COUNCIL DIRECTIVE 93/120/EC

of 22 December 1993

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 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 in the light of developments in the poultry industry with larger and more intensive units there is a need to adjust certain aspects of Directive 90/539/EEC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs [4] to clarify requirements and to simplify their application by Member States;

Whereas the Council has adopted Directive 92/66/EEC introducing Community measures for the control of Newcastle disease [5] and Directive 92/40/EEC introducing Community measures for the control of avian influenza [6], thus allowing a simplification of Directive 90/539/EEC;

Whereas, taking account of the report from the Commission to the Council on the risks of transmission of Newcastle disease and the requirements to be met by Newcastle disease vaccines, provision should be made for certain Member States or regions to be approved as Newcastle disease non-vaccinating, if appropriate; whereas, however, provision should also be made for this Newcastle disease non-vaccinating status to be withdrawn if necessary;

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

HAS ADOPTED THIS DIRECTIVE:

Article 1

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

1. Article 2 (3) shall be replaced by the following:

   '3. "day-old chicks" shall mean all poultry less than 72 hours old, not yet fed; however, muscovy ducks *(Cairina moschata)* or their crosses may be fed;'.

2. Article 2 (7) shall be replaced by the following:

   '7. "flock" shall mean all poultry of the same health status kept on the same premises or in the same enclosure and constituting a single epidemiological unit. In housed poultry this will include all birds sharing the same airspace;'.

3. Article 2 (9)(c) shall be replaced by the following:

   '(c) rearing establishment:

   (i) either a breeding poultry rearing establishment which is an establishment which rears breeding poultry prior to the reproductive stage;

   or

   (ii) a productive poultry rearing establishment which is an establishment which rears egg-laying productive poultry prior to the laying stage;'.

4. Article 2 (15) shall be deleted.

5. Article 5 shall be replaced by the following:

   'Article 5

   In order to be traded in the Community:

   (a) hatching eggs, day-old chicks, breeding poultry and productive poultry must satisfy the conditions laid down in Articles 6, 12, 15 and 17. They must also satisfy any conditions laid down pursuant to Articles 13 and 14.

   In addition:

   — hatching eggs must satisfy the conditions laid down in Article 7,

   — day-old chicks must satisfy the conditions laid down in Article 8,

   — breeding poultry and productive poultry must satisfy the conditions laid down in Article 9;

[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 303, 31. 9. 1990, p. 6.
[5] OJ No L 260, 5. 9. 1992, p. 1.
[6] OJ No L 167, 22. 6. 1992, p. 1.

(b) Slaughter poultry must fulfil the conditions set out in Articles 10, 12, 15 and 17 and those laid down pursuant to Articles 13 and 14;

(c) Poultry (including day-old chicks) intended for restocking supplies of game must fulfil the conditions set out in Articles 10a, 12, 15 and 17 and those laid down pursuant to Articles 13 and 14.'.

6. Article 6 (1)(c) shall be replaced by the following:

'(c) they must not be located in an area which for animal health reasons is subject to restrictive measures in accordance with Community legislation as a result of the outbreak of a disease to which poultry is susceptible;'.

7. Article 6 (2) shall be replaced by the following:

'2. A flock which at the time of consignment presents no clinical sign or suspicion of contagious poultry disease;'.

8. Article 7 shall be replaced by the following:

'Article 7

At the time of consignment, hatching eggs must:

1. come from flocks which:

— have been held for more than six weeks in one or more Community establishments as defined in Article 6 (1)(a),

— if vaccinated, have been vaccinated in accordance with the vaccination conditions in Annex III;

— have either undergone an animal health examination carried out by an official veterinarian or an authorized veterinarian during the 72 hours preceding consignment and, at the time of the examination, have shown no clinical sign or suspicion of contagious disease,

— or have had a monthly health inspection visit by an official veterinarian or an authorized veterinarian, the most recent visit having been within 31 days of consignment. If this option is chosen there must also be an examination by the official veterinarian or authorized veterinarian of the records of the health status of the flock and an evaluation of its current health status as assessed by up-to-date information supplied by the person in charge of the flock during the 72 hours preceding consignment. In a case where records or other information give rise to suspicion of disease, the flocks must have had an animal health examination by the official veterinarian or authorized veterinarian that has ruled out the possibility of contagious poultry disease;

2. be marked in accordance with Commission Regulation (EEC) No 1868/77;

3. have been disinfected in accordance with the instructions of the official veterinarian.

In addition, if contagious poultry diseases which may be transmitted through eggs develop in the flock which supplied the hatching eggs during the period of their incubation, the hatchery involved and the authority or authorities responsible for the hatchery and the flock of origin must be notified.'.

9. Article 8(b) shall be replaced by the following:

'(b) satisfy the vaccination conditions in Annex III, if they have been vaccinated;'.

10. Article 9(b) shall be replaced by the following:

'(b) satisfy the vaccination conditions in Annex II, if they have been vaccinated;'.

11. Article 9(c) shall be replaced by the following:

'(c) have been submitted to a health examination by an official veterinarian or authorized veterinarian during the 48 hours preceding consignment and, at the time of the examination, have presented no clinical sign or suspicion of contagious poultry disease;'.

12. Article 10(c) shall be replaced by the following:

'(c) where the health examination carried out by the official veterinarian or authorized veterinarian during the 5 days preceding dispatch on the flock from which the consignment to be slaughtered is to be drawn has not revealed within that flock any clinical sign or suspicion of contagious poultry disease;'.

13. Article 10(d) shall be replaced by the following:

'(d) which is not located in an area which for animal health reasons is subject to restrictive measures in accordance with Community legislation as a result of the outbreak of a disease to which poultry is susceptible.'.

14. The following Article shall be inserted:

'Article 10a

1. At the time of consignment, poultry over 72 hours old intended for restocking supplies of wild game must have come from a holding:

(a) where it has been held since hatching or for more than 21 days and where it has not been placed in contact with newly-arrived poultry during the two weeks preceding consignment;