

EU ANIMAL HEALTH REQUIREMENTS – CHANNEL RACING

REPORT BY THE RPRA CEO 30th March 2021

Further to my communication last week in relation to Channel Racing and the Animal Health requirements I have decided to publish detail of the issues and the possible solutions. This includes extracts from communications with the EU Commission representatives of the Directorate General for Health (DG Sante), as well as a detailed overview of the relevant EU regulations.

As you will be aware we were informed by DEFRA that Pigeons transported from the UK to the EU for racing purposes were exempt from the animal health requirements. This at the time was accurate as the relevant EU Regulation 2013/139 provided specific exemptions in this respect. However, this did not take into consideration the new Animal Health Laws/regulations coming into force on 21st April 2021. These new Regulations do not provide exemptions for Racing Pigeons transported for racing purposes. The relevant Regulations, for the remaining content of this report are as follows:

EU Regulation 2016/429

EU Regulation 2020/692 that provides the requirement for entry into the EU from Third Countries (Countries outside of the EU)

EU Regulation 2020/688 that provides the requirements for the movement of animals between member states.

I have extracted what I believe to be the most relevant parts of the regulations for the purpose of Pigeon Racing.

Within regulation 2016/429 captive birds are defined as those kept for a number of reasons including races and exhibitions. Therefore, racing pigeons would fall into the relevant articles relating to Captive Birds. This has been confirmed in my written communications with DG Sante.

The following are the relevant Regulation articles, along with my comments highlighted in red, which will hopefully demonstrate the issues arising from such requirements. Please note that my comments have been used as a basis of discussion with DEFRA and therefore they may seem obvious to you as a pigeon fancier.

Regulation 2020/692

Article 11 The residency period required for kept terrestrial animals

Consignments of kept terrestrial animals other than dogs, cats and ferrets, shall only be permitted to enter the Union subject to compliance with the following requirements:

(a) the animals complied with the relevant residency period set out in the following tables of Annex III for a continuous period of time immediately prior to the date of dispatch to the Union:

(i) Table 1 in the case of ungulates, honeybees and bumble bees;

(ii) Table 2 in the case of poultry and captive birds;

(b) the animals:

(i) remained continuously in the third country or territory of origin or zone thereof during the period indicated in the second column of Table 1 in Annex III and the third column of Table 2 in Annex III;

(ii) remained continuously in the establishment of origin, and no animals were introduced into that establishment during the period indicated in the third column of Table 1 in Annex III and the fourth column of Table 2 in Annex III;

(iii) had no contact with animals of a lower health status during the period indicated in the fourth column of Table 1 in Annex III and the fifth column of Table 2 in Annex III.

Table 2 requires a three week residency period prior to dispatch for Captive Birds. The commission Health Committee at their meeting of 4th March indicated that the residency period for racing pigeons would be removed. However, it is not clear if this relates solely to Regulation 2020/688 (the movement of animals between members states) or if it also relates to Regulation 2020/692 - the requirements for entry into the Union.

Racing Pigeons have to be raced/trained regularly. This involves taken the Pigeons from the establishment to fly back. Racing Pigeons may race from France on a weekly basis. Clearly this would not be workable from a Pigeon Racing perspective.

Article 13 Inspection of terrestrial animals prior to dispatch to the Union

1. Consignments of terrestrial animals shall only be permitted to enter the Union if the animals of the consignment have been subjected to a clinical inspection, carried out by an official veterinarian in the third country or territory of origin or zone thereof within the period of 24 hours prior to the time of loading for dispatch to the Union for the purpose of the detection of signs indicative of the occurrence of diseases, including the relevant listed diseases referred to in Annex I and emerging diseases.

In the case of poultry and captive birds, that inspection shall cover both the animals intended for dispatch to the Union and the flock of origin.

2. By way of derogation from the first subparagraph of paragraph 1, in the case of registered equine animals the inspection referred to therein may be carried out within 48 hours prior to the time of loading for dispatch to the Union or on the last working day prior to dispatch to the Union.

3. By way of derogation from the first subparagraph of paragraph 1, in the case of dogs, cats and ferrets the inspection referred to therein may be carried out within the period of 48 hours prior to the time of loading for dispatch to the Union.

This would require a Health Certificate signed by a Vet?

Article 14 General rules for the dispatch to the Union of terrestrial animals

1. Consignments of terrestrial animals shall only be permitted to enter the Union if, from the time of loading at the establishment of origin for dispatch to the Union until the time of their arrival in the Union, the animals of the consignment have not been in contact with other terrestrial animals of:

(a) the same species, not intended for entry into the Union;

(b) other species listed for the same diseases, not intended for entry into the Union;

(c) a lower health status.

Our Transport processes would ensure compliance with the above requirements

2. When transported by air, sea, railway, road or on foot, the consignments referred to in paragraph 1 shall only be permitted to enter the Union if they have not been transported through, unloaded or transhipped in a third country or territory or zone thereof which is not listed for entry into the Union of the specific species and category of animals and their intended use in the Union.

This would not be an issue.

3. When transported by sea, even for part of the journey, the consignments referred to in paragraph 1 shall only be permitted to enter the Union if they arrive to the Union accompanied by a declaration, attached to the animal health certificate accompanying the animals and signed by the master of the vessel, providing the following information:

- (a) the port of departure in the third country or territory of origin or zone thereof;
- (b) the port of arrival in the Union;
- (c) the ports of call, where the vessel called at ports outside the third country or territory of origin or zone thereof of the animals;
- (d) confirmation of compliance with the following requirements during the journey to the Union:
 - (i) the animals have remained on board;
 - (ii) the animals have not been into contact with animals of a lower health status while on board.

This will add another level of administration in relation to Channel crossings.

Article 17 General requirements regarding means of transport of terrestrial animals

1. Consignments of kept terrestrial animals shall only be permitted to enter the Union if the means of transport used for their transport are:

- (a) constructed in such a way that:
 - (i) the animals cannot escape or fall out;
 - (ii) visual inspection of the space where animals are kept is possible;
 - (iii) the escape of animal excrements, litter or feed is prevented or minimised;
 - (iv) in the case of poultry and captive birds, the escape of feathers is prevented or minimised;
- (b) cleaned and disinfected, with a disinfectant authorised by the competent authority of the third country or territory of dispatch, and dried or allowed to dry immediately before every loading of animals intended for entry into the Union.

This should not be a problem in relation to means of transport - assuming means of Transport of the vehicle.

Article 18 Requirements regarding containers in which terrestrial animals are transported to the Union

Consignments of kept terrestrial animals shall only be permitted to enter the Union if the containers in which kept terrestrial animals are transported to the Union in the means of transport:

- (a) comply with the requirements in Article 17(1)(a);
 - (b) contain only animals of the same species and category coming from the same establishment;
 - (c) are either:
 - (i) unused and purpose-designed disposable containers to be destroyed after first use;
- or
- (ii) cleaned and disinfected and dried or allowed to dry before loading of animals intended for entry into the Union.

Are birds considered Terrestrial Animals? Online definitions seems to suggest so.

Point b would be an issue as we mix pigeons from different establishments (Lofts). This would be difficult to adhere to for reasons I can explain in more detail.

Point c (ii) is already complied with.

Another issue here would the vet be expected to confirm the transportation meets these requirements? If so this would mean an additional vet check prior to dispatch - assuming the original health check would be done at each loft/establishment.

Article 53 Requirements concerning the identification of captive birds

Consignments of captive birds shall only be permitted to enter the Union if the animals of the consignment are identified with an individual identification number by means of a unique marked closed leg-ring or an injectable transponder, which contains at least the following information:

- (a) the code of the third country or territory of origin conforming with ISO Standard 3166 in the format of two-letter;
- (b) a unique serial number.

We already comply fully with this requirement.

I assume the UK has a Third Country code?

Article 54 Specific preventive measures for the containers in which captive birds are transported

Consignments of captive birds shall only be permitted to enter the Union if such consignments have been transported in containers which, in addition to the requirements regarding containers laid down in Article 18, comply with the following requirements:

- (a) they are closed in accordance with the instructions of the competent authority of the third country or territory of origin in order to avoid the possibility of any substitution of the contents;
- (b) they bear the information for the particular species and category of birds set out in Annex XVI;
- (c) they are used for the first time.

Part C seems to contradict Article 18. We could not adhere to this as our vehicles are constructed in a way to use crates that are disinfected after each journey and reused.

Article 55 Requirements concerning the establishment of origin of the consignment of captive birds

Consignments of captive birds shall only be permitted to enter the Union if the animals of the consignment come from an establishment which complies with the following requirements:

- (a) it has been approved by the competent authority of the third country or territory of origin as meeting the specific animal requirements laid down in Article 56, and that approval has not been suspended or withdrawn;
- (b) it has been assigned a unique approval number by the competent authority of the third country or territory of origin, which has been communicated to the Commission; This would involve registering the premises/loft?
- (c) the name and approval number of the establishment of origin appears on a list of establishments drawn up and published by the Commission;
- (d) within a 10 km radius of the establishment, including, where appropriate, the territory of any neighbouring country, there has been no outbreak of highly pathogenic avian influenza or infection with Newcastle disease virus for a period of at least the preceding 30 days prior to the date of loading for dispatch to the Union;

Most of these points relate to DEFRA's disease control strategy and are already in place ?

Article 56 Specific animal health requirements for the approval, maintenance of approval and suspension, withdrawal or re-granting of the approval of the establishments of origin of the consignment of captive birds

1. Consignments of captive birds shall only be permitted to enter into the Union if the animals of the consignment come from establishments approved by the competent authority of the third country or territory of origin as referred to in Article 55, and that comply with the following requirements set out in Annex XIX:

- (a) point 1, in relation to biosecurity measures;
- (b) point 2, in relation to facilities and equipment;
- (c) point 3, in relation to record keeping;
- (d) point 4, in relation to personnel;
- (e) point 5, in relation to health status.

Again I believe this is part of the registered premises process?

2. Consignments of captive birds shall only be permitted to enter into the Union if the animals of the consignment come from establishments which are under the control of an official veterinarian of the competent authority of the third country or territory, who shall:

- (a) ensure that the conditions set out in this Article are met;
- (b) visit the premises of the establishment at least once per year;
- (c) audit the activity of the veterinarian of the establishment and the implementation of the annual disease surveillance programme;
- (d) verify that the results of the clinical, post-mortem and laboratory tests on the animals have revealed no occurrence of highly pathogenic avian influenza, infection with Newcastle disease virus or avian chlamydiosis.

Would this involve each loft being registered with a vet? How will this be evidenced? These requirements seem to be aimed at commercial activity and not hobby related actions

3. The approval of an establishment of captive birds shall be suspended or withdrawn where that establishment no longer complies with the conditions set out in paragraphs 1 and 2, or there has been a change of use so that it is no longer used exclusively for captive birds.

4. The approval of an establishment of captive birds shall be suspended when the competent authority of the third country or territory has received notification of the suspicion of highly pathogenic avian influenza, infection with Newcastle disease virus or avian chlamydiosis, and until the suspicion has been officially ruled out. Following the notification of suspicion, the necessary measures to confirm or rule out the suspicion and to avoid any spread of disease shall be taken, in accordance with the requirements of Delegated Regulation (EU) 2020/687.

5. When the approval of an establishment has been suspended or withdrawn, the establishment shall again be approved provided the following conditions are met:

- (a) the disease and the source of infection has been eradicated;
- (b) adequate cleaning and disinfection has been carried out on previously infected establishments;
- (c) the establishment fulfils the conditions laid down in paragraph 1.

6. Consignments of captive birds shall only be permitted to enter into the Union when the third country or territory of origin has undertaken to inform the Commission of the suspension, withdrawal or re-granting of approval of any establishment.

I assume processes are in place to meet this requirement?

Article 57 Specific animal health requirements for the captive birds

Consignments of captive birds shall only be permitted to enter the Union if the animals of the consignment:

- (a) have not been vaccinated against highly pathogenic avian influenza;
- (b) have been vaccinated against infection with Newcastle disease virus and the competent authority of the third country or territory of origin has provided guarantees that the vaccines used comply with

the general and specific criteria for vaccines against infection with Newcastle disease virus set out in point 1 of Annex XV;

(c) have been subjected to a virus detection test for highly pathogenic avian influenza and Newcastle disease with negative results, within a period of 7 to 14 days prior to the date of loading for dispatch to the Union.

We already have processes in place for the mandatory vaccination against Paramyxo. We do not vaccinate against AI.

Point C would require a test by the competent authority. I am currently trying to establish is this could be a sample flock test or if each individual pigeon would require testing. In which case it would be unfeasible. Please could you confirm?

Article 58 Requirements concerning the entry of consignments of captive birds into Member States with status free from infection with Newcastle disease virus without vaccination

Article 59 Requirements concerning the movement of captive birds after entry into the Union

Following their entry into the Union, consignments of captive birds shall be transported without delay directly to a quarantine establishment approved in accordance with Article 14 of Delegated Regulation (EU) 2019/2035, as follows:

(a) the total journey from the point of entry into the Union to the quarantine establishment must not exceed 9 hours;

(b) vehicles used for the transport of the consignment to the quarantine establishment must be sealed by the competent authority in such a way that prevents the possibility of any substitution of the contents.

Given the birds are released to race back home this could not be implemented. From minutes of the commission's expert group and correspondence with the Commission I believe this requirement may be removed for racing pigeons transported for the purpose of Racing.

Article 60 Obligation on operators at the quarantine establishment following the entry into the Union of consignments of captive birds

Operators of the quarantine establishment for the captive birds referred to in Article 59 shall:

(a) keep captive birds quarantined for a period of at least 30 days;

(b) where sentinel birds are used for examination, sampling and testing procedures, ensure that:

(i) a minimum number of 10 sentinel birds are used in each unit of the quarantine establishment;

(ii) they are at least 3 weeks old and used only once for those purposes;

(iii) they are either leg-banded for identification purposes or identified with another non-removable means of identification;

(iv) they are unvaccinated and have been found sero-negative for highly pathogenic avian influenza and infection with Newcastle disease virus within a period of 14 days prior to the date of commencement of quarantine;

(v) they are placed in the approved quarantine establishment before the arrival of the captive birds in the common air space and as close as possible to the captive birds so that close contact between the sentinel birds and the excrements of the captive birds in quarantine is ensured;

(vi) release the captive birds from quarantine only on the written authorisation of an official veterinarian.

[See comments in relation to article 59](#)

Article 61 Obligation on the competent authorities following the entry into the Union of consignments of captive birds

Following the arrival of the captive birds in the quarantine establishment referred to in Article 59, the competent authority shall:

(a) inspect the conditions of quarantine, including an examination of the mortality records and a clinical inspection of the captive birds, at least at the beginning and the end of quarantine period;

(b) subject the captive birds to testing for highly pathogenic avian influenza and infection with Newcastle disease virus, in accordance with the examination, sampling and testing procedures set out in Annex XX.

[See comments in relation to article 59](#)

Article 62 Derogation from animal health requirements for captive birds originating from certain third countries or territories

By way of derogation from requirements laid down in Articles 3 to 10 of Part I, except point (a)(i) of Article 3, Articles 11 to 19 and Articles 53 to 61, consignments of captive birds which do not comply with those requirements shall be permitted to enter the Union if they originate from third countries or territories specifically listed for the entry into the Union of captive birds based on equivalent guarantees.

[These derogations are key to Channel racing. I am currently trying to establish how to apply for and achieve such derogations. Can you advise?](#)

OBSERVATIONS

Clearly the above requirements would make channel racing an almost impossible task.

The possibilities relating to article 62 is a positive solution. However, how and when this could be achieved remains to be seen; the question has been asked to representatives of DEFRA, EU Commission, French Border Inspection Post, and The French Agriculture departments.

Positive steps

Following extensive lobbying of the EU Commission it has been confirmed that the 21 days housing measures and Health certification will be removed from the requirements of Regulation 2020/688.

However, as outlined above this regulation is relevant to the movements of Racing Pigeons between member states and not from Countries outside of the EU. It remains to be seen if these exemptions will also be included in regulation 2020/692. To outline the steps taken to achieve clarity in this respect I have provided the content of my most recent email to DG Sante below. Defra has also written to the Commission.

Email to DG Sante

Dear Mr Van Goethem, Apologies for contacting you once again.

However, I may have used the wrong wording in my previous email where I stated that the Animal Health laws would be suspended for 6 months. Having reviewed the minutes from the Committee on Agriculture and Rural Development of 4th March 2021 where a lot of emphasis was placed on the health requirements for Racing Pigeons; I should have used the word 'transition' and not suspended.

For my reference I have provided the link to the online minutes/recording here https://multimedia.europarl.europa.eu/en/committee-on-agriculture-and-rural-development_20210304-0900-COMMITTEE-AGRI_vd

During the meeting you outlined that;

1. It would not be possible to simply postpone the Animal Health law - it would not have worked as it would have created legal problems. Therefore you have chosen the option to try and help member states to transition from the existing animal health laws to the new animal health laws.
2. This would not only help member states but also help stakeholders.
3. The transition period would be for 6 months (i.e. up to 21st October 2021) where the old certificates could be used during the period of transition.
4. This period of transition would also be relevant to Third Countries exporting to the EU - countries that export to the EU would have to meet the requirements of the new framework after the transition period.
5. With reference to racing pigeons you provide assurances that there will be no changes at the point the new implementing act comes into force and for the transition period.

With reference to point 5 this means that there will be no requirement for the pigeons to be quarantined for 21 days and that the owner's declaration will be sufficient.

Based on the above information I conclude that we can continue to transport pigeons into the EU for the purposes of Racing (where they are liberated to fly back to the UK) under the existing requirements i.e. the requirements prior to 21st April 2021 and that this will be permitted during the six months transitional period. This would allow us to continue with our historic cooperative approach with our fellow European pigeon enthusiasts for the transitional period.

After the transitional period the relevant requirements of the new Animal Health Laws would have to be implemented.

I look forward to your reply

Thanks again

Ian

Observation

Clearly if the reply to the above is positive then Channel Racing would be able to proceed and we would have a significant amount of time to lobby for amendments to Regulation 2020/692 in advance of the 2022 season. However, my conclusions may not be accurate.