Commission Implementing Regulation (EU) 2017/151 of 27 January 2017 amending Annex I to Regulation (EC) No 798/2008, as regards the entries in the list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Union and the veterinary certification requirements (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2017/151

of 27 January 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, point 4 of Article 8, Article 9(2)(b) 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 Article 23(1), Article 24(2), Article 25, Article 26(2) and Article 28(1) thereof,

Whereas:

(1) Commission Regulation (EC) No 798/2008[(3)] lays down the veterinary certification requirements for imports into and 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 set out in Part 1 of Annex I thereto.

(2) 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.

(3) Due to the unfavourable outcome of an audit by the Commission of Israel's implementation of animal health controls for poultry and poultry products, Regulation

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(EC) No 798/2008 was amended by Implementing Regulation (EU) 2015/608[(4)], in order to suspend imports from Israel of certain commodities and to introduce additional testing of poultry flocks for Newcastle disease before the dispatch to the Union of certain other commodities including live poultry, day-old chicks, hatching eggs, eggs for processing and meat of poultry.

(4) Israel has now informed the Commission that it intends to abolish its stamping-out policy for Newcastle disease for poultry kept in holdings located on the territory of Israel north of Route No 5. In addition, due to other priorities in the health sector, compliance with certain requirements for laboratory testing can no longer be guaranteed.

(5) The list in the table set out in Part 1 of Annex I should therefore be amended in order to prohibit imports into and transit through the Union from the whole territory of Israel of live poultry and ratites, hatching eggs and meat of poultry and ratites, as well as eggs for processing. However, imports of meat of poultry under the specific conditions laid down in Regulation (EC) No 798/2008, as amended by Implementing Regulation (EU) 2015/608, should continue to be authorised from the territory of Israel located south of Route No 5, where the Newcastle disease incidence is lower and a stamping-out policy is maintained.

(6) The former Yugoslav Republic of Macedonia is authorised for imports of eggs and egg products into the Union. It has also requested authorisation for imports of meat of poultry into the Union. An audit carried out in January 2016 by the Commission concluded that that third country meets the requirements necessary for the veterinary certification of meat of poultry for imports into the Union. The entry for that third country in the table set out in Part 1 of Annex I to Regulation (EC) No 798/2008 should therefore be amended.

(7) Within the framework of the audit carried out in January 2016 concerning the former Yugoslav Republic of Macedonia, it was noticed that this third country not only slaughters poultry which have been raised within its territory but also poultry that have either been imported from another third country listed for that commodity in Part 1 of Annex I to Regulation (EC) No 798/2008 under conditions at least equivalent to those in that Regulation or poultry that have previously been imported into its territory from a Member State.

(8) The veterinary certification requirements for imports of meat of poultry (POU) from a third country listed in the table set out in Part 1 of Annex I to Regulation (EC) No 798/2008 as authorised for imports into the Union, refer to meat obtained from live poultry that were previously imported into the aforementioned third country from another third country listed in the table set out in Part 1 of Annex I to Regulation (EC) No 798/2008. The veterinary certificate requirements do not, however, refer to meat obtained from live poultry imported from a Member State for subsequent slaughter in that third country, with the intention that the meat is then reimported into the Union.

(9) Given the favourable animal health status of the Union, and the negligible risks for poultry health involved in such practices, the model veterinary certificate for meat of poultry (POU) set out in Part 2 of Annex 1 to Regulation (EC) No 798/2008, should be amended in order to include a certification provision that the meat of poultry may

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be obtained from poultry that were previously imported from a Member State for subsequent slaughter.

(10) 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.

(11) Considering that the egg product 'egg yolk' can be classified in several sub-headings of heading HS 21.06, and not only in sub-heading 21.06.10, it is appropriate to amend the model veterinary certificate (EP) accordingly.

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

(13) A reasonable transitional period should be allowed to elapse before the amended model veterinary certificates become mandatory in order to allow Member States and the industry to adapt to the new requirements set out in the amended model veterinary certificates.

(14) 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 28 March 2017, Member States shall continue to authorise the introduction into the Union of consignments of the commodities covered by the model veterinary certificate for meat of poultry (POU) and the model veterinary certificate for egg products (EP), as set out in Part 2 of Annex I to Regulation (EC) No 798/2008, in their versions before the amendments made to those models by this Regulation, provided that they were signed before 28 February 2017.

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, 27 January 2017.

For the Commission

The President

Jean-Claude JUNCKER

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ANNEX

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

(1) Part 1 is amended as follows:

(a) 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 ([1])	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’
	IL-1	Area south of Route No 5	POU	X	N					
	IL-2	Area north of Route No 5	POU	X	P3	28.1.2017				

(b) the entry for the former Yugoslav Republic of Macedonia is replaced by the following:

ISO code and name	Code of third country,	Description of third country,	Veterinary certificate		Specific conditions	Specific conditions		Avian influenza surveillance status	Avian influenza vaccination status	Salmonella control status ([6])