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Commission Implementing Regulation (EU) 2015/2258 of 4 December 2015 amending Regulation (EC) No 798/2008 as regards imports and transit of single consignments of less than 20 units of poultry other than ratites, hatching eggs and day-old chicks thereof (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2015/2258

of 4 December 2015

amending Regulation (EC) No 798/2008 as regards imports and transit of single consignments of less than 20 units of poultry other than ratites, hatching eggs and day-old chicks thereof

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

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[(1)], and in particular Articles 23(1), 24(2), 25, 26(2) and 28(2) thereof,

Whereas:

(1) Commission Regulation (EC) No 798/2008[(2)] lays down veterinary certification requirements for imports into and transit through the Union of poultry, hatching eggs, day-old chicks and specified pathogen-free eggs ('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 the table in Part 1 of Annex I thereto.

(2) Article 5(1) and (3) of that Regulation lay down the animal and public health conditions for imports and transit of commodities which according to Article 5(2) shall not apply to consignments of less than 20 units of poultry other than ratites, hatching eggs and day-old chicks thereof.

(3) Article 5(3)(d) of that Regulation refers to restrictions in relation to the approval by the Commission of a salmonella control programme under Regulation (EC) No 2160/2003 of the European Parliament and of the Council[(3)] for imports of certain commodities from third countries. The salmonella control status and related restrictions are indicated in column 9 of the table in Part 1 of Annex I to Regulation (EC) No 798/2008.

(4) Article 1(3) of Regulation (EC) No 2160/2003 states that this Regulation does not apply to primary production of poultry for private domestic use or leading to the direct supply, by the producer, of small quantities of primary products to the final consumer or to local retail establishments directly supplying the primary products to the final consumer.

(5) Article 14(1) of Regulation (EC) No 798/2008 lays down the specific conditions for imports of certain commodities as regards the requirements after import as detailed in

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Annexes VIII and IX to that Regulation. According to Article 14(2) these conditions shall not apply to consignments of less than 20 units of poultry other than ratites, hatching eggs and day-old chicks thereof.

(6) In order to ensure a uniform application of Union legislation to imports of single consignments of less than 20 units of poultry other than ratites, hatching eggs and day-old chicks thereof, it is appropriate to amend Articles 5 and 14 of Regulation (EC) No 798/2008 in order to define which conditions should be met for such consignments.

(7) The amendment to Article 5 should provide that the requirements of Articles 6 and 7 for laboratory testing procedures and disease reporting applicable for imports of poultry other than ratites, hatching eggs and day-old chicks thereof, should also be met for imports into and transit through the Union of single consignments of less than 20 units of these commodities as these measures significantly reduce the risk of disease introduction via these commodities.

(8) Article 5 should also be amended to indicate that the conditions concerning the approval of a salmonella control programme and related restrictions for imports and transit do not apply to primary production of poultry for private domestic use or leading to the direct supply, by the producer, of small quantities of primary products to the final consumer or to local retail establishments directly supplying the primary products to the final consumer. However, a laboratory test as laid down in Annex III to Regulation (EC) No 798/2008 should be carried out before dispatch of such consignments.

(9) With regard to the third country's salmonella control status a footnote (6) should be inserted in column 9 of Part 1 of Annex I to Regulation (EC) No 798/2008 indicating that compliance with salmonella control programmes is not required under the above conditions.

(10) In view of scientific developments in laboratory techniques and due to new legal requirements, the requirements for sampling and testing for 'Salmonella of public health significance' laid down in point 7 of Section I of Annex III to Regulation (EC) No 798/2008 should be updated and refer to the sampling protocol laid down in point 2.2 of the Annex to Commission Regulation (EU) No 200/2010[(4)].

(11) The veterinary certificates for imports and transit of breeding and productive poultry (BPP), day-old chicks (DOC) and hatching eggs (HEP) do not foresee certification for the specific requirements that must be met for consignments of less than 20 units of poultry other than ratites, hatching eggs and day-old chicks thereof. It is therefore appropriate to establish a model veterinary certificate 'LT20' which contains the animal and public health requirements applicable to such consignments.

(12) Part 1 of Annex I to Regulation (EC) No 798/2008 should be amended to indicate in column 4 from which third countries, territories, zones or compartments, imports of single consignments of less than 20 units of poultry other than ratites, hatching eggs and day-old chicks thereof may be authorised in accordance with the requirements set out in the model veterinary certificate 'LT20'.

(13) In addition, outdated references to Union acts in Annexes III, VIII and IX to Regulation (EC) No 798/2008 should be updated.

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

(15) 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

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

(1) Article 5 is replaced by the following:

Article 5

Conditions for imports and transit

1 Commodities imported into and transiting through the Union shall comply with the following:

- a the conditions laid down in Articles 6 and 7 and in Chapter III;
- b the additional guarantees, as specified in column 5 of the table in Part 1 of Annex I;
- c the specific conditions set out in column 6, and where appropriate, the closing dates set out in column 6A and the opening dates set out in column 6B, of the table in Part 1 of Annex I;
- d the conditions in relation to the approval of a salmonella control programme and related restrictions which shall only apply when indicated in the appropriate column of the table in Part 1 of Annex I;
- e the animal health additional guarantees, where required by the Member State of destination and referred to in the certificate.

2 The following conditions set out in paragraph 1 shall not apply to single consignments of less than 20 units of poultry other than ratites, hatching eggs and day-old chicks thereof:

- a point (b);
- b point (d) when destined for primary production of poultry for private domestic use or leading to the direct supply, by the producer, of small quantities of primary products as referred to in Article 1(3) of Regulation (EC) No 2160/2003.

(2) Article 14 is replaced by the following:

Article 14

Specific conditions for imports of poultry, hatching eggs and day-old chicks

1 In addition to the conditions laid down in Chapters II and III, the following specific conditions shall apply to imports of:

- a breeding and productive poultry other than ratites, hatching eggs and day-old chicks thereof, the requirements set out in Annex VIII;

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b ratites for breeding and production, hatching eggs and day-old chicks thereof, the requirements set out in Annex IX.

2 The specific conditions referred to in paragraph 1(a) and (b) shall not apply to single consignments of less than 20 units of poultry other than ratites, hatching eggs and day-old chicks thereof. However, the requirements applicable after import set out in Section II of Annex VIII shall apply to those consignments.

(3) Annexes I, III, VIII and IX are 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, 4 December 2015.

For the Commission

The President

Jean-Claude JUNCKER

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ANNEX

Annexes I, III, VIII and IX to Regulation (EC) No 798/2008 are amended as follows:

(1) Annex I is amended as follows:

(a) Part 1 is replaced by the following:

PART 1

List of third countries, territories, zones or compartments

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[f]**
			Model[1]	**Additional guarantees**		**Closing date[a]**	**Opening date[b]**			
1	2	3	4	5	6	6A	6B	7	8	9
AL — Albania	AL-0	Whole country	EP, E							S4
AR — Argentina	AR-0	Whole country	SPF							
			POU, RAT, EP, E					A		S4
			WGM	VIII						
AU — Australia	AU-0	Whole country	SPF							
			EP, E							S4
			BPP, DOC, HEP, SRP, LT20							S0, ST0
			BPR	I						
			DOR	II						
			HER	III						
			POU	VI						
			RAT	VII						
BR — Brazil	BR-0	Whole country	SPF							