Changes to legislation: *Commission Implementing Regulation (EU) 2019/1395 is up to date with all changes known to be in force on or before 24 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commission Implementing Regulation (EU) 2019/1395 of 10 September 2019 amending Annex I to Regulation (EC) No 798/2008 as regards the entries for Bosnia and Herzegovina and Israel and the name of the Republic of North Macedonia in the list of third countries, territories, zones or compartments from which certain poultry commodities may be imported into and transit through the Union and amending the model veterinary certificate for egg products (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/1395

of 10 September 2019

amending Annex I to Regulation (EC) No 798/2008 as regards the entries for Bosnia and Herzegovina and Israel and the name of the Republic of North Macedonia in the list of third countries, territories, zones or compartments from which certain poultry commodities may be imported into and transit through the Union and amending the model veterinary certificate for egg products

(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), 25(2) and 26(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) Bosnia and Herzegovina 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 meat of poultry is authorised from the whole of its territory.

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(4) Bosnia and Herzegovina has requested to be authorised also for imports into and transit through the Union of eggs and egg products. Based on the information gathered during the Commission audit in Bosnia and Herzegovina to evaluate the animal health controls in place for meat of poultry intended for export to the Union and given the favourable outcome of that audit, the Commission has concluded that Bosnia and Herzegovina satisfies the animal health requirements laid down in Regulation (EC) No 798/2008 for the import into and transit through the Union of eggs and egg products. It is therefore appropriate to amend the entry for Bosnia and Herzegovina in the table in Part 1 of Annex I to Regulation (EC) No 798/2008 to authorise that third country for imports into and transit through the Union of eggs and egg products.

(5) In addition, Bosnia and Herzegovina has submitted to the Commission its national control programme for *Salmonella* in laying hens of *Gallus gallus*. However, that programme was not found to provide guarantees equivalent to the guarantees set out in Regulation (EC) No 2160/2003 of the European Parliament and of the Council[(4)] and the approval of that programme has not been finalised. Therefore, only imports of the type of eggs of *Gallus gallus* indicated under 'S4' in Part 2 of Annex I to Regulation (EC) No 798/2008 are permitted from Bosnia and Herzegovina.

(6) Israel 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 certain poultry commodities are authorised from certain parts of its territory depending on the implementation of the stamping-out policy for Newcastle disease. That regionalisation was set out in Part 1 of Annex I to Regulation (EC) No 798/2008.

(7) On 24 April 2019, Israel confirmed the presence of HPAI of subtype H5N8 in a poultry holding on its territory. Due to that confipormed outbreak of HPAI since April 2019 the territory of Israel can no longer be considered as free from that disease and the veterinary authorities of Israel can therefore no longer certify consignments of meat of poultry for human consumption for import into or transit through the Union.

(8) The veterinary authorities of Israel have submitted preliminary information to the Commission on the outbreak of HPAI and have confirmed that since the date of confirmation of the outbreak of HPAI they have suspended issuing veterinary certificates for consignments of meat of poultry intended for import into, or transit through, the Union.

(9) Therefore, no consignments of such products originating in Israel have been introduced into the Union since that date. For reasons of clarity and legal certainty, it is appropriate to document this situation and introduce in the table in Part 1 of Annex I to Regulation (EC) No 798/2008 the relevant closing date. This also ensures that, where Israel regains freedom from HPAI and an opening date is established, consignments of such products produced after the closing date and before that opening date will not be eligible for introduction into the Union.

(10) The entry for Israel in the table 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.

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(11) Following United nations (UN) facilitation, Athens and Skopje reached a bilateral agreement ('Prespa agreement') in June 2018, to change the UN provisional reference for the former Yugoslav Republic of Macedonia. This agreement has now been ratified by both countries and the Republic of North Macedonia has formally notified the EU about its entry into force. It is therefore appropriate to amend the name of that third country in the table in Part 1 of Annex I to Regulation (EC) No 798/2008.

(12) In Part 2 of Annex I to Regulation (EC) No 798/2008, a model veterinary certificate is set out for egg products (EP). In that model veterinary certificate, Part I of the Notes refers to the Harmonised System (HS) codes that are to be indicated in Box I.19. of Part I of that certificate.

(13) Enzymes deriving from eggs, such as lysozyme, are considered egg products and the relevant HS codes for those enzymes should be added to the HS codes to be indicated in Box I.19. of Part I of the model veterinary certificate for egg products. It is appropriate, therefore, to amend the model veterinary certificate for egg products (EP) accordingly.

(14) Annex I to Regulation (EC) No 798/2008 should therefore be amended accordingly.

(15) A reasonable transitional period of two months should be allowed to elapse before the amended model veterinary certificate becomes mandatory in order to allow Member States and the industry to adapt to the new requirements set out in the amended model veterinary certificate.

(16) 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

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

Article 2

For a transitional period until 11 November 2019, Member States shall continue to authorise the introduction into the Union of consignments of the commodities covered by the model veterinary certificate for egg products (EP), as set out in Part 2 of Annex I to Regulation (EC) No 798/2008, in its version before the amendment made to that model by this Regulation, provided that it is signed before 11 October 2019.

Article 3

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, 10 September 2019.

For the Commission

The President

Jean-Claude JUNCKER

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ANNEX

Annex I to Regulation (EC) No 798/2008 is amended as follows:

(1) Part 1 is amended as follows:

(a) the entry for Bosnia and Herzegovina 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 ([4])	Additional guarantees		Closing date ([1])	Opening date ([2])			
1	2	3	4	5	6	6A	6B	7	8	9
‘BA — Bosnia and Herzegovina	BA-0	Whole country	E, EP							S4’
			POU							

(b) the entry for Israel 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 ([4])	Additional guarantees		Closing date ([1])	Opening date ([2])			
1	2	3	4	5	6	6A	6B	7	8	9
‘IL – Israel ([5])	IL-0	Whole country	SPF, EP							
			BPP, BPR, DOC, DOR, HEP, HER, LT20	X	P3	28.1.2017		A		S5, ST1
			SRP		P3	18.4.2015				
			RAT	X	P3	28.1.2017				
			WGM	VIII	P3	18.4.2015				
			E	X	P3	28.1.2017				S4’