

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(93) 96 final

Brussels, 15 March 1993

## REPORT FROM THE COMMISSION TO THE COUNCIL

on the risks of transmission of Newcastle disease in accordance  
with Article 3 of Directive 91/494/EEC on animal health  
conditions governing intra-Community trade in and  
imports from third countries of fresh poultrymeat

-----

### Proposal for a COUNCIL DIRECTIVE

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

-----

### Proposal for a COUNCIL DIRECTIVE

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

-----

(presented by the Commission)

- 1 -

**EXPLANATORY MEMORANDUM**

The Council adopted in October 1990 Council Directive 90/539/EEC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs and in June 1991 Council Directive 91/494/EEC on animal health conditions governing intra-Community trade in and imports from third countries of fresh poultry meat. The two said Directives shall in accordance with Article 35 of Directive 90/539/EEC and Article 20 of Directive 91/494/EEC be reviewed before 31 December 1992 in the light of proposals concerning the completion of the internal market. Furthermore, in accordance with Article 3 of Directive 91/494/EEC a proposal based on a report on the risks of transmission of Newcastle disease shall be submitted with rules to be applicable from January 1993.

The Scientific Veterinary Committee has in September 1992 approved a report on the risk of transmission of Newcastle disease and the attached report and proposal are based on that report. Account has also been taken of the experience gained by Member States as regards the application of Community legislation for the operation of poultry establishments approved for intra-Community trade and it is proposed to clarify certain of the requirements for such establishments.

By adopting Community measures for the control of avian influenza by Council Directive 92/40/EEC and for the control of Newcastle disease by Council Directive 92/66/EEC a basis has been established for a unified standard with relation to animal health; this situation has been taken into account in the proposed amendments.

**Report from the Commission to the Council on  
the risks of transmission of Newcastle disease  
in accordance with Article 3 of Directive 91/494/EEC on animal health  
conditions governing intra-Community trade in and imports from  
third countries of fresh poultrymeat.**

---

**I. Introduction**

The Council adopted in 1990 the Directive 90/539/EEC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs<sup>(1)</sup> and in 1991 the Directive 91/494/EEC on animal health conditions governing intra-Community trade in and imports from third countries of fresh poultry meat<sup>(2)</sup>. The two Directives contain special provisions as regards Newcastle disease, when consignments of poultry, hatching eggs or poultry meat are sent from Member States or regions of Member States which vaccinate the poultry against Newcastle disease to Member States or regions of Member States which have been recognised not to apply vaccination. In accordance with the provisions of Article 3A.1. of Directive 91/494/EEC trade rules to be applied for fresh poultry meat after after 1 January 1993 shall be proposed by the Commission and the proposal shall be based on a report on the risks of transmission of Newcastle disease.

In the light of the request made by the Council the Commission has invited the Scientific Veterinary Committee:

- to review the relative risks of introducing Newcastle disease into a susceptible poultry population and deliver an opinion on the risks of transmission of Newcastle disease

---

(1) OJ No L, 303, 31.10.1990, p. 6

(2) OJ No L, 268, 24.09.1991, p. 35

- to recommend vaccines to be used for vaccination of poultry against Newcastle disease
- to recommend a Newcastle disease vaccination programme

The Scientific Veterinary Committee established a subgroup to perform the requested study. The findings of the subgroup were reported to the Scientific Veterinary Committee and adopted unanimously by the Committee. This report has taken into account the opinion given by the Scientific Veterinary Committee.

## II The risks of transmission of Newcastle disease

The risks of transmission of Newcastle Disease has been assessed as follows:

### 1. Introduction of Newcastle disease to a country

<u>Source of infection</u>	<u>Risk of spread</u>
a) Captive caged birds	high risk
b) Wild birds	medium risk to poultry on migratory routes
c) Pigeons	currently represent a high risk if they have access to food, poultry houses or if poultry are reared on open range.
d) Live poultry & hatching eggs	Live poultry represent a variable risk (low to high), which depends on the degree of control at origin and during transport. Low for intracommunity trade if control measures fully implemented and adhered to. Hatching eggs represent a low risk if correctly fumigated.

- e) Food Variable risk (low to high), dependent on country of origin of food ingredients, type of storage and treatment, especially heat treatment.
- f) Poultry meat Variable risk (low to high), which depends on the degree of control at origin and during transport. Low for intracommunity trade if control measures fully implemented and adhered to.
- g) Table eggs & eggs products Low risk
- h) Other poultry products Risk will depend on country of origin and treatment. High risk if imported from countries where Newcastle disease is endemic. Low risk from Member States if Community control measures are enforced.
- i) Fertilizers incorporating poultry manure Should be regarded as high risk unless adequately treated.
- j) People Medium risk, can be reduced by good biosecurity measures at farm level.
- k) Scavenging animals Low risk
- l) Reptiles Low risk
- m) Airborne spread Very low risk, unless poultry flocks are situated close to a border with countries where Newcastle disease is enzootic.
- n) Drinking water Low risk
- o) Fomites Normally low risk, however, could be high risk from contaminated trains and trucks travelling across borders from countries where Newcastle disease is enzootic.

p) Vaccines Low risk if vaccines used comply with proposed Community regulations.

2. Spread after initial outbreaks occurs

a) Captive caged birds Very low risk

b) Wild birds Significant risk, theoretically, in practice there is little evidence. Any risk can be eliminated by bird proofing of poultry houses. There is a greater risk to free range birds.

c) Pigeons Currently, a major risk.

d) Live poultry & hatching eggs Live poultry represent a very high risk. Hatching eggs a medium risk if proper fumigation not carried out.

e) Food High risk if contamination by feral birds possible. Reuse of food from infected premises also represents a high risk.

f) Poultry meat Low risk

g) Table eggs and egg products Low risk

h) Other products Low risk if processing carried out in accordance with the provisions of Council Directive 90/667/EEC which harmonises the arrangements for the processing and disposal of animal waste.

i) Fertilizers incorporating poultry manure Extremely high risk

- j) People Following an outbreak unrestrained movement of people (regardless of function or status) represents an extremely high risk of mechanical spread of the virus.
- k) Scavenging animals Medium risk
- l) Reptiles Low risk, but should not be ignored where such animals are common pests in poultry houses
- m) Airborne spread High risk but dependent on many factors such as concentration of poultry flocks, weather, virus strain, etc.
- n) Drinking water High risk if source is from surface water and used untreated.
- o) Vaccines Low risk if vaccines used comply with community legislation.
- p) Fomites Movement of fomites from infected premises without stringent disinfection represents an extremely high risk.
- q) Insects Low risk of spread via insects with the exception of areas of dense poultry populations where insect pests are a serious problem.

### III. Vaccination against Newcastle disease

It is considered that while vaccination remains a policy in the Community a medium-term aim should be to produce a vaccine which would enable easy distinction between the antibody response to vaccine and field viruses. For example, work is currently underway in several laboratories aimed at producing vector vaccines able to express the F protein of Newcastle disease virus. Such vaccines should mean that serology could be used to detect infections with field viruses and enable monitoring of poultry.

Until such vaccines are available the following recommendations can be given as regards the use of vaccines against Newcastle disease:

## 1. Newcastle disease vaccines

### Live vaccines:

No live vaccine should have an Intracerebral pathogenicity index (ICPI) in day old chicks  $>0.4$ .

A single bird vaccine dose should be a minimum of  $10^6$  EID<sub>50</sub> of virus for drinking water or eye drop administration.

### Inactivated vaccines:

No inactivated vaccine should be derived from a virus with an Intracerebral pathogenicity index in day old chicks  $>0.7$ , normally there would seem no reason to use viruses with an intracerebral pathogenicity index  $>0.4$ . If the situation arises where it can be clearly demonstrated that viruses having an intracerebral pathogenicity index less than 0.7 are not available for giving good protection, the homologous virus may be used for an inactivated vaccine.

A single bird dose of inactivated vaccine should contain not less than 50 PD<sub>50</sub>.

## 2. Vaccination programmes

At this stage it is not possible to recommend one single vaccination programme. In general programmes used shall conform with those tested and recommended by the manufacturers. Certain observations however can be made about time and method of application of vaccines, but circumstances at country, area or farm level may be contra-indicative. For example, it is recognised that a better immune response is obtained by administering live vaccine by spray rather than in drinking water, but clearly the advantage of using this route would be outweighed by the ensuing adverse reaction if Mycoplasma or other respiratory pathogens are present.



### Emergency vaccination (Ring vaccination)

When a decision has been made to ring vaccinate, it is essential that the first vaccination is done by spray, preferably with the vaccine re-suspended in deionised water. Subsequent re-vaccinations should be done at the discretion of the National Authorities in consultation with the Commission.

### Vaccination of racing pigeons

There should be no distinction between racing pigeons and poultry for classical virulent Newcastle disease. Further, it is considered difficult to see why the variant Newcastle disease virus which had been causing infections of racing pigeon in Europe since 1981 has been treated differently when infecting poultry than when infecting pigeons. Different types of inactivated vaccines are available for use in pigeons; since good protection can be obtained against the variant virus using inactivated vaccines derived from Newcastle disease viruses with Intracerebral pathogenicity index values  $<0.7$ , there is no case for the use of homologous inactivated vaccines.

It appears imperative that an effort is made to eradicate the disease from the racing pigeon population. While realising the difficulties involved in enforcing control measures in these birds, the following recommendations can be given:

- a policy of compulsory vaccination of racing and show pigeons with an inactivated vaccine should be enforced;
- all birds in a loft should be slaughtered when Newcastle disease virus of intracerebral pathogenicity index  $>0.7$  is isolated from a bird which has been present in that loft.
- no racing pigeons should be able to start in a race unless accompanied by a vaccination certificate.

### IV. Conclusions and proposed measures

The provisions of Directive 90/539/EEC and of Directive 91/494/EEC have been requested to be reviewed before 31 December 1992 in connection with submission of proposals for completing the internal market. During this review special attention has been given to:

- the opinion delivered by the Scientific Veterinary Committee as regards the risks of transmission of Newcastle disease
- the national measures on disease surveillance and operation of establishment approved for intra-Community trade as outlined in plans presented by Member States and adopted by the Commission during 1992
- Community measures adopted by Council Directive 92/40/EEC introducing Community measures for the control of Avian Influenza<sup>(1)</sup> and Council Directive 92/66/EEC introducing Community measures for the control of Newcastle disease<sup>(2)</sup>.

The review has lead to the submission of the following proposals annexed to this report:

- a) Draft proposal for a Council Directive amending Directive 90/539/EEC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs.
- b) Draft proposal for a Council Directive amending Directive 91/494/EEC on animal health conditions governing intra-Community trade in and imports from third countries of fresh poultry meat.

---

(1) OJ No L 167, 22.06.1992, p. 1  
(2) OJ No L 260, 05.09.1992, p. 1

**Proposal for a Council Directive**  
**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 COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission<sup>(1)</sup>,

Having regard to the opinion of the European Parliament<sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee<sup>(3)</sup>,

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 and imports from third countries of poultry and hatching eggs<sup>(4)</sup> to clarify requirements and to simplify its application by Member States;

Whereas the Council has adopted Directive 92/66/EEC on the control of Newcastle disease<sup>(5)</sup> and Directive 92/40/EEC on the control of Avian influenza<sup>(6)</sup> 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 Member States or regions to be approved as Newcastle disease non-vaccinating if appropriate. However, provision should also be made for this Newcastle disease non-vaccinating status to be withdrawn if necessary;

---

(1) O.J. L

(2) O.J. L

(3) O.J. L

(4) O.J. L 303, 31.09.1990, p. 6

(5) O.J. L 260, 05.09.1992, p. 3

(6) O.J. L 167, 22.06.1992, p. 1

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 regards Newcastle disease and Avian influenza;

HAS ADOPTED THIS DIRECTIVE

Article 1

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

1. At Article 2, 3. is 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. At Article 2, 7. is replaced by the following: "7. 'flock' shall mean all poultry of the same sanitary 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. At Article 2.9, (c) is replaced by the following:  
"(c) rearing establishment is either:  
(i) a breeding poultry rearing establishment which is an establishment that 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. Point 15 is deleted.
5. Article 5 is 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 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.
- (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 and hatching eggs) 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. At Article 6.1, (c) is 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 the poultry in question are susceptible."

7. At Article 6, 2. is 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 is replaced by the following:

"Article 7

At the time of consignment from the flock, 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,
  - either have undergone an animal health examination carried out by an official veterinarian or an authorized veterinarian during the 72 hrs. 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 authorised 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 authorised 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 the 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 authorised veterinarian that has ruled out the possibility of contagious poultry disease.

- (2) be marked in accordance with Commission Regulation (EEC) No. 1868/77;
  - (3) Before consignment to another Member State hatching eggs must have been disinfected in accordance with the instructions of the official veterinarian;
  - (4) In addition, if contagious poultry diseases which may be transmitted through eggs develops in the flock which supplied the hatching eggs during the period of their incubation, the hatchery involved and the competent authority(ies) responsible for the hatchery and the flock of origin should be notified."
9. At Article 8, (b) is replaced by the following:  
"(b) satisfy the vaccination conditions in Annex III, if they have been vaccinated."
10. At Article 9, (b) is replaced by the following:  
"(b) satisfy the vaccination conditions in Annex III, if they have been vaccinated."
11. At Article 9, (c) is replaced by the following:  
"(c) have been submitted to a health examination by an official 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. At Article 10, (c) is replaced by the following:

"(c) where the health examination carried out by the official 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. At Article 10, (d) is replaced by the following:

"(d) 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 the poultry in question are susceptible."

14. After Article 10 a new Article 10A is added as follows :

"Article 10A

At the time of the consignment, poultry intended for restocking supplies of game must have come from a holding:

- (a) where they have been held since hatching or for more than 21 days;
- (b) which is not the subject of any animal health restrictions applicable to poultry;
- (c) where the health examination carried out by the official or authorized veterinarian during the 48 hours preceding dispatch on the flock from which the consignment is to be drawn has not revealed within that flock any clinical sign or suspicion of contagious poultry disease;
- (d) is not located in an area which for animal health reasons is subject to prohibition in accordance with Community legislation as a result of an outbreak of disease to which the poultry in question are susceptible."

15. At Article 11.2. the third indent is replaced with the following:

"- satisfy the vaccination conditions in Annex III if they have been vaccinated;"

16. At Article 11.2. the fifth indent is replaced with the following:

"- are not located in an area which for animal health reasons is subject to restrictive measures in accordance with Community legislation as a result of an outbreak of disease to which the poultry in question are susceptible."

17. Article 11.2. last indent is deleted.

18. At Article 11 a new point 3. is added as follows :

"3. All birds in the consignment must have been found negative in serological tests for Salmonella pullorum et gallinarum antibodies, in accordance with Annex II, Chapter III. In the case of hatching eggs or day-old chicks, the flock of origin should be tested serologically for Salmonella pullorum et gallinarum at a level which gives 95% confidence of detecting infection at 5% prevalence.

19. At Article 12, 2 and 3 are replaced by the following:

2. If a Member State or region(s) of a Member State wish to be established as Newcastle disease non-vaccinating they can present a programme as detailed in Article 13.1.

The Commission shall examine the programmes presented by the Member States. The programmes may be approved, in compliance with the criteria referred to in Article 13.1, in accordance with the procedure laid down in Article 32. Any additional guarantees, general or specific, which may be required in intra-Community trade may be defined in accordance with the same procedure.

Once a Member State or a region of a Member State considers it has achieved Newcastle disease non-vaccinating status an application may be made to the Commission for Newcastle disease non-vaccinating status to be established in accordance with the procedure laid down in Article 32.

The elements to be taken into account for determination of an area's status as Newcastle disease non-vaccinating shall be the data referred to in Article 14(1) and, in particular, the following criteria:

- vaccination against Newcastle disease in the poultry referred to in Article 1 shall not have been authorized for at least the preceding 12 months,



- breeding flocks shall have been serologically monitored at least once a year for the presence of Newcastle disease according to the detailed rules adopted pursuant to the procedure laid down in Article 32,
- the holdings shall contain no poultry which have been vaccinated against Newcastle disease in the previous 12 months.

3. The Commission may suspend Newcastle disease non-vaccinating status in accordance with the procedure laid down in Article 32 in the event of: either

(i) a serious epizootic of Newcastle disease which is not being brought under control,

or

(ii) the removal of the legislative restrictions prohibiting the routine use of Newcastle disease vaccinations.

4. The conditions referred to in paragraph 1 will be reviewed before legislation harmonizing the use of Newcastle Disease vaccines enters into force.

20. At Article 15, 1. is replaced by the following:

"Day-old chicks and hatching eggs must be transported in either:

- unused purpose designed disposable containers to be used only once and then destroyed

or

- containers which may be reused provided they are cleaned and disinfected beforehand.

In any event containers must:

(a) contain only day-old chicks or hatching eggs of the same species, category and type of poultry, coming from the same establishment,

(b) be labelled with:

- the name of the Member State and region of origin.
- the establishment of origin's approval number as provided for in Annex II, chapter 1(2),
- the number of chicks or eggs in each box."

21. In Article 15.3, the third indent is deleted.

22. In Article 15.4, a new point (c) is added:

"(c) poultry intended for restocking supplies of game must be conveyed without delay to the point of destination without coming into contact with other poultry except poultry intended for restocking supplies of game satisfying the conditions laid down in this Directive."

23. In Article 17 the last indent is replaced by:

"- bears a stamp and a signature of a colour different from that of the certificate."

24. Article 19 is deleted.

25. Article 22 is replaced by the following:

"Article 22

1. Poultry and hatching eggs must come from third countries:

a) in which avian influenza and Newcastle disease, as defined in Council Directives 92/40/EEC and 92/66/EEC respectively, are legally notifiable diseases,

b) free from avian influenza and Newcastle disease,

or

which, although they are not free from these diseases, apply measures to control them which are at least equivalent to those of Directives 92/40/EEC and 92/66/EEC respectively.

2. The general criteria for classifying third countries in respect to paragraph 1,b) shall be adopted in accordance with the procedure laid down in Article 32.

3. The Commission may, in accordance with the procedure laid down in Article 32, decide under which conditions the provisions of paragraph 1 may apply to only a part of the territory of third countries.

Following the same procedure, it may decide in which particular cases and under which conditions the Member States can authorize derogations to the general principles laid down in paragraph 1.

4. Third countries or parts thereof which are free from avian influenza or Newcastle disease, shall be considered not to lose this status if a limited number of outbreaks which are epidemiologically linked together appear in a well defined area, provided that:

- these outbreaks can be eradicated within 3 months and
- live poultry, hatching eggs or fresh poultry meat cannot leave this area except for processing or destruction.

The Commission can, in accordance with the procedure laid down in Article 32, impose additional conditions on imports of live poultry and hatching eggs from such countries or parts thereof."

26. In Article 24, (h) is replaced with:

"(h) bear a stamp and a signature of a colour different from that of the certificate".

27. In Article 32.4, the words "Save where the Council has decided against the said measures by a simple majority", are deleted.

28. In Article 33.4, the words "Save where the Council has decided against the said measures by a simple majority", are deleted.

29. Article 35 is deleted.

30. In Annex II the national reference laboratory for Denmark is changed to the following:

"National Veterinary Laboratory  
Poultry Disease Division  
Hangøvej 2  
DK-8200 Aarhus N.

31. In Annex IV Model 5, 14, (a) is replaced by :

"(a) The birds described above comply with the provisions of Articles 10 and 15 of Council Directive 90/539/EEC."

32. In Annex IV Model 6, 14, (a) is replaced by :

"(a) The birds described above apply with the provisions of Article 10A and 15 of Directive 90/539/EEC."

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 31 December 1993. They shall forthwith inform the Commission thereof.

When Member States adopt these measures they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

2. Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field governed by this Directive.

Article 3

This Directive is addressed to the Member States.

**Proposal for a Council Directive**  
**amending Directive 91/494/EEC on animal health conditions**  
**governing intra-Community trade in and imports from third countries**  
**of fresh poultry meat**

---

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission<sup>(1)</sup>,

Having regard to the opinion of the European Parliament<sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee<sup>(3)</sup>,

Whereas Article 3A1 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 poultry meat<sup>(4)</sup>, lays down the rules for Newcastle disease vaccination for flocks of origin of poultry meat destined 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 and imports from third countries of poultry and hatching eggs<sup>(5)</sup>;

Whereas it is necessary to lay down the Newcastle disease vaccination rules to be applied from 1 January 1993 regarding the trade of fresh poultrymeat into Member States or regions of Member States the status of which has been recognised in accordance with Article 12.2 of Council Directive 90/539/EEC;

---

(1) O.J. ...

(2) O.J. ...

(3) O.J. ....

(4) O.J. L 268, 24.09.1991, p. 35

(5) O.J. L 303, 31.10.1990, p. 6

Whereas the rules to be adopted from 1 January 1993 should take into account the report on the risks of transmission of Newcastle disease transmitted from the Commission to the Council;

Whereas the Council has adopted Directive 92/66/EEC on the Control of Newcastle Disease<sup>(6)</sup> and Directive 92/40/EEC on the Control of Avian Influenza<sup>(7)</sup> 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 Council Directive 91/494/EEC;

Whereas it is necessary to amend the trading rules as 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. In Article 3A, 1 is replaced with the following:

- "1. It 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 an attenuated live vaccine during the 30 days preceding slaughter.

This rule shall be reviewed before Community legislation harmonising the use of Newcastle disease vaccine enters into force."

(6) O.J. No. L 260, 05.09.1992, p.1

(7) O.J. No. L 167, 22.06.1992, p.1

2. In Article 3A,2 - the 2nd indent is replaced with the following:  
"- which is not located in an area which for animal health reasons is subject to restrictive measures involving controls on poultry meat in accordance with Community legislation as a result of the outbreak of disease to which the poultry in question are susceptible."
3. A new point 3 is added to Article 5:  
"3. However, at the request of a Member State, accompanied by appropriate justification and in accordance with the procedure laid down in Article 17, specific solutions may be adopted, in particular with respect to the marking of the meat referred to in paragraph 1, and its subsequent use, and the destination of the processed products."
4. Article 10 is replaced by the following:  
"Article 10
  1. Fresh poultrymeat must come from countries:
    - a) in which avian influenza and Newcastle disease, as defined in Council Directives 92/40/EEC and 92/66/EEC respectively, are legally notifiable diseases,
    - b) which are free from avian influenza and Newcastle disease,or  
which, although they are not free from these diseases, apply measures to control them which are at least equivalent to those of Directives 92/40/EEC and 92/66/EEC respectively.
  2. The general criteria for classifying third countries in respect of paragraph 1, b) shall be adopted in accordance with the procedure laid down in Article 17.
  3. The Commission may, in accordance with the procedure laid down in Article 17, decide under which conditions the provisions of paragraph 1 may apply to only a part of the territory of third countries.
  4. Third countries of parts thereof which are free from avian influenza or Newcastle disease, shall be considered not to lose this status if a limited number of outbreaks which are epidemiologically linked together appear in a well defined area, provided that:

- these outbreaks can be eradicated within 3 months and
- live poultry, hatching eggs or fresh poultry meat cannot leave this area except for processing or destruction.

If necessary, the Commission can, in accordance with the procedure laid down in Article 17, impose additional conditions on imports of live poultry and hatching eggs from such countries or parts thereof."

5. Article 17 is replaced by the following :

"1. Where the procedure laid down in this Article is to be followed, the chairman shall refer the matter forthwith to the Standing Veterinary Committee either on his own initiative or at the request of the representative of a Member State.

2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

3. The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.

4. If the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, within three months of the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission."



6. Article 18 is replaced by the following :

"1. Where the procedure laid down in this Article is to be followed, the chairman shall refer the matter forthwith to the Standing Veterinary Committee either on his initiative or at the request of the representation of a Member State.

2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within two days. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

3. The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.

4. If the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall without delay submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, within 15 days of the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission."

#### Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 31 December 1993. They shall forthwith inform the Commission thereof.

When Member States adopt these measures they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

2. Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field governed by this Directive.

### Article 3

This Directive is addressed to the Member States.

COM(93) 96 final

# DOCUMENTS

**EN**

**10 03**

---

Catalogue number : CB-CO-93-116-EN-C

ISBN 92-77-53692-6

---