II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION
of 25 June 2003
concerning protection measures relating to Newcastle disease in Australia

(notified under document number C(2003) 1948)

(Text with EEA relevance)

(2003/489/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 Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption [6], as amended by Commission Regulation (EC) No 808/2003 [7], and in particular Articles 28 and 29 thereof,

Whereas:

(1) Due to outbreaks of Newcastle disease in the States of Victoria and New South Wales, the Commission adopted Decision 2002/537/EC [8], as amended by Decision 2002/942/EC [9].

(2) That Decision prohibited the importation of live poultry and hatching eggs, live ratites and hatching eggs, fresh meat of poultry, ratites, wild and farmed feathered game, poultrymeat products and meat preparations consisting of or containing meat from the abovementioned species from Australia with certain derogations until 1 May 2003.

(3) No further cases of Newcastle disease have been reported and the Australian authorities have provided epidemiological information.

(4) However, as Decision 2002/537/EC has expired, and until the information provided by the Australian authorities has been fully assessed, it is necessary to continue 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.

[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 273, 10.10.2002, p. 1.
[7] OJ L 117, 13.5.2003, p. 1.
[8] OJ L 173, 3.7.2002, p. 33.
[9] OJ L 325, 30.11.2002, p. 49.

(5) Commission Decision 97/222/EC [1], as last amended by Decision 2002/464/EC [2], 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 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; it is appropriate to require such treatment for poultrymeat products originating in Australia.

(6) Regulation (EC) No 1774/2002 is applicable to imports of raw material for the manufacture of animal feedingstuffs and for channelled imports of raw material for the manufacture of pharmaceutical or technical products. However, the implementation provisions provided for in Article 29 of this regulation have not yet been adopted; in the meantime, as provided for in paragraph 7 of the said Article, the provisions of Directive 97/78/EC on control conditions shall apply and the national certificates remain applicable.

(7) The national certificates for the importation of the abovementioned raw materials not intended for human consumption should conform with Chapter 10 of Annex I to Council Directive 92/118/EEC [3], as amended by Commission Decision 2003/42/EC [4].

(8) The provisions of this Decision shall be reviewed in the light of the information received from the Australian authorities.

(9) 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 of or containing meat of the abovementioned species except for raw material fulfilling the certification requirements in accordance with national models of certificates complying with the requirements formerly included in Chapter 10 of Annex I to Directive 92/118/EEC.

Article 2

By derogation from Article 1 fresh ratite meat shall be authorised for import 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

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

Article 5

This Decision shall apply from 7 July 2003.

Article 6

This Decision shall apply until 1 January 2004.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 25 June 2003.

For the Commission

David BYRNE

Member of the Commission

[1] OJ L 98, 4.4.1997, p. 39.
[2] OJ L 161, 19.6.2002, p. 16.
[3] OJ L 62, 15.3.1993, p. 49.
[4] OJ L 13, 18.1.2003, p. 24.

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 must 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 its preservation; vacuum wrapped meat or meat wrapped in a controlled atmosphere must also be accompanied by a certificate in accordance with 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 O.I.E.

2. That the 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 six 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 (1), ☐

2.4.2. were vaccinated against Newcastle disease using an inactivated vaccine which fulfils the requirements of Commission Decision 93/152/EEC (1) (2), ☐

2.4.3. were vaccinated against Newcastle disease using a live vaccine which does not fulfil the requirements of Decision 93/152/EEC but were not vaccinated during the 30 days preceding slaughter (1); ☐

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 States of Victoria and New South Wales (1), ☐

2.5.1.2. of individually sampled tracheal swabs when originating from the States of Victoria and New South Wales (1); ☐

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 (3) for at least six months (1); ☐

2.5.3. for which the virus isolation tests described under points 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 Council Directive 92/66/EEC (4); ☐

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 conditions 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 Council Directive 93/119/EC (5).

3. That the 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 had 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 during 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 Council Directive 96/23/EC are fulfilled (6).

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 Council Directive 91/495/EEC (7) 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 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 (1):

   ☐ 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)

(1) Tick at least one box as appropriate.
(2) OJ L 59, 12.3.1993, p. 35.
(3) In non-vaccinated flocks this surveillance is carried out on serology and in vaccinated flocks it is carried out on tracheal swabs of ratites.
(4) OJ L 260, 5.9.1992, p. 1.
(5) OJ L 340, 31.12.1991, p. 21.
(6) OJ L 125, 23.5.1996, p. 10.
(7) OJ L 268, 24.9.1991, p. 41.
(8) Delete as appropriate.
(9) Stamp and signature in a colour different from that of the printed text.