Commission Implementing Regulation (EU) 2015/1363 of 6 August 2015 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 outbreaks in that country (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1363

of 6 August 2015

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 outbreaks in that country

(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)(c) 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 may only 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 covered by that Regulation are authorised from certain parts of its territory depending on the presence of HPAI outbreaks. That regionalisation was recognised by Regulation (EC) No 798/2008, as amended by Commission Implementing Regulations (EU)

Changes to legislation: *Commission Implementing Regulation (EU) 2015/1363 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*

2015/243[4], (EU) 2015/342[5], (EU) 2015/526[6], (EU) 2015/796[7], (EU) 2015/1153[8] and lastly by (EU) 2015/1220[9] following outbreaks of HPAI in the States of Indiana and Nebraska.

(4) An Agreement between the Union and the United States[10] provides for a swift mutual recognition of regionalisation measures in the event of outbreaks of a disease in the Union or in the United States ('the Agreement').

(5) Following the HPAI outbreaks in Nebraska and Indiana, no further State of the United States became newly infected with HPAI. The United States has implemented a stamping-out policy in order to control HPAI and limit its spread. The veterinary authorities of the United States continue to suspend issuing veterinary certificates for consignments of poultry commodities intended for export to the Union from the entire territory of affected States or from parts thereof which have been placed under restrictions and which are subject to Union regionalisation measures.

(6) The United States has further submitted updated 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, it is appropriate to modify the prohibition on the introduction into the Union of certain commodities to cover only certain parts of the States of Indiana, Nebraska and South Dakota, which the veterinary authorities of the United States have placed under restrictions due to previous outbreaks.

(7) In addition, the United States has reported the completion of cleaning and disinfection measures following the stamping-out of poultry on holdings in the States of Arkansas, California, Indiana and Missouri where HPAI outbreaks were detected between February and May 2015. It is therefore appropriate to indicate the dates when the affected areas, in these States that were placed under veterinary restrictions in relation to those outbreaks, may again be considered free of HPAI and imports into the Union of certain poultry commodities originating from those areas should again be authorised.

(8) The entry for the United States in the list 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.

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

(10) 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.

***Changes to legislation:** Commission Implementing Regulation (EU) 2015/1363 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*

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, 6 August 2015.

For the Commission

The President

Jean-Claude JUNCKER

Changes to legislation: *Commission Implementing Regulation (EU) 2015/1363 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*

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**
			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	Area of the United States, excluding the territory US-2	BPP, BPR, DOC, DOR, HEP, HER, SRP, SRA		N			A		S3, ST1’
			WGM	VIII						
			POU, RAT		N					
	US-2	Area of the United States corresponding to:								
	US-2.1	State of Washington: Benton County Franklin County	WGM	VIII	P2	19.12.2014	14.4.2015			
			POU, RAT		N P2					
	US-2.2	State of Washington: Clallam County	WGM	VIII	P2	19.12.2014	14.5.2015			
			POU, RAT		N P2					

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US-2.3	State of Washington, Okanogan County (1): (a) **North**: Beginning at the intersection of US 97 WA 20 and S. Janis Road, turn right onto S. Janis Road. Turn left onto McLaughlin Canyon Road, then right onto Hardy Road, then turn left onto Chewilken Valley Road. (b) **East**: From Chewilken Valley Road, turn right onto JH	WGM POU, RAT	VIII	P2 N P2	29.1.2015	6.6.2015		