Changes to legislation: *Commission Implementing Regulation (EU) 2020/352 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*

Commission Implementing Regulation (EU) 2020/352 of 3 March 2020 amending Annex I to Regulation (EC) No 798/2008 as regards the entry for Ukraine in the list of third countries, territories, zones or compartments from which certain poultry commodities may be imported into and transit through the Union in relation to highly pathogenic avian influenza (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2020/352

of 3 March 2020

amending Annex I to Regulation (EC) No 798/2008 as regards the entry for Ukraine in the list of third countries, territories, zones or compartments from which certain poultry commodities may be imported into and transit through the Union in relation to highly pathogenic avian influenza

(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) 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 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 conditions for a third country, territory, zone or compartment to be considered as free from highly pathogenic avian influenza (HPAI).

(3) Ukraine 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 certain poultry commodities are authorised from certain parts of its territory depending on the presence of HPAI. That regionalisation was set out in Part 1 of Annex I to Regulation (EC) No 798/2008, as amended by Implementing Regulation (EU) 2017/193[(4)], following the confirmation of outbreaks of HPAI of subtype H5N8 on 30 November 2016 and 4 January 2017.

Changes to legislation: *Commission Implementing Regulation (EU) 2020/352 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*

(4) Ukraine has reported on the completion of cleaning and disinfection following the stamping out policy on the areas where those outbreaks of HPAI were detected in 2016 and 2017 and submitted information on the measures it has taken to prevent the further spread of the disease, which were evaluated by the Commission. On the basis of that evaluation, it was concluded that those outbreaks have been cleared and that there is no risk associated with the introduction into the Union of poultry commodities from the areas of Ukraine listed in Part 1 of Annex I to Regulation (EC) No 798/2008 from where imports have been suspended by that Regulation, as amended by Implementing Regulation (EU) 2017/193.

(5) On 19 January 2020, however, Ukraine confirmed the presence of HPAI of subtype H5 in a poultry holding on its territory. Due to that confirmed outbreak of HPAI, the whole territory of Ukraine can no longer be considered as free from that disease and the veterinary authorities of Ukraine can, therefore, no longer certify consignments of poultry commodities for import into, or transit through, the Union from the areas concerned by that outbreak.

(6) The veterinary authorities of Ukraine have confirmed that following the outbreak in January 2020, they immediately suspended issuing certificates for consignments of commodities intended for import into, or transit through, the Union and implemented a stamping-out policy in order to control HPAI and limit the spread of that disease.

(7) Furthermore, Ukraine has submitted information to the Commission on the epidemiological situation on its territory and indicated the areas placed under restrictions as well as the measures it has taken to prevent the further spread of HPAI outside those restricted areas. That information has now been evaluated by the Commission and on the basis of that evaluation, as well as the guarantees provided by Ukraine, it should be concluded that limiting the restrictions on the introduction into the Union of consignments of poultry commodities to the areas affected by HPAI, which the veterinary authorities of Ukraine have placed under restrictions due to the current outbreak, should be sufficient to cover the risks associated with the introduction into the Union of such commodities.

(8) The entry for Ukraine in the list in Part 1 of Annex I to Regulation (EC) No 798/2008 should threfore be amended to take account of the current epidemiological situation in that country. Annex I to Regulation (EC) No 798/2008 should therefore be amended accordingly.

(9) 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) 2020/352 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, 3 March 2020.

For the Commission

The President

Ursula VON DER LEYEN

Changes to legislation: *Commission Implementing Regulation (EU) 2020/352 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 Ukraine 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**	**Opening date**			
1	**2**	**3**	**4**	**5**	**6**	**6A**	**6B**	**7**	**8**	**9**
‘UA – Ukraine	UA-0	Whole country	EP, E							
	UA-1	The whole country of Ukraine excluding area UA-2	WGM							
			POU, RAT							
	UA-2	Area of Ukraine corresponding to:								
	UA-2.1	Kherson Oblast (region)	WGM		P2	30.11.2016	March 2020			
			POU, RAT		P2	30.11.2016	March 2020			
	UA-2.2	Odessa Oblast (region)	WGM		P2	4.1.2017	7 March 2020			
			POU, RAT		P2	4.1.2017	7 March 2020			
	UA-2.3	Chernivtsi Oblast (region)	WGM		P2	4.1.2017	7 March 2020			
			POU, RAT		P2	4.1.2017	7 March 2020’			