Commission Implementing Regulation (EU) 2017/193 of 3 February 2017 amending Annex II to Decision 2007/777/EC and Annex I to Regulation (EC) No 798/2008 as regards the entries for Ukraine in the lists of third countries from which the introduction of certain commodities into the Union is authorised in relation to highly pathogenic avian influenza (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2017/193

of 3 February 2017

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(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 and point 4 of Article 8 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 28(1) thereof,

Whereas:

(1) Commission Decision 2007/777/EC[(3)] lays down animal and public health rules on imports into the Union, and the transit and storage in the Union, of consignments of certain meat products and consignments of treated stomachs, bladders and intestines which have undergone one of the treatments laid down in Part 4 of Annex II thereto.

(2) Part 2 of Annex II to Decision 2007/777/EC sets out the list of third countries or parts thereof from which the introduction into the Union of consignments of meat products and treated stomachs, bladders and intestines into the Union is authorised, provided that those commodities comply with the treatment referred to in that list. Where third countries are regionalised for the purposes of inclusion in that list, their regionalised territories are set out in Part I of that Annex.

(3) Part 4 of Annex II to Decision 2007/777/EC sets out the treatments referred to in Part 2 of that Annex, assigning a code to each of those treatments. That Part sets out a non-specific treatment ‘A’ and specific treatments ‘B’ to ‘F’ listed in descending order of severity.

Changes to legislation: *Commission Implementing Regulation (EU) 2017/193 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*

(4) Commission Regulation (EC) No 798/2008[4] lays down veterinary certification requirements for imports into and transit, including storage during transit, through the Union of poultry and poultry products. It provides that those 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.

(5) The veterinary certification requirements laid down in Regulation (EC) No 798/2008 take into account whether or not specific conditions are required due to the disease status of those third countries, territories, zones or compartments, including sampling and testing for different poultry diseases, as appropriate. Those specific conditions, as well as the model veterinary certificates required to accompany the commodities for imports into and transit through the Union, are set out in Part 2 of Annex I to that Regulation. 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).

(6) Ukraine is listed in Part 2 of Annex II to Decision 2007/777/EC as a third country from which the introduction into the Union of meat products and treated stomachs, bladders and intestines of poultry, farmed featherd game, farmed ratites and wild game birds which have been subjected to a non-specific treatment 'A' are authorised from the whole of its territory.

(7) Furthermore, Ukraine 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 poultry and poultry products are authorised from the whole of its territory.

(8) On 30 November 2016, Ukraine confirmed the presence of HPAI of subtype H5N8 on its territory and it may therefore no longer be considered as being free from that disease. The veterinary authorities of Ukraine, therefore, are no longer able to issue veterinary certificates for consignments of poultry and poultry products intended for export to the Union.

(9) Subsequently, on 4 January 2017, Ukraine confirmed the presence of HPAI of subtype H5N8 in holdings in two other regions of its territory. The veterinary authorities of Ukraine have confirmed that they have implemented a stamping-out policy in order to control HPAI and limit its spread.

(10) Ukraine has submitted information on the epidemiological situation on its territory and the measures it has taken to prevent the further spread of HPAI and that information has now been evaluated by the Commission. On the basis of that evaluation, as well as the guarantees provided by Ukraine, it is appropriate to conclude that limiting the restrictions on the introduction into the Union of consignments of poultry and poultry products to the areas affected by HPAI, which the veterinary authorities of Ukraine have placed under restrictions due to the current outbreaks, should be sufficient to cover the risks associated with the introduction into the Union of the poultry and poultry products.

(11) Furthermore, in order to prevent the introduction of the HPAI virus into the Union, meat products and treated stomachs, bladders and intestines obtained from poultry, farmed feathered game and wild game birds from the area of Ukraine affected by HPAI and

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which the veterinary authorities of Ukraine have placed under restriction due to the current outbreaks should undergo at least 'treatment D' as listed in Part 4 of Annex II to Decision 2007/777/EC.

(12) Regulation (EC) No 798/2008 and Decision 2007/777/EC should therefore be amended accordingly.

(13) 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 and Part 2 of Annex II to Decision 2007/777/EC are amended in accordance with Annex I to this Regulation.

Article 2

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

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.

Done at Brussels, 3 February 2017.

For the Commission

The President

Jean-Claude JUNCKER