Commission Implementing Regulation (EU) No 952/2014 of 4 September 2014 amending Annex I to Regulation (EC) No 798/2008 as regards the entry for Malaysia in the list of third countries, territories, zones or compartments with respect to highly pathogenic avian influenza and as regards the model veterinary certificates for the import of poultry, day-old chicks, hatching eggs, meat of poultry and farmed ratites and eggs (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) No 952/2014

of 4 September 2014

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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 paragraph of point 1 of Article 8, points 3 and 4 of Article 8 and Article 9(2)(b) and Article 9(4) thereof,

Having regard to Regulation (EC) No 2160/2003 of the European Parliament and of the Council of 17 November 2003 on the control of salmonella and other specified food-borne zoonotic agents[(2)], and in particular Article 10(2) 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[(3)], 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[(4)] provides that the commodities falling within its scope of application 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.

(2) Regulation (EC) No 798/2008 also lays down the veterinary certification requirements for the commodities concerned. Those requirements take into account whether or not specific conditions are required due to the disease status of those third countries, territories, zones or compartments. Those specific conditions, as well as the model

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veterinary certificates required to accompany imports of those commodities, are set out in Part 2 of Annex I to that Regulation.

(3) Malaysia is listed in Part 1 of Annex I to Regulation (EC) No 798/2008 as a third country from which imports of egg products and eggs for human consumption are authorised, but only from the region of the Western Peninsular (MY-1). However, the entry for that third country in that Annex indicates that imports of eggs for human consumption from that region are currently restricted for public health reasons, due to the fact that the relevant *Salmonella* control programme has not yet obtained EU approval in accordance with Regulation (EC) No 2160/2003 and also due to a specific condition on restrictions related to outbreaks of highly pathogenic avian influenza (HPAI).

(4) According to the last update of the World Organisation for Animal Health (OIE) on HPAI in animals, Malaysia has been free of HPAI for more than two years. It is, therefore, appropriate to lift the animal health restrictions in relation to imports of eggs for human consumption with respect to HPAI and to update the entry for Malaysia in Part 1 of Annex I to Regulation (EC) No 798/2008 accordingly. Nevertheless, imports of eggs for human consumption should continue to be prohibited due to the remaining restrictions due to the absence of a *Salmonella* control programme approved by the Union.

(5) Regulation (EC) No 798/2008 also lays down conditions for determining whether or not a third country, territory, zone or compartment is to be considered as free from Newcastle disease. One of the conditions is that no vaccination against that disease, using vaccines that do not comply with the criteria for recognised Newcastle disease vaccines set out in Annex VI to that Regulation, has been carried out, for a period of at least 12 months preceding the certification by the official veterinarian, unless the additional health requirements set out in Annex VII thereto are fulfilled. The model veterinary certificates BPP, BPR, DOC, DOR, HEP, HER, SRP and SRA set out in Part 2 of Annex I to Regulation (EC) No 798/2008 require certification of compliance and information on the use of Newcastle disease vaccines, including the name and the type of the vaccine and the date of vaccination. The current format of those models should be updated to allow a more convenient recording of that information in a tabular format.

(6) Regulation (EC) No 798/2008 allows imports of meat of farmed ratites for human consumption into the Union from 'registered closed ratite holdings' in South Africa provided that the specific conditions set out in Annex I thereto are fulfilled. However, experience has shown that it is necessary to clarify the veterinary certification requirements for that commodity, in particular with respect to the occurrence of low pathogenic avian influenza (LPAI) viruses in ratite and poultry holdings. The specific condition 'H' and the model veterinary certificate for meat of farmed ratites for human consumption (RAT), set out in Part 2 of Annex I to Regulation (EC) No 798/2008, should therefore be amended accordingly.

(7) Regulation (EC) No 798/2008, provides for alternative certification conditions for imports of day-old chicks and hatching eggs from Canada originating from holdings located in areas outside those placed under official restrictions for LPAI due to guarantees received from that third country and the veterinary agreement[5] entered into

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with it. However, it is appropriate to establish veterinary certification requirements for imports of day-old chicks and hatching eggs from all third countries authorised for such imports in order to align those requirements with those being applied within the Union in the case of an LPAI outbreak, including placing an area of at least 1 km radius around an LPAI outbreak under official veterinary restrictions. It is also appropriate to apply those amended requirements for LPAI to imports of all commodities from live poultry and live ratites covered by Regulation (EC) No 798/2008 from all third countries authorised for such imports. In Parts 1 and 2 of Annex I to Regulation (EC) No 798/2008, the specific condition indicated as 'L' should therefore be deleted and the model veterinary certificates BPP, BPR, DOC, DOR, HEP, HER, SRP and SRA should be amended accordingly.

(8) Regulation (EC) No 2160/2003 lays down rules for the control of *Salmonella* in different poultry populations in the Union. It provides that admission to, or retention on, the lists of third countries provided for in Union legislation, for the relevant species or category, from which Member States are authorised to import those poultry or hatching eggs covered by that Regulation is subject to the submission to the Commission by the third country concerned of a control programme for *Salmonella* with equivalent guarantees to those contained in the national control programmes for *Salmonella* in the Member States. Relevant guarantees and information in that regard are also included in the relevant model veterinary certificates for those commodities set out in Part 2 of Annex I to Regulation (EC) No 798/2008. For the purpose of convenience, the indication and attestation of those guarantees in model veterinary certificates: BPP, DOC, HEP and SRP, set out in Part 2 of Annex I to Regulation (EC) No 798/2008, should be amended to allow the use of a tabular format.

(9) Commission Regulation (EU) No 517/2011[(6)] repealed Commission Regulation (EC) No 1168/2006[(7)]. References to Regulation (EC) No 1168/2006 in Regulation (EC) No 798/2008 should therefore be amended in order to refer instead to Regulation (EU) No 517/2011.

(10) Regulation (EC) No 853/2004[(8)] lays down specific rules on the hygiene of food of animal origin for food business operators and the definitions which apply to them. Point 1.12 of Annex I to that Regulation lays down the definition for 'viscera' which includes poultry gizzards.

(11) In addition, Commission Decision 2007/240/EC[(9)] establishes standard models for veterinary certificates required for the import of live animals, semen, embryo, ova and products of animal origin into the Union and the certificates for transit through the Union of products of animal origin. The explanatory notes set out in Annex I to that Decision provide that the Harmonised System (HS) codes, as they appear in the World Customs Organisation's Harmonised System are to be used when completing Box I.19 of the model veterinary certificates. In that System, poultry gizzards are stomachs of animals which remain classified under HS code 05.04 even when edible.

(12) The model veterinary certificate for meat of poultry (POU) set out in Part 2 of Annex I to Regulation (EC) No 798/2008 refers in point I.19 of Part I of the Notes to the HS

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headings 02.07 and 02.08. In order to include the certification for poultry gizzards, the HS code 05.04 should be added to those Notes.

(13) Commission Implementing Regulation (EU) No 427/2012[10] authorises Denmark to apply the special guarantees concerning salmonella laid down in Regulation (EC) No 853/2004 to eggs intended for dispatch to that Member State. Accordingly the model veterinary certificate for eggs (E) set out in Part 2 of Annex I to Regulation (EC) No 798/2008 should be amended in order to take account of Implementing Regulation (EU) No 427/2012. In addition, the reference in that model veterinary certificate to Council Regulation (EC) No 1028/2006[11] should be replaced, as that Regulation has now been repealed, by a reference to Part VI of Annex VII of Regulation (EU) No 1308/2013[12] of the European Parliament and of the Council.

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

(15) A reasonable 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.

(16) 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

Amendment to Regulation (EC) No 798/2008

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

Article 2

Transitional measures

For a transitional period until 14 March 2015, the introduction into the Union of consignments of commodities covered by Regulation (EC) No 798/2008, accompanied by a veterinary certificate completed in accordance with the appropriate model veterinary certificates BPP, BPR, DOC, DOR, HEP, HER, SRP, SRA, POU, RAT and E set out in Part 2 of Annex I to Regulation (EC) No 798/2008, in their versions prior to the amendments made by Article 1 of this Regulation, shall continue to be authorised, provided that the veterinary health certificate was signed before 14 January 2015.

Article 3

Entry into force

This Regulation shall enter into force on the twentieth 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, 4 September 2014.

For the Commission

The President

José Manuel BARROSO