

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)

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)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament⁽¹⁾,

Whereas:

- (1) 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⁽²⁾ has been substantially amended several times⁽³⁾. In the interests of clarity and rationality the said Directive should be codified.
- (2) Poultry, being live animals, and hatching eggs, being animal products, are included in the list of products in Annex I to the Treaty.
- (3) 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 should be laid down at Community level.
- (4) The breeding and rearing of poultry is included in the farming sector. It constitutes a source of income for part of the farming population.
- (5) In order to encourage intra-Community trade in poultry and hatching eggs, there should be no disparities as regards animal health conditions in the Member States.
- (6) In order to encourage the harmonious development of intra-Community trade, a Community system should be laid down to govern imports from third countries.
- (7) The provisions of this Directive should not, in principle, apply to specific trade such as exhibitions, shows and contests.

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

- (8) 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.
- (9) It should be left to the competent authorities of the Member States to approve establishments which satisfy the conditions laid down in this Directive and to ensure that the conditions are applied.
- (10) Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)⁽⁴⁾ provides for the marketing standards for products of the eggs and poultrymeat sectors. Commission Regulation (EC) No 617/2008 of 27 June 2008 laying down detailed rules for implementing Regulation (EC) No 1234/2007 as regards marketing standards for hatching eggs and farmyard poultry chicks⁽⁵⁾ lays down detailed rules for implementing that Regulation as regards marketing standards for hatching eggs and farmyard poultry chicks, and in particular as regards the granting of a distinguishing number to each production establishment and for the marking of hatching eggs. For practical reasons, the same criteria for identifying production establishments and marking hatching eggs should be adopted for the purposes of this Directive.
- (11) Member States should designate the national reference laboratories and provide all the necessary details and updates. Member States should make that information available to the other Member States and the public.
- (12) In order to be the subject of intra-Community trade, poultry and hatching eggs should satisfy certain animal health requirements, so as to avoid the spread of contagious diseases.
- (13) Transport conditions should be laid down for the same reason.
- (14) 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. 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.
- (15) 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.
- (16) To ensure that the prescribed requirements are satisfied, provision should be made for the issue by an official veterinarian of a veterinary certificate to accompany the poultry and hatching eggs to their destination.
- (17) In respect of the organisation 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⁽⁶⁾.

- (18) Provision should be made for checks to be carried out by the Commission in cooperation with the competent authorities of Member States.
- (19) 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.
- (20) The choice of those countries should be based on criteria of a general nature such as the state of health of the poultry and other livestock, the organisation and powers of the veterinary services and the health regulations in force.
- (21) In addition, importation of poultry and hatching eggs should not be authorised 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.
- (22) The general conditions applicable to importation from third countries should be supplemented by special conditions drawn up on the basis of the health situation in each of them.
- (23) 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. Such rules may include special provisions which may vary according to the third country concerned. This should be taken into account in drawing up the standard forms of certificate.
- (24) Commission veterinary experts should be responsible for verifying that the rules are observed in third countries.
- (25) The checks carried out upon importation should cover the origin and the state of health of the poultry and hatching eggs.
- (26) Member States should 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.
- (27) The constant development of poultry-rearing techniques means that periodic changes in the methods of poultry disease control will have to be made.
- (28) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽⁷⁾.
- (29) This Directive is 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,

HAS ADOPTED THIS DIRECTIVE:

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

- (1) Opinion of 20 October 2009 (not yet published in the Official Journal).
- (2) [OJ L 303, 31.10.1990, p. 6.](#)
- (3) See Annex VI, Part A.
- (4) [OJ L 299, 16.11.2007, p. 1.](#)
- (5) [OJ L 168, 28.6.2008, p. 5.](#)
- (6) [OJ L 224, 18.8.1990, p. 29.](#)
- (7) [OJ L 184, 17.7.1999, p. 23.](#)