

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’ mean the official veterinarian and third countries as defined in Council Directive 2004/68/EC of 26 April 2004 laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals⁽¹⁾.

The following definitions shall also apply:

1. ‘poultry’ means fowl, turkeys, guinea fowl, ducks, geese, quails, pigeons, pheasants, partridges 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’ means eggs for incubation, laid by poultry;
3. ‘day-old chicks’ means all poultry less than 72 hours old, not yet fed; however, muscovy ducks (*Cairina moschata*) or their crosses may be fed;
4. ‘breeding poultry’ means poultry 72 hours old or more, intended for the production of hatching eggs;
5. ‘productive poultry’ means 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’ means poultry sent direct to a slaughterhouse for slaughter as soon as possible after arrival, and in any case within 72 hours;
7. ‘flock’ means 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’ means a facility – which may include an establishment – used for the rearing or keeping of breeding or productive poultry;
9. ‘establishment’ means 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;

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- (b) breeding establishment: an establishment which produces hatching eggs for the production of productive poultry;
 - (c) rearing establishment:
 - (i) either a breeding poultry-rearing establishment which is an establishment which rears breeding poultry prior to the reproductive stage;
 - 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. 'authorised veterinarian' means 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' means 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' means a visit by the official veterinarian or authorised veterinarian for the purpose of inspecting the health status of all the poultry in an establishment;
 13. 'compulsorily notifiable diseases' means the diseases listed in Annex V;
 14. 'outbreak' means an outbreak as defined in Council Directive 82/894/EEC of 21 December 1982 on the notification of animal diseases within the Community⁽²⁾;
 15. 'quarantine station' means 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;
 16. 'sanitary slaughter' means the destruction, subject to all the necessary health safeguards including disinfection, of all poultry and products which are infected or suspected of being contaminated.

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.

The Commission shall examine the plans. In accordance with the procedure referred to in Article 33(2), those plans may be approved, or amendments or additions made, before approval is given.

2 In accordance with the procedure referred to in Article 33(2), amendments or additions to a plan which has been approved in accordance with the second subparagraph of paragraph 1 of this Article may be:

- a 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
- b 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.

Each Member State shall make the details of its national reference laboratory, and any subsequent changes, available to the other Member States and to the public.

Detailed rules for the uniform application of this Article may be adopted in accordance with the procedure referred to in Article 33(2).

Article 5

In order to be traded in the Community:

- (a) hatching eggs, day-old chicks, breeding poultry and productive poultry shall satisfy the conditions laid down in Articles 6, 15, 18 and 20. They shall also satisfy any conditions laid down pursuant to Articles 16 and 17.

In addition:

- (i) hatching eggs shall satisfy the conditions laid down in Article 8;
 - (ii) day-old chicks shall satisfy the conditions laid down in Article 9;
 - (iii) breeding poultry and productive poultry shall satisfy the conditions laid down in Article 10;
- (b) slaughter poultry shall fulfil the conditions set out in Articles 11, 15, 18 and 20 and those laid down pursuant to Articles 16 and 17;
 - (c) poultry (including day-old chicks) intended for restocking supplies of game shall fulfil the conditions set out in Articles 12, 15, 18 and 20 and those laid down pursuant to Articles 16 and 17;
 - (d) as regards salmonella, poultry intended for Finland and Sweden shall fulfil the conditions laid down pursuant to Article 13.

Article 6

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

- (a) establishments which fulfil the following requirements:
 - (i) 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;
 - (ii) they must not, at the time of consignment, be the subject of any animal health restrictions applicable to poultry;

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- (iii) 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;
- (b) a flock which at the time of consignment presents no clinical sign or suspicion of contagious poultry disease.

Article 7

Each Member State shall draw up and keep up-to-date a list of establishments approved in accordance with point (a)(i) of Article 6 and their distinguishing numbers, and shall make it available to the other Member States and to the public.

Detailed rules for the uniform application of this Article may be adopted in accordance with the procedure referred to in Article 33(2).

Article 8

- 1 At the time of consignment, hatching eggs shall:
 - a come from flocks which:
 - (i) have been held for more than six weeks in one or more Community establishments as referred to in Article 6(a)(i);
 - (ii) if vaccinated, have been vaccinated in accordance with the vaccination conditions in Annex III;
 - (iii) have either:
 - undergone an animal health examination carried out by an official veterinarian or an authorised veterinarian during the 72 hours preceding consignment and, at the time of the examination, have shown no clinical sign or suspicion of contagious disease, or,
 - had a monthly health inspection visit by an official veterinarian or an authorised veterinarian, the most recent visit having been within 31 days of consignment. If this option is chosen there shall also be an examination by the official veterinarian or authorised 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 shall have had an animal health examination by the official veterinarian or authorised veterinarian that has ruled out the possibility of contagious poultry disease;
 - b be marked in accordance with Regulation (EC) No 617/2008;
 - c have been disinfected in accordance with the instructions of the official veterinarian.
- 2 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 shall be notified.

Article 9

Day-old chicks shall:

- (a) have been hatched from hatching eggs satisfying the requirements of Articles 6 and 8;

- (b) 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, B2(g) and (h).

Article 10

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

- (a) have been held since hatching or for more than six weeks in one or more Community establishments as referred to in Article 6(a)(i);
- (b) satisfy the vaccination conditions in Annex III, if they have been vaccinated;
- (c) have been submitted to a health examination by an official veterinarian or authorised 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.

Article 11

At the time of the consignment, slaughter poultry shall 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) where the health examination carried out by the official veterinarian or authorised veterinarian during the five 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) 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.

Article 12

1 At the time of consignment, poultry over 72 hours old intended for restocking supplies of wild game shall 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 authorised 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 Article 6 shall not apply to the poultry referred to in paragraph 1.

Article 13

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

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microbiological test by sampling in the establishment of origin in accordance with Council Decision 95/410/EC of 22 June 1995 laying down the rules for the microbiological testing by sampling in the establishment of origin of poultry for slaughter intended for Finland and Sweden⁽³⁾.

2 The range of the test referred to in paragraph 1 and the methods to be adopted shall be determined in the light of the opinion of the European Food Safety Authority 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 recognised as equivalent to that referred to in paragraph 2 in accordance with the procedure referred to in Article 33(2).

Article 14

1 The requirements of Articles 5 to 11 and 18 shall not apply to intra-Community trade in poultry and hatching eggs in respect of consignments comprising fewer than 20 units provided that they comply with paragraph 2 of this Article.

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

- a have been held in the Community since hatching or for at least three months;
- b present no clinical signs of a contagious poultry disease at the time of consignment;
- c satisfy the vaccination conditions in Annex III, if they have been vaccinated;
- d are not the subject of any animal health restrictions applicable to poultry;
- e 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.

All birds in the consignment shall 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 shall 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.

3 The provisions of paragraphs 1 and 2 shall not apply to consignments containing ratites or hatching eggs of ratites.

Article 15

1 In the case of consignments of poultry and hatching eggs from Member States or regions of Member States which vaccinate poultry 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, the following rules shall apply:

- a hatching eggs shall come from flocks which are:
 - (i) not vaccinated, or
 - (ii) vaccinated using inactivated vaccine, or
 - (iii) 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) shall not be vaccinated against Newcastle disease, and shall come from:

- (i) hatching eggs satisfying the conditions in point (a), and
- (ii) a hatchery where working practice ensures that such eggs are incubated at completely separate times and locations from eggs not satisfying the conditions in point (a);
- c breeding and productive poultry shall:
 - (i) not be vaccinated against Newcastle disease, and
 - (ii) 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
 - (iii) 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 in accordance with the procedure referred to in Article 33(2);
- d slaughter poultry shall come from flocks which:
 - (i) if not vaccinated against Newcastle disease, satisfy the requirements of point (c)(ii);
 - (ii) 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 referred to in Article 33(2).

2 If a Member State or a region or regions of Member State wish to be established as Newcastle disease non-vaccinating they may present a programme as referred to in Article 16(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 16(1), in accordance with the procedure referred to in Article 33(2). 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 referred to in Article 33(2).

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 17(1) and, in particular, the following criteria:

- a vaccination against Newcastle disease in poultry shall not have been authorised for the preceding 12 months, except for the compulsory vaccination of racing pigeons referred to in Article 17(3) of Council Directive 92/66/EEC of 14 July 1992 introducing Community measures for the control of Newcastle disease⁽⁴⁾;
- b breeding flocks shall have been serologically monitored at least once a year for the presence of Newcastle disease according to the detailed rules adopted in accordance with the procedure referred to in Article 33(2);

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- c 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.

3 The Commission may suspend Newcastle disease non-vaccinating status in accordance with the procedure referred to in Article 33(2) in the event of either:

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

Article 16

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:

- a the distribution of the disease in its territory;
- b the reasons for the programme, taking into consideration the importance of the disease and the programme's likely benefit in relation to its cost;
- c the geographical area in which the programme will be implemented;
- d 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;
- e the programme monitoring procedures;
- f the action to be taken if, for any reason, an establishment loses its status;
- g 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 referred to in Article 33(2). 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 shall not exceed those required by the Member State in its own territory.

3 Programmes submitted by Member States may be amended or supplemented in accordance with the procedure referred to in Article 33(2). Amendments or additions to programmes which have already been approved or to guarantees which have been defined in accordance with paragraph 2 of this Article may be approved in accordance with the same procedure.

Article 17

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:

- a the nature of the disease and the history of its occurrence in that Member State;
- b 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;
- c the period over which the surveillance was carried out;
- d where applicable, the period during which vaccination against the disease has been prohibited and the geographical area concerned by the prohibition;
- e 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 referred to in Article 33(2). Such guarantees shall not exceed those required by the Member State in its own territory.

3 The Member State concerned shall notify the Commission of any change in the particulars specified in paragraph 1. The guarantees defined pursuant to paragraph 2 may, in the light of such notification, be amended or withdrawn in accordance with the procedure referred to in Article 33(2).

Article 18

1 Day-old chicks and hatching eggs shall be transported in either:

- a unused purpose-designed disposable containers to be used only once and then destroyed; or
- b containers which may be re-used provided they are cleaned and disinfected beforehand.

2 In any event the containers referred to in paragraph 1 shall:

- 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:

- (i) the name of the Member State and region of origin;
- (ii) the establishment of origin's approval number as provided for in Annex II, Chapter I(2);
- (iii) the number of chicks or eggs in each box;
- (iv) the poultry species to which the eggs or chicks belong.

3 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 2(b) shall be shown on those containers.

4 Breeding and productive poultry shall be transported in crates or cages:

- a which contain only poultry of the same species, categories and type, coming from the same establishment;
- b bearing the approval number of the establishment of origin as provided for in Annex II, Chapter I(2).

5 Breeding and productive poultry and day-old chicks shall 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.

Slaughter poultry shall 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.

Poultry intended for restocking supplies of game shall 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.

6 Crates, cages and vehicles shall be designed so as to:

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- a preclude the loss of excrement and minimise the loss of feathers during transit;
- b allow visual inspection of the poultry;
- c allow cleansing and disinfection.

7 The vehicles and, if they are not disposable, the containers, crates and cages shall, before loading and unloading, be cleansed and disinfected in accordance with the instructions of the competent authority of the Member State concerned.

Article 19

Poultry as referred to in Article 18(5) may not be transported through areas infected with avian influenza or Newcastle disease, unless by trunk road or rail.

Article 20

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

- (a) conforms with the appropriate model laid down in Annex IV, completed in accordance with Commission Regulation (EC) No 599/2004 of 30 March 2004 concerning the adoption of a harmonised model certificate and inspection report linked to intra-Community trade in animals and products of animal origin⁽⁶⁾;
- (b) is signed by an official veterinarian;
- (c) is drawn up on the date of loading in the official language or languages of the Member State of dispatch and in the official language or languages of the Member State of destination;
- (d) is valid for five days;
- (e) consists of a single sheet;
- (f) is normally made out for a single consignee;
- (g) bears a stamp and a signature of a different colour from that of the certificate.

Article 21

The Member States of destination may, in compliance with the general provisions of the Treaty, grant one or more Member States of dispatch general authorisations or authorisations limited to specific cases permitting entry into their territory of poultry and hatching eggs without the certificate provided for in Article 20.

CHAPTER III

RULES FOR IMPORTS FROM THIRD COUNTRIES

Article 22

Poultry and hatching eggs imported into the Community shall satisfy the conditions laid down in Articles 23 to 26.

Article 23

1 Poultry and hatching eggs shall 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

referred to in Article 33(2). That list may be supplemented or amended in accordance with the procedure referred to in Article 33(3).

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 the list of the World Organisation for Animal Health (OIE);
- 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 organisation 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 Union*.

Article 24

1 Poultry and hatching eggs shall come from third countries:

- a in which avian influenza and Newcastle disease, as defined in Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza⁽⁶⁾ and Directive 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 2005/94/EC and 92/66/EEC respectively.

2 The Commission may, in accordance with the procedure referred to in Article 33(2), decide under which conditions paragraph 1 of this Article is to apply only to a part of the territory of third countries.

Article 25

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 23(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 referred to in Article 33(2);
- b satisfy the animal health conditions adopted in accordance with the procedure referred to in Article 33(2) for imports of poultry and hatching eggs from the country in question. The conditions may differ according to the species or category of poultry.

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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 referred to in Article 33(2), 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 26

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

The certificate shall:

- 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;
- h bear a stamp and a signature of a different colour from that of the certificate.

2 The certificate referred to in paragraph 1 shall comply with a model drawn up in accordance with the procedure referred to in Article 33(2).

Article 27

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 those inspections shall be designated by the Commission on proposals from 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 referred to in Article 33(2).

Article 28

1 The Commission may, in accordance with the procedure referred to in Article 33(3), decide that imports from a third country or part of a third country are to be confined to particular species, to hatching eggs, to breeding or productive poultry, to slaughter poultry or to poultry intended for special purposes.

2 The Commission may, in accordance with the procedure referred to in Article 33(2), 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.

Article 29

Notwithstanding Articles 22, 24, 25 and 26, the Commission may, in accordance with the procedure referred to in Article 33(2), 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 22, 24, 25 and 26. Detailed rules for such

importation shall be drawn up at the same time in accordance with the same procedure. Such rules shall offer animal health guarantees at least equivalent to the animal health guarantees offered by Chapter II, involving compulsory quarantine and testing for avian influenza, Newcastle disease and any other relevant disease.

Article 30

On arrival in the Member State of destination, slaughter poultry shall 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 referred to in Article 33(3), 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 31

For the purposes of intra-Community trade, the safeguard measures provided for in Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market⁽⁷⁾ shall apply to poultry and hatching eggs.

Article 32

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

Article 33

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 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁽⁸⁾.

2 Where reference is made to this paragraph, 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 three months.

3 Where reference is made to this paragraph, 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.

Article 34

Amendments to Annexes I to V, particularly in order to adapt them to changes in diagnostic methods and to variations in the economic importance of particular diseases, shall be decided in accordance with the procedure referred to in Article 33(2).

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Article 35

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

Article 36

Directive 90/539/EEC, as amended by the acts listed in Annex VI, Part A, is repealed, without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law of the Directives set out in Annex VI, Part B.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex VII.

Article 37

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2010.

Article 38

This Directive is addressed to the Member States.

- (1) OJ L 139, 30.4.2004, p. 321.
- (2) OJ L 378, 31.12.1982, p. 58.
- (3) OJ L 243, 11.10.1995, p. 25.
- (4) OJ L 260, 5.9.1992, p. 1.
- (5) OJ L 94, 31.3.2004, p. 44.
- (6) OJ L 10, 14.1.2006, p. 16.
- (7) OJ L 395, 30.12.1989, p. 13.
- (8) OJ L 31, 1.2.2002, p. 1.