COUNCIL DIRECTIVE 1999/90/EC

of 15 November 1999

amending Directive 90/539/EEC on animal health conditions governing intra-Community trade in and imports from third countries of poultry and hatching eggs

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 [1],

Having regard to the opinion of the European Parliament [2],

Having regard to the opinion of the Economic and Social Committee [3],

Whereas:

(1) Article 12(1) of Council Directive 90/539/EEC of 15 October 1990 on animal health conditions governing intra-Community trade in and imports from third countries of poulty and hatching eggs [4] lays down the rules which apply to poultry and hatching eggs destined for Member States or regions of Member States, the status of which has been recognised in accordance with Article 12(2) of the said Directive;

(2) Commission Decision 93/152/EEC of 8 February 1993 laying down the criteria for vaccines to be used against Newcastle disease in the context of routine vaccinations programmes [5] applies from 1 January 1995;

(3) It is appropriate, as a result, to modify Council Directive 90/539/EEC, in particular Article 12 thereof;

(4) Article 11 of the Directive provides, for practical reasons, for a special regime for the intracommunity trade in very small consignments of poultry; whereas trade in ratites should, however, be included in the general provisions of the Directive;

(5) It is appropriate to amend the trading rules as applied to third countries by introducing the possibility of drawing up supplementary rules for imports of poultry and hatching eggs, which offer animal health guarantees at least equivalent to those laid down in Chapter II of Directive 90/539/EEC and furthermore contain provisions for the establishing of quarantine measures;

(6) It is appropriate, moreover, in the light of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission [6] to modify Directive 90/539/EEC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 90/539/EEC is hereby amended as follows:

1. In Article 11, the following paragraph shall be added as follows:

   '3. The provisions of paragraphs 1 and 2 shall not apply to consignments containing ratites or hatching eggs of ratites.';

2. Article 12(1) shall be replaced by the following:

   '1. In the case of consignments of poultry and hatching eggs from Member States or regions of Member States which vaccinate the poultry referred to in Article 1 against Newcastle disease to a Member state or region of a Member State, the status of which has been established in accordance with paragraph 2 below, the following rules shall apply:

   (a) hatching eggs must come from flocks which are:
   — not vaccinated, or
   — vaccinated using inactivated vaccine, or
   — vaccinated using a live vaccine, provided that vaccination has taken place at least 30 days before the collection of the hatching eggs;

   (b) day-old chicks (including chicks intended for restocking supplies of game) must not be vaccinated against Newcastle disease, and must come from:
   — hatching eggs satisfying the conditions in (a), and
   — a hatchery where working practice ensures that such eggs are incubated at completely separate times and locations from eggs not satisfying the conditions in (a);

   (c) breeding and productive poultry must:
   — not be vaccinated against Newcastle disease, and
   — have been isolated for 14 days before consignment, at either a holding or a quarantine station under the supervision of the official veterinarian. In this connection, no poultry at the holding of origin or quarantine station, as applicable, may have been vaccinated against Newcastle disease during the 21 days preceding consignment and no bird which is

[1] OJ C 15, 20.1.1996, p. 13.
[2] OJ C 261, 9.9.1996, p. 187.
[3] OJ C 153, 28.5.1996, p. 46.
[4] OJ L 303, 31.10.1990, p. 6. Directive as last amended by the 1994 Act of Accession.
[5] OJ L 59, 12.3.1993, p. 35.
[6] OJ L 184, 17.7.1999, p. 23.