

**THE PRODUCTS OF ANIMAL ORIGIN (IMPORT AND EXPORT)
REGULATIONS 1996**

**THE ANIMALS AND ANIMAL PRODUCTS (IMPORT AND EXPORT)
(ENGLAND) REGULATIONS 2006**

DECLARATION

The Secretary of State for the Environment, Food and Rural Affairs, having learned of the presence of highly pathogenic avian influenza in Germany, which disease is referred to in Council Directive 82/894/EEC¹ and Schedule 6 of the Animals and Animal Products (Import and Export) (England) Regulations 2006²—

In exercise of the powers conferred by regulation 35 of the Products of Animal Origin (Import and Export) Regulations 1996³ in relation to products and by regulation 28 of the Animals and Animal Products (Import and Export) (England) Regulations 2006 in relation to birds and hatching eggs declares as follows:

General prohibition

1. The introduction into England of —

- live poultry and other live birds including birds accompanying their owners (pet birds);
- hatching eggs of the above species and wild feathered game;
- products derived from these avian species

from those municipalities in Germany listed as Areas A and B (as listed in Annex I to Commission Decision 2006/415/EC⁴ (“the Decision”)) as amended by Commission Decision 2007/632/EC⁵ is prohibited, subject to the exceptions below. (A copy of Annex I to the Decision is attached as Annex 1 to this Declaration).

Interpretation

2. Terms used in this declaration and the Decision have the same meaning as they have in the Decision.

Day old chicks

3a. The prohibition in paragraph 1 shall not apply to day old chicks from a hatchery situated in the surveillance zone in Area A to any holding, provided —

- they are hatched from eggs collected from holdings situated outside the protection and surveillance zones (“the zones”), and
- the hatchery from which they come can ensure by its logistics and biosecurity working conditions that no contact has occurred between these eggs and any other hatching eggs or day-old-chicks originating

¹ OJ No. L 378, 31.12.1982, p. 58.

² SI 2006 No 1471

³ SI 1996 No 3124.

⁴ OJ No. L 164, 16.6.2006, p. 51.

⁵ OJ No. L255, 29.09.2007, p. 46.

from poultry flocks within the zones and which are therefore of a different health status.

3b. The prohibition in paragraph 1 shall not apply to day old chicks consigned from a hatchery situated in the part of Area A in the surveillance zone or in Area B, provided that the day-old chicks are hatched from hatching eggs which it would be permitted to introduce into England in accordance with the exception in paragraph 5b of this Declaration.

3c. The animal health certificates accompanying consignments of day-old chicks referred to in paragraph 3a and 3b above in accordance with Model 2 of Annex IV to Council Directive 90/539/EEC⁶ shall include the words:

'The consignment complies with the animal health conditions laid down in Commission Decision 2006/415/EC.'

Pet birds

4. The prohibition in paragraph 1 shall not apply to pet birds (defined as pet animals of the bird species as referred to in Article 3(a) of Regulation (EC) No 998/2003) provided they do not originate from a protection zone or from a holding in a surveillance zone where poultry is kept without the authorisation of the competent authority.

Hatching eggs

5a. The prohibition in paragraph 1 shall not apply to hatching eggs consigned to a designated hatchery where agreement is reached in respect of that consignment between the competent authority of Germany and the Secretary of State, provided that the hatching eggs are collected in holdings situated on the day of collection in Area A outside the surveillance zone or Area B, and at least 10 km away from any suspect holding.

5b. The prohibition in paragraph 1 shall not apply to hatching eggs consigned to hatcheries provided that the hatching eggs are collected from holdings in Area A outside the protection or surveillance zone or in Area B on which the poultry has tested negative in a serological survey for avian influenza capable of detecting 5 % prevalence of disease with at least a 95 % level of confidence and traceability is ensured.

5c. The animal health certificates accompanying consignments of hatching eggs referred to in paragraph 5a and 5b in accordance with Model 1 of Annex IV to Council Directive 90/539/EEC to other Member States shall include the words:

'The consignment complies with the animal health conditions laid down in Commission Decision 2006/415/EC.'

Meat

6a. The prohibition in paragraph 1 shall not apply to fresh meat from poultry, including meat from ratites, originating in Area A outside the protection zone and the surveillance zones during 15 days following its establishment, or Area B, or produced from poultry referred to in Article 4(1)(d) of the Decision and

⁶ OJ No L 303, 31.10.1990, p. 6.

produced in accordance with Annex II and Sections II and III of Annex III to Regulation (EC) No 853/2004⁷ and controlled in accordance with Sections I, II, III, and Chapters V and VII of Section IV of Annex I to Regulation (EC) No 854/2004⁸.

6b. The prohibition in paragraph 1 shall not apply to minced meat, meat preparations, mechanically separated meat and meat products containing meat referred to in paragraph 6a and produced in accordance with Sections V and VI of Annex III to Regulation (EC) No 853/2004.

6c. The prohibition in paragraph 1 shall not apply to meat products produced from meat from wild feathered game originating in Area A or in Area B which were subjected to a treatment as required for avian influenza in table 1(a), (b) or (c) of Annex III to Directive 2002/99/EC⁹.

6d. The prohibition in paragraph 1 shall not apply to fresh meat from wild feathered game originating outside Area A or Area B and produced in establishments within Area A or Area B in accordance with Section IV of Annex III to Regulation (EC) No 853/2004 and controlled in accordance with Chapter VIII of Section IV of Annex I to Regulation (EC) No 854/2004.

6e. The prohibition in paragraph 1 shall not apply to minced meat, meat preparations, mechanically separated meat and meat products containing meat referred to in paragraph 6c and produced in establishments situated in Area A or Area B in accordance with Sections V and VI of Annex III to Regulation (EC) No 853/2004.

6f. The products referred to in paragraphs 6a to 6e must be accompanied by commercial documents stating:

'The consignment complies with the animal health conditions laid down in Commission Decision 2006/415/EC.'

Eggs for human consumption

7a. The prohibition in paragraph 1 shall not apply to eggs for human consumption collected from holdings in Area A outside the protection or surveillance zone, or in Area B.

7b. The prohibition in paragraph 1 shall not apply to pasteurised egg products in accordance with Chapter II of Section X of Annex III to Regulation (EC) No 853/2004.

Animal by-products

8a. The prohibition in paragraph 1 shall not apply to the dispatch from Area A or Area B of animal by products complying with the conditions set out in Chapters II (A), III (B), IV (A), VI (A and B), VII (A), VIII (A), IX (A) and X (A) of

⁷ OJ No. L 139, 30.4.2004, p. 55, the revised text of which is found in the corrigendum published in OJ No L 226, 25.6.2004, p. 22.

⁸ OJ No L 139, 30.4.2004, p206, the revised text of which is found in the corrigendum published in OJ No. L 226, 25.6.2004, p. 83.

⁹ OJ No L 18, 23.1.2003, p. 11.

Annex VII, and Chapters II (B), III (II) (A) and VII (A) (1)(a) of Annex VIII to Regulation (EC) No 1774/2002¹⁰.

8b. The prohibition in paragraph 1 shall not apply to the dispatch from Area B of untreated feathers or parts of feathers in accordance with Chapter VIII (A) (1) (a) of Annex VIII to Regulation (EC) No 1774/2002, produced from poultry or farmed feathered game.

8c. The prohibition in paragraph 1 shall not apply to the dispatch from Area A or area B of feathers or parts of feathers produced from poultry or farmed feathered game provided that those feathers or parts of feathers have been treated with a steam current, or by some other method that ensures that no pathogens remain.

8d. Unless paragraph 8e applies, the products referred to in paragraphs 8b and 8c must be accompanied by a commercial document in accordance with Chapter X of Annex II to Regulation (EC) No 1774/2002 and that in the case of the products referred to in paragraph 8c of this Declaration, the commercial document shall contain at point 6.1 a statement that those products have been treated with a steam current or by some other method ensuring that no pathogens remain.

8e. The requirement for a commercial document set out in paragraph 8d shall not apply to processed decorative feathers, processed feathers carried by travellers for their private use or consignments of processed feathers sent to private individuals for non-industrial purposes.

This Declaration shall come into force at 15:00 hours on 2 October 2007.

Declaration IAH DEC 2007/27 dated 28 August 2007 relating to highly pathogenic avian influenza in Germany is hereby REVOKED.

Signed at 15:00 hours on 2 October 2007 by Nick Coulson.



A person duly authorised by
the Secretary of State for Environment, Food and Rural Affairs

¹⁰ OJ No L 273, 10.10.2002, p. 1.

NOTE

(This note is not part of the Declaration)

Separate declarations are being issued for animals and products covered by this declaration in respect of Scotland, Wales and Northern Ireland.

This Declaration gives effect to measures imposed under Commission Decision 2006/415/EC, as amended by Commission Decision 2007/632/EC. The Decision as amended restricts movements of poultry and other birds and their products, including hatching eggs both within and from Germany. This Declaration gives effect to the restrictions as they apply to imports from the restricted areas of Germany into England.

Introduction of animals or products in contravention of this Declaration is a criminal offence. The penalty on summary conviction is a fine not exceeding the statutory maximum (£5,000), or a term of imprisonment not exceeding three months, or both; and the penalty on conviction on indictment, is an unlimited fine, or a term of imprisonment not exceeding two years, or both.

Powers to detain, seize and forfeit goods under the Customs and Excise Management Act 1979 will apply to animals and products brought into England in breach of this Declaration.

A copy of this Declaration will be sent to all Divisional Veterinary Managers in England.

ANNEX

The Annex to Decision 2006/415/EC is amended as follows:

1. The following text is added to Part A:

ISO Country Code	Member State	Area A		Date until applicable Article 4(4)(b)(iii)
		Code (if available)	Name	
DE	GERMANY		The 10 km zone established around the outbreak in the communes of Bruck in der Oberpfalz and Nittenau including all or parts of the communes of:	18.10.2007
		LANDKREIS SCHWANDORF	BODENWÖHR BODENWÖHRER FORST BRUCK IN DER OBERPFALZ EINSIEDLER UND WALDERBACHER FORST MAXHÜTTE-HAIDHOF NEUNBURG VORM WALD NEUKIRCHEN-BALBING NITTENAU ÖSTL. NEUBÄUER FORST SCHWANDORF SCHWARZENFELD STEINBERG TEUBLITZ WACKERSDORF	
		LANDKREIS REGENSBURG	ALTENTHANN BERNHARDSWALD REGENSTAUF	
		LANDKREIS CHAM	REICHENBACH RODING WALD WALDERBACH ZELL	

2. The following text is added to Part B:

ISO Country Code	Member State	Area B		Date until applicable Article 4(4)(b)(iii)
		Code (if available)	Name	
DE	GERMANY		The communes of:	18.10.2007
		LANDKREIS SCHWANDORF	BODENWÖHR BODENWÖHRER FORST BRUCK IN DER OBERPFALZ EINSIEDLER UND WALDERBACHER FORST MAXHÜTTE-HAIDHOF NEUNBURG VORM WALD NEUKIRCHEN-BALBINI NITTENAU ÖSTL. NEUBÄUER FORST SCHWANDORF SCHWARZENFELD SCHWARZHOFEN STEINBERG TEUBLITZ WACKERSDORF	
		LANDKREIS REGENSBURG	ALTENTHANN BERNHARDSWALD BRENNBERG REGENSTAUF	
		LANDKREIS CHAM	FALKENSTEIN REICHENBACH RODING WALD WALDERBACH ZELL	