COUNCIL DIRECTIVE 93/121/EC

of 22 December 1993

amending Directive 91/494/EEC on animal health conditions governing intra-Community trade in and imports from third countries of fresh poultrymeat

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 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 Article 3 (A) (1) of Council Directive 91/494/EEC of 26 June 1991 on animal health conditions governing intra-Community trade in and imports from third countries of fresh poultrymeat (4) lays down the rules for Newcastle disease vaccination for flocks of origin of poultrymeat intended for Member States or regions of Member States the status of which has been recognized in accordance with Article 12 (2) 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, poultry and hatching eggs (5);

Whereas it is necessary to lay down the Newcastle disease vaccination rules to be applied from 1 January 1993 to trade in fresh poultrymeat intended for Member States or regions of Member States the status of which has been recognized in accordance with Article 12 (2) of Directive 90/539/EEC;

Whereas the Council has adopted Directive 92/66/EEC (6) on the control of Newcastle disease and Directive 92/40/EEC (7) on the control of avian influenza, thus allowing a simplification of Directive 91/494/EEC;

Whereas it is desirable to allow an alternative to the use of the special mark defined in Article 5 of Directive 91/494/EEC;

Whereas it is necessary to amend the trading rules applied to third countries to ensure they are equivalent to those applied to Member States, particularly as regards Newcastle disease and avian influenza,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 91/494/EEC is hereby amended as follows:

1. Article 3(A)(1) shall be replaced by the following:

   '1. has been held in Community territory since hatching or has been imported from third countries in accordance with the requirements of Chapter III of Directive 90/539/EEC. Poultrymeat intended for Member States or regions of Member States the status of which has been recognized in accordance with Article 12 (2) of that Directive must come from poultry which has not been vaccinated against Newcastle disease using a live vaccine during the 30 days preceding slaughter.

   This rule shall be reviewed by the Council acting by a qualified majority on a proposal from the Commission before Community legislation harmonizing the use of Newcastle disease vaccine enters into force and not later than 31 December 1994.'.

2. In Article 3(A)(2) the second indent shall be replaced by the following:

   '— which is not located in an area which for animal health reasons is subject to restrictive measures involving controls on poultrymeat in accordance with Community legislation as a result of an outbreak of disease to which poultry is susceptible;'.

3. The following paragraphs shall be added to Article 5:

   '3. By way of derogation from paragraphs 1 and 2 and in the event of an epizootic of Newcastle disease, fresh poultrymeat may be marked in accordance with Article 3 (1)(A)(e) of Directive 71/118/EEC with the health mark described in Annex I, Chapter X, point 44(a) and (b) to Directive 71/118/EEC, provided that such meat comes from poultry which:

   (a) comes from a holding situated within the surveillance zone as defined in Article 9 (1) of

(1) OJ No C 89, 31. 3. 1993, p. 8.
(2) OJ No C 176, 28. 6. 1993, p. 26.
(3) OJ No C 201, 26. 7. 1993, p. 50.
(4) OJ No L 268, 24. 9. 1991, p. 35.
(5) OJ No L 303, 31. 10. 1990, p. 6.
(6) OJ No L 260, 5. 9. 1992, p. 1.
(7) OJ No L 167, 22. 6. 1992, p. 1.