

COMMISSION REGULATION (EC) No 1278/2007**of 29 October 2007****amending Regulation (EC) No 318/2007 laying down animal health conditions for imports of certain birds into the Community and the quarantine conditions thereof****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽¹⁾, and in particular the second subparagraph of Article 10(3) and the first subparagraph of Article 10(4) thereof,

Having regard to Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(I) to Directive 90/425/EEC ⁽²⁾ and in particular the fourth indent of Article 18(1),

Whereas:

(1) Commission Regulation (EC) No 318/2007 ⁽³⁾ lays down the animal health conditions for imports of certain birds other than poultry into the Community and the quarantine conditions applicable to such birds after import.

(2) It is appropriate to explicitly state that only imports of captive bred birds is authorised under Regulation (EC) No 318/2007. For the sake of clarity, it should also be explicitly stated that birds may only be imported into the Community under Regulation (EC) No 318/2007 if they come from approved breeding establishments.

(3) After imports, the imported birds are to be transported directly to an approved quarantine facility or centre in a Member State, where they must remain until infection with avian influenza or Newcastle disease virus is ruled out.

(4) Regulation (EC) No 318/2007 provides that in case avian influenza or Newcastle disease is suspected in an approved quarantine facility or in a unit of an approved quarantine centre, all birds in the quarantine facility or unit of a quarantine centre are to be killed and destroyed before the suspicion is confirmed by laboratory testing.

(5) However, because these birds suspected to be infected by avian influenza or Newcastle disease are kept in an approved quarantine facility or in a unit of an approved quarantine centre, there is no risk of the disease spreading further.

(6) Therefore, it is appropriate to wait until the suspicion is confirmed to rule out any other cause of disease symptoms before commencing to kill and destroy the birds in the affected premises.

(7) Annex V to Regulation (EC) No 318/2007 sets out a list of quarantine facilities and centres approved by the competent authorities of the Member States for import of certain birds other than poultry. Austria, the Czech Republic, Denmark, Germany, Spain and the United Kingdom have reviewed their approved quarantine facilities and centres and have sent an updated list of those quarantine facilities and centres to the Commission. The list of approved quarantine facilities and centres set out in Annex V to Regulation (EC) No 318/2007 should therefore be amended accordingly.

(8) Regulation (EC) No 318/2007 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

Regulation (EC) No 318/2007 is amended as follows:

1. in Article 4, the introductory phrase is replaced by the following:

‘Approved breeding establishments shall comply with the following conditions:’

⁽¹⁾ OJ L 268, 24.9.1991, p. 56. Directive as last amended by Directive 2006/104/EC (OJ L 363, 20.12.2006, p. 352).

⁽²⁾ OJ L 268, 14.9.1992, p. 54. Directive as last amended by Commission Decision 2007/265/EC (OJ L 114, 1.5.2007, p. 17).

⁽³⁾ OJ L 84, 24.3.2007, p. 7.

2. Article 5 is amended as follows:

(a) the introductory phrase is replaced by the following:

'Imports of birds shall be authorised only if the birds comply with the following conditions:'

(b) the following point is inserted after point (b):

'(ba) the birds come from approved breeding establishments that comply with the conditions laid down in Article 4;'

3. Article 13 is replaced by the following:

'Article 13

Action in case of a disease suspicion in an approved quarantine facility or centre

1. If during quarantine in an approved quarantine facility, it is suspected that one or more birds and/or sentinel birds are infected with avian influenza or Newcastle disease, the following measures shall be taken:

(a) the competent authority shall place the approved quarantine facility under official supervision;

(b) samples for virological examination as set out in point 2 of Annex VI shall be taken from those birds and sentinel birds and shall be analysed accordingly;

(c) no birds shall enter or leave the approved quarantine facility until the suspicion is ruled out.

2. If the suspicion of avian influenza or Newcastle disease in the affected approved quarantine facility as referred to in paragraph 1 is confirmed, the following measures shall be taken:

(a) all birds and sentinel birds in the approved quarantine facility shall be killed and destroyed;

(b) the approved quarantine facility shall be cleaned and disinfected;

(c) no birds shall enter the approved quarantine facility until 21 days following the final cleaning and disinfection.

3. If during quarantine in an approved quarantine centre, it is suspected that one or more birds and/or sentinel birds in a unit of the quarantine centre are infected with avian influenza or Newcastle disease, the following measures shall be taken:

(a) the competent authority shall place the approved quarantine centre under official supervision;

(b) samples for virological examination as set out in point 2 of Annex VI shall be taken from those birds and sentinel birds and shall be analysed accordingly;

(c) no birds shall enter or leave the approved quarantine centre until the suspicion is ruled out.

4. If the suspicion of avian influenza or Newcastle disease in the affected unit of the approved quarantine centre as referred to in paragraph 3 is confirmed, the following measures shall be taken:

(a) all birds and sentinel birds in the affected unit of the approved quarantine centre shall be killed and destroyed;

(b) the unit concerned shall be cleaned and disinfected;

(c) the following samples shall be taken:

(i) where sentinel birds are used, not earlier than 21 days following the final cleaning and disinfection of the unit concerned, samples for serological examination, as set out in Annex VI must be taken from sentinel birds in the other quarantine units; or

(ii) where no sentinel birds are used, during 7 to 15 days following the final cleaning and disinfection, samples for virological examination, as set out in point 2 of Annex VI, must be taken from birds in the other quarantine units;

(d) no birds shall leave the approved quarantine centre until the results of the sampling provided for in point (c) have been confirmed as negative.

5. Member States shall inform the Commission of any measures taken under this Article.;

4. in Article 14(1), the first subparagraph is replaced by the following:

'1. Where during quarantine one or more birds and/or sentinel birds are found to be infected with low pathogenic avian influenza (LPAI) or Newcastle disease, the competent authority may, based on a risk assessment, grant derogations from the measures provided for in Article 13(2)(a) and (4)(a), provided that such derogations do not endanger disease control (the derogation).';

5. Annex V is replaced by the text in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 29 October 2007.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

‘ANNEX V

List of approved facilities and centres as referred to in Article 6(1)

ISO country code	Name of country	Approval number of quarantine facility or centre
AT	AUSTRIA	AT OP Q1
AT	AUSTRIA	AT-KO-Q1
AT	AUSTRIA	AT-3-ME-Q1
AT	AUSTRIA	AT-4-KI-Q1
AT	AUSTRIA	AT 4 WL Q 1
AT	AUSTRIA	AT-4-VB-Q1
AT	AUSTRIA	AT 6 10 Q 1
AT	AUSTRIA	AT 6 04 Q 1
BE	BELGIUM	BE VQ 1003
BE	BELGIUM	BE VQ 1010
BE	BELGIUM	BE VQ 1011
BE	BELGIUM	BE VQ 1012
BE	BELGIUM	BE VQ 1013
BE	BELGIUM	BE VQ 1016
BE	BELGIUM	BE VQ 1017
BE	BELGIUM	BE VQ 3001
BE	BELGIUM	BE VQ 3008
BE	BELGIUM	BE VQ 3014
BE	BELGIUM	BE VQ 3015
BE	BELGIUM	BE VQ 4009
BE	BELGIUM	BE VQ 4017
BE	BELGIUM	BE VQ 7015
CY	CYPRUS	CB 0011
CY	CYPRUS	CB 0012
CY	CYPRUS	CB 0061
CY	CYPRUS	CB 0013
CY	CYPRUS	CB 0031
CZ	CZECH REPUBLIC	21750005
CZ	CZECH REPUBLIC	21750016
CZ	CZECH REPUBLIC	21750027
CZ	CZECH REPUBLIC	21750038
CZ	CZECH REPUBLIC	61750009
DE	GERMANY	BW-1
DE	GERMANY	BY-1
DE	GERMANY	BY-2
DE	GERMANY	BY-3
DE	GERMANY	BY-4
DE	GERMANY	HE-1
DE	GERMANY	HE-2
DE	GERMANY	NI-1
DE	GERMANY	NI-2
DE	GERMANY	NI-3

ISO country code	Name of country	Approval number of quarantine facility or centre
DE	GERMANY	NW-1
DE	GERMANY	NW-2
DE	GERMANY	NW-3
DE	GERMANY	NW-4
DE	GERMANY	NW-5
DE	GERMANY	NW-6
DE	GERMANY	NW-7
DE	GERMANY	NW-8
DE	GERMANY	RP-1
DE	GERMANY	SN-1
DE	GERMANY	SN-2
DE	GERMANY	TH-1
DE	GERMANY	TH-2
ES	SPAIN	ES/01/02/05
ES	SPAIN	ES/05/02/12
ES	SPAIN	ES/05/03/13
ES	SPAIN	ES/09/02/10
ES	SPAIN	ES/17/02/07
ES	SPAIN	ES/04/03/11
ES	SPAIN	ES/04/03/14
ES	SPAIN	ES/09/03/15
ES	SPAIN	ES/09/06/18
FR	FRANCE	38 193,01
GR	GREECE	GR.1
GR	GREECE	GR.2
HU	HUNGARY	HU12MK001
IE	IRELAND	IRL-HBQ-1-2003 Unit A
IT	ITALY	003AL707
IT	ITALY	305/B/743
IT	ITALY	132BG603
IT	ITALY	170BG601
IT	ITALY	233BG601
IT	ITALY	068CR003
IT	ITALY	006FR601
IT	ITALY	054LCO22
IT	ITALY	I – 19/ME/01
IT	ITALY	119RM013
IT	ITALY	006TS139
IT	ITALY	133VA023
MT	MALTA	BQ 001
NL	NETHERLANDS	NL-13000
NL	NETHERLANDS	NL-13001
NL	NETHERLANDS	NL-13002
NL	NETHERLANDS	NL-13003
NL	NETHERLANDS	NL-13004
NL	NETHERLANDS	NL-13005

ISO country code	Name of country	Approval number of quarantine facility or centre
NL	NETHERLANDS	NL-13006
NL	NETHERLANDS	NL-13007
NL	NETHERLANDS	NL-13008
NL	NETHERLANDS	NL-13009
NL	NETHERLANDS	NL-13010
PL	POLAND	14084501
PT	PORTUGAL	05,01/CQA
PT	PORTUGAL	01,02/cqa
UK	UNITED KINGDOM	21/07/01
UK	UNITED KINGDOM	21/07/02'