

**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 Poland 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 territories in Poland, listed as Areas A and B (as listed in Annex I to Commission Decision 2006/415/EC⁴ (“the Decision”)) as amended by Commission Decision 2007/816/EC⁵ is prohibited, subject to the exceptions below. (A copy of the Annex to the Decision is attached as the Annex 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.L 326, 12.12.2007, p. 32.

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 Poland 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.

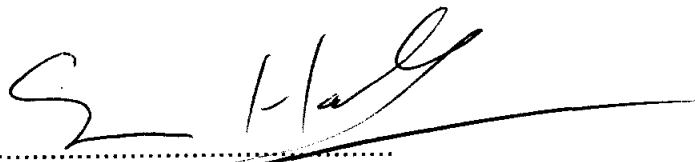
8d. Unless paragraph 8e applies, the products referred to in paragraphs 8b and 8c must be accompanied by a commercial document in accordance with Chapter X of Annex II to Regulation (EC) No 1774/2002 and that in the case of the products referred to in paragraph 8c of this Declaration, the commercial 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.

Declaration IAH DEC 2007/34 dated 4 December 2007 relating to Highly Pathogenic Avian Influenza in Poland is hereby revoked.

This Declaration shall come into force at 1215 hours on 13 December 2007

Signed at 1215 hours on 13 December 2007 by Simon Hall



.....
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 2007/816/EC. The Decision as amended restricts movements of poultry and other birds and their products, including hatching eggs both within and from Poland. This Declaration gives effect to the restrictions as they apply to imports from the restricted areas of Poland 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 replaces the entry for Poland in Part A:

ISO Country Code	Member State	Area A		Date until applicable Article 4(4)(b)(iii)
		Code (if available)	Name	
PL	POLAND	MAZOWIECKIE VOIVODSHIP 01400 PŁOCKI 01419	Protection zone: Municipality of Brudzeń Duży: Główina Gorzechówko Gorzechowo Myśliborzyce Rembielin Rokicie Siecień Siecień Rumunki Strupczewo Duże Uniejewo Więclawice Municipality of Nowy Duninów: Karolewo Nowa Wieś Nowy Duninów	9.1.2008
		MAZOWIECKIE VOIVODSHIP 01400 ŻUROMIŃSKI 01437	Protection zone: Municipality of Biezuń: Biezuń Dźwierzno Karniszyn Karniszyn Parcele Kobyła Łąka Kocewo Myślin Sadłowo Sadłowo Parcele Strzeszewo	
		KUJAWSKO- POMORSKIE VOIVODSHIP 00400 WŁOCŁAWSKI 00418	Protection zone: Municipality of Włocławek: Skoki Duże Skoki Małe	
		MAZOWIECKIE VOIVODSHIP 01400 PŁOCKI 01419	Surveillance zone: Municipality of Brudzeń Duży: Bądkowo Bądkowo Jeziorne Bądkowo Kościelne Bądkowo Podlasie Bądkowo Rochny Biskupice Brudzeń Duży	

ISO Country Code	Member State	Area A		Date until applicable Article 4(4)(b)(iii)
		Code (if available)	Name	
			Brudzeń Mały Cegielnia Cierszewo Izabelin Janoszyce Karwosieki Cholewice Kłobukowo Krzyżanowo Lasotki Murzynowo Noskowice Parzeń Parzeń Janówek Patrze Radotki Robertowo Sikórz Sobowo Suchodół Turza Mała Turza Wielka Wincentowo Winnica Zdziębórz Żerniki Municipality of Stara Biała: Brwilno Górne Kobierniki Kowalewko Ludwikowo Mańkowo Maszewo Duże Srebrna Ułaszewo Wyszyna Municipality of Nowy Duninów: Brwilno Dolne Brzezinna Góra Duninów Duży Grodziska Jeżowo Kamion Kobyła Góra Środoń Stary Duninów	

ISO Country Code	Member State	Area A		Date until applicable Article 4(4)(b)(iii)
		Code (if available)	Name	
			Studzianka Wola Brwileńska	
		MAZOWIECKIE VOIVODSHIP 01400 SIERPECKI 01427	Surveillance zone: Municipality of Mochowo: Będorzyn Grodnia Łukoszyn Łukoszyno Biki Municipality of Rościszewo: Lipniki Ostrów Polik Rzeszotary Nowe Rzeszotary Zawady Września Municipality of Zawidz: Jaworowo Kolonia Jaworowo Klódź Jaworowo Lipa Jaworowo Próchniatka	
		MAZOWIECKIE VOIVODSHIP 01400 ŻUROMIŃSKI 01437	Surveillance zone: Municipality of Biezuń: Adamowo Bielawy Gołuskie Dąbrówki Gołuszyn Mak Małocin Pełki Pozga Sławęcin Stanisławowo Stawiszyn Łaziska Stawiszyn Zwalewo Trzaski Wilewo Władysławowo Municipality of Żuromin: Będzimin Chamsk Dębsk Franciszkowo Kruszewo Młodzino Olszew Poniatowo Żuromin	

ISO Country Code	Member State	Area A		Date until applicable Article 4(4)(b)(iii)
		Code (if available)	Name	
			Municipality of Lutocin: Chromakowo Elźbiecin Felcyn Jonne Lutocin Mojnowo Nowy Przeradz Obreń Parlin Przeradz Mały Przeradz Wielki Seroki Swojęcín Zimolza Municipality of Siemiątkowo: Antoniewo Dziczewo Nowa Wieś Nowopole Siciarz Sokołowy Kąt	
		MAZOWIECKIE VOIVODSHIP 01400 MŁAWSKI 01413	Municipality of Radzanów: Zgliczyn Glinki Zgliczyn Kościelny Zgliczyn Witowy	
		KUJAWSKO- POMORSKIE VOIVODSHIP 00400 WŁOCŁAWSKI 00418	Surveillance zone: Municipality of Włocławek: Dąb Mały Dąb Polski Dąb Wielki Dobiegniewo Jazy	
		KUJAWSKO- POMORSKIE VOIVODSHIP 00400 LIPNOWSKI 00408	Municipality of Dobrzyń nad Wisłą: Chalin Chudzewo Dobrzyń Nad Wisłą Kamienica Łagiewniki Lenie Wielkie Michałkowo Mokówko Mokowo Płomiany Ruszkowo Wierznicza Wierzniczka Municipality of Tuchowo: Trzcianka	

2. The following text replaces the entry for Poland in Part B:

ISO Country Code	Member State	Area B		Date until applicable Article 4(4)(b)(iii)
		Code (if available)	Name	
PL	POLAND	MAZOWIECKIE VOIVODSHIP 01400 PŁOCKI 01419	Municipalities of: Bielsk Bodzanów Brudzeń Duży Bulkowo Drobin Gąbin Łąck Mała Wieś Nowy Duninów Radzanowo Słubice Słupno Stara Biała Staroźreby Wyszogród	9.1.2008
		MAZOWIECKIE VOIVODSHIP 01400 PŁOCK 01462		
		MAZOWIECKIE VOIVODSHIP 01400 PŁOŃSKI 01420	Municipality of Raciąż	
		MAZOWIECKIE VOIVODSHIP 01400 CIECHA- NOWSKI 01402	Municipality of Głinojeck	
		MAZOWIECKIE VOIVODSHIP 01400 MŁAWSKI 01413	Municipality of Lipowiec Kościelny: Wiśniewo Strzegowo Szreńsk Radzanów (areas other than listed in Area A)	
		MAZOWIECKIE VOIVODSHIP 01400 GOSTYNIŃSKI 01404	Municipalities of: Gostynin Pacyna Sanniki Szczawin Kościelny	
		MAZOWIECKIE VOIVODSHIP 01400 SIERPECKI 01427	Municipalities of: Gozdowo Mochowo Rościszewo (areas other than listed in Area A) Sierpc	

ISO Country Code	Member State	Area B		Date until applicable Article 4(4)(b)(iii)
		Code (if available)	Name	
			Sierpc city Szczutowo Zawidz Kościelny (areas other than listed in Area A)	
		MAZOWIECKIE VOIVODSHIP 01400 ŻUROMIŃSKI 01437	Municipalities of: Lubowidz Kuczbork Osada Lutocin (areas other than listed in Area A) Siemiątkowo (areas other than listed in Area A)	
		KUJAWSKO-POMORSKIE VOIVODSHIP 00400 WŁOCŁAWSKI 00418	Municipalities of: Baruchowo Boniewo Brześć Kujawski Choceń Chodecz Fabianki Izbica Kujawska Kowal Lubanie Lubień Kujawski Lubraniec Włocławek	
		KUJAWSKO-POMORSKIE VOIVODSHIP 00400 LIPNOWSKI 00408	Municipalities of: Bobrowniki Chrostkowo Dobrzyń nad Wisłą Kikół Lipno Skępe Tuchowo Wielgie	
		KUJAWSKO-POMORSKIE VOIVODSHIP 00400 WŁOCŁAWEK 00464		
		KUJAWSKO-POMORSKIE VOIVODSHIP 00400 BRODNICKI 00402	Municipalities of: Górzno Świedziebna	
		KUJAWSKO-POMORSKIE VOIVODSHIP 00400 RYPIŃSKI 00412	Municipalities of: Rogowo Rypin Skrwilno	

ISO Country Code	Member State	Area B		Date until applicable Article 4(4)(b)(iii)
		Code (if available)	Name	
		WARMIŃSKO- MAZURSKIE VOIVODSHIP 02800 DZIAŁDOWSKI 02803	Municipalities of: Działdowo Działdowo city Howo - Osada Lidzbark Płośnica	