COMMISSION DECISION
of 2 July 2002
concerning protection measures relating to Newcastle disease in Australia

(notified under document number C(2002) 2448)

(Text with EEA relevance)

(2002/537/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries [1], and in particular Article 22(1) thereof,

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 [2], as last amended by Directive 96/43/EC [3], and in particular Article 18(1) thereof,

Having regard to Council Directive 91/494/EEC of 26 June 1991 on animal health conditions governing intra-Community trade and imports from third countries of fresh poultrymeat [4], as last amended by Directive 1999/89/EC [5], and in particular Article 11(1), Article 12(2), Article 14(1) and Article 14a thereof,

Having regard to Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A(1), to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC [6], as last amended by Decision 2001/7/EC [7], and in particular Article 10(3) thereof,

Whereas:

(1) According to the provisions of Directives 97/78/EC and 91/496/EEC measures shall be taken if, in the territory of a third country, a disease referred to in Directive 82/894/EEC or other diseases or any other phenomenon or circumstance liable to present a serious threat to animal or public health manifests itself or spreads.

(2) Council Directive 82/894/EEC of 21 December 1982 on the notification of animal diseases within the Community [8], as last amended by Commission Decision 2000/556/EC [9], lists certain contagious animal diseases, such as Newcastle disease, which present a risk to the Community herd, notably by their spread as a result of trade and imports.

(3) Australia has confirmed an outbreak of Newcastle disease on 13 May 2002 in a poultry layer flock in the State of Victoria.

(4) Australia has reported that the virulent Newcastle disease virus found in the current outbreak is almost identical to the virus which has caused severe outbreaks in 1998 to 2000 in the State of New South Wales neighbouring the State of Victoria.

(5) These previous outbreaks were due to an endemic avirulent strain of Newcastle disease virus that had become virulent due to mutation.

(6) The results of a survey carried out in late 2000 have shown serological evidence of exposure to Newcastle disease virus in most regions of Australia, but it was reported that no virulent viruses were isolated from seropositive farms.

(7) The re-occurrence of virulent Newcastle disease virus and the results of the survey in the light of the new outbreak suggest that virulent Newcastle disease viruses might nevertheless be circulating in Australia's poultry flocks.

(8) The epidemiological situation and the control strategy envisaged by the Australian authorities needs to be clarified.

[1] OJ L 24, 31.1.1998, p. 9.
[2] OJ L 268, 24.9.1991, p. 56.
[3] OJ L 162, 1.7.1996, p. 1.
[4] OJ L 268, 24.9.1991, p. 35.
[5] OJ L 300, 23.11.1999, p. 17.
[6] OJ L 62, 15.3.1993, p. 49.
[7] OJ L 2, 5.1.2001, p. 27.
[8] OJ L 378, 31.12.1982, p. 58.
[9] OJ L 235, 19.9.2000, p. 27.

(9) Decision 94/984/EC [10], as last amended by Decision 2001/659/EC [11], Decision 96/482/EC [12], as last amended by Decision 2002/183/EC [13], Decision 97/221/EC [14], Decision 2000/572/EC [15], Decision 2000/585/EC [16], as last amended by Decision 2002/219/EC [17], Decision 2000/609/EC [18], as last amended by Decision 2000/782/EC [19], and Commission Decision 2001/751/EC [20] respectively require that Australian veterinary authorities, before dispatching live poultry and hatching eggs, live ratites and hatching eggs, fresh meat of poultry, ratites, farmed and wild feathered game, poultrymeat products and poultrymeat preparations, certify that Australia is free from Newcastle disease. The Australian veterinary authorities have informed the Commission that they have therefore suspended all certification following this last outbreak.

(10) In order to protect the Community and for the sake of clarity and transparency, until a reassessment of the possible risks related to imports of poultry and poultrymeat products from Australia under the current situation has been carried out, it is necessary to implement a general suspension, subject to specific derogations, on the importation from the territory of Australia of live poultry and hatching eggs thereof, live ratites and hatching eggs thereof, fresh meat of poultry, ratites, farmed and wild feathered game, poultrymeat products and meat preparations consisting of or containing meat of the abovementioned species.

(11) Decision 2000/609/EC lays down animal and public health conditions and veterinary certification for imports of farmed ratite meat and authorises imports also from countries infected with Newcastle disease under certain conditions. Therefore, a specific certificate should be drawn up to authorise imports of ratite meat for human consumption with additional requirements including testing for Newcastle disease of slaughter ratites prior to dispatch of the meat to the Community.

(12) Commission Decision 97/222/EC [21], as last amended by Decision 2002/184/EC [22], lays down the list of third countries from which Member States may authorise the importation of meat products and establishes treatment regimes in order to lower the risk of disease transmission via such products. The treatment that has to be applied to the product depends on the health status of the country of origin in relation to the species the meat is obtained from. Therefore it is necessary to amend the required treatment for poultrymeat products originating in Australia.

(13) For the purpose of this Decision meat of poultry, farmed and wild feathered game and ratites refers to meat for human consumption and excludes raw material for the manufacture of animal feedingstuffs and pharmaceutical or technical products for channelled imports.

(14) The provisions of this Decision shall be reviewed in the light of the disease evolution and the further information received from the Australian authorities.

(15) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Member States shall prohibit the importation from the territory of Australia of live poultry and hatching eggs, live ratites and hatching eggs, fresh meat of poultry, ratites, farmed and wild feathered game, poultrymeat products and meat preparations consisting or containing meat of the abovementioned species except for raw material fulfilling the requirements of Chapter 10 of Annex I to Council Directive 92/118/EEC.

Article 2

By derogation from Article 1 fresh ratite meat shall be authorised for imports under the requirements set out in the animal health certificate in the Annex to this Decision.

Article 3

By derogation from Article 1 Member States shall authorise the importation of poultrymeat products, when the poultrymeat contained in the meat product has undergone a specific treatment referred to under B, C or D in part IV of the Annex to Decision 97/222/EC.

Article 4

1. By derogation from Article 1 Member States shall authorise the importation of fresh meat of poultry, ratites, farmed and wild feathered game, poultrymeat products and poultrymeat preparations consisting or containing meat of the abovementioned species, which have been obtained from birds slaughtered before 13 May 2002.

[10] OJ L 378, 31.12.1994, p. 11.
[11] OJ L 232, 30.8.2001, p. 19.
[12] OJ L 196, 7.8.1996, p. 13.
[13] OJ L 61, 2.3.2002, p. 56.
[14] OJ L 89, 4.4.1997, p. 32.
[15] OJ L 240, 23.9.2000, p. 19.
[16] OJ L 251, 6.10.2000, p. 1.
[17] OJ L 72, 14.3.2002, p. 27.
[18] OJ L 258, 12.10.2000, p. 9.
[19] OJ L 309, 9.12.2000, p. 37.
[20] OJ L 281, 25.10.2001, p. 24.
[21] OJ L 89, 4.4.1997, p. 39.
[22] OJ L 61, 2.3.2002, p. 61.

2. In the veterinary certificates accompanying consignments, as referred to in paragraph 1 the following words as appropriate to the species shall be included:

'Fresh poultrymeat/Fresh ratite meat/Fresh meat of wild game birds/Fresh meat of farmed game birds/poultrymeat product/poultrymeat preparation (*) in accordance with Decision 2002/537/EC.

(*) Delete as appropriate.'

Article 5

The Member States shall amend the measures they apply to trade so as to bring them into compliance with this Decision and they shall give immediate appropriate publicity to the measures adopted. They shall immediately inform the Commission thereof.

Article 6

This Decision shall apply from 6 July 2002.

Article 7

This Decision shall apply until 1 December 2002.

Article 8

This Decision is addressed to the Member States.

Done at Brussels, 2 July 2002.

For the Commission

David BYRNE

Member of the Commission

ANNEX

Animal and public health certificate for fresh meat from Australian farmed ratites for human consumption [1]

Note for the importer: This certificate is only for veterinary purposes and the original has to accompany the consignment until it reaches the border inspection post.

1. CONSIGNOR (name and address in full)	2. HEALTH CERTIFICATE No ORIGINAL
4. CONSIGNEE (name and address in full)	3. Country of origin: AUSTRALIA
8. Place of loading:	5. COMPETENT AUTHORITY (Central level): 5.1. Ministry: 5.2. Service:
9.1. Means of transport [2]: 9.2. Number of the seal [3]:	6. COMPETENT AUTHORITY (Local level):
10.1. Member State of destination: 10.2. Final destination:	7. Address of establishment(s): 7.1. Slaughterhouse: 7.2. Cutting plant [4]: 7.3. Cold store [4]:
12.1. Ratite species: 12.2. Nature of cuttings:	11. Approval number(s) of establishment(s): 11.1. Slaughterhouse: 11.2. Cutting plant [4]: 11.3 Cold store [4]:
13.1. Nature of the packaging: 13.2. Consignment identification details:	14. Quantity: 14.1. Net weight (kg); 14.2. Number of packages:

Note: A separate certificate must be provided for each consignment of farmed ratite meat.

[1] Fresh ratite meat means any parts, excluding offal, of farmed ratites which are fit for human consumption and which have not undergone any treatment other than cold treatment to ensure the preservation; vacuum wrapped meat or meat wrapped in a controlled atmosphere must also be accompanied by a certificate according to this model.

[2] Indicate means of transport and registration marks or registered name, as appropriate.

[3] Optional.

[4] Delete if not applicable.

Model

HEALTH ATTESTATION

I. Animal health certification

I, the undersigned official veterinarian, hereby certify:

1. That AUSTRALIA is free from avian influenza, as defined in the International Animal Health Code of OIE

2. That the de-boned and skinned fresh meat described above is obtained from farmed ratites:

2.1. which have, without interruption, been held in the territory of AUSTRALIA for at least three months before being slaughtered or since hatching;

2.2. which were reared/were resident for at least three months prior to slaughter on holdings:

2.2.1. which receive regular veterinary inspections to diagnose diseases transmissible to humans or animals;

2.2.2. which are not under animal health restrictions in connection with any disease to which ratites and/or other poultry are susceptible;

2.2.3. in which there has been no outbreak of Newcastle disease or avian influenza in the previous 6 months, and around which, within a distance of 10 km from the perimeter of that part of the holding which contains the ratites, there have been no outbreaks of avian influenza or Newcastle disease for at least three months;

2.3. which were not slaughtered in the context of any animal health scheme for the control or eradication of poultry and/or ratites diseases;

2.4. which:

2.4.1. were not vaccinated against Newcastle disease ([5]); ☐

2.4.2. were vaccinated against Newcastle disease using an inactivated vaccine which fulfils the requirements of Commission Decision 93/152/EEC ([5]); ☐

2.4.3. were vaccinated against Newcastle disease using a live vaccine which does not fulfil the requirements of Commission Decision 93/152/EEC but were not vaccinated during the 30 days preceding slaughter ([5]); ☐

2.5. which either

2.5.1. have been tested by a virus isolation test for Newcastle disease, in which no avian paramyxovirus with an intracerebral pathogenicity index (ICPI) of more than 0,4 have been found, either on the basis

2.5.1.1. of a random sample of tracheal swabs of at least 60 birds of each flock concerned taken at slaughter, when originating from the territory of Australia except for the State of Victoria ([5]); ☐

2.5.1.2. of individually sampled tracheal swabs when originating from the State of Victoria ([5]); ☐

or

2.5.2. come from holdings in which surveillance for Newcastle disease is being carried out on a statistically based sampling plan with negative results ([6]) for at least six months ([5]); ☐

2.5.3. for which the virus isolation tests described under point 2.5.1 and 2.5.2 have been carried out in an official laboratory designated by the competent authority using diagnostic procedures according to Annex III to Directive 92/66/EEC ([7]); ☐

2.5.4. which have not been in contact during the period of 30 days preceding slaughter with ratites or other poultry which do not fulfil the guarantees mentioned under 2.5.1 and 2.5.2;

2.6. which during transport to the slaughterhouse did not come into contact with poultry and/or ratites infected with avian influenza or Newcastle disease;

2.7. which were handled prior to slaughter and slaughtered under conditions meeting those laid down in Directive 93/119/EC.

([5]) Tick and fill in as appropriate.
([6]) In non-vaccinated flocks this surveillance is carried out on serology and in vaccinated flocks it is carried out on tracheal swabs of ratites.
([7]) OJ L 260, 5.9.1992, p. 1.

3. That the de-boned and skinned fresh meat described above

3.1. comes from approved slaughterhouses which, at the time of slaughter, are not under restrictions due to a suspect or confirmed outbreak of avian influenza or Newcastle disease and around which, within a radius of 10 km, there have been no outbreaks of avian influenza or Newcastle disease for at least 30 days;

3.2. has not been in contact, at any time of slaughter, cutting, storage or transport with ratites or meat, which do not fulfil the requirements of Directive 91/494/EEC.

II. **Public health certification**

4. That the guarantees on live animals and products thereof provided by the residue plans submitted according to Article 29 of Directive 96/23/EC are fulfilled.

5. That the boned and skinned fresh meat described above is obtained from ratites which:

— either, were accompanied on arrival at the slaughterhouse by a veterinary certificate issued by the veterinarian responsible for the holding of origin, stating that they had passed a veterinary *ante mortem* inspection in accordance with the requirements of Article 8 of Directive 91/495/EEC on the holding of origin within 72 hours prior to loading, or

— passed a veterinary ante mortem inspection in accordance with the requirements of Article 8 of Directive 91/495/EEC at the approved slaughterhouse in the 72 hours immediately prior to slaughter.

6. That the slaughtering of the ratites took place in a slaughterhouse approved according to Article 8 of Council Directive 91/495/EEC provided that this establishment is suitably equipped for this purpose.

7. That the establishments used for slaughtering, handling or cutting were thoroughly cleaned and disinfected under official supervision before being used for the production of the meat referred to in this certificate.

8. That the meat described above:

8.1. was handled under conditions of hygiene meeting the conditions of Article 8 of Directive 91/495/EEC;

8.2. has undergone a post mortem inspection in accordance with the requirements of Article 8 of Directive 91/495/EEC and has been passed as fit for human consumption;

8.3. was cut [8] and stored [8] in establishments approved for the purpose by the competent authority of Australia as meeting the conditions laid down in Article 8 of Directive 91/495/EEC provided that this establishment is suitably equipped for this purpose;

8.4. has not been in contact, at any time during slaughter cutting, storage or transport with meat which does not fulfil the requirements of Directive 91/495/EEC.

9. The meat referred to in this certificate [8]/the packaging of the meat referred to in this certificate [8] bears a mark proving that [5]:

☐ the meat comes from animals slaughtered and inspected in an approved slaughterhouse;

☐ the meat was cut in an approved cutting plant.

10. That the means of transport and the loading conditions of the consignment of meat described above met the hygiene requirements laid down in Article 8 of Directive 91/495/EEC.

Done at ..... on .....

Stamp [9]

.....
(signature of official veterinarian) [9]

.....
(name in capital letters, qualifications and title)

[8] Delete as appropriate.
[9] Stamp and signature in a colour different to that of the printing.