Commission Implementing Regulation (EU) 2020/1166 of 6 August 2020 amending Annex I to Regulation (EC) No 798/2008 as regards the entry for the United States in the list of third countries, territories, zones or compartments from which certain poultry commodities may be imported into or transit through the Union in relation to highly pathogenic avian influenza (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2020/1166

of 6 August 2020

amending Annex I to Regulation (EC) No 798/2008 as regards the entry for the United States in the list of third countries, territories, zones or compartments from which certain poultry commodities may be imported into or transit through the Union in relation to highly pathogenic avian influenza

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption[(1)], and in particular the introductory phrase of Article 8, the first subparagraph of paragraph 1 of Article 8, paragraph 4 of Article 8 and Article 9(4)(c) thereof,

Having regard to Council Directive 2009/158/EC of 30 November 2009 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs[(2)], and in particular Articles 23(1), 24(2) and 25(2) thereof,

Whereas:

(1) Commission Regulation (EC) No 798/2008[(3)] lays down veterinary certification requirements for imports into and transit, including storage during transit, through the Union of poultry and poultry products (‘the commodities’). It provides that the commodities are only to be imported into and transit through the Union from the third countries, territories, zones or compartments listed in columns 1 and 3 of the table in Part 1 of Annex I thereto.

(2) Regulation (EC) No 798/2008 also lays down the conditions for a third country, territory, zone or compartment to be considered as free from highly pathogenic avian influenza (HPAI).

(3) The United States is listed in Part 1 of Annex I to Regulation (EC) No 798/2008 as a third country from which imports into and transit through the Union of the commodities are not restricted due to the presence of HPAI.

(4) The Agreement between the European Community and the United States of America on sanitary measures to protect public and animal health in trade in live animals and animal

products ('the Agreement')[4], approved by Council Decision 98/258/EC[5], provides for the mutual recognition of regionalisation measures in the event of outbreaks of a disease in the Union or in the United States.

(5) On 8 April 2020, the United States confirmed the presence of HPAI of subtype H7N3 in a poultry holding in Chesterfield County in the State of South Carolina. Following the outbreak of HPAI, the veterinary authorities of the United States placed a 10 km control zone around the affected holding, which included parts of Chesterfield, Lancaster and Kershaw counties in the State of South Carolina and implemented a stamping-out policy in order to control HPAI and limit the spread of that disease.

(6) By adopting Commission Implementing Regulation (EU) 2020/544[6], the Commission placed restrictions on the introduction into the Union of poultry commodities from the area in the State of South Carolina affected by HPAI, which the veterinary authorities of the United States had placed under restrictions due to the outbreak of HPAI.

(7) The United States has submitted updated information on the epidemiological situation on its territory and the measures it has taken to prevent the further spread of HPAI, which have now been evaluated by the Commission. In addition, the United States has reported on the completion of cleaning and disinfection measures on 7 May 2020 following the stamping out policy on the poultry holding where the HPAI outbreak was confirmed in April 2020.

(8) On the basis of the evaluation of the information provided by the United States, it is appropriate to indicate in Part 1 of Annex I to Regulation (EC) No 798/2008 the date of 5 August 2020, i.e. 90 days after the completion of the stamping out policy and cleaning and disinfection measures, as of when that third country may again, in accordance with Article 9 of Regulation (EC) No 798/2008, be considered free from HPAI and imports into and transit through the Union of certain poultry commodities originating in that third country should be authorised again.

(9) The entry for the United States in the table set out in Part 1 of Annex I to Regulation (EC) No 798/2008 should therefore be amended to take account of the eradication of HPAI in that third country. Annex I to Regulation (EC) No 798/2008 should therefore be amended accordingly.

(10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Part 1 of Annex I to Regulation (EC) No 798/2008 is amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 6 August 2020.

For the Commission

The President

Ursula VON DER LEYEN

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/1166. (See end of Document for details)*

ANNEX

In Part 1 of Annex I to Regulation (EC) No 798/2008, the entry for the United States is replaced by the following:

ISO code and name of third country or territory	Code of third country, territory, zone or compartment	Description of third country, territory, zone or compartment	Veterinary certificate		Specific conditions	Specific conditions		Avian influenza surveillance status	Avian influenza vaccination status	Salmonella Control Status[6]
			Model(s)	Additional guarantees		Closing date[1]	Opening date[2]			
1	2	3	4	5	6	6A	6B	7	8	9
‘US – United States	US-0	Whole country	SPF							
			EP, E							S4
	US-1	The whole country of the United States excluding area US-2	WGM	VIII						
			POU, RAT		N					
			BPP, BPR, DOC, DOR, HEP, HER, SRP, SRA, LT20					A		S3, ST1
	US-2	Territory of the United States corresponding to:								
	US-2.1	State of Tennessee: Lincoln County Franklin County Moore County	WGM	VIII	P2	4.3.2017	11.8.2017			
			POU, RAT		N P2					
			BPR, BPP, DOC, DOR, HEP, HER, SRP, SRA, LT20					A		S3, ST1