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Contents

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

REGULATIONS

Commission Regulation (EC) No 489/2007 of 2 May 2007 establishing the standard import values for determining the entry price of certain fruit and vegetables 1

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

DECISIONS

Commission

2007/268/EC:

- ★ **Commission Decision of 13 April 2007 on the implementation of surveillance programmes for avian influenza in poultry and wild birds to be carried out in the Member States and amending Decision 2004/450/EC (notified under document number C(2007) 1554) 3**

2007/269/EC:

- ★ **Commission Decision of 23 April 2007 on protective measures with regard to equine infectious anaemia in Romania (notified under document number C(2007) 1652) ⁽¹⁾ 18**

2007/270/EC:

- ★ **Commission Decision of 23 April 2007 on a financial contribution from the Community towards emergency measures to combat avian influenza in the Netherlands in 2006 (notified under document number C(2007) 1746) 20**

2007/271/EC:

- ★ **Commission Decision of 23 April 2007 concerning the financial contribution by the Community for the OIE Conference in 2007 'Towards the elimination of rabies in Eurasia' 22**

⁽¹⁾ Text with EEA relevance

(Continued overleaf)

2007/272/EC:

- ★ **Commission Decision of 25 April 2007 on a financial contribution from the Community towards emergency measures to combat avian influenza in the United Kingdom in 2006** (notified under document number C(2007) 1785) 24

2007/273/EC:

- ★ **Commission Decision of 25 April 2007 on a financial contribution from the Community towards emergency measures to combat avian influenza in Germany in 2006** (notified under document number C(2007) 1786) 26

AGREEMENTS

Council

- ★ **Information on the date of entry into force of the Fisheries Partnership Agreement between the European Community and the Federated States of Micronesia** 28

III Acts adopted under the EU Treaty

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

- ★ **Council Decision 2007/274/JHA of 23 April 2007 concerning the conclusion of the Agreement between the European Union and the Government of the United States of America on the security of classified information** 29

Agreement between the European Union and the government of the United States of America on the security of classified information 30

I

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

REGULATIONS

COMMISSION REGULATION (EC) No 489/2007

of 2 May 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 3 May 2007.

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

Done at Brussels, 2 May 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 2 May 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	MA	48,6
	TN	127,8
	TR	140,3
	ZZ	105,6
0707 00 05	JO	196,3
	MA	69,3
	MK	53,2
	TR	109,7
	ZZ	107,1
0709 90 70	TR	106,1
	ZZ	106,1
0805 10 20	EG	41,7
	IL	69,7
	MA	44,8
	TN	50,1
	ZZ	51,6
0805 50 10	IL	61,4
	ZZ	61,4
0808 10 80	AR	80,6
	BR	80,3
	CA	99,8
	CL	86,1
	CN	100,5
	NZ	129,9
	US	109,5
	UY	65,9
	ZA	85,9
	ZZ	93,2

⁽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'.

II

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

DECISIONS

COMMISSION

COMMISSION DECISION

of 13 April 2007

on the implementation of surveillance programmes for avian influenza in poultry and wild birds to be carried out in the Member States and amending Decision 2004/450/EC

(notified under document number C(2007) 1554)

(2007/268/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾ and in particular the fourth subparagraph of Article 24(2) and Article (10) thereof,

Having regard to Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC ⁽²⁾ and in particular Article 4(2) thereof,

Whereas:

- (1) Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field lays down the procedures governing the Community's financial contribution towards programmes for the eradication, control and monitoring of animal diseases.
- (2) Decision 90/424/EEC, as amended by Decision 2006/53/EC ⁽³⁾, provides that Community financial assistance may be granted to Member States for those eradication measures carried out by the Member States to combat low pathogenic avian influenza (LPAI) strains known to have the potential to mutate to highly pathogenic avian influenza (HPAI). In addition, Article

24(2) of Decision 90/424/EEC provides that Member States are to submit to the Commission, each year by 30 April at the latest, the annual or multi-annual programmes starting in the following year for which they wish to receive a financial contribution from the Community.

- (3) Council Directive 92/40/EEC of 19 May 1992 introducing Community measures for the control of avian influenza ⁽⁴⁾ defines the Community control measures to be applied in the event of an outbreak of highly pathogenic avian influenza (HPAI) in poultry. However, it does not provide for the control of low pathogenic avian influenza (LPAI) of H5 and H7 subtypes or for regular surveillance of that disease in poultry and wild birds.
- (4) Since 2002, Member States have been implementing mandatory surveys for avian influenza in domestic poultry by submitting yearly surveillance programmes to the Commission, as provided for in Commission Decisions 2002/649/EC ⁽⁵⁾, 2004/111/EC ⁽⁶⁾, 2005/464/EC ⁽⁷⁾ and 2006/101/EC ⁽⁸⁾.
- (5) Directive 2005/94/EC provides for certain preventive measures relating to the surveillance and early detection of avian influenza. The final date for the transposition of that Directive by the Member States is 1 July 2007 and it provides for the repeal of Directive 92/40/EEC as of that date.

⁽¹⁾ OJ L 224, 18.8.1990, p. 19. Decision as last amended by Council Decision 2006/965/EC (OJ L 397, 30.12.2006, p. 22).

⁽²⁾ OJ L 10, 14.1.2006, p. 16.

⁽³⁾ OJ L 29, 2.2.2006, p. 37.

⁽⁴⁾ OJ L 167, 22.6.1992, p. 1. Directive as last amended by Directive 2006/104/EC (OJ L 363, 20.12.2006, p. 352).

⁽⁵⁾ OJ L 213, 9.8.2002, p. 38.

⁽⁶⁾ OJ L 32, 5.2.2004, p. 20. Decision as amended by Decision 2004/615/EC (OJ L 278, 27.8.2004, p. 59).

⁽⁷⁾ OJ L 164, 24.6.2005, p. 52. Decision as amended by Decision 2005/726/EC (OJ L 273, 19.10.2005, p. 21).

⁽⁸⁾ OJ L 46, 16.2.2006, p. 40.

- (6) The Community measures for the control of avian influenza provided for in Directive 2005/94/EC also cover the control of outbreaks of LPAI caused by avian influenza of H5 and H7 subtypes in poultry. In order to detect the possible circulation of those viruses in poultry flocks, compulsory surveillance programmes are to be implemented by the Member States. Those control measures aim at preventing the spread of LPAI of H5 and H7 subtypes before they become widespread in the domestic poultry population so that the risk of a mutation into HPAI with possibly devastating consequences may be prevented.
- (7) Directive 2005/94/EC also provides for surveillance programmes to be carried out in wild birds in order to contribute, on the basis of a regularly updated risk assessment, to the knowledge on the threats posed by wild birds in relation to any influenza virus of avian origin in birds.
- (8) It is important to further strengthen surveillance activities given recent developments as regards the widespread occurrence of HPAI H5N1 in wild birds in Europe, taking into account the results of the surveys carried out in the Member States between 2003 and 2006 and the scientific work recently undertaken by European Food Safety Authority (EFSA) ⁽¹⁾ in collaboration with the ORNIS Scientific Working Group of the European Commission's Environment Directorate-General. Those bodies will continue their work and outcomes thereof may lead to further updating.
- (9) When implementing surveillance programmes in wild birds full regard shall be paid to the requirements of Council Directive 79/409/EEC ⁽²⁾ on the protection and conservation of all naturally occurring wild bird species in the Community.
- (10) Commission Decision 2004/450/EC of 29 April 2004 laying down standard requirements for the content of applications for Community financing for programmes for the eradication, monitoring and control of animal diseases ⁽³⁾, lays down standard requirements for the content of applications for Community financing programmes for the eradication, monitoring and control of animal diseases.
- (11) As Decision 90/424/EC, now provides that a Community financial contribution is to be granted for expenditure incurred by the Member States for the financing of

national programmes for the eradication, control and monitoring of certain animal diseases, including avian influenza, Member States may submit to the Commission surveillance programmes for avian influenza for a financial contribution from the Community not later than 30 April each year pursuant to Article 24(2) of Decision 90/424/EEC. Decision 2004/450/EC should be amended to lay down standard requirements for the content of applications for Community financing for avian influenza surveillance programmes.

- (12) Decision 2004/450/EC should therefore be amended accordingly.
- (13) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee of the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Approval of surveillance programmes for avian influenza

The surveillance programmes for avian influenza in poultry and wild birds to be carried out by Member States, in accordance with Article 4(1) of Directive 2005/94/EC, shall comply with the guidelines set out in Annexes I and II to this Decision.

Article 2

Amendments to Decision 2004/450/EC

Decision 2004/450/EC is amended as follows:

1. in Article 1, the following point (c) is added:

'(c) in respect of the animal disease referred to in Annex I, Part C, at least the information set out in Annex IV.;

2. in Annex I, the following Part C is added:

'PART C

Disease referred to in Article 1(c)
avian influenza.;

3. A new Annex IV, the text of which is set out in Annex III to the present Decision, is added.

⁽¹⁾ Scientific opinion on 'Migratory birds and their possible role in the spread of highly pathogenic avian influenza' (EFSA, 12 May 2006) and its addendum (11 December 2006).

⁽²⁾ OJ L 103, 25.4.1979, p. 1. Directive as last amended by Directive 2006/105/EC (OJ L 363, 20.12.2006, p. 368).

⁽³⁾ OJ L 155, 30.4.2004, p. 90; corrected by OJ L 92, 12.4.2005, p. 16. Decision as amended by Decision 2006/282/EC (OJ L 104, 13.4.2006, p. 40).

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 13 April 2007.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX I

Guidelines on the implementation of surveillance programmes for avian influenza in poultry to be carried out in the Member States**A. Objectives, general requirements and criteria for surveillance***A.1. Objectives*

Serological surveillance for LPAI subtypes H5 and H7 in poultry shall aim at:

1. Detecting sub-clinical infections with LPAI of subtypes H5 and H7 thereby complementing early detection systems and subsequently preventing possible mutation of these viruses to HPAI.
2. Detecting infections of LPAI H5 and H7 subtypes in specifically targeted poultry populations at specific risk for infection due to their husbandry system or the susceptibility of specific species.
3. Contributing to the demonstration of a free status of a certain country, region or compartment from notifiable avian influenza in the frame of international trade according to OIE rules.

A.2. General requirements and criteria

1. Sampling shall not extend beyond 31 December of the year of implementation of the programme. For poultry, sampling shall cover a period appropriate to production periods for each poultry category as required.
2. In order to save resources, samples collected for other purposes are recommended.
3. Testing of samples shall be carried out at national laboratories for avian influenza (NL) in Member States or by other laboratories authorised by the competent authorities and under the control of the NL.
4. All results (both serological and virological) shall be sent to the Community Reference Laboratory for Avian Influenza (CRL) for collation. A good flow of information must be ensured. The CRL shall provide technical support and keep an enlarged stock of diagnostic reagents.
5. All avian influenza virus isolates shall be submitted to the CRL in accordance with Community legislation, unless a derogation according to paragraph 4 of Chapter V (Differential diagnosis) in the diagnostic manual laid down in Decision 2006/437/EC ⁽¹⁾ is granted. Viruses of H5/H7 subtype shall be submitted without delay and shall be subjected to the standard characterisation tests (nucleotide sequencing/IVPI) according to that Diagnostic Manual.
6. Whenever possible, NLs shall submit to the CRL, H5 or H7 positive sera collected from Anseriformes in order that an archive be established to facilitate future test development.

B. Surveillance for avian influenza in poultry

1. All positive findings shall be retrospectively investigated at the holding and the conclusions of this investigation shall be reported to the Commission and the CRL.
2. Specific protocols to accompany the sending of material to the CRL and reporting tables for collection of surveillance data shall be provided by the CRL. In those tables the laboratory testing methods used shall be indicated. The tables provided shall be used to submit results in a single document.

⁽¹⁾ OJ L 237, 31.8.2006, p. 1.

3. Blood samples for serological examination shall be collected from all species of poultry including those reared in free-range systems, from at least 5 to 10 birds (except ducks geese and quail) per holding, and from the different sheds, if more than one shed is present on a holding. In case of several sheds the sample size per holding should be increased appropriately. It is recommended to take at least five birds per shed.
4. Sampling shall be stratified throughout the territory of the whole Member State, so that samples can be considered as representative for the whole of the Member State, taking into account:
 - (a) the number of holdings to be sampled (excluding ducks, geese and turkeys); that number shall be defined so as to ensure the identification of at least one infected holding if the prevalence of infected holdings is at least 5 %, with a 95 % confidence interval (see Table 1); and
 - (b) the number of birds sampled from each holding shall be defined so as to ensure 95 % probability of identifying at least one positive bird if the prevalence of sero-positive birds is ≥ 30 %.
5. Based on a risk assessment and the specific situation in the Member State concerned, the sampling design shall also consider:
 - (a) the types of production and their specific risks, shall be targeted to free range production, outdoor keeping and backyard flocks plus taking into account other factors such as multi-age, use of surface water, a relatively longer life span, the presence of more than one species on the holding or other relevant factors;
 - (b) the number of turkey, duck and goose holdings to be sampled shall be defined to ensure the identification of at least one infected holding if the prevalence of infected holdings is at least 5 %, with a 99 % confidence interval (see Table 2);
 - (c) where significant number of holdings producing game, ratites and quails are present in a Member State they shall be included in the programme. With regard to quails only adult (or laying) breeders shall be sampled;
 - (d) the time period for sampling shall coincide with seasonal production. However, where appropriate, sampling can be adapted to other identified periods at local level, during which time the presence of other poultry hosts on a holding might pose a greater risk for disease introduction;
 - (e) in case a significant number of backyard flocks are present, surveillance could be extended to them;
 - (f) Member States that must carry out sampling for Newcastle disease to maintain their status as Newcastle disease non-vaccinating countries in accordance with Commission Decision 94/327/EC ⁽¹⁾ may utilise these samples from breeding flocks for the surveillance of H5/H7 antibodies.

Table 1

Number of holdings to be sampled of each poultry category (except turkey, duck and goose holdings)

Number of holdings per poultry category per Member State	Number of holdings to be sampled
Up to 34	All
35-50	35
51-80	42
81-250	53
> 250	60

⁽¹⁾ OJ L 146, 11.6.1994, p. 17.

Table 2

Number of turkey, duck and goose holdings to be sampled

Number of holdings per Member State	Number of holdings to be sampled
Up to 46	All
47-60	47
61-100	59
101-350	80
> 350	90

C. Specific requirements for detection of infections with H5/H7 subtypes of avian influenza in ducks, geese and quail

1. Blood samples for serological testing shall be taken preferably from birds which are kept outside in fields.
2. From each selected holding 40-50 blood samples shall be taken for serological testing.
3. In case commercial flocks are not present, surveillance could be carried out on backyard flocks.

D. Laboratory testing

1. Laboratory tests shall be carried out in accordance with the avian influenza diagnostic manual (Commission Decision 2006/437/EC) laying down the procedures for the confirmation and differential diagnosis of avian influenza (including examination of sera from ducks and geese by haemagglutination-inhibition (HI) test).
2. However, if laboratory tests not laid down in the avian influenza diagnostic manual nor described in the OIE Terrestrial Manual are envisaged, Member States shall provide the necessary validation data to the CRL, in parallel to submitting their programme to the Commission for approval.
3. All positive serological findings shall be confirmed by the National Laboratories for avian influenza by a haemagglutination-inhibition test, using designated strains supplied by the Community Reference Laboratory for Avian Influenza:

H5 (a) initial test using Ostrich/Denmark/72420/96 (H5N2);

(b) test all positives with Duck/Denmark/64650/03 (H5N7) to eliminate N2 cross reactive antibody.

H7 (a) initial test using Turkey/England/647/77 (H7N7);

(b) test all positives with African Starling/983/79 (H7N1) to eliminate N7 cross reactive antibody.

ANNEX II

Guidelines on the implementation of surveillance programmes for avian influenza in wild birds to be carried out in the Member States**A. Objectives, general requirements and criteria for surveillance***A1. Objectives*

Virological surveillance for avian influenza in wild birds aim to identify the risk of introduction of AI viruses (LPAI and HPAI) to domestic poultry by:

- ensuring early detection of HPAI H5N1 by investigating increased incidence of morbidity and mortality in wild birds, in particular in selected 'higher risk' species.
- in the event that HPAI H5N1 is detected in wild birds, then surveillance of live and dead wild birds shall be enhanced to determine whether wild birds of other species can act as asymptomatic carriers or 'bridge species' (see Part E of this Annex).
- continuing a 'baseline' surveillance of different species of free living migratory birds as part of continuous monitoring of LPAI viruses. *Anseriformes* (water fowl) and *Charadriiformes* (shorebirds and gulls) shall be the main sampling targets to assess if they carry LPAI viruses of H5 and H7 subtypes (which would in any case also detect HPAI H5N1 and other HPAI, if present). 'Higher risk species' must be targeted in particular.

A2. General requirements and criteria

1. Sampling shall not extend beyond 31 December of the year of implementation of the programme.
2. Testing of samples shall be carried out at national laboratories for avian influenza (NL) in Member States or by other laboratories authorised by the competent authorities and under the control of the NL.
3. All results shall be sent to the Community Reference Laboratory for Avian Influenza (CRL) for collation. A good flow of information must be ensured. The CRL shall provide technical support and keep an enlarged stock of diagnostic reagents.
4. All avian influenza virus isolates of cases in wild birds shall be submitted to the CRL in accordance with Community legislation, unless a derogation according to paragraph 4 of Chapter V under Differential diagnosis in the avian influenza Diagnostic Manual laid down in Decision 2006/437/EC is granted. Viruses of H5/H7 subtype shall be submitted without delay and shall be subjected to the standard characterisation tests (nucleotide sequencing/IVPI) according to the said diagnostic manual.

B. Surveillance for avian influenza in wild birds*Design and implementation*

Close cooperation with epidemiologists and ornithologists and the competent authority for nature conservation shall be ensured for designing the surveillance, assisting in species identification and optimising sampling. The design of the surveillance shall be adapted to the national situation as regards selection of species to be sampled according to species predominance and bird population sizes. Sampling must consider the seasonality of migration patterns, which may vary in different Member States. It shall take into account the behaviour of bird species as regards migratory flyways, main habitats, gregariousness and degree of mixing during migration and the results obtained from previous surveillance during 2003-2006. In addition, continuous review and feedback will be provided through the AI wild bird surveillance working group who are analysing new data as they become available.

For H5N1 HPAI, all those factors shall be considered in relation to the probability of wild bird exposure to infected poultry and wild birds in outbreak areas and the probability of contact of wild birds with domestic poultry in the poultry husbandry systems in the different Member States.

To assess those probabilities, the decision trees and tables in the opinion of EFSA ⁽¹⁾, which were drawn up in collaboration with the European Commission's Environment Directorate-General can provide an effective tool for Member States' local risk assessments to adapt to an evolving situation based on a close collaboration and exchange of views between Member States.

Liaisons with bird conservation/watching institutions and ringing stations shall be encouraged. Sampling, where appropriate, shall be carried out under the supervision of staff from these groups/stations, by hunters and other ornithologically skilled persons.

1. *Passive surveillance* of sick and dead wild birds shall be targeted on:

- (a) areas where increased incidence of morbidity and mortality in wild birds occurs;
- (b) areas close to the sea, lakes and waterways where birds were found dead; and in particular when these areas are in proximity to domestic poultry farms;
- (c) birds belonging to identified 'higher risk' species listed in part D and other wild birds living in close proximity with them.

2. In addition, investigations of living and dead wild birds in areas where H5N1 cases have been detected shall ideally be targeted on birds:

- (a) wild birds or poultry to possibly identify asymptomatic carriers;
- (b) in areas epidemiologically linked to these cases;
- (c) coming possibly in close contact to domestic poultry holdings (Protection zone, surveillance zone and area B), which might function as 'bridge species', in particular those that are listed in part E.

3. *Active surveillance* on living and clinically healthy and/or clinically diseased, injured or hunted ⁽²⁾ birds shall be targeted on:

- (a) migratory birds belonging to the orders of *Anseriformes* (water fowl) and *Charadriiformes* (shorebirds and gulls);
- (b) at identified areas for concentration and mixing of high number of migratory birds involving different species and in particular when these areas are in proximity to domestic poultry farms;
- (c) a selection of higher risk species ⁽³⁾.

Sampling procedures

1. Oropharyngeal and cloacal swabs for virological examination shall be taken from apparently healthy free living birds. If for any reason it is impractical to take cloacal swabs from live birds carefully collected fresh faeces samples may serve as an alternative. However, traceability in case of mixed sites frequented by different bird species must be ensured.

⁽¹⁾ Scientific opinion on 'Migratory birds and their possible role in the spread of highly pathogenic avian influenza' (EFSA 12 May 2006).

⁽²⁾ Hunting by respecting the requirements of Council Directive 79/409/EEC on the protection and conservation of all naturally occurring wild birds.

⁽³⁾ To be provided by the European Commission's Environment Directorate-General.

2. Cloacal and tracheal/oropharyngeal swabs and/or tissues (namely the brain, heart, lung, trachea, kidney and intestines) from wild birds found dead or shot shall be sampled for virus isolation and molecular detection (PCR).
3. Specific care has to be taken for the storage and transport of samples. Swabs must be chilled immediately on ice or with frozen gel packs and submitted to the laboratory as quickly as possible. Samples must not be frozen unless absolutely necessary. If available, swabs must be placed in antibiotic or specific virus transport medium so that they are fully immersed. Placing samples in medium for transportation must be done in addition to chilling and not as an alternative to chilling. In the absence of such medium, swabs must be returned to their casing and submitted dry. If rapid transport within 48 hours to the laboratory (in transport medium at 4° Celsius) is not guaranteed, samples shall be immediately frozen, stored and then transported on dry ice. Storage and transport of samples may be affected by a variety of factors so the method selected must be fit for purpose.
4. Sampling procedures shall be carried out in accordance with the avian influenza diagnostic manual (Commission Decision 2006/437/EC) laying down the procedures for the confirmation and differential diagnostic of avian influenza.

C. Laboratory testing

1. Laboratory tests shall be carried out in accordance with the avian influenza diagnostic manual (Commission Decision 2006/437/EC) laying down the procedures for the confirmation and differential diagnostic of avian influenza.
2. However, if laboratory tests not laid down in the avian influenza diagnostic manual nor described in the OIE Terrestrial Manual are envisaged, Member States shall provide the necessary validation data to the CRL, in parallel to submitting their programme to the Commission for approval.
3. All samples collected in the surveillance for avian influenza in wild birds shall be tested as soon as possible by molecular techniques if available and according to the diagnostic manual (Commission Decision 2006/437/EC). These tests shall only be carried out in laboratories able to guarantee quality assurance and using methods recognised by the CRL for avian influenza. In addition, methods used must have produced acceptable results in the most recent comparative ring test of national laboratories. Initial screening using M gene PCR is recommended, with rapid testing of positives for H5 (but within two weeks) and in case of a positive finding analysis of the cleavage site must be undertaken as soon as possible to determine whether or not it has a highly pathogenic avian influenza (HPAI) or a low pathogenic avian influenza (LPAI) motif. If H5 HPAI is confirmed further analysis to determine the N type must be done rapidly (even this can only provide evidence eliminating N1).
4. At the laboratory, pooling of up to five samples taken from the same species collected at the same site and same time may be permitted when it can be ensured that, in case of a positive finding, the individual samples can be identified and retested.
5. Serological surveillance shall not be applied for avian influenza investigations in wild birds because serological methods cannot distinguish between HP and LP strains and antibody findings do not allow inference in relation to the likely location where wild birds might have become infected. However, serological surveillance might be important to study in which resident or migrating bird species H5/H7 viruses are/were prevalent (or endemic). Such analysis shall only be performed by specialised laboratories using a carefully selected panel of antigens to ensure the detection of haemagglutinin specific antibodies (i.e. to eliminate the possibility of interference from N specific antibodies).

D. List of wild bird species presenting a higher risk in relation to avian influenza (*)

Common name	Scientific name
Bewick's Swan	<i>Cygnus columbianus</i>
Whooper Swan	<i>Cygnus cygnus</i>
Mute Swan	<i>Cygnus olor</i>
Geese	
Pink-footed Goose	<i>Anser brachyrhynchus</i>
Bean Goose	<i>Anser fabalis</i>
Greater White-fronted Goose (European race)	<i>Anser albifrons albifrons</i>
Lesser White-fronted Goose	<i>Anser erythropus</i>
Greylag Goose	<i>Anser anser</i>
Barnacle Goose	<i>Branta leucopsis</i>
Brent Goose	<i>Branta bernicla</i>
Red-breasted Goose	<i>Branta ruficollis</i>
Canada Goose	<i>Branta canadensis</i>
Ducks	
Eurasian Wigeon	<i>Anas penelope</i>
Common Teal	<i>Anas crecca</i>
Mallard	<i>Anas platyrhynchos</i>
Northern Pintail	<i>Anas acuta</i>
Garganey	<i>Anas querquedula</i>
Northern Shoveler	<i>Anas clypeata</i>
Marbled Teal	<i>Marmaronetta angustirostris</i>
Red-crested Pochard	<i>Netta rufina</i>
Common Pochard	<i>Aythya ferina</i>
Tufted Duck	<i>Aythya fuligula</i>
Waders	
Northern Lapwing	<i>Vanellus vanellus</i>
Eurasian Golden Plover	<i>Pluvialis apricaria</i>
Black-tailed Godwit	<i>Limosa limosa</i>
Ruff	<i>Philomachus pugnax</i>
Gulls	
Black-headed Gull	<i>Larus ridibundus</i>
Common Gull	<i>Larus canus</i>

(*) This list is not a limiting list but is only meant to identify migratory species that may pose a high risk for introduction of avian influenza into the Community based on their migratory pattern involving areas where H5N1 HPAI has either occurred in wild birds or poultry. It is based on the Scientific opinion on 'Migratory birds and their possible role in the spread of highly pathogenic avian influenza' adopted by the Animal Health and Welfare Panel of EFSA on 12 May 2006 and the work carried out by ORNIS Committee and contractors to European Commission's Environment Directorate-General. However, this list could be updated following results of further scientific studies as they become available and based on the risk assessment carried out by national authorities taking into account their specific ornithological situation.

E. List of birds living in proximity to domestic poultry (**)

Common name	Scientific name	Probability of contact with poultry
Group 1. Species intimately associated with poultry production in Europe		
Domestic Goose	<i>Anser anser domesticus</i>	High
Domestic Mallard	<i>Anas platyrhynchos</i>	High
Domestic Muscovy Duck	<i>Cairina moschata</i>	High
Feral Pigeon	<i>Columba livia</i>	High
House Sparrow	<i>Passer domesticus</i>	High
Group 2. Species which may share farmland also used by domesticated poultry in north Europe		
Eurasian Golden Plover	<i>Pluvialis apricaria</i>	Low
Northern Lapwing	<i>Vanellus vanellus</i>	Medium
Black-headed Gull	<i>Larus ridibundus</i>	High
Common Gull	<i>Larus canus</i>	High
Herring Gull	<i>Larus argentatus</i>	Low
Wood Pigeon	<i>Columba palumbus</i>	High
Eurasian Collared Dove	<i>Streptopelia decaocto</i>	High
Ring-necked Pheasant	<i>Phasianus colchicus</i>	High
Larks species	<i>Alauda & Galerida spp</i>	Low
Pipits		Low
Wagtails		Medium
Fieldfare	<i>Turdus pilaris</i>	Medium
Redwing	<i>Turdus iliacus</i>	Medium
Black-billed Magpie	<i>Pica pica</i>	High
Eurasian Jackdaw	<i>Corvus monedula</i>	High
Rook	<i>Corvus frugilegus</i>	Medium
Carrion Crow	<i>Corvus corone</i>	Medium
Raven	<i>Corvus corax</i>	Low
Starling	<i>Sturnus vulgaris</i>	High
Spotless Starling	<i>Sturnus unicolor</i>	High
House Sparrow	<i>Passer domesticus</i>	High
Eurasian Tree Sparrow	<i>Passer montanus</i>	High
Finches		Medium
Buntings	<i>Miliaria, Emberiza spp</i>	Medium

Common name	Scientific name	Probability of contact with poultry
Group 3. Species which may share wetlands also used by domesticated water birds in Northern Europe		
Egrets	<i>Egretta</i> spp.	Low
Herons	<i>Ardea</i> and other spp.	Medium
Cormorant	<i>Phalacrocorax carbo</i>	Medium
Storks	<i>Ciconia</i> spp.	Low
Mute Swan	<i>Cygnus olor</i>	Medium
Greylag Goose	<i>Anser anser</i>	Medium
Canada Goose	<i>Branta canadensis</i>	Low
Ducks	<i>Anas</i> & <i>Aythya</i> spp.	Low
Mallard	<i>Anas platyrhynchos</i>	High
Common Coot	<i>Fulica atra</i>	Medium
Moorhen	<i>Gallinula chloropus</i>	Medium

(**) This list is not an exhaustive list but is only meant to identify resident or non-migratory European bird species that live in proximity to domestic poultry (especially in NW Europe) and which have the theoretical potential to transfer HPAI H5N1 from potential asymptotically infected wild birds ('bridge species'). It is based on the Scientific opinion on 'Migratory birds and their possible role in the spread of highly pathogenic avian influenza' adopted by the Animal Health and Welfare Panel of EFSA on 12 May 2006 and the work carried out by ORNIS Committee and contractors by European Commission's Environment Directorate-General (DG ENV). However, this list could be updated and expanded following results of further scientific studies as they become available. In particular, DG ENV has commissioned Wetland international and EURING to review, update and expand the preliminary analysis of higher risk species and sites in the light of H5N1 outbreaks in Europe in 2006, and to identify other High Risk bird species which might act as 'bridge species' between wild birds and poultry and/or humans in different parts of Europe. The results should be available by end of June 2007.
http://ec.europa.eu/environment/nature/nature_conservation/focus_wild_birds/avian_influenza/pdf/avian_influenza_report.pdf. It should provide a much more reliable preliminary list of higher risk species and contact risk with poultry within the EU and provides for a more targeted approach.

ANNEX III

ANNEX IV

Standard requirements for the submission of surveillance programmes for avian influenza co-financed by the Community**1. Identification of the programme**

Member State:

Disease:

Year of implementation:

Reference of this document:

Contact (name, phone, fax, e-mail):

Date sent to the Commission:

2. Description of the surveillance programme in poultry**2.1. Objectives, general requirements and criteria****2.2. Design and implementation**

Table 2.2.1

Poultry holdings ^(a) (except ducks and geese) to be sampled

Serological investigation according to point B of Annex I to Commission Decision 2007/268/EC on holdings of broilers (only when at risk)/fattening turkeys/chicken breeders/turkey breeders/laying hens/free range laying hens/ratites/farmed feathered game (pheasants, partridges, quails...)/"backyard flocks"/others (delete as appropriate)

PLEASE USE ONE FORM PER POULTRY CATEGORY

NUTS (2) code ^(b)	Total number of holdings ^(c)	Total number of holdings to be sampled	Number of samples per holding	Total number of tests to be performed per method	Methods of laboratory analysis
Total					

^(a) Holdings equals herds, flocks or establishments as appropriate.^(b) Refers to the location of the holding of origin. In case Nuts 2 code can not be used, coordinates (long/lat) are requested.^(c) Total number of holdings of one category of poultry in concerned NUTS 2 region.

Table 2.2.2

Duck and geese holdings to be sampled ^(a) according to point C of Annex I to Decision 2007/268/EC

Serological investigation

NUTS (2) code ^(b)	Total number of duck and geese holdings	Total number of duck and geese holdings to be sampled	Number of samples per holding	Total number of tests to be performed per method	Methods of laboratory analysis
Total					

(a) Holdings equals herds, flocks or establishments as appropriate.

(b) Refers to the location of the holding of origin. In case Nuts 2 code can not be used, coordinates (long/lat) are requested.

2.3. Laboratory testing: description of the laboratory tests used

3. Description of the surveillance programme in wild birds:

3.1. Objectives, general requirements and criteria

3.2. Design and implementation

Table 3.2.1

Wild birds – investigation according with the programme for surveillance of avian influenza in wild birds set out in Annex II to Decision 2007/268/EC

NUTS (2) code (a)	Wild birds to be sampled (b)	Total number of samples to be taken for active surveillance	Total number of samples to be taken for passive surveillance
Total			

(a) Refers to the place of collection of birds/samples. In case Nuts 2 code can not be used, coordinates (long/lat) are requested.

(b) General description of the wild birds are intended to be sampled in the framework of the active and passive surveillance.

3.3. Laboratory testing: description of the laboratory tests used

4. **Description of the epidemiological situation of the disease in poultry during the last five years**

4.1. Measures included in the programme for poultry surveillance

4.1.1. Designation of the central authority charged with supervising and coordinating the departments responsible for implementing the programme

4.1.2. System in place for the registration of holdings

4.1.3. Data on vaccination

5. **Description of the epidemiological situation of the disease in wild birds during the last five years**

5.1. *Measures included in the programme for wild birds surveillance*

5.1.1. Designation of the central authority charged with supervising and coordinating the departments responsible for implementing the programme

5.1.2. Description and delimitation of the geographical and administrative areas in which the programme is to be applied

5.1.3. Estimation of the local and/or migratory wildlife population

6. **Measures in place as regards the notification of the disease**

7. **Costs**

7.1. *Detailed analysis of the costs:*

7.1.1. Poultry

7.1.2. Wild birds

7.2. *Summary of the costs*

7.2.1. Poultry surveillance

Measures eligible for co-financing surveillance in poultry			
Methods of laboratory analysis	Number of tests to perform per method	Unitary test cost (per method)	Total cost
Serological pre-screening ^(a)			
Haemagglutination-inhibition-test (HI) for H5/H7 ^(b)			
Virus isolation test			
PCR test			
Other measures to be covered	Specify activities		
Sampling			
Others			
Total			

^(a) Specify the laboratory test to be used.

^(b) Specify number of tests for H5 and for H7.

7.2.2. Wild bird surveillance

Measures eligible for co-financing surveillance wild birds			
Methods of laboratory analysis	Number tests to perform per method	Unitary test cost (per method)	Total cost
Serological pre-screening			
Haemagglutination-inhibition-test (HI) for H5/H7			
Virus isolation test			
PCR test			
Other measures to be covered	Specify activities		
Sampling			
Others			
Total			

COMMISSION DECISION
of 23 April 2007
on protective measures with regard to equine infectious anaemia in Romania

(notified under document number C(2007) 1652)

(Text with EEA relevance)

(2007/269/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

animals, the remaining animals have undergone two Coggins tests with negative results.

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,

Whereas:

(1) Equine infectious anaemia (EIA) is a viral disease affecting only animals of the family *Equidae*. Infection with EIA tends to become inapparent if death does not result from one of the acute clinical attacks. The incubation period is normally one to three weeks, but may be as long as three months. Infected *equidae* remain infectious for life and can potentially transmit the infection to other *equidae*. Transmission occurs by the transfer of blood from an infected equine animal most likely via interrupted feeding of bloodsucking horseflies, *in utero* to the foetus or by use of contaminated needles or infusion of blood products containing the virus.

(2) EIA is a compulsorily notifiable disease in accordance with Annex A to Council Directive 90/426/EEC of 26 June 1990 on animal health conditions governing the movement and import from third countries of *equidae* ⁽²⁾. In addition, Council Directive 82/894/EEC of 21 December 1982 on the notification of animal diseases within the Community ⁽³⁾ provides that outbreaks of EIA are to be notified to the Commission and other Member States through the Animal Disease Notification System (ADNS).

(3) Article 4(5) of Directive 90/426/EEC provides for restrictions concerning the movement of *equidae* from holdings where the presence of EIA has been confirmed until, following the slaughter of the infected

(4) Unlike in other Member States, EIA is endemic in Romania and immediate slaughter of infectious *equidae* is not implemented consistently. For this reason, Romania has voluntarily continued after accession to the European Union to implement *mutatis mutandis* the relevant measures provided for in Commission Decision 2004/825/EC of 29 November 2004 on protection measures with regard to imports of *equidae* from Romania ⁽⁴⁾.

(5) In view of the trade in live *equidae*, their semen, ova and embryos, the disease situation in Romania is liable to present an animal health risk for *equidae* in the Community.

(6) It is therefore appropriate to adopt protective measures laying down a specific regime for the movement of and trade in *equidae* and equine ova and embryos that come from Romania in order to safeguard the health and welfare of *equidae* in Member States.

(7) Commission Decision 93/623/EEC of 20 October 1993 establishing the identification document (passport) accompanying registered *equidae* ⁽⁵⁾ and Commission Decision 2000/68/EC of 22 December 1999 amending Decision 93/623/EEC and establishing the identification of *equidae* for breeding and production ⁽⁶⁾ require *equidae* to be accompanied during their movements or transportation by an identification document.

(8) The certification requirements for the movement and transport of *equidae* are laid down in Article 8 of Directive 90/426/EEC. In order to enhance the traceability of registered *equidae* from areas affected by EIA to other Member States, the attestation in accordance with Annex B to Directive 90/426/EEC should be replaced by animal health certification in accordance with Annex C to that Directive.

⁽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 224, 18.8.1990, p. 42. Directive as last amended by Directive 2006/104/EC (OJ L 363, 20.12.2006, p. 352).

⁽³⁾ OJ L 378, 31.12.1982, p. 58. Directive as last amended by Commission Decision 2004/216/EC (OJ L 67, 5.3.2004, p. 27).

⁽⁴⁾ OJ L 358, 3.12.2004, p. 18. Decision repealed by Commission Regulation (EC) No 1792/2006 (OJ L 362, 20.12.2006, p. 1).

⁽⁵⁾ OJ L 298, 3.12.1993, p. 45. Decision as amended by Decision 2000/68/EC (OJ L 23, 28.1.2000, p. 72).

⁽⁶⁾ OJ L 23, 28.1.2000, p. 72.

- (9) In accordance with Part A of Chapter II of Annex D to Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in 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 ⁽¹⁾, Commission Decision 95/307/EC of 24 July 1995 determining the specimen animal health certificate for trade in semen of the equine species ⁽²⁾ provides for the testing of stallions for EIA if semen is collected for intra-Community trade. However, it is necessary to complement the animal health conditions laid down in Commission Decision 95/294/EC of 24 July 1995 determining the specimen animal health certificate for trade in ova and embryos of the equine species ⁽³⁾ with a test requirement for EIA, if ova and embryos are collected from mares resident in Romania.
- (10) 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

Protective measures applying to *equidae* coming from Romania

1. Romania shall ensure that *equidae* are not dispatched to other Member States unless those *equidae* comply with the following conditions:
- (a) they have been subjected to a Coggins test, with a negative result, carried out on a sample of blood taken within 30 days prior to dispatch, and that test and its result are entered in Section VII of the identification document provided for in Decisions 93/623/EEC and 2000/68/EC and accompanying the animal during its movement;
- (b) they are accompanied by an animal health certificate in accordance with Annex C to Directive 90/426/EEC, which shall bear the additional wording:

'*Equidae* in accordance with Commission Decision 2007/269/EC'.

2. Paragraph 1 shall not apply to *equidae* from holdings situated outside Romania that either transit Romania on major routes and highways or are transported through Romania directly and without interruption of the journey to a slaughterhouse for immediate slaughter.

3. Romania shall ensure that ova and embryos of *equidae* are not dispatched to other Member States, unless those products comply with the following conditions:

- (a) they were collected from donor mares which were subjected to a Coggins test, with a negative result in each case, carried out on a sample of blood taken from each donor mare within 30 days prior to collection of the ova or embryos in the consignment; and
- (b) the consignment of ova or embryos is accompanied by an animal health certificate in accordance with the Annex to Decision 95/294/EC which shall bear the additional wording:

'Ova or embryos in accordance with Commission Decision 2007/269/EC.'

4. Romania shall regularly report to the Commission and the other Member States about the evolution of EIA and the measures implemented for its control.

Article 2

Applicability

This Decision shall apply from the third day following its publication in the *Official Journal of the European Union*.

Article 3

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 23 April 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission

⁽¹⁾ 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, as corrected by OJ L 226, 25.6.2004, p. 128).

⁽²⁾ OJ L 185, 4.8.1995, p. 58.

⁽³⁾ OJ L 182, 2.8.1995, p. 27.

COMMISSION DECISION

of 23 April 2007

on a financial contribution from the Community towards emergency measures to combat avian influenza in the Netherlands in 2006

(notified under document number C(2007) 1746)

(Only the Dutch text is authentic)

(2007/270/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, and in particular Article 3(3) and 3a(1) thereof,

Whereas:

(1) Decision 90/424/EEC lays down the procedures governing the Community's financial contribution towards specific veterinary measures, including emergency measures. Decision 90/424/EEC, as amended by Decision 2006/53/EC ⁽²⁾, provides for a Community financial contribution to Member States to cover certain costs involved in taking measures to eradicate avian influenza.

(2) Outbreaks of avian influenza occurred in the Netherlands in 2006. The emergence of that disease represents a serious risk to the Community's livestock population. Under Article 3a(2) of Decision 90/424/EEC, the Netherlands took measures to combat those outbreaks.

(3) The payment of a Community financial contribution must be made subject to the condition that the planned measures were actually implemented and that the competent authorities provided all the necessary information to the Commission within certain deadlines.

(4) Commission Regulation (EC) No 349/2005 of 28 February 2005 laying down rules on the Community financing of emergency measures and of the campaign to combat certain animal diseases under Council Decision 90/424/EEC ⁽³⁾, following the amendment of

Decision 90/424/EEC by Decision 2006/53/EC, no longer covers avian influenza. It is therefore necessary to expressly provide in the present Decision that the granting of a financial contribution to the Netherlands is subject to compliance with certain rules laid down in Regulation (EC) No 349/2005.

(5) Article 3a(3) of Decision 90/424/EEC provides that the Community financial contribution is to be 50 % of the eligible costs incurred by the Member State.

(6) The Netherlands has fully complied with its technical and administrative obligations as set out in Articles 3(3) and 3a(2) of Decision 90/424/EEC. The Netherlands has forwarded to the Commission information on the costs incurred in the framework of this outbreak on 30 August 2006 and thereafter continued to provide all necessary information on costs of compensation and operational expenditure.

(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

Financial contribution from the Community

1. A financial contribution from the Community may be granted to the Netherlands towards the costs incurred by that Member State in taking the measures referred to in Article 3a(2) of Decision 90/424/EEC to combat avian influenza in 2006.

The financial contribution shall be 50 % of the costs incurred that are eligible for Community funding.

2. For the purposes of this Decision, Articles 2 to 5 and Articles 7 and 8 and Article 9(2), (3) and (4) and Article 10 of Regulation (EC) No 349/2005 shall apply *mutatis mutandis*.

⁽¹⁾ OJ L 224, 18.8.1990, p. 19. Decision as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽²⁾ OJ L 29, 2.2.2006, p. 37.

⁽³⁾ OJ L 55, 1.3.2005, p. 12.

*Article 2***Addressee**

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 23 April 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission

COMMISSION DECISION**of 23 April 2007****concerning the financial contribution by the Community for the OIE Conference in 2007 'Towards the elimination of rabies in Eurasia'**

(2007/271/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, and in particular Article 20 thereof,

Whereas:

- (3) Rabies has been present for many years in several Member States in wildlife that serve as a reservoir for infections in other animals and thereby represent a serious health risk for humans. Those Member States have implemented eradication and oral vaccination programmes in wildlife. As a result of those measures, the disease has been eradicated in certain Member States but is still present in others where eradication programmes started more recently.
- (4) Those programmes need to be maintained until the complete eradication of rabies is achieved. Furthermore, programmes will need to be maintained in those Member States bordering third countries where rabies is still present in wildlife.
- (1) Decision 90/424/EEC lays down the procedures governing financial contributions from the Community towards specific veterinary measures, including technical and scientific measures. More particularly, the Community is to undertake, or assist the Member States or international organisations in undertaking, the technical and scientific measures necessary for the development of Community veterinary legislation and for the development of veterinary education or training.
- (2) The Office International des Epizooties (OIE) has taken the initiative of organising a large scale conference 'Towards the elimination of rabies in Eurasia' to be held in May 2007 in Paris ('the OIE conference'). Because the aim of the OIE Conference is to further elaborate the recommendations of the conference held by OIE in Kiev in 2005, the OIE has a de facto monopoly as mentioned in Article 168(c) of Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the financial regulation applicable to the general budget of the European Communities ⁽²⁾; hence a call for proposals is not required.
- (5) In the interests of animal health, any action which could facilitate policy decisions in favour of rabies control and eradication in countries in Eastern Europe and Central Asia should be encouraged.
- (6) The OIE conference could result in improvements in the veterinary legislation in force and in development in veterinary education and training of the participating countries.
- (7) It is therefore appropriate to make a Community financial contribution to the OIE conference. The maximum amount and rate of such contribution should be specified. The Community financial contribution shall be from budget line 17 04 02 01.
- (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,

⁽¹⁾ OJ L 224, 18.8.1990, p. 19. Decision as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽²⁾ OJ L 357, 31.12.2002, p. 1. Regulation as last amended by Regulation (EC) No 1248/2006 (OJ L 227, 19.8.2006, p. 3).

HAS DECIDED AS FOLLOWS:

Sole Article

A Community financial contribution, as provided for in Article 19 of Decision 90/424/EEC, at a maximum rate of 25 % of eligible costs up to a maximum amount of EUR 50 000 is awarded to the Office International des Epizooties (OIE) for the technical and scientific materials related to the conference: 'Towards the elimination of Rabies in Eurasia', to be held in Paris in May 2007.

Done at Brussels, 23 April 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission

COMMISSION DECISION

of 25 April 2007

on a financial contribution from the Community towards emergency measures to combat avian influenza in the United Kingdom in 2006*(notified under document number C(2007) 1785)***(Only the English text is authentic)**

(2007/272/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, and in particular Article 3(3) and 3a(1) thereof,

Whereas:

(1) Decision 90/424/EEC lays down the procedures governing the Community's financial contribution towards specific veterinary measures, including emergency measures. Decision 90/424/EEC, as amended by Decision 2006/53/EC ⁽²⁾, provides for a Community financial contribution to Member States to cover certain costs involved in taking measures to eradicate avian influenza.

(2) Outbreaks of avian influenza occurred in the United Kingdom in 2006. The emergence of that disease represents a serious risk to the Community's livestock population. Under Article 3a(2) of Decision 90/424/EEC, the United Kingdom took measures to combat those outbreaks.

(3) The payment of a Community financial contribution must be made subject to the condition that the planned measures were actually implemented and that the competent authorities provided all the necessary information to the Commission within certain deadlines.

(4) Commission Regulation (EC) No 349/2005 of 28 February 2005 laying down rules on the Community financing of emergency measures and of the campaign to combat certain animal diseases under Council Decision 90/424/EEC ⁽³⁾, following the amendment of

Decision 90/424/EEC by Decision 2006/53/EC, no longer covers avian influenza. It is therefore necessary to expressly provide in the present Decision that the granting of a financial contribution to the United Kingdom is subject to compliance with certain rules laid down in Regulation (EC) No 349/2005.

(5) Article 3a(3) of Decision 90/424/EEC provides that the Community financial contribution is to be 50 % of the eligible costs incurred by the Member State.

(6) The United Kingdom has fully complied with its technical and administrative obligations as set out in Articles 3(3) and 3a(2) of Decision 90/424/EEC. The United Kingdom has forwarded to the Commission information on the costs incurred in the framework of this outbreak on 2 June 2006 and thereafter continued to provide all necessary information on costs of compensation and operational expenditure.

(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 REGULATION:

*Article 1***Financial contribution from the Community**

1. A financial contribution from the Community may be granted to the United Kingdom towards the costs incurred by that Member State in taking the measures referred to in Article 3a(2) of Decision 90/424/EEC to combat avian influenza in 2006.

The financial contribution shall be 50 % of the costs incurred that are eligible for Community funding.

2. For the purposes of this Decision, Articles 2 to 5 and Articles 7 and 8 and Article 9(2), (3) and (4) and Article 10 of Regulation (EC) No 349/2005 shall apply *mutatis mutandis*.

⁽¹⁾ OJ L 224, 18.8.1990, p. 19. Decision as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽²⁾ OJ L 29, 2.2.2006, p. 37.

⁽³⁾ OJ L 55, 1.3.2005, p. 12.

*Article 2***Addressee**

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 25 April 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission

COMMISSION DECISION**of 25 April 2007****on a financial contribution from the Community towards emergency measures to combat avian influenza in Germany in 2006***(notified under document number C(2007) 1786)***(Only the German text is authentic)***(2007/273/EC)*

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, and in particular Article 3(3) and 3a(1) thereof,

Whereas:

(1) Decision 90/424/EEC lays down the procedures governing the Community's financial contribution towards specific veterinary measures, including emergency measures. Decision 90/424/EEC, as amended by Decision 2006/53/EC ⁽²⁾, provides for a Community financial contribution to Member States to cover certain costs involved in taking measures to eradicate avian influenza.

(2) Outbreaks of avian influenza occurred in Germany in 2006. The emergence of that disease represents a serious risk to the Community's livestock population. Under Article 3a(2) of Decision 90/424/EEC, Germany took measures to combat those outbreaks.

(3) The payment of a Community financial contribution must be made subject to the condition that the planned measures were actually implemented and that the competent authorities provided all the necessary information to the Commission within certain deadlines.

(4) Commission Regulation (EC) No 349/2005 of 28 February 2005 laying down rules on the Community financing of emergency measures and of

the campaign to combat certain animal diseases under Council Decision 90/424/EEC ⁽³⁾, following the amendment of Decision 90/424/EEC by Decision 2006/53/EC, no longer covers avian influenza. It is therefore necessary to expressly provide in the present Decision that the granting of a financial contribution to Germany is subject to compliance with certain rules laid down in Regulation (EC) No 349/2005.

(5) Article 3a(3) of Decision 90/424/EEC provides that the Community financial contribution is to be 50 % of the eligible costs incurred by the Member State.

(6) Germany has fully complied with its technical and administrative obligations as set out in Articles 3(3) and 3a(2) of Decision 90/424/EEC. Germany has forwarded to the Commission information on the costs incurred in the framework of this outbreak on 14 March 2006 and thereafter continued to provide all necessary information on costs of compensation and operational expenditure.

(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***Financial contribution from the Community**

1. A financial contribution from the Community may be granted to Germany towards the costs incurred by that Member State in taking the measures referred to in Article 3a(2) of Decision 90/424/EEC to combat avian influenza in 2006.

⁽¹⁾ OJ L 224, 18.8.1990, p. 19. Decision as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽²⁾ OJ L 29, 2.2.2006, p. 37.

⁽³⁾ OJ L 55, 1.3.2005, p. 12.

The financial contribution shall be 50 % of the costs incurred that are eligible for Community funding.

2. For the purposes of this Decision, Articles 2 to 5 and Articles 7 and 8 and Article 9(2), (3) and (4) and Article 10 of Regulation (EC) No 349/2005 shall apply *mutatis mutandis*.

Article 2

Addressee

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 25 April 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission

AGREEMENTS

COUNCIL

Information on the date of entry into force of the Fisheries Partnership Agreement between the European Community and the Federated States of Micronesia ⁽¹⁾

On 20 September 2006 and 26 February 2007 respectively, the European Community and the Government of the Federated States of Micronesia notified each other that the procedures necessary for entry into force of the Agreement had been completed.

The Agreement accordingly entered into force on 26 February 2007, in accordance with Article 16 thereof.

⁽¹⁾ OJ L 151, 6.6.2006, p. 1.

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL DECISION 2007/274/JHA

of 23 April 2007

concerning the conclusion of the Agreement between the European Union and the Government of the United States of America on the security of classified information

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Article 1

Having regard to the Treaty on European Union, and in particular Articles 24 and 38 thereof,

The Agreement between the European Union and the Government of the United States of America on the security of classified information is hereby approved on behalf of the European Union.

Having regard to the recommendation from the Presidency,

The text of the Agreement is attached to this Decision.

Whereas:

Article 2

(1) At its meeting on 27 and 28 November 2003, the Council decided to authorise the Presidency, assisted by the Secretary General/High Representative, to open negotiations in accordance with Articles 24 and 38 of the Treaty on European Union with certain third states, in order for the European Union to conclude with each of them an Agreement on security procedures for the exchange of classified information.

The President of the Council is hereby authorised to designate the person empowered to sign the Agreement in order to bind the European Union.

Article 3

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

Article 4

This Decision shall be published in the *Official Journal of the European Union*.

(2) Following this authorisation to open negotiations, the Presidency, assisted by the Secretary General/High Representative, negotiated an Agreement with the Government of the United States of America on the security of classified information.

Done at Luxembourg, 23 April 2007.

(3) The Agreement should be approved,

For the Council
The President
F.-W. STEINMEIER

AGREEMENT**between the European Union and the government of the United States of America on the security of classified information**

THE GOVERNMENT OF THE UNITED STATES OF AMERICA, hereafter referred to as 'the USG'

and

THE EUROPEAN UNION, hereafter referred to as 'the EU', hereafter referred to as 'the Parties',

CONSIDERING THAT the USG and the EU share the objectives to strengthen their own security in all ways and to provide their citizens with a high level of safety within an area of security,

CONSIDERING THAT the USG and the EU agree that consultations and co-operation should be developed between them on questions of common interest relating to security,

CONSIDERING THAT, in this context, a permanent need therefore exists to exchange classified information between the USG and the EU,

RECOGNISING THAT full and effective consultation and co-operation may require access to USG and EU classified information, as well as the exchange of classified information between the USG and the EU,

CONSCIOUS THAT such access to and exchange of classified information requires appropriate security measures,

HAVE AGREED AS FOLLOWS:

*Article 1***Scope**

1. This Agreement shall apply to classified information provided or exchanged between the Parties.
2. Each Party shall protect classified information received from the other Party, in particular against unauthorised disclosure, in accordance with the terms set forth herein and in accordance with the Parties' respective laws and regulations.

(i) the unauthorised disclosure of which could cause varying degrees of damage or harm to the interests of the USG, or of the EU or one or more of its Member States; (ii) which requires protection against unauthorised disclosure in the security interests of the USG or the EU; and (iii) which bears a security classification assigned by the USG or the EU. The information may be in oral, visual, electronic, magnetic or documentary form, or in the form of material, including equipment or technology.

*Article 2***Definitions**

1. For the purpose of this Agreement 'the EU' shall mean the Council of the European Union (hereafter referred to as 'the Council'), the Secretary-General/High Representative and the General Secretariat of the Council, and the Commission of the European Communities (hereafter referred to as 'the European Commission').
2. For the purpose of this Agreement 'classified information' shall mean information and material subject to this Agreement

*Article 3***Security classifications**

1. Classified information shall be marked as follows:
 - (a) For the USG, classified information shall be marked TOP SECRET, SECRET or CONFIDENTIAL.
 - (b) For the EU, classified information shall be marked TRES SECRET UE/EU TOP SECRET, SECRET UE, CONFIDENTIEL UE or RESTREINT UE.

2. The corresponding security classifications are:

In the European Union	In the United States of America
TRES SECRET UE/EU TOP SECRET	TOP SECRET
SECRET UE	SECRET
CONFIDENTIEL UE	CONFIDENTIAL
RESTREINT UE	(No US equivalent)

3. Classified information provided by one Party to the other shall be stamped, marked or designated with the name of the releasing Party. Classified information provided by one Party shall be protected by the recipient Party in a manner at least equivalent to that afforded to it by the releasing Party.

Article 4

Protection of classified information

1. Each Party shall have a security system and security measures in place based on the basic principles and minimum standards of security laid down in its respective laws and regulations, in order to ensure that an equivalent level of protection is applied to classified information. On request, each Party shall provide the other Party with information about its security standards, procedures and practices, including training, for safeguarding classified information.

2. The recipient Party shall afford classified information received from the releasing Party a degree of protection at least equivalent to that afforded it by the releasing Party.

3. The recipient Party shall not use or permit the use of classified information for any other purpose than that for which it was provided without the prior written approval of the releasing Party.

4. The recipient Party shall not further release or disclose classified information without the prior written approval of the releasing Party.

5. The recipient Party shall comply with any limitations on the further release of classified information as may be specified by the releasing Party when it discloses it.

6. The recipient Party shall ensure that the rights of the originator of classified information provided or exchanged under this Agreement, as well as intellectual property rights such as patents, copyrights or trade secrets, are adequately protected.

7. No individual shall be entitled to have access to classified information received from the other Party solely by virtue of rank, appointment, or security clearance. Access to classified information shall be granted only to those individuals whose official duties require such access and who, where needed, have been granted the requisite personnel security clearance in accordance with the prescribed standards of the Parties.

8. The recipient Party shall ensure that all individuals having access to classified information are informed of their responsibilities to protect the information in accordance with applicable laws and regulations.

Article 5

Personnel security clearances

1. The Parties shall ensure that all persons who in the conduct of their official duties require access, or whose duties or functions may afford access, to information classified CONFIDENTIEL UE or CONFIDENTIAL or above provided or exchanged under this Agreement are appropriately security-cleared before they are granted access to such information.

2. The determination by a Party on the granting of a personnel security clearance to an individual shall be consistent with that Party's security interests and shall be based upon all available information indicating whether the individual is of unquestionable loyalty, integrity, and trustworthiness.

3. Each Party's security clearances shall be based on an appropriate investigation conducted in sufficient detail to provide assurance that the criteria referred to in paragraph 2 have been met with respect to any individual to be granted access to classified information. For the EU, the parent government National Security Authority (NSA) of the individual concerned is the competent authority responsible for conducting the necessary security investigations on its nationals.

Article 6

Transfer of custody

The releasing Party shall ensure that all classified information is adequately protected until custody of the information is transferred to the recipient Party. The recipient Party shall ensure that all classified information of the other Party is adequately protected as soon as it has custody of the information released to it.

*Article 7***Security of facilities and establishments of the Parties where classified information is kept**

In accordance with applicable laws and regulations, each Party shall ensure the security of facilities and establishments where classified information released to it by the other Party is kept, and shall ensure for each such facility or establishment that all necessary measures are taken to control and protect the information.

*Article 8***Release of classified information to contractors**

1. Classified information received from the other Party may be provided to a contractor or prospective contractor with the prior written consent of the releasing Party. Prior to the release or disclosure to a contractor or prospective contractor of any classified information received from the other Party, the recipient Party shall ensure that such contractor or prospective contractor, and the contractor's facility, have the capability to protect the information and have an appropriate clearance.

2. This Article shall not apply to personnel engaged by the European Union under a contract of employment or by the United States under a personal services contract.

*Article 9***Transmission**

1. Classified information shall be transmitted between the Parties through mutually agreed channels.

For the purposes of this Agreement:

(a) As regards the EU, all classified information in written form shall be sent to the Chief Registry Officer of the Council of the European Union. All such information shall be forwarded by the Chief Registry Officer of the Council to the Member States and to the European Commission, subject to paragraph 3;

(b) As regards the USG, all classified information in written form shall be sent, unless otherwise provided for, via the Mission of the United States of America to the European Union, at the following address:

Mission of the United States of America to the European Union
Registry Officer
Rue Zinner 13
B-1000 Brussels

2. The electronic transmission of classified information up to the level CONFIDENTIAL/CONFIDENTIEL UE between the USG and the EU and between the EU and the USG shall be encrypted in accordance with the releasing Party's requirements as outlined in its security policies and regulations. The releasing Party's requirements shall be met when transmitting, storing and processing classified information in internal networks of the Parties.

3. Exceptionally, classified information from one Party which is accessible to only specific competent officials, organs or services of that Party may, for operational reasons, be addressed and be accessible to only specific officials, organs or services of the other Party specifically designated as recipients, taking into account their competences and according to the need-to-know principle. As far as the EU is concerned, such information shall be transmitted through the Chief Registry Officer of the Council, or the Chief Registry Officer of the European Commission Security Directorate when such information is addressed to the European Commission.

*Article 10***Visits to facilities and establishments of the Parties**

When required, the Parties shall confirm personnel security clearances through mutually agreed channels for visits by representatives of one Party to facilities and establishments of the other Party.

*Article 11***Reciprocal security visits**

Implementation of the security requirements set out in this Agreement may be verified through reciprocal visits by security personnel of the Parties with a view to evaluating the effectiveness of measures taken under this Agreement and the technical security arrangement to be established pursuant to Article 13 to protect classified information provided or exchanged between the Parties. Accordingly, security representatives of each Party, after prior consultation, may be permitted to visit the other Party and to discuss and observe the implementing procedures of the other Party. The host Party shall assist the visiting security representatives in determining whether classified information received from the visiting Party is being protected adequately.

*Article 12***Oversight**

1. For the USG, the Secretaries of State and Defense and the Director of National Intelligence shall oversee the implementation of this Agreement.

2. For the EU, the Secretary-General of the Council and the Member of the Commission responsible for security matters shall oversee the implementation of this Agreement.

*Article 13***Technical security arrangement**

1. In order to implement this Agreement, a technical security arrangement shall be established among the three authorities designated in paragraphs 2 to 4 in order to lay down the standards for the reciprocal security protection of classified information provided or exchanged between the Parties under this Agreement.

2. The U.S. Department of State, acting in the name of the USG and under its authority, shall be responsible for developing the technical security arrangement mentioned in paragraph 1 for the protection and safeguarding of classified information provided to or exchanged with the USG under this Agreement.

3. The Security Office of the General Secretariat of the Council, under the direction and on behalf of the Secretary-General of the Council, acting in the name of the Council and under its authority, shall be responsible for developing the technical security arrangement mentioned in paragraph 1 for the protection and safeguarding of classified information provided to or exchanged with the Council or the General Secretariat of the Council under this Agreement.

4. The European Commission Security Directorate, acting under the authority of the Member of the Commission responsible for security matters, shall be responsible for developing the technical security arrangement mentioned in paragraph 1 for the protection of classified information provided or exchanged under this Agreement with the European Commission.

5. For the EU, the arrangement shall be subject to approval by the Council Security Committee.

*Article 14***Downgrading and declassification**

1. The Parties agree that classified information should be downgraded in classification as soon as information ceases to require that higher degree of protection or should be declassified as soon as the information no longer requires protection against unauthorised disclosure.

2. The releasing Party has complete discretion concerning downgrading or declassification of its own classified information. The recipient Party shall not downgrade the security classification or declassify classified information received from the other Party, notwithstanding any apparent declassification instructions on the document, without the prior written consent of the releasing Party.

*Article 15***Loss or compromise**

The releasing Party shall be informed upon discovery of any proven or suspected loss or compromise of its classified information, and the recipient Party shall initiate an investigation to determine the circumstances. The results of the investigation and information regarding measures taken to prevent recurrence shall be forwarded to the releasing Party. The authorities referred to in Article 13 may establish procedures to that effect.

*Article 16***Dispute settlement**

Any differences between the Parties arising under or relating to this Agreement shall be settled solely through consultations between the Parties.

*Article 17***Costs**

Each Party shall be responsible for bearing its own costs incurred in implementing this Agreement.

*Article 18***Ability to protect**

Prior to the provision or exchange of classified information between the Parties, the responsible security authorities referred to in Article 12 must agree that the recipient Party is able to protect and safeguard the information subject to this Agreement in a way consistent with the technical security arrangement to be established pursuant to Article 13.

*Article 19***Other agreements**

Nothing in this Agreement shall alter existing agreements or arrangements between the Parties, nor agreements between the USG and Member States of the European Union. This Agreement shall not preclude the Parties from concluding other Agreements relating to the provision or exchange of classified information subject to this Agreement provided they are not incompatible with the obligations under this Agreement.

*Article 20***Entry into force, amendment and denunciation**

1. This Agreement shall enter into force on the date of the last signature by the Parties.

2. Each Party shall notify the other Party of any changes in its laws and regulations that could affect the protection of classified information referred to in this Agreement. In such cases, the Parties shall consult with a view to amending this Agreement as necessary in accordance with paragraph 3.

3. Amendments to the present Agreement shall be made by mutual written agreement of the Parties.
4. Either Party may denounce this Agreement by notifying the other Party, in writing, ninety days in advance of its intention to denounce the Agreement. Notwithstanding the denunciation of this Agreement, all classified information provided pursuant to this Agreement shall continue to be protected in accordance with this Agreement. The Parties shall consult immediately on the disposition of such classified information.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto by their respective Authorities, have signed this Agreement.

Done at Washington this thirtieth day of April 2007 in two copies, each in the English language.

For the European Union

*For the Government of the United States of
America*


