

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 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⁽¹⁾ and Directive 92/66/EEC respectively, are legally notifiable diseases;
- b free from avian influenza and Newcastle disease,

or

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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.

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.

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(1) [OJ L 10, 14.1.2006, p. 16.](#)