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[1] Text with EEA relevance

(Continued overleaf)

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

II *Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory*

EN

[1] Text with EEA relevance

I

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory)

REGULATIONS

COUNCIL REGULATION (EC) No 315/2007

of 19 March 2007

laying down transitional measures derogating from Regulation (EC) No 2597/97 as regards drinking milk produced in Estonia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament,

Whereas:

(1) By way of derogation from Council Regulation (EC) No 2597/97 of 18 December 1997 laying down additional rules on the common organization of the market in milk and milk products for drinking milk [1], Commission Regulation (EC) No 749/2004 of 22 April 2004 laying down transitional measures as regards drinking milk produced in Estonia [2] provides for the possibility for drinking milk produced in Estonia with a fat content of 2,5 % to be delivered and sold in Estonia. That derogation expires on 30 April 2007.

(2) In view of Estonian consumer habits and of the difficulties of adapting to Community rules and taking into account the fact that similar derogations in several other Member States will expire on 30 April 2009, it is appropriate to extend the derogation allowing the delivery and sale in Estonia of drinking milk produced in Estonia with a fat content of 2,5 %,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Article 3(1)(b) of Regulation (EC) No 2597/97, drinking milk produced in Estonia with a fat content of 2,5 % may be delivered or sold in Estonia in accordance with Article 2(1) of that Regulation.

Article 2

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

It shall apply until 30 April 2009.

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

Done at Brussels, 19 March 2007.

For the Council
The President
Horst SEEHOFER

[1] OJ L 351, 23.12.1997, p. 13. Regulation as amended by Regulation (EC) No 1602/1999 (OJ L 189, 22.7.1999, p. 43).
[2] OJ L 118, 23.4.2004, p. 5.

COMMISSION REGULATION (EC) No 316/2007

of 23 March 2007

establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables [1], and in particular Article 4(1) thereof,

Whereas:

(1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

(2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 24 March 2007.

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

Done at Brussels, 23 March 2007.

For the Commission
Jean-Luc DEMARTY
Director-General for Agriculture and Rural Development

[1] OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 386/2005 (OJ L 62, 9.3.2005, p. 3).

ANNEX

to Commission Regulation of 23 March 2007 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code (1)	Standard import value
0702 00 00	IL	180,4
	MA	96,0
	TN	143,7
	TR	117,9
	ZZ	134,5
0707 00 05	JO	171,8
	TR	126,0
	ZZ	148,9
0709 90 70	MA	63,5
	TR	117,1
	ZZ	90,3
0805 10 20	CU	47,3
	EG	47,2
	IL	56,3
	MA	51,3
	TN	52,1
	TR	63,2
	ZZ	52,9
0805 50 10	EG	58,7
	IL	62,3
	TR	52,4
	ZZ	57,8
0808 10 80	AR	81,1
	BR	78,6
	CL	82,1
	CN	72,7
	US	114,1
	UY	60,8
	ZA	106,4
	ZZ	85,1
0808 20 50	AR	70,7
	CL	92,7
	CN	73,6
	UY	70,9
	ZA	75,0
	ZZ	76,6

(1) Country nomenclature as fixed by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 317/2007

of 23 March 2007

amending Regulation (EC) No 936/97 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal [1], and in particular the first subparagraph of Article 32(1) thereof,

Whereas:

(1) Commission Regulation (EC) No 936/97 [2] provides for the opening and administration, on a multi-annual basis, of a number of quotas of high-quality beef.

(2) Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences [3] applies to import licences for import tariff quota periods starting from 1 January 2007. Regulation (EC) No 1301/2006 lays down in particular detailed provisions on applications for import licences, the status of applicants and the issue of licences. That Regulation limits the period of validity of licences to the last day of the import tariff quota period. The provisions of Regulation (EC) No 1301/2006 should apply, from 1 July 2007, to imports licences issued pursuant to Regulation (EC) No 936/97, without prejudice to additional conditions laid down in that Regulation. It is necessary to align the provisions of Regulation (EC) No 936/97 on Regulation (EC) No 1301/2006 where appropriate.

(3) Article 5(2) of Regulation (EC) No 936/97 provides that Member States should notify the Commission of the total quantity covered by applications on the second working day following the closing date for their submission. Article 5(4) of the same Regulation provides that, subject to a decision of the Commission to accept applications, licences should be issued on the 11th day of each month. For practical reasons, it should be provided that the licences should be issued on the 15th day of each month. Because of the schedule of public holidays in 2007, this amendment should apply from April 2007.

(4) Some provisions of Regulation (EC) No 936/97 relating to import tariff quota periods in the past are obsolete. For the sake of clarity, those provisions should be deleted.

(5) Article 5(1) of Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80 [4] provides that, without prejudice to more specific provisions, licence applications should be made for products of a single CN subheading or one of the groups of CN subheadings listed in Annex I of that Regulation. In view of the range of products that can be imported under Regulation (EC) No 936/97, applicants should be entitled to sub-divide their single application for the same quota order number by CN code or group of CN codes.

(6) Regulation (EC) No 936/97 should therefore be amended accordingly.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 936/97 is amended as follows:

1. In Article 1, paragraph 1 is replaced by the following:

'1. The following tariff quotas are hereby opened every year for the period from 1 July one year to 30 June the year after, hereinafter called "import tariff quota period":

— 60 250 tonnes for high-quality fresh, chilled or frozen meat of bovine animals covered by CN codes 0201 and 0202 and for products covered by CN codes 0206 10 95 and 0206 29 91. This quota carries serial No 09.4002,

[1] OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).
[2] OJ L 137, 28.5.1997, p. 10. Regulation as last amended by Regulation (EC) No 1965/2006 (OJ L 408, 30.12.2006, p. 26).
[3] OJ L 238, 1.9.2006, p. 13.
[4] OJ L 143, 27.6.1995, p. 35. Regulation as last amended by Regulation (EC) No 1965/2006.

— 2 250 tonnes for frozen boneless buffalo meat covered by CN code 0202 30 90, expressed in weight of boneless meat. This quota carries serial No 09.4001.

For the purposes of attributing the quotas referred to in the first subparagraph, 100 kilograms of bone-in meat shall be equivalent to 77 kilograms of boneless meat.'

2. Article 2 is amended as follows:

(a) in point (b), the fifth subparagraph is deleted;

(b) in point (e), the third subparagraph is deleted.

3. In Article 3, paragraph 2 is replaced by the following:

'2. For imports of the quantity set out in Article 2(f), the import tariff quota period shall be divided into 12 subperiods of one month each. The quantity available each subperiod corresponds to one twelfth of the total quantity.'

4. Article 4 is amended as follows:

(a) points (a) and (b) are deleted;

(b) point (c) is replaced by the following:

'(c) section 8 of licence applications and licences must show the country of origin and the mention "yes" shall be marked by a cross. Licences shall carry with them an obligation to import from the country in question;'

5. Article 5 is replaced by the following:

'*Article 5*

1. Licence applications as referred to in Article 4 may be lodged solely during the first five days of each month of each import tariff quota period.

Notwithstanding Article 5(1) of Regulation (EC) No 1445/95, applications may cover, for the same quota order number, one or several of the products covered by the CN codes or groups of CN codes listed in Annex I to that Regulation. In case applications cover several CN codes, the respective quantity applied for per CN code or group of CN codes shall be specified. In all cases, all the CN codes shall be indicated in section 16 and their description in section 15 of licence applications and licences.

2. No later than 16:00, Brussels time, on the second working day following the closing date for the submission of applications, the Member States shall notify the Commission of the total quantity per countries of origin covered by applications.

3. Import licences shall be issued on the 15th day of each month.

Each licence issued shall specify per CN code or group of CN codes the quantity concerned.'

6. In Article 8(2), point (a) is replaced by the following:

'(a) The original of the certificate of authenticity drawn up in accordance with Articles 6 and 7 plus a copy thereof shall be presented to the competent authority together with the application for the first import licence relating to the certificate of authenticity.'

7. Article 9 is replaced by the following:

'*Article 9*

Certificates of authenticity and import licences shall be valid for three months from their dates of issue. The term of validity of the certificates of authenticity shall, however, expire at the latest on 30 June following the date of issue.'

8. Article 10 is replaced by the following:

'*Article 10*

For quantities referred to in Article 2(f) of this Regulation, the provisions of Regulation (EC) No 1445/95, Commission Regulation (EC) No 1291/2000 (*) and Commission Regulation (EC) No 1301/2006 (**) shall apply, save as otherwise provided for in this Regulation.

For quantities referred to in the second indent of Article 1 (1) and in Article 2(a), (b), (c), (d), (e) and (g) of this Regulation, the provisions of Regulation (EC) No 1445/95, Regulation (EC) No 1291/2000 and Chapter III of Regulation (EC) No 1301/2006, shall apply, save as otherwise provided for in this Regulation.

(*) OJ L 152, 24.6.2000, p. 1.
(**) OJ L 238, 1.9.2006, p. 13.'

Article 2

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

It shall apply from 1 July 2007. However, Article 5(3) of Regulation (EC) No 936/97 as amended by this Regulation shall apply from 1 April 2007.

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

Done at Brussels, 23 March 2007.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 318/2007

of 23 March 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 Article 17(2)(b) and Article 17(3) and the first and fourth indents of Article 18(1),

Whereas:

(1) Commission Decision 2000/666/EC of 16 October 2000 laying down the animal health requirements and the veterinary certification for the import of birds, other than poultry and the conditions for quarantine [3] lays down the animal health requirements relating to imports of certain birds, other than poultry, as specified in that Decision, and the quarantine requirements for such birds.

(2) Following the outbreaks of highly pathogenic avian influenza of the Asian lineage in South-East Asia in 2004, the Commission adopted several Decisions banning amongst other commodities the import of birds, other than poultry, from affected third countries.

(3) Following the spread of avian influenza of the Asian lineage to Europe by migratory birds and the case of avian influenza of the Asian lineage detected in a quarantine facility in the United Kingdom, Commission Decision 2005/760/EC of 27 October 2005 concerning certain protection measures in relation to highly pathogenic avian influenza in certain third countries for the import of captive birds [4] was adopted. That Decision suspends imports of birds, other than poultry, from all third countries because of the risks posed by affected wild birds.

(4) In order to draw up an inventory of the risks posed by the import of captive birds, the Commission on 13 April 2005 requested the European Food Safety Authority (EFSA) to provide a scientific opinion on the risks posed by imports of birds caught in the wild and captive bred birds from third countries.

(5) Following that request, the EFSA Panel on animal health and welfare adopted, during their meeting of 26 and 27 October 2006, a Scientific Opinion on the Animal health and welfare risks associated with the import of wild birds, other than poultry, into the Community. That Scientific Opinion identifies possible tools and options which can reduce any identified animal health risk related to imports of birds other than poultry.

(6) Taking account of the conclusions and recommendations laid down in the EFSA Scientific Opinion, the requirements laid down in Decision 2000/666/EC should be revised.

(7) The EFSA Scientific Opinion identifies, in particular, the fact that data relating to imports of such birds is sparse. Further data collection on these imports should therefore be considered.

(8) One of the recommendations of the EFSA Scientific Opinion relates to controls carried out in the third countries exporting birds, other than poultry, to the Community. Improvements at the point of export should have most impact in reducing the probability that infected birds are presented for entry into the Community. For that reason, import conditions should be laid down in this Regulation in such a way that only imports from third countries authorised for imports into the Community of such birds are allowed.

[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 Directive 2004/68/EC (OJ L 139, 30.4.2004, p. 321) corrected by (OJ L 226, 25.6.2006, p. 128).

[3] OJ L 278, 31.10.2000, p. 26. Decision as last amended by Decision 2002/279/EC (OJ L 99, 16.4.2002, p. 17).

[4] OJ L 285, 28.10.2005, p. 60. Decision as last amended by Decision 2007/183/EC (see page 44 of this Official Journal).

(9) Another EFSA recommendation relates to imports of birds caught in the wild. The Scientific Opinion identifies the risk caused by those birds that may be infected due to lateral spread from other infected wild birds and from the contaminated environment, as well as overspill from infected poultry. Taking into account the role played by wild migratory birds in the spread of avian influenza from Asia to Europe in 2005 and 2006, it is appropriate to limit imports of birds, other than poultry, only to birds bred in captivity.

(10) It is seldom possible to distinguish with certainty between birds that have been caught in the wild and captive bred birds. Methods of marking can be applied to both types of birds without it being possible to distinguish between them. It is therefore appropriate to limit imports of birds, other than poultry, to breeding establishments that are approved by the competent authority of the third country of export, and to lay down certain minimum conditions for such approval.

(11) Certain imports of birds are covered by other Community legislation. Therefore, they should be excluded from the scope of this Regulation.

(12) The animal health risk posed by racing pigeons that are brought into the Community to be released again so that they may fly back to their origin is such that they should be excluded form the scope of this Regulation.

(13) In addition, certain third countries have animal health conditions that are equivalent to those provided for in Community legislation. Therefore, imports of birds from those countries should be excluded from the scope of this Regulation.

(14) Member States should communicate to the Commission certain information concerning approved quarantine facilities and centres in order that the Commission is in a position to publish a list of approved quarantine facilities and centres and keep that list up to date. It is appropriate that that list be inserted in an Annex to this Regulation.

(15) It is appropriate to lay down further import procedures relating to the transfer from the border inspection post to the approved quarantine facilities or centres upon entry into the Community in order to ensure that imported birds arrive at the designated approved quarantine facility or centre within a reasonable time period.

(16) Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC [1] was adopted to take account of the experienced gained in the control of avian influenza in recent years. Based on that Directive, Commission Decision 2006/437/EC of 4 August 2006 approving a Diagnostic Manual for avian influenza as provided for in Council Directive 2005/94/EC [2] (the diagnostic manual) was adopted laying down at Community level diagnostic procedures, sampling methods and criteria for the evaluation of the results of laboratory tests for the confirmation of an outbreak of avian influenza. Account should be taken of that Decision when laying down the testing regimes for avian influenza in approved quarantine facilities and centres in this Regulation.

(17) Certain derogations should also be considered for those birds found to be infected with low pathogenic avian influenza and Newcastle disease in an approved quarantine facility or centre, in those cases where the occurrence of disease does not pose a risk to the animal health status of the Community.

(18) For the sake of clarity of Community legislation, Decision 2000/666/EC should be repealed and replaced by this Regulation.

(19) As a result of the more stringent animal health conditions laid down in this Regulation, Decision 2005/760/EC should be repealed.

(20) Transitional measures should be laid down for those quarantine facilities or centres that are approved under Decision 2000/666/EC, in order that imports via such facilities and centres may continue while approval is granted under this Regulation.

(21) 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

Subject matter

This Regulation lays down the animal health conditions for imports of certain birds into the Community, from the third countries and parts thereof referred to in Annex I, and the quarantine conditions for such imports.

[1] OJ L 10, 14.1.2006, p. 16.

[2] OJ L 237, 31.8.2006, p. 1.

Article 2

Scope

This Regulation shall apply to animals of the avian species.

However, it shall not apply to:

(a) fowl, turkeys, guinea fowl, ducks, geese, quails, pigeons, pheasants, partridges and ratites (*Ratitae*) reared or kept in captivity for breeding, the production of meat or eggs for consumption, or for re-stocking supplies of game (poultry);

(b) birds imported for conservation programmes approved by the competent authority in the Member State of destination;

(c) pet animals referred to in the third paragraph of Article 1 of Directive 92/65/EEC, accompanying their owner;

(d) birds intended for zoos, circuses, amusement parks or experiments;

(e) birds destined for bodies, institutes or centres approved according to Article 13 of Directive 92/65/EEC;

(f) racing pigeons which are introduced to the territory of the Community from a neighbouring third country where they are normally resident and then immediately released with the expectation that they will fly back to that third country;

(g) birds imported from Andorra, Liechtenstein, Monaco, Norway, San Marino, Switzerland, and the Vatican City State.

Article 3

Definitions

For the purposes of this Regulation, the definitions of Directive 2005/94/EC shall apply.

The following definitions shall also apply:

(a) 'birds' means animals of avian species other than those referred to in points (a) to (g) of Article 2;

(b) 'approved breeding establishment' means:

(i) an establishment used exclusively for the breeding of birds; and

(ii) that has been inspected and approved by the competent authority of the exporting third country for compliance with the conditions provided for Article 4 and Annex II;

(c) 'captive bred birds' means birds that have not been caught in the wild but have been born and bred in captivity from parents that mated or had gametes otherwise transferred in captivity;

(d) 'seamlessly closed leg-ring' means a ring or band in a continuous circle, without any break or join, which has not been tampered with in any way, of a size which cannot be removed from the bird when its leg is fully grown after having been applied in the first days of the bird's life and which has been commercially manufactured for that purpose;

(e) 'approved quarantine facility' means premises, other than quarantine centres:

(i) in which quarantine of imported birds is carried out;

(ii) which has been inspected and approved by the competent authority for compliance with the minimum conditions provided for in Article 6 and Annex IV;

(f) 'approved quarantine centre' means premises:

(i) in which quarantine of imported birds is carried out;

(ii) containing a number of units, which are operationally and physically separated from each other and in which each unit contains only birds of the same consignment, with the same health status, and therefore comprises a single epidemiological unit;

(iii) which has been inspected and approved by the competent authority for compliance with the minimum conditions provided for in Article 6 and Annex IV;

(g) 'sentinel birds' means poultry which are to be used as a diagnostic aid during quarantine;

(h) 'diagnostic manual' means the Diagnostic Manual for avian influenza set out in the Annex to Decision 2006/437/EC;

(i) 'Local Veterinary Unit (LVU)' means any local authority of a Member State designated as such.

Article 4

Approved breeding establishments

Imports of birds from approved breeding establishments shall be authorised subject to compliance with the following conditions:

(a) the breeding establishment must be approved by the competent authority in accordance with the conditions set out in Annex II, and assigned an approval number;

(b) that approval number must have been communicated to the Commission by that authority;

(c) the name and approval number of the breeding establishment must appear on a list of breeding establishments drawn up by the Commission;

(d) the approval of the breeding establishment must be immediately withdrawn or suspended by the competent authority where it no longer complies with the conditions set out in Annex II and the Commission must be immediately informed thereof.

Article 5

Import conditions

Imports of birds from approved breeding establishments in accordance with Article 4 shall comply with the following conditions:

(a) the birds are captive bred birds;

(b) the birds must originate from third countries or parts thereof referred to Annex I;

(c) the birds were subjected to a laboratory virus detection test 7 to 14 days prior to shipment with negative results for any avian influenza and Newcastle disease virus;

(d) the birds have not been vaccinated against avian influenza;

(e) the birds are accompanied by an animal health certificate in accordance with the model set out in Annex III (the animal health certificate);

(f) the birds are identified with an individual identification number by means of a uniquely marked seamlessly closed leg-ring or a microchip in accordance with Article 66(2) of Commission Regulation (EC) No 865/2006 [1];

(g) the individual identification number of leg-rings or microchips provided for in point (f) must bear at least the following information;

— the ISO code of the exporting third country performing the identification,

— a unique serial number;

(h) the individual identification number provided for in point (f) must be registered on the animal health certificate;

(i) the birds are transported in new containers which are individually identified externally with an identification number that must correspond with the identification number indicated on the animal health certificate.

Article 6

Approved quarantine facilities and centres

1. The list of quarantine facilities and centres which comply with the minimum conditions set out in Annex IV are set out in Annex V.

2. The Member States shall communicate to the Commission and the other Member States a list of:

(a) the approval numbers of approved quarantine facilities or centres located in their territory; and

(b) the name and Traces-number of the LVU responsible for those facilities or centres.

[1] OJ L 166, 19.6.2006, p. 1.

Article 7

Direct transport of birds to approved quarantine facilities or centres

Birds shall be transported directly from the border inspection post to an approved quarantine facility or centre in cages or crates.

The total journey time from that post to that quarantine facility or centre must not normally exceed nine hours.

When vehicles are used for this journey they shall be sealed by the competent authorities with a tamper proof seal.

Article 8

Attestation

Importers or their agents shall provide a written attestation, in an official language of the Member State of entry, and signed by the person responsible for the quarantine facility or centre certifying that the birds will be accepted for quarantine.

That attestation shall:

(a) clearly indicate the name and address and approval number of the quarantine facility or centre;

(b) reach the border inspection post via e-mail or fax prior to time of arrival of the consignment at that post or shall be presented by the importer or his agent before the birds are released from the border inspection post.

Article 9

Transit of birds in the Community

Where birds are introduced into the Community via a Member State other than that of destination, all measures shall be taken to ensure that the consignment reaches the intended Member State of destination.

Article 10

Monitoring of the transport of birds

1. Where Community legislation provides for the monitoring of birds from the border inspection post to the approved quarantine facility or centre at the place of destination, the following exchanges of information shall be provided:

(a) the official veterinarian responsible for the border inspection post shall notify the competent authority responsible for the approved quarantine facility or centre at the place of destination of the consignment, of the place of origin and the place of destination of the birds via the Traces network;

(b) the person responsible for the approved quarantine facility or centre of destination shall notify by email or fax, within one working day of the date of arrival of the consignment at the quarantine facility or centre, the official veterinarian responsible for the approved quarantine facility or centre at the place of destination of the arrival of the consignment at its destination;

(c) the official veterinarian responsible for the approved quarantine facility or centre at the place of destination of the consignment shall notify via the Traces network, within three working days of the date of arrival of the consignment at the quarantine facility or centre, the official veterinarian responsible for the border inspection post who notified him of the shipment of the consignment of the arrival of the consignment at its destination.

2. If confirmation is provided to the competent authority responsible for the border inspection post, that the birds declared as being intended for an approved quarantine facility or centre have not arrived at their destination within three working days of the estimated date of arrival of the consignment at the quarantine facility or centre, the competent authority shall take appropriate measures vis-à-vis the person responsible for the consignment.

Article 11

Quarantine provisions

1. The birds shall be quarantined for at least 30 days in an approved quarantine facility or centre (the quarantine).

2. At least at the beginning and the end of quarantine of each consignment, the official veterinarian shall inspect the conditions of quarantine, including an examination of the mortality records and a clinical inspection of the birds in the approved quarantine facility or in each unit of the approved quarantine centre.

However, the official veterinarian shall carry out inspections more frequently if required by the disease situation.

Article 12

Examination, sampling and testing to be carried out in relation to a consignment during quarantine

1. The examination, sampling and testing procedures for avian influenza and Newcastle disease, set out in Annex VI, shall be carried out following the arrival of the birds in quarantine.

2. When sentinel birds are used a minimum of 10 sentinel birds shall be used in the approved quarantine facility or in each unit of the approved quarantine centre.

3. Sentinel birds used for examination, sampling and testing procedures shall be:

(a) at least three weeks old and used only once for those purposes;

(b) leg-banded for identification purposes or identified with another non-removable identification;

(c) unvaccinated and have been found sero-negative for avian influenza and Newcastle Disease within a period of 14 days before the date of commencement of quarantine;

(d) placed in the approved quarantine facility or in a unit of the approved quarantine centre before the arrival of the birds in the common airspace and as close as possible to the birds in such a way that close contact between the sentinel birds and the excrements of the birds in quarantine is ensured.

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

(b) all those birds and sentinel birds are killed and destroyed;

(c) the approved quarantine facility is cleaned and disinfected;

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

2. 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) samples for virological examination as set out in point 2 of Annex VI are taken from those birds and sentinel birds and are analysed accordingly;

(b) all those birds and sentinel birds are killed and destroyed;

(c) the unit concerned is cleaned and disinfected;

(d) the following samples are taken:

(i) where sentinel birds are used, not earlier than 21 days following the final cleansing 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;

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

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

Article 14

Derogations relating to a positive finding of low pathogenic avian influenza or Newcastle disease in an approved quarantine facility or centre

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(1)(b) and (2)(b), provided that such derogations do not endanger disease control (the derogation).

Member States shall immediately inform the Commission of any such derogations.

2. When an official veterinarian inspects an approved quarantine facility or centre that has been granted a derogation, and one or more of the birds and/or sentinel birds are found to be infected with LPAI or Newcastle disease, the measures set out in paragraphs 3 to 7 shall be complied with.

Member States shall immediately inform the Commission of any such measures.

3. In the case of a positive finding of LPAI, instead of the standard samples as provided for in the diagnostic manual, the following samples must be taken for laboratory testing, 21 days following the date of the last positive finding of LPAI in the approved quarantine facility or from each unit in the approved quarantine centre and at intervals of 21 days:

(a) samples of any dead sentinel birds or other birds present at the time of sampling;

(b) tracheal/oropharyngeal and cloacal swabs from at least 60 birds or from all birds where there are less than 60 present at the approved quarantine facility or the unit concerned of the approved quarantine centre; or if the birds are small, exotic and not used to being handled or handling them would be dangerous for people, samples of fresh faeces must be collected; the sampling and laboratory testing of such samples must continue until two consecutive negative laboratory results are obtained which must be at least at an interval of 21 days.

However, the competent authority may grant derogations from the sample size provided for in this paragraph, based on the outcome of a risk assessment.

4. In the case of a positive finding of Newcastle disease, the competent authority may only grant a derogation provided that in the 30 days following the death or clinical recovery of the last case of that disease, sampling in accordance with points 1 and 2 of Annex VI, not taking account of the reference to the time period specified, has been carried out with negative results.

5. Birds shall not be released from quarantine until at least the laboratory testing period provided for in paragraph 3 has elapsed.

6. The approved quarantine facility or the unit concerned of the approved quarantine centre shall be cleaned and disinfected after it has been emptied. Any matter or waste likely to have been contaminated shall be removed in such a way that ensures that the pathogen is not spread, and destroyed in such a way that guarantees the destruction of the virus of LPAI or Newcastle disease present, as well as all the waste that has accumulated during the laboratory testing period provided for in paragraph 3 has elapsed.

7. The re-population of the approved quarantine facility or centre shall not take place for a period of 21 days following the date of completion of the final cleansing and disinfection as provided for in paragraph 6.

Article 15

Action in case of a suspicion of Chlamydiosis

If during quarantine in an approved quarantine facility or centre, as it is suspected or confirmed that psittaciformes are infected with Chlamydophyla psittaci all birds of the consignment shall be treated by a method approved by the competent authority and the quarantine shall be prolonged for at least two months following the date of the last recorded case.

Article 16

Release from quarantine

Birds shall only be released from quarantine in an approved quarantine facility or centre on written authorisation by an official veterinarian.

Article 17

Notification and reporting requirements

1. Member States shall communicate to the Commission within 24 hours any case of avian influenza or Newcastle disease detected in an approved quarantine facility or centre.

2. Member States shall communicate to the Commission the following information on an annual basis:

(a) the number of birds imported via approved quarantine facilities and centres per species and per approved breeding establishment of origin;

(b) information regarding the mortality rate for imported birds from the animal health certification procedure in the country of origin to the end of the quarantine period;

(c) the number of cases of positive findings of avian influenza, Newcastle disease and Chlamydophyla psittaci in approved quarantine facilities or centres.

Article 18

Cost relating to quarantine

All quarantine costs incurred by the application of this Regulation shall be borne by the importer.

Article 19

Repeals

Decisions 2000/666/EC and 2005/760/EC are repealed.

Article 20

Entry into force and applicability

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

It shall apply from 1 July 2007.

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

Done at Brussels, 23 March 2007.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX I

LIST OF THIRD COUNTRIES WHICH CAN USE THE ANIMAL HEALTH CERTIFICATE IN ANNEX III

Third countries or parts thereof listed in columns 1 and 3 of the table in Part 1 of Annex I to Commission Decision 2006/696/EC [1], where column 4 of that table provides for a model veterinary certificate for breeding or productive poultry other than ratites (BPP).

[1] OJ L 295, 25.10.2006, p. 1.

ANNEX II

CONDITIONS GOVERNING APPROVAL OF BREEDING ESTABLISHMENTS IN THE THIRD COUNTRY OF ORIGIN AS PROVIDED FOR IN ARTICLE 4

CHAPTER 1

Approval of breeding establishments

In order to be granted approval as provided for in Article 4, a breeding establishment shall comply with the conditions set out in this Chapter:

(1) The breeding establishment must be clearly demarcated and separated from its surroundings or the animals confined and located so as not to pose a health risk to animal holdings whose health status might be jeopardised.

(2) It must have adequate means for catching, confining and isolating animals and have available adequate approved quarantine facilities and approved procedures for animals coming from establishments that have not been approved.

(3) The person responsible for the breeding establishment must have adequate experience in the breeding of birds.

(4) The breeding establishment must be free of avian influenza, Newcastle disease and Chlamydophyla psittaci; in order for it to be declared free from those diseases, the competent authority shall assess the records on the animal health status kept for at least the previous three years before the date of the application for approval and the results of the clinical and laboratory tests carried out on the animals therein. However, new breeding establishments shall only be approved on the results of the clinical and laboratory tests carried out on the animals in such establishments.

(5) It must keep up-to-date records indicating:

(a) the number and identity (age, sex, species and individual identification number where practical) of the animals of each species present in the breeding establishment;

(b) the number and identity (age, sex, species and individual identification number where practical) of animals arriving in the breeding establishment or leaving it, together with information on their origin or destination, the transport from or to the breeding establishment and the animals health status;

(c) the results of blood tests or any other diagnostic procedures;

(d) cases of disease and, where appropriate, the treatment administered;

(e) the results of the post-mortem examinations on animals that have died in the breeding establishment, including still-born animals;

(f) observations made during any isolation or quarantine period.

(6) The breeding establishment must either have an arrangement with a competent laboratory to perform post-mortem examinations, or have one or more appropriate premises where such examinations may be performed by a competent person under the authority of the approved veterinarian.

(7) The breeding establishment must either have suitable arrangements or on-site facilities for the appropriate disposal of the bodies of animals which die of a disease or are euthanised.

(8) The breeding establishment must secure, by contract or legal instrument, the services of a veterinarian approved by and under the control of the competent authority of the exporting third country, who:

(a) shall ensure that appropriate disease surveillance and control measures in relation to the disease situation of the country concerned are approved by the competent authority and applied in the breeding establishment. Such measures shall include:

(i) an annual disease surveillance plan including appropriate zoonoses control of the animals;

(ii) clinical, laboratory and post-mortem testing of animals suspected to be affected by transmissible diseases;

(iii) vaccination of susceptible animals against infectious diseases as appropriate, in conformity with the Manual of Diagnostic Tests and Vaccines for Terrestrial Animals of the World Organisation for Animal Health (OIE);

(b) shall ensure that any suspect deaths or the presence of any other symptoms suggesting that animals have contracted avian influenza, Newcastle disease or Chlamydophyla psittaci is notified without delay to the competent authority of the third country;

(c) shall ensure that animals entering the breeding establishment have been isolated as necessary, and in accordance with the requirements of this Regulation and the instructions, if any, given by the competent authority;

(d) shall be responsible for the day to day compliance with the animal health requirements of this Regulation and of Community legislation on welfare of animals during transport;

(9) If the breeding establishment breeds animals intended for laboratories carrying out experiments, the general care and accommodation of such animals must be in conformity with the requirements of Article 5 of Council Directive 86/609/EEC [1].

CHAPTER 2

Maintaining the approval of breeding establishments

Breeding establishment shall only remain approved as such if they comply with the conditions set out in this Chapter:

(1) The premises are under the control of an official veterinarian from the competent authority, who shall:

(a) ensure that the conditions set out in this Regulation are met;

(b) visit the premises of the breeding establishment at least once per year;

(c) audit the activity of the approved veterinarian and the implementation of the annual disease surveillance plan;

(d) verify that the results of the clinical, post-mortem and laboratory tests on the animals have revealed no occurrence of avian influenza, Newcastle disease or Chlamydophyla psittaci.

[1] OJ L 358, 18.12.1986, p. 1. Directive as last amended by Directive 2003/65/EC of the European Parliament and of the Council (OJ L 230, 16.9.2003, p. 32).

(2) Only animals coming from another approved breeding establishment are introduced into the breeding establishment, in accordance with the conditions set out in this Regulation.

(3) The breeding establishment shall keep the records referred to in point 5 of Chapter 1 following the date of approval, for a period of at least 10 years.

CHAPTER 3

Quarantine of birds introduced from other sources than approved breeding establishments

By way of derogation from point 2 of Chapter 2, birds introduced from sources other than approved breeding establishments, may be introduced in a breeding establishment after approval for such an introduction is given by the competent authority, provided that such animals undergo quarantine in accordance with the instructions given by the competent authority before being added to the collection. The quarantine period must be at least 30 days.

CHAPTER 4

Suspending, withdrawing or re-granting approval of breeding establishments

The procedures for partly or completely suspending, withdrawing or re-granting approval of breeding establishments shall comply with the conditions set out in this Chapter:

(1) Where the competent authority finds that a breeding establishment no longer complies with the conditions set out in Chapters 1 and 2, or there has been a change of use so that it is no longer used exclusively for the breeding of birds, it shall suspend or withdraw the approval of such establishment.

(2) Where the competent authority has received notification of the suspicion of avian influenza, Newcastle disease or Chlamydophyla psittaci, it shall suspend the approval of the breeding establishment, until the suspicion has been officially ruled out. It shall ensure that the measures necessary to confirm or rule out the suspicion and to avoid any spread of disease are taken, in accordance with the requirements of Community legislation governing measures to be taken against the disease in question and on trade in animals.

(3) Where the suspected disease is confirmed, the competent authority may only approve the breeding establishment again in accordance with Chapter 1 following:

(a) the eradication of the disease and the source of infection in the breeding establishment;

(b) the suitable cleaning and disinfection of the breeding establishment;

(c) the fulfilling of the conditions laid down in Chapter 1 of this Annex, with the exception of point 4.

(4) The competent authority shall immediately inform the Commission of the suspension, withdrawal or re-granting of approval of any breeding establishment.

ANNEX III

as referred to in point (e) of Article 5

ANIMAL HEALTH CERTIFICATE

for imports of certain birds other than poultry intended for dispatch to the Community

COUNTRY **Veterinary certificate to EU**

Part I: Details of dispatched consignment

I.1. Consignor Name Address Tel. No		I.2. Certificate reference number	I.2.a
		I.3. Central competent authority	
		I.4. Local competent authority	
I.5. Consignee Name Address Postal code Tel. No		I.6.	
I.7. Country of origin ISO code	I.8. Region of origin Code	I.9. Country of destination ISO code	I.10.
I.11. Place of origin Holding ☐ Name Approval number Address		I.12. Place of destination Name Approval number Address	
I.13. Place of loading Address Approval number		I.14. Date of departure Time of departure	
I.15. Means of transport Aeroplane ☐ Ship ☐ Railway wagon ☐ Road vehicle ☐ Other ☐ Identification: Documentary references:		I.16. Entry BIP in EU	
		I.17. No(s) of CITES	
I.18. Description of commodity		I.19. Commodity code (HS code)	
		I.20. Quantity	
I.21.		I.22. Number of packages	
I.23. Identification of container/seal number		I.24.	
I.25. Commodities certified for: Quarantine ☐			
I.26.		I.27. For import or admission into EU ☐	

I.28. Identification of the commodities

Species (Scientific name)	Identification system	Identification number	Quantity

COUNTRY **Captive Bred Birds**

Part II: Certification

II.a. Certificate reference number	II.b.

II.1. **Health attestation**

I, the undersigned official veterinarian of ..... (insert name of third country) certify that:

II.1.1. The birds have been kept in a breeding establishment approved by the competent authority for that purpose on the territory of the exporting country for at least 21 days or since hatching.

II.1.2. The birds are captive bred (the birds have not been caught in the wild and have been born and bred in captivity from parents that mated or had gametes otherwise transferred in captivity).

II.1.3. The birds described in point I.28 have been subjected either today, within 48 hours, or on the last working day prior to dispatch, to a clinical inspection and found free of obvious signs of disease.

II.1.4. Newcastle Disease and avian influenza in poultry and other birds kept in captivity and psittacosis in psittaciforms ([1]) are notifiable diseases.

II.1.5. The birds come from a holding, which is not under animal health restrictions in connection with any diseases referred to in II.1.4.

II.1.6. Avian influenza and Newcastle disease outbreaks have not been notified either in the holding of origin or in the surrounding area within a radius of 10 km for at least 30 days.

II.1.7. Only in the case of psittaciforms ([1]): outbreaks of psittacosis have not been reported in the breeding establishment during the last 60 days.

II.1.8. The birds were subjected to a laboratory virus detection test 7 to 14 days prior to shipment with negative results for any avian influenza and Newcastle disease virus.

II.1.9. The birds have not been vaccinated against avian influenza.

II.1.10. The birds have:

([2]) [not been vaccinated against Newcastle Disease.]

or

([2]) [have been vaccinated against Newcastle Disease using:

.....

(name and type (live or inactivated) of Newcastle disease virus strain used in vaccine(s)) at the age of ..... weeks.]

II.2. **Transport of the birds**

II.2.1. In case of CITES-listed species the birds will be transported according to 'CITES guidelines for transport'.

II.2.2. The birds described in this certificate are transported in crates or cages, which:

(a) contain only birds coming from the same breeding establishment;

(b) contain only birds of the same species or which consist of different compartments, each compartment containing only birds of the same species;

(c) bear the name and the address of the establishment of origin and a specific registration number of the establishment and a specific identification number of the individual crate or cage;

(d) are constructed in such a way so as to:

(i) preclude the loss of excrement and to minimise the loss of feathers during transport;

(ii) allow visual inspection of the birds;

(iii) allow cleansing and disinfection;

(e) are being used for the first time and have been, as well as the vehicle in which they are loaded, cleaned and disinfected before loading in accordance with the instructions of the competent authority;

(f) in the case of air transport, are at least in accordance with the most recent IATA (International Airline Travel Association) rules governing the transport of live animals.

Notes

Part I

— Box reference I.11: Place of origin: the holding can only be a breeding establishment according to the definition of Regulation (EC) No 318/2007.

— Box reference I.15: Registration number (railway wagons or containers and lorries), flight number (aircraft) or name (ship). Separate information is to be provided in the event of unloading and reloading.

— Box reference I.19: use the appropriate HS codes: 01.06.31, 01.06.32, 01.06.39.

— Box reference I.23: Identification of container: each crate/cage/compartment must be identified.

Part II

([1]) Only applicable in case of psittaciforms.

([2]) Keep as appropriate.

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

— After the import control at the border inspection post, this consignment must be transported directly to an approved quarantine facility or centre.

— The certificate is valid for 10 days. In case of transport by boat the validity is prolonged by the time of the sea voyage.

Official veterinarian

Name (in capitals): Qualification and title:

Date: Signature:

Stamp:

ANNEX IV

as referred to in Article 6

MINIMUM CONDITIONS FOR APPROVED QUARANTINE FACILITIES AND CENTRES FOR BIRDS

Approved quarantine facilities and centres shall comply with the conditions set out in Chapters 1 and 2.

CHAPTER 1

Construction and equipment of quarantine facilities or centres

(1) The quarantine facility or centre must be a separate building or buildings which are separated from other poultry holdings and other bird holdings by a distance specified by the competent authority based on a risk assessment which takes into account the epidemiology of avian influenza and Newcastle disease. Entry/exit doors must be lockable with signs indicating: 'QUARANTINE — No admission for unauthorised persons'.

(2) Each quarantine unit of the quarantine centre must occupy a separate airspace.

(3) The quarantine facility or centre must be bird, fly and vermin proof and sealable so as to permit fumigation.

(4) The approved quarantine facility and each unit of an approved quarantine centre must be equipped with hand washing facilities.

(5) Entry and exit doors to the approved quarantine facility and to each unit of an approved quarantine centre must be double door systems.

(6) Hygiene barriers must be installed at all entrances/exits to the approved quarantine facility and the different units of an approved quarantine centre.

(7) All equipment must be constructed in such a way that it can be cleaned and disinfected.

(8) The feed store must be bird and rodent proof and must be protected against insects.

(9) A container must be available to store litter and must be bird and rodent proof.

(10) A refrigerator and/or freezer must be provided for holding carcases.

CHAPTER 2

Management requirements

(1) Approved quarantine facilities and centres must:

(a) have an efficient control system so as to ensure adequate surveillance of the animals;

(b) be under the control and responsibility of the official veterinarian;

(c) be cleaned and disinfected in accordance with a programme approved by the competent authority after which there shall be an appropriate resting period; the disinfectants used must be approved for that purpose by the competent authority.

(2) For each consignment of birds quarantined:

(a) the approved quarantine facility or unit of an approved quarantine centre must be cleaned and disinfected and then be kept free of birds for at least seven days before the imported birds are introduced;

(b) the consignment of birds must come from a single approved breeding establishment in the third country of origin and be introduced over a period of not more than 48 hours;

(c) the quarantine period must start when the last bird is introduced;

(d) the approved quarantine facility or unit of an approved quarantine centre must be emptied of birds, cleaned and disinfected at the end of the quarantine period.

(3) Precautions shall be taken to prevent cross-contamination between incoming and outgoing consignments.

(4) No unauthorised persons may enter the approved quarantine facility or centre.

(5) Persons entering the approved quarantine facility or centre must wear protective clothing including footwear.

(6) No contacts between personnel shall take place, which may cause contamination between approved quarantine facilities or units of approved quarantine centres.

(7) Appropriate equipment shall be available for cleaning and disinfection.

(8) If identification by microchipping is used, an appropriate microchip reader shall be available at the approved quarantine facility or centre.

(9) Cleaning and disinfection of the cages or crates used for the transport must be carried out at the approved quarantine facility or centre unless they are destroyed. If reused, they must be made of a material that allows effective cleaning and disinfection. The cages and crates must be destroyed in such a way so as to avoid spread of disease causing agents.

(10) Litter and waste material shall be collected regularly, stored in the litter container and subsequently treated in such a way as to avoid spread of disease-causing agents.

(11) Carcases of birds must be examined in an official laboratory designated by the competent authority.

(12) The necessary analyses and treatments of birds must be carried out in consultation with and under the control of the official veterinarian.

(13) The official veterinarian must be informed of diseases and death of birds and/or sentinel birds during the quarantine.

(14) The person in charge of the approved quarantine facility or centre must keep a record of:

(a) the date, number and species of birds entering and leaving for each consignment;

(b) copies of the animal health certificates and the Common Veterinary Entry Documents accompanying the imported birds;

(c) individual identification numbers of the imported birds, and in case of identification by microchip the details of the type of microchip and the reader used shall be recorded;

(d) if in the quarantine facility or centre sentinal birds are used, the number and placing of the sentinel birds in the quarantine facility or centre;

(e) any significant observation: cases of illness and number of deaths on a daily basis;

(f) dates and results of testing;

(g) types and dates of treatment;

(h) persons entering and leaving the quarantine facility or centre.

(15) The records referred to in point 14 shall to be kept for at least 10 years.

CHAPTER 3

Suspending, withdrawing or re-granting approval of quarantine facilities and centres

The procedures for partly or completely suspending, withdrawing or re-granting approval of quarantine facilities and centres shall comply with the conditions set out in this Chapter:

(1) Where the competent authority finds that a quarantine facility or centre no longer complies with the conditions set out in Chapters 1 and 2, or there has been a change of use which is no longer covered by Articles 3(e) and (f), it shall inform the Commission of this fact. Such quarantine facilities or centres shall not be used for imports in accordance with this act.

(2) Approval shall only be re-granted to a quarantine facility or centre when the conditions laid down in Chapters 1 and 2 are again fulfilled.

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-NK-Q-1
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

ISO country code	Name of country	Approval number of quarantine facility or centre
CZ	CZECH REPUBLIC	21750005
CZ	CZECH REPUBLIC	21750016
CZ	CZECH REPUBLIC	21750027
CZ	CZECH REPUBLIC	21750038
CZ	CZECH REPUBLIC	32750007
CZ	CZECH REPUBLIC	61750009
CZ	CZECH REPUBLIC	62750011
CZ	CZECH REPUBLIC	71750000
CZ	CZECH REPUBLIC	71750011
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	NI-1
DE	GERMANY	NI-2
DE	GERMANY	NI-3
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

ISO country code	Name of country	Approval number of quarantine facility or centre
DE	GERMANY	SN-2
DE	GERMANY	ST-1
DE	GERMANY	SH-1
DE	GERMANY	TH-1
DE	GERMANY	TH-2
DK	DENMARK	DK-VQB-2002-001
ES	SPAIN	ES01/02/05
ES	SPAIN	ES01/02/01
ES	SPAIN	ES05/02/12
ES	SPAIN	ES05/03/13
ES	SPAIN	ES07/02/02
ES	SPAIN	ES08/02/03
ES	SPAIN	ES09/02/09
ES	SPAIN	ES09/02/10
ES	SPAIN	ES13/02/08
ES	SPAIN	ES15/02/06
ES	SPAIN	ES17/02/07
ES	SPAIN	ES04/03/11
ES	SPAIN	ES04/03/14
ES	SPAIN	ES09/03/15
ES	SPAIN	ES01/04/16
ES	SPAIN	ES09/04/17
ES	SPAIN	ES09/06/18
FR	FRANCE	38.193.01
EL	GREECE	GR.1
EL	GREECE	GR.2
HU	HUNGARY	HU12MK001
IE	IRELAND	IRL-HBQ-1-2003 Unit A
IT	ITALY	003AL707

ISO country code	Name of country	Approval number of quarantine facility or centre
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
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

ANNEX VI

EXAMINATION, SAMPLING AND TESTING PROCEDURES FOR AVIAN INFLUENZA AND NEWCASTLE DISEASE

(1) During quarantine either the sentinel birds, or if sentinel birds are not used, the imported birds, shall be subjected to the following procedures:

(a) With use of sentinel birds:

(i) blood samples for serological examination must be taken from all sentinel birds not less then 21 days following their entry into the quarantine and at least three days before the end of the quarantine;

(ii) if sentinel birds show positive or inconclusive serological results for the samples referred to in (i), the imported birds must be subjected to virological examination; cloacal swabs (or faeces) and tracheal/oropharyngeal swabs must be taken from at least 60 birds or from all birds if the consignment is less than 60 birds;

(b) Without use of sentinel birds, imported birds must be examined virologically (serological testing not being appropriate). Tracheal/oropharyngeal and/or cloacal swabs (or faeces) must be taken from at least 60 birds or from all birds if the consignment is less than 60 birds, during the first 7 to 15 days of the quarantine.

(2) In addition to the testing set out in point 1, the following samples shall be taken for virological examination:

(a) cloacal swabs (or faeces) and tracheal/oropharyngeal swabs, if possible, from clinically ill birds or ill sentinel birds;

(b) from the intestinal contents, brain, trachea, lungs, liver, spleen, kidneys and other obviously affected organs as soon as possible following the death from either:

(i) dead sentinel birds and all birds dead on arrival and those which die during quarantine; or

(ii) in the case of high mortality in small birds of large consignments from at least 10 % of the dead birds.

(3) All virological and serological testing of samples taken during quarantine must be carried out in official laboratories designated by the competent authority using diagnostic procedures in accordance with the diagnostic manual for avian influenza and the Manual of Diagnostic Tests and Vaccines for Terrestrial Animals of the World Organisation for Animal Health (OIE) for Newcastle disease. For virological examination pooling of samples up to a maximum of five samples of individual birds in one pool is allowed. Faecal material must be pooled separately from other organ and tissue samples.

(4) Virus isolates must be submitted to the national reference laboratory.

COMMISSION REGULATION (EC) No 319/2007

of 22 March 2007

establishing a prohibition of fishing for northern prawn in NAFO zone 3L by vessels flying the flag of Poland

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy [1], and in particular Article 26(4) thereof,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to common fisheries policy [2], and in particular Article 21(3) thereof,

Whereas:

(1) Council Regulation (EC) No 41/2007 of 21 December 2006 fixing for 2007 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in Community waters and for Community vessels, in waters where catch limitations are required [3], lays down quotas for 2007.

(2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2007.

(3) It is therefore necessary to prohibit fishing for that stock and its retention on board, transhipment and landing,

HAS ADOPTED THIS REGULATION:

Article 1

Quota exhaustion

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2007 shall be deemed to be exhausted from the date set out in that Annex.

Article 2

Prohibitions

Fishing for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. It shall be prohibited to retain on board, tranship or land such stock caught by those vessels after that date.

Article 3

Entry into force

This Regulation shall enter into force on the 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, 22 March 2007.

For the Commission
Fokion FOTIADIS
Director-General for Fisheries and Maritime Affairs

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[1] OJ L 358, 31.12.2002, p. 59.
[2] OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1967/2006 (OJ L 409, 30.12.2006, p. 11, as corrected by OJ L 36, 8.2.2007, p. 6).
[3] OJ L 15, 20.1.2007, p. 1.

ANNEX

No	03
Member State	Poland
Stock	PRA/N3L.
Species	Northern prawn (*Pandalus borealis*)
Zone	NAFO 3L
Date	7 March 2007

COMMISSION REGULATION (EC) No 320/2007

of 22 March 2007

establishing a prohibition of fishing for blue whiting in EC and international waters of ICES zones I, II, III, IV, V, VI, VII, VIIIa, VIIIb, VIIId, VIIIe, XII and XIV by vessels flying the flag of Ireland

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy [1], and in particular Article 26(4) thereof,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to common fisheries policy [2], and in particular Article 21(3) thereof,

Whereas:

(1) Council Regulation (EC) No 41/2007 of 21 December 2006 fixing for 2007 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in Community waters and for Community vessels, in waters where catch limitations are required [3], lays down quotas for 2007.

(2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of, or registered in, the Member State referred to therein have exhausted the quota allocated for 2007.

(3) It is therefore necessary to prohibit fishing for that stock and its retention on board, transhipment and landing,

HAS ADOPTED THIS REGULATION:

Article 1

Quota exhaustion

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2007 shall be deemed to be exhausted from the date set out in that Annex.

Article 2

Prohibitions

Fishing for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. It shall be prohibited to retain on board, tranship or land such stock caught by those vessels after that date.

Article 3

Entry into force

This Regulation shall enter into force on the 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, 22 March 2007.

For the Commission
Fokion FOTIADIS
Director-General for Fisheries and Maritime Affairs

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[1] OJ L 358, 31.12.2002, p. 59.
[2] OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1967/2006 (OJ L 409, 30.12.2006, p. 11, as corrected by OJ L 36, 8.2.2007, p. 6).
[3] OJ L 15, 20.1.2007, p. 1.

ANNEX

No	04
Member State	Ireland
Stock	WHB/1X14
Species	Blue whiting (*Micromesistius poutassou*)
Zone	EC and international waters of ICES zones I, II, III, IV, V, VI, VII, VIIIa, VIIIb, VIIId, VIIIe, XII and XIV
Date	27 February 2007

COMMISSION REGULATION (EC) No 321/2007

of 23 March 2007

amending Regulation (EEC) No 396/92 concerning the classification of certain goods in the Combined Nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff [1], and in particular Article 9(1)(a) thereof,

Whereas:

(1) In point 4 of the Annex to Commission Regulation (EEC) 396/92 [2] certain vehicles with a reinforced hydraulically-tippable flatbed have been classified within the Combined Nomenclature under CN Code 8704 31 91. According to the same point, the versatility and intricate construction of the tippable flatbed prevent this article from being considered as a dumper covered by CN Code 8704 10.

(2) In its judgment in case C-396/02 [3] the Court of Justice of the European Communities ruled that the fact that a flatbed vehicle is equipped with an intricate, versatile and precise tipping function does not exclude its classification as a dumper within the meaning of subheading 8704 10 of the Combined Nomenclature.

(3) Since the classification measure laid down in Regulation (EEC) No 396/92 is not in accordance with the said judgment of the Court, which found the point 4 to be incorrect, this Regulation should be amended insofar as it classifies hydraulically-tippable vehicles under CN code 8704 31. Therefore it is appropriate to delete the point 4 and revoke it as from 10 March 1992.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Point 4 of the Annex to Regulation (EEC) 396/92 is deleted.

Article 2

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

It shall apply from 10 March 1992.

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

Done at Brussels, 23 March 2007.

For the Commission
László KOVÁCS
Member of the Commission

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[1] OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Regulation (EC) No 129/2007 (OJ L 56, 23.2.2007, p. 1).
[2] OJ L 44, 20.2.1992, p. 9. Regulation as last amended by Commission Regulation (EC) No 705/2005 (OJ L 118, 5.5.2005, p. 18).
[3] Judgment of 16 September 2004, case C-396/02, DFDS, [2004] ECR I-8439.

II

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory)

DECISIONS

COUNCIL

COUNCIL DECISION

of 19 March 2007

appointing one Italian member and two Italian alternate members to the Committee of the Regions

(2007/180/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the Italian Government,

Whereas:

(1) On 24 January 2006, the Council adopted Decision 2006/116/EC appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2006 to 25 January 2010 [1].

(2) One member's seat on the Committee of the Regions has become vacant following the end of the mandate of Mr Guido MILANA and two alternate members' seats have become vacant following the resignation of Mr Salvatore CUFFARO and Mr Giovanni MASTROCINQUE,

HAS DECIDED AS FOLLOWS:

Article 1

The following are hereby appointed to the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2010:

(a) as a member:

— Mr Guido MILANA, Consigliere comunale di Olevano Romano, to replace Mr Guido MILANA, Consiglio provinciale di Roma;

(b) as alternate members:

— Mr Francesco SCOMA, Consigliere dell'Assemblea regionale siciliana, to replace Mr Salvatore CUFFARO,

— Mr Graziano MILIA, Presidente della Provincia di Cagliari, to replace Mr Giovanni MASTROCINQUE.

Article 2

This Decision shall take effect on the date of its adoption.

Done at Brussels, 19 March 2007.

For the Council
The President
Horst SEEHOFER

[1] OJ L 56, 25.2.2006, p. 75.

COUNCIL DECISION

of 19 March 2007

appointing a Netherlands alternate member to the Committee of the Regions

(2007/181/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the Netherlands Government,

Whereas:

(1) On 24 January 2006 the Council adopted Decision 2006/116/EC appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2006 to 25 January 2010 [1].

(2) An alternate member's seat has become vacant following the resignation of Ms P.C. KRIKKE,

HAS DECIDED AS FOLLOWS:

Article 1

The following person is hereby appointed to the Committee of the Regions as an alternate member for the remainder of the current term of office, which runs until 25 January 2010:

Mr B. VERKERK, burgemeester van Delft

replacing Ms P.C. KRIKKE.

Article 2

This Decision shall take effect on the date of its adoption.

Done at Brussels, 19 March 2007.

For the Council
The President
Horst SEEHOFER

[1] OJ L 56, 25.2.2006, p. 75.

COMMISSION

COMMISSION DECISION

of 19 March 2007

on a survey for chronic wasting disease in cervids

(notified under document number C(2007) 860)

(Text with EEA relevance)

(2007/182/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies [1], and in particular Article 6(1) thereof,

Whereas:

(1) Chronic wasting disease is a transmissible spongiform encephalopathy (TSE) affecting cervids, which is widespread in North America but which has never been reported to date in the Community.

(2) On 3 June 2004, the European Food Safety Authority (EFSA) published an opinion recommending that a targeted surveillance should be undertaken of cervids in the Community. The aim of such surveillance would be to detect the possible presence of TSEs in cervids. Accordingly, provision should be made for Member States to carry out surveys in line with that opinion.

(3) Regulation (EC) No 999/2001 lays down rules for the prevention, control and eradication of TSEs in animals. That Regulation, as amended by Regulation (EC) No 1923/2006 lays down provision for monitoring programmes for TSEs in cervids. Accordingly, it is now possible to provide for surveys for TSEs in cervids to be carried out by Member States in this Decision.

(4) Those surveys should include wild and farmed deer species. Since wild deer should primarily be sampled during the hunting season which is of limited duration, in order to allow Member States sufficient time to achieve target numbers of samples, this Decision should therefore apply following the adoption of Regulation (EC) No 1923/2006 amending Regulation (EC) No 999/2001.

(5) Member States should submit an annual report of the results of those surveys on cervids. The detection of a positive finding of TSE in cervids must be immediately reported to the Commission.

(6) Member States should ensure that cervids tested for TSEs do not enter the commercial food chain until a negative result has been obtained.

(7) 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

Scope

This Decision lays down rules for a survey to detect the presence of chronic wasting disease (CWD) in animals of the deer family, namely cervids (the survey).

Article 2

Definitions

For the purposes of this Decision the definitions set out in Annex I shall apply.

Article 3

Scope of the survey

1. Member States shall carry out a survey to detect the presence of CWD in cervids in accordance with the minimum requirements in Annex II.

2. Member States shall complete their survey no later than the end of the 2007 hunting season.

[1] OJ L 147, 31.5.2001, p. 1. Regulation as last amended by Regulation (EC) No 1923/2006 (OJ L 404, 30.12.2006, p. 1).

Article 4

Measures to be taken by Member States following testing for CWD

Member States shall carry out the measures set out in Annex III following testing for CWD.

Article 5

Reports to be provided to the Commission by the Member States

Member States shall submit to the Commission the following reports:

(a) a report immediately following the discovery of a positive or inconclusive finding for transmissible spongiform encephalopathy in a cervid;

(b) an annual report of the results of surveys as set out in Annex IV.

Article 6

Summary of reports by the Commission to the Member States

The Commission shall present to the Member States a summary of the reports provided for in Article 5.

Article 7

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 19 March 2007.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX 1

Definitions

For the purposes of this Decision, the following definitions shall apply:

(a) 'target species' means wild and farmed red deer (*Cervus elaphus*) and/or wild white-tailed deer (*Odocoileus virginianus*);

(b) 'target Member States' means those Member States with sufficient target species populations to allow statistically required sample sizes to be achieved; they differ depending on target species and whether wild or farmed target species and are listed in Tables 1 and 2 in Annex II;

(c) 'clinical/sick cervids' means cervids showing abnormal behavioural signs and/or locomotor disturbances and/or generally in poor condition;

(d) 'road-injured or killed cervids' means cervids hit by road vehicles for which the ante-mortem condition cannot be ascertained;

(e) 'fallen/culled cervids' means cervids found dead on-farm or in the wild and farmed cervids culled for health/age reasons;

(f) 'healthy slaughtered cervids' means healthy farmed cervids slaughtered in the slaughterhouse or on farm;

(g) 'healthy shot cervids' means healthy wild cervids shot during the hunting season;

(h) 'target groups' means the cervids defined at points (c) to (g).

ANNEX II

Minimum requirements for a survey to detect the presence of chronic wasting disease in cervids

1. *Sampling by target Member States of target species*

(a) The target Member States, shall take samples for testing for chronic wasting disease (CWD) in accordance with Table 1 for their wild red deer and white-tailed deer population and table 2 for their farmed red deer population.

Those samples may be taken from all target groups in the target Member States.

(b) The competent authority of the target Member States shall take into consideration the following criteria when deciding upon the sample selection sampling for target species:

(i) all cervids must be over 18 months of age; the age shall be estimated on the basis of dentition, obvious signs of maturity, or any other reliable information;

(ii) in the case of healthy shot cervids, samples must be taken in particular from male cervids;

(iii) in the case of healthy slaughtered cervids, samples must be taken in particular from older male and female cervids.

(c) The competent authority of the target Member States shall take into consideration exposure to the following potential risk factors, where present, when deciding upon the sample selection for target species:

(i) densely populated deer areas;

(ii) high scrapie incidence;

(iii) high BSE incidence;

(iv) cervids which have consumed potentially TSE-contaminated feeding stuffs;

(v) cervids on farms or in regions where imports from regions affected by CWD of cervids or their products have been recorded in the past.

(d) The competent authority of the target Member States shall use random sampling to select target species for sampling.

2. *Sampling for CWD in all cervid species by all Member States*

All Member States shall take samples for CWD from clinical/sick cervids and fallen/culled cervids, as a priority, as well as from road-injured or killed cervids of all cervid species. The competent authority of the Member States shall endeavour to maximise awareness of these cervids and to ensure that as many such cervids are tested for CWD as possible.

Table 1

Wild red deer (*Cervus elaphus*), and White-tailed deer (*Odocoileus virginianus*)

	Target species population	Sample size
Czech Republic	25 000	598
Germany	150 000	598
Spain	220 000 to 290 000	598
France	100 000	598
Italy	44 000	598

	Target species population	Sample size
Latvia	28 000	598
Hungary	74 000	598
Austria	150 000	598
Poland	600 000	598
Slovakia	38 260	598
Finland	30 000	598
United Kingdom	382 500	598

Table 2

Farmed red deer (*Cervus elaphus elaphus*)

	Target species population	Sample size
Czech Republic	≥ 9 000	576
Germany	11 500	598
France	17 000	598
Ireland	10 000	581
Austria	10 000	581
United Kingdom	28 000	598

3. *Sampling and laboratory testing*

A sample of obex shall be collected and tested for each cervid in the samples referred to in points 1 and 2 of this Annex. At least a portion of each sample shall be kept fresh or frozen until a negative result is obtained, in case bioassay is required.

The competent authority of the Member States must refer to point 3 of Chapter C of Annex X to Regulation EC (No) 999/2001 for guidance on methods and protocols.

Rapid tests as referred to in point 4 of Chapter C of Annex X to Regulation EC (No) 999/2001 used for transmissible spongiform encephalopathy (TSE) detection in obex of bovine or small ruminant animals shall be considered suitable for use in the sampling referred to in points 1 and 2 of this Annex. Member States may also use immunohistochemistry for screening purposes for which purpose they shall satisfy a proficiency test by the Community Reference Laboratory. Where a Member State is unable to confirm a positive rapid test result, they shall send adequate tissue to the CRL for confirmation. In the case of positive findings of TSE, the protocol as provided for in point 3.2, (c)(i) and (ii), Chapter C of Annex X to Regulation EC (No) 999/2001 shall apply.

4. *Genotyping*

The prion protein genotype shall be determined for each positive finding of TSE in cervids in accordance with the guidelines of the Community Reference Laboratory for TSEs.

ANNEX III

Measures following testing of cervids

1. Where a cervid intended to be placed on the market for human consumption has been selected for testing for CWD, the Member States shall ensure the traceability of that carcase and ensure that it is not released for commercial sale until a negative result to the rapid test has been obtained.

2. Insofar as possible, and whenever point 1 applies, the hunter, gamekeeper or farmer, where known, shall be informed when samples are submitted for testing for CWD and the results of a positive rapid test communicated as soon as possible by authorised means.

3. The Member States shall reserve the right to retain material for further diagnostic or research purposes until a negative result to the rapid test for CWD has been obtained.

4. Insofar as possible, except for the material to be retained for further diagnostic or research purposes, all parts of the body of a cervid found positive to the rapid test, including the hide, shall be directly disposed of in accordance with Articles 4(2)(a), (b) or (e) of Regulation (EC) No 1774/2002 [1].

[1] OJ L 273, 10.10.2002, p. 1.

ANNEX IV

Reporting and recording requirements

1. *Requirements of Member States:*

Information to be presented by Member States in their annual report on the survey results for CWD

(a) The number of cervid samples submitted for testing, by target group according to the following criteria:

— species,

— farmed or wild cervids,

— target group,

— sex,

— age.

(b) The results of the rapid and confirmatory tests (number of positives and negatives) and, where applicable, of the discriminatory testing, the tissue sampled and the rapid test and confirmatory technique used.

(c) The geographical location, including the country of origin if not the same as the reporting Member State, of positive cases of TSE.

(d) The genotype and species of each cervid found positive for TSE.

2. *Reporting periods*

The results of the sampling for CWD for the previous year shall be reported in an annual report.

This report shall be submitted as soon as possible, but no later than six months after the end of each year of the survey.

The 2007 report shall include the results of the 2007 hunting season, even when some samples will have been taken in 2008.

COMMISSION DECISION

of 23 March 2007

amending Decision 2005/760/EC concerning certain protection measures in relation to highly pathogenic avian influenza in certain third countries for the import of captive birds

(notified under document number C(2007) 1259)

(Text with EEA relevance)

(2007/183/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market [1], and in particular Article 10(4) 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], and in particular Article 18(7) thereof,

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 [3], and in particular Article 22(6) thereof,

Whereas:

(1) Following outbreaks of avian influenza in south-eastern Asia in 2004, caused by a highly pathogenic strain of the virus, the Commission adopted several protection measures. Those measures included, in particular, Commission Decision 2005/760/EC of 27 October 2005 concerning certain protection measures in relation to highly pathogenic avian influenza in certain third countries for the import of captive birds [4]. That Decision currently applies until 31 March 2007.

(2) Commission Decision 2000/666/EC of 16 October 2000 laying down the animal health requirements and the veterinary certification for the import of birds, other than poultry and the conditions for quarantine [5] lays down the animal health requirements relating to imports of certain birds, other than poultry, as specified in that Decision, and the quarantine requirements for such birds.

(3) The European Food Safety Authority (EFSA) Panel on animal health and welfare (AHAW) adopted on 27 October 2006 a Scientific Opinion on the animal health and welfare risks associated with the import of wild birds, other than poultry, into the Community (the Opinion). The Opinion has identified a number of areas where changes in Community animal health conditions for imports of those birds would significantly reduce any identified health risk related to such imports. Based on the Opinion, the animal health conditions for such imports have been reviewed and Decision 2000/666/EC has been repealed and replaced by Commission Regulation (EC) No 318/2007 [6].

(4) As the new animal health conditions provided for in Regulation (EC) No 318/2007 are stricter than those currently in force, that Regulation will not enter into force until 1 July 2007 in order to give Member States and the third countries exporting such birds to the Community time to adapt to the new measures.

(5) In the light of the Opinion and the current world animal health situation regarding avian influenza, imports of such birds without stringent import requirements should not take place.

(6) The protective measures provided for in Decision 2005/760/EC should therefore continue to apply until 30 June 2007. Accordingly, the date of application of that Decision should be amended.

[1] OJ L 224, 18.8.1990, p. 29. Directive as last amended by Directive 2002/33/EC of the European Parliament and of the Council (OJ L 315, 19.11.2002, p. 14).
[2] 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).
[3] OJ L 24, 30.1.1998, p. 9. Directive as last amended by Directive 2006/104/EC.
[4] OJ L 285, 28.10.2005, p. 60. Decision as last amended by Decision 2007/21/EC (OJ L 7, 12.1.2007, p. 44).
[5] OJ L 278, 31.10.2000, p. 26. Decision as last amended by Decision 2002/20279/EC (OJ L 99, 16.4.2002, p. 17).
[6] See page 7 of this Official Journal.

(7) Decision 2005/760/EC should therefore be amended accordingly.

(8) 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

In Article 6 of Decision 2005/760/EC, '31 March 2007' is replaced by '30 June 2007'.

Article 2

The Member States shall immediately take the necessary measures to comply with this Decision and publish those measures. They shall immediately inform the Commission thereof.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 23 March 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission