Commission Regulation (EC) No 213/2009 of 18 March 2009 amending Regulation (EC) No 2160/2003 of the European Parliament and of the Council and Regulation (EC) No 1003/2005 as regards the control and testing of Salmonella in breeding flocks of Gallus gallus and turkeys (Text with EEA relevance)

COMMISSION REGULATION (EC) No 213/2009

of 18 March 2009

amending Regulation (EC) No 2160/2003 of the European Parliament and of the Council and Regulation (EC) No 1003/2005 as regards the control and testing of *Salmonella* in breeding flocks of *Gallus gallus* and turkeys

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2160/2003 of the European Parliament and of the Council of 17 November 2003 on the control of *Salmonella* and other specified food-borne zoonotic agents[(1)] and, in particular Article 5(6) and Article 13 thereof,

Whereas:

(1) The purpose of Regulation (EC) No 2160/2003 is to ensure that proper and effective measures are taken to detect and control *Salmonella* and other zoonotic agents at all relevant stages of production, processing and distribution, and particularly at the level of primary production, in order to reduce their prevalence and the risk they pose to public health.

(2) Pursuant to Regulation (EC) No 2160/2003, specific requirements concerning breeding flocks of *Gallus gallus* apply whenever certain analysis of samples indicates the presence of *Salmonella* Enteritidis or *Salmonella* Typhimurium in such flocks. The purpose of these requirements is to prevent the spread of infection in the egg and broiler meat production chain, namely from breeders to their progeny. Similar requirements should be applied to turkey production in order to prevent the transmission of infection in the turkey meat production chain. Regulation (EC) No 2160/2003 should therefore be amended accordingly.

(3) Commission Regulation (EC) No 1003/2005 of 30 June 2005 implementing Regulation (EC) No 2160/2003 as regards a Community target for the reduction of the prevalence of certain *Salmonella* serotypes in breeding flocks of *Gallus gallus*[(2)] lays down a Community target for the reduction of the prevalence of certain *Salmonella* spp. in breeding flocks of *Gallus gallus*. In addition, the Annex to that Regulation sets out the testing scheme necessary to verify the achievement of the Community target.

(4) Pursuant to Article 2 of Regulation (EC) No 1003/2005, the Commission should review the Community target in the light of the results of the first year of implementation

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EC) No 213/2009. (See end of Document for details)*

of the national control programmes approved in accordance with Regulation (EC) No 2160/2003. The year 2007 was the first year of implementation.

(5) Pursuant to Directive 2003/99/EC of the European Parliament and of the Council of 17 November 2003 on the monitoring of zoonoses and zoonotic agents[(3)], Member States have transmitted the results of their monitoring for the year 2007 to the Commission. In the light of those results, it does not appear necessary to amend the Community target.

(6) In view of the efficient allocation of resources, Member States that have achieved the Community target should be permitted to reduce the number of official controls. Regulation (EC) No 1003/2005 should therefore be amended accordingly.

(7) A review of the testing scheme set out in the Annex to Regulation (EC) No 1003/2005 revealed difficulties in the implementation of sampling instructions and new information on the sensitivity of testing schemes has become available. The testing scheme should thus be amended.

(8) Regulations (EC) Nos 2160/2003 and 1003/2005 should therefore be amended accordingly.

(9) 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:

Article 1

In Part C of Annex II to Regulation (EC) No 2160/2003, the title and point 1 are replaced by the following:

C. Specific requirements concerning breeding flocks of *Gallus gallus* and breeding turkeys

1. The measures laid down in points 3 to 5 must be taken whenever the analysis of samples taken in accordance with part B, or in accordance with the testing schemes set out in the Annexes to Commission Regulations (EC) No 1003/2005[(4)] and (EC) No 584/2008[(5)], indicates the presence of *Salmonella* Enteritidis or *Salmonella* Typhimurium in a breeding flock of *Gallus gallus* or breeding turkeys in the circumstances set out in point 2.

Article 2

The Annex to Regulation (EC) No 1003/2005 is replaced by the text in the Annex to this Regulation.

Article 3

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

However, Article 2 shall apply from 1 April 2009 and Article 1 from 1 January 2010.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 18 March 2009.

For the Commission

Androulla VASSILIOU

Member of the Commission

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EC) No 213/2009. (See end of Document for details)*

ANNEX

ANNEX

Testing scheme necessary to verify the achievement of the Community target for the reduction of *Salmonella* Enteritidis, *Salmonella* Hadar, *Salmonella* Infantis, *Salmonella* Typhimurium and *Salmonella* Virchow in adult breeding flocks of *Gallus gallus*

1. SAMPLING FRAME

The sampling frame shall cover all adult breeding flocks of domestic fowl (*Gallus gallus*) comprising at least 250 birds (breeding flocks).

2. MONITORING IN BREEDING FLOCKS

2.1. Location, frequency and status of sampling

Breeding flocks shall be sampled at the initiative of the operator and as part of official controls.

2.1.1. Sampling at the initiative of the operator

Sampling shall take place every two weeks at the place designated by the competent authority from the following two possible options:

(a) at the hatchery; or

(b) at the holding.

The competent authority may decide to implement one of the options referred to in points (a) or (b) to the whole testing scheme for all broiler breeding flocks and one of those options for layer breeding flocks. Sampling on holdings, mainly exporting or trading hatching eggs to other Member States, shall in any case take place on the holding. It shall set up a procedure so that the detection of *Salmonella* serotypes referred to in Article 1(1) (relevant *Salmonella*) during the sampling at the initiative of the operator is notified without delay to the competent authority by the laboratory performing the analyses. Timely notification of the detection of *Salmonella*, including the serotype, shall remain the responsibility of the operator and the laboratory performing the analyses.

By way of derogation, if the Community target has been reached for at least two consecutive calendar years, sampling at the holding may be extended to take place every three weeks, at the discretion of the competent authority. The competent authority may decide to revert to a two week testing interval in the case of detection of a positive flock on the holding and/or in any other case deemed appropriate by the competent authority.

2.1.2. Official control sampling

Without prejudice to Annex II, Part C.2 of Regulation (EC) No 2160/2003, official sampling shall consist of:

2.1.2.1. If sampling at the initiative of the operator takes place at the hatchery:

(a) routine sampling every 16 weeks at the hatchery, and;

(b) routine sampling at the holding on two occasions during the production cycle, the first one being within four weeks following moving to laying phase or laying unit and the second one being towards the end of the laying phase, not earlier than eight weeks before the end of the production cycle;

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(c) confirmatory sampling at the holding, following the detection of relevant *Salmonella* from sampling at the hatchery.

2.1.2.2. If sampling at the initiative of the operator takes place at the holding, routine sampling shall be carried out on three occasions during the production cycle:

(a) within four weeks following moving to laying phase or laying unit;

(b) towards the end of the laying phase, not earlier than eight weeks before the end of the production cycle;

(c) during the production, at any time sufficiently distant from the samples referred to in points (a) and (b).

2.1.2.3. By way of derogation of paragraphs 2.1.2.1 and 2.1.2.2 and if the Community target has been achieved for at least two consecutive calendar years, the competent authority may replace the routine samplings by sampling:

(a) at the holding at one occasion anytime during the production cycle and once a year at the hatchery; or

(b) at the holding at two occasions anytime sufficiently distant from each other during the production cycle.

A sampling carried out by the competent authority may replace a sampling at the initiative of the food business operator.

2.2. Sampling protocol

2.2.1. Sampling at the hatchery

At least one sample shall be taken per breeding flock on each sampling occasion. Sampling should be arranged on a hatch day when samples from all breeding flocks will be available and all material from all hatchers from which hatched chicks are removed on the sampling day should contribute to the set of samples in a proportionate way. If there are more than 50 000 eggs of one flock in the hatchers a second sample shall be collected from that flock.

The sample shall consist of at least:

(a) one composite sample of visibly soiled hatcher basket liners taken at random from five separate hatcher baskets or locations in the hatcher, to reach a total sampling surface of at least 1 m^2; however, if the hatching eggs from a breeding flock occupy more than one hatcher, then such a composite sample shall be taken from all up to five hatchers; or

(b) one sample taken with one or several moistened fabric swab(s) of at least 900 cm^2 surface area in total, taken immediately after the removal of the chickens from the whole surface area of the bottom of at least a total of five hatcher baskets, or from fluff from five places, including on the floor, in all up to five hatchers with hatched eggs from the flock, ensuring that at least one sample per flock from which eggs are derived, is taken; or

(c) 10 g broken eggshells taken from a total of 25 separate hatcher baskets (i.e. 250 g initial sample) in up to five hatchers with hatched eggs from the flock, crushed, mixed and subsampled to form a 25 g subsample for testing.