

Commission Regulation (EC) No 318/2007 of 23 March 2007 laying down animal health conditions for imports of certain birds into the Community and the quarantine conditions thereof (Text with EEA relevance) (repealed)

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC⁽¹⁾, and in particular the second subparagraph of Article 10(3) and the first subparagraph of Article 10(4) thereof,

Having regard to Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade 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⁽²⁾ and in particular Article 17(2)(b) and Article 17(3) and the first and fourth indents of Article 18(1),

Whereas:

- (1) Commission Decision 2000/666/EC of 16 October 2000 laying down the animal health requirements and the veterinary certification for the import of birds, other than poultry and the conditions for quarantine⁽³⁾ lays down the animal health requirements relating to imports of certain birds, other than poultry, as specified in that Decision, and the quarantine requirements for such birds.
- (2) Following the outbreaks of highly pathogenic avian influenza of the Asian lineage in South-East Asia in 2004, the Commission adopted several Decisions banning amongst other commodities the import of birds, other than poultry, from affected third countries.
- (3) Following the spread of avian influenza of the Asian lineage to Europe by migratory birds and the case of avian influenza of the Asian lineage detected in a quarantine facility in the United Kingdom, Commission Decision 2005/760/EC of 27 October 2005 concerning certain protection measures in relation to highly pathogenic avian influenza in certain third countries for the import of captive birds⁽⁴⁾ was adopted. That Decision suspends imports of birds, other than poultry, from all third countries because of the risks posed by affected wild birds.

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Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 318/2007 (repealed), Introductory Text. (See end of Document for details)

- (4) In order to draw up an inventory of the risks posed by the import of captive birds, the Commission on 13 April 2005 requested the European Food Safety Authority (EFSA) to provide a scientific opinion on the risks posed by imports of birds caught in the wild and captive bred birds from third countries.
- (5) Following that request, the EFSA Panel on animal health and welfare adopted, during their meeting of 26 and 27 October 2006, a Scientific Opinion on the Animal health and welfare risks associated with the import of wild birds, other than poultry, into the Community. That Scientific Opinion identifies possible tools and options which can reduce any identified animal health risk related to imports of birds other than poultry.
- (6) Taking account of the conclusions and recommendations laid down in the EFSA Scientific Opinion, the requirements laid down in Decision 2000/666/EC should be revised.
- (7) The EFSA Scientific Opinion identifies, in particular, the fact that data relating to imports of such birds is sparse. Further data collection on these imports should therefore be considered.
- (8) One of the recommendations of the EFSA Scientific Opinion relates to controls carried out in the third countries exporting birds, other than poultry, to the Community. Improvements at the point of export should have most impact in reducing the probability that infected birds are presented for entry into the Community. For that reason, import conditions should be laid down in this Regulation in such a way that only imports from third countries authorised for imports into the Community of such birds are allowed.
- (9) Another EFSA recommendation relates to imports of birds caught in the wild. The Scientific Opinion identifies the risk caused by those birds that may be infected due to lateral spread from other infected wild birds and from the contaminated environment, as well as overspill from infected poultry. Taking into account the role played by wild migratory birds in the spread of avian influenza from Asia to Europe in 2005 and 2006, it is appropriate to limit imports of birds, other than poultry, only to birds bred in captivity.
- (10) It is seldom possible to distinguish with certainty between birds that have been caught in the wild and captive bred birds. Methods of marking can be applied to both types of birds without it being possible to distinguish between them. It is therefore appropriate to limit imports of birds, other than poultry, to breeding establishments that are approved by the competent authority of the third country of export, and to lay down certain minimum conditions for such approval.
- (11) Certain imports of birds are covered by other Community legislation. Therefore, they should be excluded from the scope of this Regulation.
- (12) The animal health risk posed by racing pigeons that are brought into the Community to be released again so that they may fly back to their origin is such that they should be excluded from the scope of this Regulation.
- (13) In addition, certain third countries have animal health conditions that are equivalent to those provided for in Community legislation. Therefore, imports of birds from those countries should be excluded from the scope of this Regulation.

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- (14) Member States should communicate to the Commission certain information concerning approved quarantine facilities and centres in order that the Commission is in a position to publish a list of approved quarantine facilities and centres and keep that list up to date. It is appropriate that that list be inserted in an Annex to this Regulation.
- (15) It is appropriate to lay down further import procedures relating to the transfer from the border inspection post to the approved quarantine facilities or centres upon entry into the Community in order to ensure that imported birds arrive at the designated approved quarantine facility or centre within a reasonable time period.
- (16) Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC⁽⁵⁾ was adopted to take account of the experience gained in the control of avian influenza in recent years. Based on that Directive, Commission Decision 2006/437/EC of 4 August 2006 approving a Diagnostic Manual for avian influenza as provided for in Council Directive 2005/94/EC⁽⁶⁾ (the diagnostic manual) was adopted laying down at Community level diagnostic procedures, sampling methods and criteria for the evaluation of the results of laboratory tests for the confirmation of an outbreak of avian influenza. Account should be taken of that Decision when laying down the testing regimes for avian influenza in approved quarantine facilities and centres in this Regulation.
- (17) Certain derogations should also be considered for those birds found to be infected with low pathogenic avian influenza and Newcastle disease in an approved quarantine facility or centre, in those cases where the occurrence of disease does not pose a risk to the animal health status of the Community.
- (18) For the sake of clarity of Community legislation, Decision 2000/666/EC should be repealed and replaced by this Regulation.
- (19) As a result of the more stringent animal health conditions laid down in this Regulation, Decision 2005/760/EC should be repealed.
- (20) Transitional measures should be laid down for those quarantine facilities or centres that are approved under Decision 2000/666/EC, in order that imports via such facilities and centres may continue while approval is granted under this Regulation.
- (21) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

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- (1) [OJ L 268, 24.9.1991, p. 56](#). Directive as last amended by Directive 2006/104/EC ([OJ L 363, 20.12.2006, p. 352](#)).
- (2) [OJ L 268, 14.9.1992, p. 54](#). Directive as last amended by Directive 2004/68/EC ([OJ L 139, 30.4.2004, p. 321](#)) corrected by ([OJ L 226, 25.6.2006, p. 128](#)).
- (3) [OJ L 278, 31.10.2000, p. 26](#). Decision as last amended by Decision 2002/279/EC ([OJ L 99, 16.4.2002, p. 17](#)).
- (4) [OJ L 285, 28.10.2005, p. 60](#). Decision as last amended by Decision 2007/183/EC (see page 44 of this Official Journal).
- (5) [OJ L 10, 14.1.2006, p. 16](#).
- (6) [OJ L 237, 31.8.2006, p. 1](#).

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