# Commission Implementing Regulation (EU) 2020/544 of 20 April 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) 2020/544

## of 20 April 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 point 1 of Article 8, point 4 of Article 8 and Article 9(4) 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

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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. The whole territory of the Unites States may, therefore, no longer be considered as being free from that disease.

(6) 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. The veterinary authorities of the United States confirmed that they immediately suspended issuing veterinary certificates for consignments of commodities intended for export to the Union from the whole of the territory of the United States and implemented a stamping-out policy in order to control HPAI and limit the spread of that disease.

(7) The United States has submitted information on the epidemiological situation on its territory and the measures it has taken to prevent the further spread of HPAI which has now been evaluated by the Commission. On the basis of that evaluation, as well as the commitments laid down in the Agreement and the guarantees provided by the United States, in order to safeguard the Union against the animal health risks associated with the introduction into the Union of commodities from the United States, it is appropriate to place restrictions on the introduction into the Union of commodities from the area in the State of South Carolina affected by HPAI, which the veterinary authorities of the United States have placed under restrictions due to the current outbreak.

(8) 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 current epidemiological situation in that third country due to the current outbreak of HPAI. Annex I to Regulation (EC) No 798/2008 should therefore be amended accordingly.

(9) 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.

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Done at Brussels, 20 April 2020.

*For the Commission*

*The President*

Ursula VON DER LEYEN

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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: | WGM | VIII | P2 | 4.3.2017 | 11.8.2017 | | | |
| | | | POU, RAT | | N P2 | | | | | |
| | | | BPP, BPR, DOC, DOR, HER, SRP, SRA, LT20 | | Lincoln County, Franklin County, Moore County | | | A | | S3, ST1 |