Commission Implementing Regulation (EU) No 139/2013 of 7 January 2013 laying down animal health conditions for imports of certain birds into the Union and the quarantine conditions thereof (codification) (Text with EEA relevance)

#### Article 1

## Subject matter

This Regulation lays down the animal health conditions for imports of certain birds into [F1Great Britain], from the third countries and parts thereof referred to in Annex I, and the quarantine conditions for such imports.

#### **Textual Amendments**

F1 Words in Art. 1 substituted (31.12.2020) by The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), 63(2) (with regs. 69-71)

#### Article 2

#### Scope

This Regulation shall apply to animals of the avian species.

However, it shall not apply to:

- (a) poultry;
- (b) birds imported for conservation programmes approved by the [F2 appropriate authority in the country of destination];
- (c) pet animals [F3 subject to relevant legislation], accompanying their owner;
- (d) birds intended for zoos, circuses, amusement parks or experiments;
- (e) birds destined for bodies, institutes or centres approved [F4in accordance with legislation];
- (f) racing pigeons which are introduced to [F5Great Britain from a] third country where they are normally resident and then immediately released with the expectation that they will fly back to that third country;
- (g) F6...

## **Textual Amendments**

- F2 Words in Art. 2 substituted (31.12.2020) by The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), 63(3) (a) (with regs. 69-71)
- F3 Words in Art. 2 substituted (31.12.2020) by The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), 63(3) (b) (with regs. 69-71)

- Words in Art. 2 substituted (31.12.2020) by The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), 63(3) (c) (with regs. 69-71)
- F5 Words in Art. 2 substituted (31.12.2020) by The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), 63(3) (d) (with regs. 69-71)
- F6 Art. 2(g) omitted (26.11.2021) by virtue of The Animal Health, Plant Health, Seeds and Seed Potatoes (Miscellaneous Amendments) Regulations 2021 (S.I. 2021/1229), regs. 1, 4

## Article 3

#### **Definitions**

For the purposes of this Regulation, the definitions of Directive 2005/94/EC shall apply [<sup>F7</sup>, subject to the modifications below].

[F8 Article 2 of Directive 2005/94/EC is to be read as if—

- in point 4 (definition of "poultry"), for "all birds" to the end there were substituted "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 restocking supplies of game";
- (b) point 15 (definition of "diagnostic manual") were omitted;
- (c) in point 18 (definition of "competent authority")—
  - (i) for "authority of a Member State" there were substituted "person or body";
  - (ii) "in accordance with this Directive" were omitted;
- in point 21 (definition of "official supervision"), for "this Directive" there were substituted "relevant legislation".]

The following definitions shall also apply:

- (a) 'birds' means animals of the avian species other than those referred to in the second paragraph of Article 2;
- (b) 'approved breeding establishment' means:
  - (i) an establishment used exclusively for the breeding of birds; and
  - (ii) that has been inspected and approved by the competent authority of the exporting third country for compliance with the conditions provided for in Article 4 and Annex II;
- (c) 'captive bred birds' means birds that have not been caught in the wild but have been born and bred in captivity from parents that mated or had gametes otherwise transferred in captivity;
- (d) 'seamlessly closed leg-ring' means a ring or band in a continuous circle, without any break or join, which has not been tampered with in any way, of a size which cannot be removed from the bird when its leg is fully grown after having been applied in the first days of the bird's life and which has been commercially manufactured for that purpose;

- (e) 'approved quarantine facility' means premises, other than quarantine centres:
  - (i) in which quarantine of imported birds is carried out;
  - (ii) which has been inspected and approved by the competent authority for compliance with the minimum conditions provided for in Article 6 and Annex IV:
- (f) 'approved quarantine centre' means premises:
  - (i) in which quarantine of imported birds is carried out;
  - (ii) containing a number of units, which are operationally and physically separated from each other and in which each unit contains only birds of the same consignment, with the same health status, and therefore comprises a single epidemiological unit;
  - (iii) which has been inspected and approved by the competent authority for compliance with the minimum conditions provided for in Article 6 and Annex IV;
- (g) 'sentinel birds' means poultry which are to be used as a diagnostic aid during quarantine;
- (h) 'diagnostic manual' means the Diagnostic Manual for avian influenza set out in the Annex to Decision 2006/437/EC.
- (i) [F9"appropriate authority" means the Secretary of State (in relation to England), the Welsh Ministers (in relation to Wales) and the Scottish Ministers (in relation to Scotland); but the "appropriate authority" is the Secretary of State if consent is given by:
  - (i) in relation to Wales, the Welsh Ministers;
  - (ii) in relation to Scotland, the Scottish Ministers;
- (j) "third country" means any country or territory other than the British Islands.

## **Textual Amendments**

- F7 Words in Art. 3 substituted (31.12.2020) by The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), 63(4) (a) (with regs. 69-71)
- F8 Words in Art. 3 inserted (31.12.2020) by The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), 63(4)(b) (with regs. 69-71)
- **F9** Words in Art. 3 inserted (31.12.2020) by The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), **63(4)(c)** (with regs. 69-71)

# I<sup>F10</sup>Article 4

## **Approved breeding establishments**

The appropriate authority must be satisfied that the following conditions are met in relation to approved breeding establishments:

- that the breeding establishment has been approved by the competent authority in (a) accordance with the conditions set out in Annex II, and assigned an approval number;
- that approval number has been communicated to the appropriate authority by that (b) competent authority;
- that the competent authority of the third country will immediately suspend or withdraw (c) its approval of the breeding establishment where it no longer complies with the conditions set out in Annex II and that the competent authority will immediately inform the appropriate authority of that suspension or withdrawal.

The appropriate authority must draw up and maintain a list of approved breeding establishments.

#### **Textual Amendments**

F10 Art. 4 substituted (31.12.2020) by The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), 63(5) (with regs. 69-71)

## Article 5

## **Import conditions**

Imports of birds shall be authorised only if the birds comply with the following conditions:

- the birds are captive bred birds; (a)
- (b) the birds must originate from third countries or parts thereof referred to in Annex I;
- the birds come from approved breeding establishments that comply with the conditions (c) laid down in Article 4;
- the birds were subjected to a laboratory virus detection test 7 to 14 days prior to (d) shipment with negative results for any avian influenza and Newcastle disease virus;
- the birds have not been vaccinated against avian influenza; (e)
- the birds are accompanied by an animal health certificate [F11, in the form published (f) by the appropriate authority from time to time];
- the birds are identified with an individual identification number by means of a uniquely (g) marked seamlessly closed leg-ring or a microchip in accordance with Article 66(2) of Commission Regulation (EC) No 865/2006<sup>(1)</sup>;

- (h) the individual identification number of leg-rings or microchips provided for in point (g) must contain at least the following:
  - the ISO code of the exporting third country performing the identification,
  - a unique serial number;
- (i) the individual identification number provided for in point (g) must be registered on the animal health certificate;
- (j) the birds are transported in new containers which are individually identified externally with an identification number that must correspond with the identification number indicated on the animal health certificate.

#### **Textual Amendments**

F11 Words in Art. 5(f) substituted (31.12.2020) by The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), 63(6) (with regs. 69-71)

#### Article 6

# Approved quarantine facilities and centres

Approved quarantine facilities and centres shall comply with the minimum conditions set out in Annex IV.

[F12The appropriate authority] shall draw up and keep up to date a list of approved quarantine facilities and centres and their approval numbers and make it available to the [F13 other appropriate authorities] and to the public.

#### **Textual Amendments**

- F12 Words in Art. 6 substituted (31.12.2020) by The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), 63(7) (a) (with regs. 69-71)
- Words in Art. 6 substituted (31.12.2020) by The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), 63(7) (b) (with regs. 69-71)

#### Article 7

## Direct transport of birds to approved quarantine facilities or centres

Birds shall be transported directly from the border [F14control] post to an approved quarantine facility or centre in cages or crates.

The total journey time from that post to that quarantine facility or centre must not normally exceed nine hours.

When vehicles are used for this journey they shall be sealed by the competent authorities with a tamper proof seal.

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Changes to legislation: This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (See end of Document for details)

#### **Textual Amendments**

F14 Word in Art. 7 substituted (31.12.2020) by The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), 63(8) (with

#### Article 8

#### Attestation

Importers or their agents shall provide a written attestation, [F15in English (whether or not it also appears in other languages)], and signed by the person responsible for the quarantine facility or centre certifying that the birds will be accepted for quarantine.

## That attestation shall:

- clearly indicate the name and address and approval number of the quarantine facility (a) or centre;
- reach the border [F16control] post via e-mail or fax prior to time of arrival of the (b) consignment at that post or shall be presented by the importer or his agent before the birds are released from the border [F16control] post.

#### **Textual Amendments**

- Words in Art. 8 substituted (31.12.2020) by The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), 63(9) (a) (with regs. 69-71)
- Word in Art. 8(b) substituted (31.12.2020) by The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), 63(9) **(b)** (with regs. 69-71)

# F17 Article 9

#### Transit of birds in the Union

#### **Textual Amendments**

Art. 9 omitted (31.12.2020) by virtue of The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), 63(10) (with regs. 69-71)

# Article 10

## Monitoring of the transport of birds

- Where [F18EU-derived domestic legislation] provides for the monitoring of birds from the [F19border control post] to the approved quarantine facility or centre at the place of destination, the following exchanges of information shall be provided:
  - a the official veterinarian responsible for the [F19border control post] shall notify the competent authority responsible for the approved quarantine facility or centre at the place of destination of the consignment, of the place of origin and the place of destination of the birds via [F20the computerised information management system for official controls referred to in Article 131 of Regulation (EU) 2017/625];
  - b the person responsible for the approved quarantine facility or centre of destination shall notify by e-mail or fax, within one working day of the date of arrival of the consignment at the quarantine facility or centre, the official veterinarian responsible for the approved quarantine facility or centre at the place of destination of the arrival of the consignment at its destination;
  - c the official veterinarian responsible for the approved quarantine facility or centre at the place of destination of the consignment shall notify via [F21] the computerised information management system for official controls referred to in Article 131 of Regulation (EU) 2017/625], within three working days of the date of arrival of the consignment at the quarantine facility or centre, the official veterinarian responsible for the [F19] border control post] who notified him of the shipment of the consignment of the arrival of the consignment at its destination.
- If confirmation is provided to the competent authority responsible for the [F19border control post], that the birds declared as being intended for an approved quarantine facility or centre have not arrived at their destination within three working days of the estimated date of arrival of the consignment at the quarantine facility or centre, the competent authority shall take appropriate measures vis-à-vis the person responsible for the consignment.

## **Textual Amendments**

- F18 Words in Art. 10(1) substituted (31.12.2020) by The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), 63(11)(b)(i) (with regs. 69-71)
- F19 Words in Art. 10 substituted (31.12.2020) by The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), 63(11)(a) (with regs. 69-71)
- **F20** Words in Art. 10(1)(a) substituted (31.12.2020) by The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), 63(11)(b)(ii) (with regs. 69-71)
- **F21** Words in Art. 10(1)(c) substituted (31.12.2020) by The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), 63(11)(b)(ii) (with regs. 69-71)

#### Article 11

## Quarantine provisions

- The birds shall be quarantined for at least 30 days in an approved quarantine facility or centre ('the quarantine').
- At least at the beginning and the end of quarantine of each consignment, the official veterinarian shall inspect the conditions of quarantine, including an examination of the mortality records and a clinical inspection of the birds in the approved quarantine facility or in each unit of the approved quarantine centre.

However, the official veterinarian shall carry out inspections more frequently if required by the disease situation.

#### Article 12

# Examination, sampling and testing to be carried out in relation to a consignment during quarantine

- 1 The examination, sampling and testing procedures for avian influenza and Newcastle disease, set out in Annex V, shall be carried out following the arrival of the birds in quarantine.
- When sentinel birds are used a minimum of 10 sentinel birds shall be used in the approved quarantine facility or in each unit of the approved quarantine centre.
- 3 Sentinel birds used for examination, sampling and testing procedures shall be:
  - a at least three weeks old and used only once for those purposes;
  - b leg-banded for identification purposes or identified with another non-removable identification:
  - c unvaccinated and have been found sero-negative for avian influenza and Newcastle disease within a period of 14 days before the date of commencement of quarantine;
  - d placed in the approved quarantine facility or in a unit of the approved quarantine centre before the arrival of the birds in the common airspace and as close as possible to the birds in such a way that close contact between the sentinel birds and the excrements of the birds in quarantine is ensured.

### Article 13

## Action in case of a suspected disease in an approved quarantine facility or centre

- 1 If during quarantine in an approved quarantine facility, it is suspected that one or more birds and/or sentinel birds are infected with avian influenza or Newcastle disease, the following measures shall be taken:
  - a the competent authority shall place the approved quarantine facility under official supervision;
  - b samples for virological examination as set out in point 2 of Annex V shall be taken from those birds and sentinel birds and shall be analysed accordingly;
  - c no birds shall enter or leave the approved quarantine facility until the suspicion is ruled out.

- 2 If the suspicion of avian influenza or Newcastle disease in the affected approved quarantine facility as referred to in paragraph 1 is confirmed, the following measures shall be taken:
  - a all birds and sentinel birds in the approved quarantine facility shall be killed and destroyed;
  - b the approved quarantine facility shall be cleaned and disinfected;
  - c no birds shall enter the approved quarantine facility until 21 days following the final cleaning and disinfection.
- 3 If during quarantine in an approved quarantine centre, it is suspected that one or more birds and/or sentinel birds in a unit of the quarantine centre are infected with avian influenza or Newcastle disease, the following measures shall be taken:
  - a the competent authority shall place the approved quarantine centre under official supervision;
  - b samples for virological examination as set out in point 2 of Annex V shall be taken from those birds and sentinel birds and shall be analysed accordingly;
  - c no birds shall enter or leave the approved quarantine centre until the suspicion is ruled out.
- 4 If the suspicion of avian influenza or Newcastle disease in the affected unit of the approved quarantine centre as referred to in paragraph 3 is confirmed, the following measures shall be taken:
  - a all birds and sentinel birds in the affected unit of the approved quarantine centre shall be killed and destroyed;
  - b the unit concerned shall be cleaned and disinfected;
  - c the following samples shall be taken:
    - (i) where sentinel birds are used, not earlier than 21 days following the final cleaning and disinfection of the unit concerned, samples for serological examination as set out in Annex V must be taken from sentinel birds in the other quarantine units; or
    - (ii) where no sentinel birds are used, during 7 to 15 days following the final cleaning and disinfection, samples for virological examination as set out in point 2 of Annex V must be taken from birds in the other quarantine units;
  - d no birds shall leave the approved quarantine centre until the results of the sampling provided for in point (c) have been confirmed as negative.

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## **Textual Amendments**

F22 Art. 13(5) omitted (31.12.2020) by virtue of The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), 63(12) (with regs. 69-71)

#### Article 14

# Derogations relating to a positive finding of low pathogenic avian influenza or Newcastle disease in an approved quarantine facility or centre

Where during quarantine one or more birds and/or sentinel birds are found to be infected with low pathogenic avian influenza (LPAI) or Newcastle disease, the competent authority may, based on a risk assessment, grant derogations from the measures provided for in Article 13(2)(a) and (4)(a), provided that such derogations do not endanger disease control (the derogation).

F23 ...

When an official veterinarian inspects an approved quarantine facility or centre that has been granted a derogation, and one or more of the birds and/or sentinel birds are found to be infected with LPAI or Newcastle disease, the measures set out in paragraphs 3 to 7 shall be complied with.

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- 3 In the case of a positive finding of LPAI, instead of the standard samples as provided for in the diagnostic manual, the following samples shall be taken for laboratory testing, 21 days following the date of the last positive finding of LPAI in the approved quarantine facility or from each unit in the approved quarantine centre and at intervals of 21 days:
  - a samples of any dead sentinel birds or other birds present at the time of sampling;
  - b tracheal/oropharyngeal and cloacal swabs from at least 60 birds or from all birds where there are less than 60 present at the approved quarantine facility or the unit concerned of the approved quarantine centre; or if the birds are small, exotic and not used to being handled or handling them would be dangerous for people, samples of fresh faeces must be collected; the sampling and laboratory testing of such samples must continue until two consecutive negative laboratory results are obtained which must be at least at an interval of 21 days.

However, the competent authority may grant derogations from the sample size provided for in this paragraph, based on the outcome of a risk assessment.

- In the case of a positive finding of Newcastle disease, the competent authority may only grant a derogation provided that in the 30 days following the death or clinical recovery of the last case of that disease, sampling in accordance with points 1 and 2 of Annex V, not taking account of the reference to the time period specified, has been carried out with negative results.
- 5 Birds shall not be released from quarantine until at least the laboratory testing period provided for in paragraph 3 has elapsed.
- The approved quarantine facility or the unit concerned of the approved quarantine centre shall be cleaned and disinfected after it has been emptied. Any matter or waste likely to have been contaminated as well as all the waste that has accumulated during the laboratory testing period provided for in paragraph 3 shall be removed in such a way that ensures that the pathogen is not spread, and destroyed in such a way that guarantees the destruction of the virus of LPAI or Newcastle disease present.
- The repopulation of the approved quarantine facility or centre shall not take place for a period of 21 days following the date of completion of the final cleansing and disinfection as provided for in paragraph 6.

#### **Textual Amendments**

- **F23** Words in Art. 14(1) omitted (31.12.2020) by virtue of The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), **63(13)(a)** (with regs. 69-71)
- **F24** Words in Art. 14(2) omitted (31.12.2020) by virtue of The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), **63(13)(b)** (with regs. 69-71)

#### Article 15

## Action in case of suspected Chlamydiosis

If during quarantine in an approved quarantine facility or centre, it is suspected or confirmed that psittaciformes are infected with *Chlamydophila psittaci* all birds of the consignment shall be treated by a method approved by the competent authority and the quarantine shall be prolonged for at least two months following the date of the last recorded case.

## Article 16

## Release from quarantine

Birds shall only be released from quarantine in an approved quarantine facility or centre on written authorisation by an official veterinarian.

# Article 17

# Notification and reporting requirements

- 1 [F25The appropriate authority concerned must report to the other appropriate authorities] within 24 hours any case of avian influenza or Newcastle disease detected in an approved quarantine facility or centre.
- 2 [F26Each appropriate authority must report to the other appropriate authorities] the following information on an annual basis:
  - a the number of birds imported via approved quarantine facilities and centres per species and per approved breeding establishment of origin;
  - b information regarding the mortality rate for imported birds from the animal health certification procedure in the country of origin to the end of the quarantine period;
  - c the number of cases of positive findings of avian influenza, Newcastle disease and *Chlamydophila psittaci* in approved quarantine facilities or centres.

#### **Textual Amendments**

F25 Words in Art. 17(1) substituted (31.12.2020) by The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), 63(14)(a) (with regs. 69-71)

F26 Words in Art. 17(2) substituted (31.12.2020) by The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), **63(14)(b)** (with regs. 69-71)

# Article 18

#### Cost relating to quarantine

All quarantine costs incurred by the application of this Regulation shall be borne by the importer.

## Article 19

## Repeal

Regulation (EC) No 318/2007 is repealed.

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

#### Article 20

## **Entry into force**

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

F27 ...

Done at Brussels, 7 January 2013.

## For the Commission

## The President

## José Manuel BARROSO

## **Textual Amendments**

F27 Words omitted (31.12.2020) by The Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1462), regs. 1(3), 63(15) (with regs. 69-71)

(1) OJ L 166, 19.6.2006, p. 1.

## **Changes to legislation:**

This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk.