Changes to legislation: *Commission Implementing Regulation (EU) 2015/1153 is up to date with all changes known to be in force on or before 28 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) 2015/1153 of 14 July 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 following further outbreaks in that country (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1153

of 14 July 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 following further 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

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(EU) 2015/243[(4)], (EU) 2015/342[(5)], (EU) 2015/526[(6)] and (EU) 2015/796[(7)] following outbreaks of HPAI in the States of Missouri, Arkansas, Kansas, North and South Dakota, Montana, Wisconsin and Iowa.

(4) An Agreement between the Union and the United States[(8)] 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) The United States confirmed further outbreaks of HPAI of subtype H5N2 in poultry flocks in several States for which restrictions on imports are already in place for the entire State. Import restrictions adopted by Implementing Regulation (EU) 2015/7967 for the State of North Dakota cover currently only one county in that State and for the State of Missouri four counties. Following HPAI outbreaks in further counties of these two States the veterinary authorities of the United States immediately suspended issuing veterinary certificates for consignments of commodities intended for export to the Union from the whole territory of the States of North Dakota and Missouri. The United States has also implemented a stamping-out policy in order to control HPAI and limit its spread.

(6) It is therefore appropriate to modify the prohibition on the introduction into the Union of certain commodities to cover the entire States of North Dakota and Missouri, which the veterinary authorities of the United States have placed under restrictions due to the current outbreaks until more epidemiological information becomes available.

(7) The United States have further reported the completion of cleaning and disinfection measures following stamping-out on holdings where outbreaks had been detected in the first quarter of 2015. It is appropriate to indicate the date when these parts of the territory that were placed under veterinary restrictions in relation to these outbreaks may again be considered HPAI-free and imports into the Union of certain poultry commodities originating from these areas should be re-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 situtation 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.

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*.

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This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 July 2015.

For the Commission

The President

Jean-Claude JUNCKER

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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[a]	Opening date[b]			
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	1.4.2015			
			POU, RAT		N P2					
	US-2.2	State of Washington:	WGM	VIII	P2	19.12.2014	1.4.2015			
			POU, RAT		N P2					

a Commodities, including those transport on the high seas, produced before this date may be imported into the Union during a period of 90 days from this date.

b Only commodities produced after this date may be imported into the Union.’

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	Clallam County								
US-2.3	State of Washington, Okanogan County (1): (a) (b)	WGM	VIII	P2	29.1.2015	6.6.2015			
		POU, RAT		N P2					
		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. **East**: From Chewilken							

a Commodities, including those transport on the high seas, produced before this date may be imported into the Union during a period of 90 days from this date.

b Only commodities produced after this date may be imported into the Union.’