Commission Regulation (EU) No 215/2010 of 5 March 2010 amending Annex I to Regulation (EC) No 798/2008 laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements (Text with EEA relevance)

COMMISSION REGULATION (EU) No 215/2010

of 5 March 2010

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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 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) and 26(2) thereof,

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[(2)], and in particular the first subparagraph of Article 8(1), Article 9(2)(b) and Article 9(4) thereof,

Whereas:

(1) Commission Regulation (EC) No 798/2008 of 8 August 2008 laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements[(3)] provides that the commodities covered by it are only to be imported into and transited through the Union from the third countries, territories, zones or compartments listed in the table in Part 1 of Annex I thereto. It also lays down the veterinary certification requirements for such commodities and models of the veterinary certificates to accompany them are set out in Part 2 of that Annex.

(2) According to Article 24(1)(b) of Directive 2009/158/EC, commodities are not to be imported into the Union from a third country, territory, zone or compartment where an outbreak of avian influenza or Newcastle disease has been detected and which may therefore no longer be certified as being free from one of those diseases, unless the competent authority of the third country or territory applies measures to control them which are at least equivalent to those laid down in Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and

repealing Directive 92/40/EEC[4] and in Council Directive 92/66/EEC of 14 July 1992 introducing Community measures for the control of Newcastle disease[5].

(3) Part of the territory of Brazil and the territories of Canada, Chile, Croatia, Israel and the United States of America, as listed in Part 1 of Annex I to Regulation (EC) No 798/2008, are currently authorised for the importation into the Union of live poultry and ratites, hatching eggs of poultry and ratites and meat of poultry and ratites.

(4) Those six third countries apply control measures for Newcastle disease equivalent to those implemented by Member States in accordance with Directive 92/66/EEC, including placing areas in their territory under official restrictions in the event of an outbreak of that disease.

(5) As regards the importation of meat of poultry and ratites into the Union, the equivalency of disease control measures for Newcastle disease applied in parts of Brazil and also in Israel has already been recognised by Commission Decision 2001/659/EC of 6 August 2001 amending Decision 94/984/EC as regards the importation of fresh poultry meat from Brazil[6] and Commission Decision 97/593/EC of 29 July 1997 laying down animal health conditions and veterinary certificates for the importation of fresh poultry meat from Israel[7].

(6) Taking into account the equivalency of the control measures for Newcastle disease and the capacity of those third countries to effectively deal with an outbreak of that disease as well as the findings of and the follow-up actions to inspection missions to these countries, it is appropriate to provide for specific certification requirements as regards freedom from that disease.

(7) For the importation of live poultry and hatching eggs of poultry and ratites into the Union the entries in column 6 on the specific conditions in Part 1 of Annex I and the veterinary certificates set out in Part 2 of Annex I to Regulation (EC) No 798/2008 should be amended, so that in case of future outbreaks of Newcastle disease in Brazil, Canada, Chile, Croatia, Israel and the United States of America, as listed in Part 1 of Annex I to that Regulation, importation of those commodities may continue from the parts of those third countries that have not been placed under official restrictions due to Newcastle disease.

(8) For the importation of poultry meat and ratite meat into the Union the entries in column 6 on the specific conditions in Part 1 of Annex I and the veterinary certificates set out in Part 2 of Annex I to Regulation (EC) No 798/2008 should be amended, so that in case of future outbreaks of Newcastle disease in Canada, Chile, Croatia and the United States of America, as listed in Part 1 of Annex I to that Regulation, importation of those commodities may continue from the parts of those third countries that have not been placed under official restrictions due to Newcastle disease.

(9) Furthermore, the veterinary certificate for imports of poultry meat set out in Part 2 of Annex I to Regulation (EC) No 798/2008 should be amended in order to allow imports of that commodity obtained from slaughter poultry originating from another third country listed in Part 1 of Annex I to that Regulation.

(10) By Commission Regulation (EC) No 411/2009 of 18 May 2009 amending Regulation (EC) No 798/2008 laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements[8] disease control measures applied by Canada for low pathogenic avian influenza have already been recognised as equivalent and certification requirements were amended accordingly; it is therefore appropriate for reasons of consistency to align these certification requirements with those to be introduced by the present Regulation.

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

(12) It is appropriate to provide for a transitional period to permit Member States and industry to take the necessary measures to comply with the applicable veterinary certification requirements provided for in this Regulation.

(13) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

Commodities in respect of which the relevant veterinary certificates have been issued in accordance with Regulation (EC) No 798/2008 may continue to be imported into or transited through the Union until 1 June 2010.

Article 3

This Regulation shall enter into force on the twentieth 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.

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) No 215/2010. (See end of Document for details)*

ANNEX

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

(1) 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
			Model(s)	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							S0
			BPR	I						
			DOR	II						
			HER	III						
			POU	VI						
			RAT	VII						

a Commodities, including those transported 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.

c In accordance with the agreement between the European Community and the Swiss Confederation on trade in agricultural products (OJ L 114, 30.4.2002, p. 132).

d The former Yugoslav Republic of Macedonia; provisional code that does not prejudge in any way the definitive nomenclature for this country, which will be agreed following the conclusion of negotiations currently taking place on this subject in the United Nations.

e Not including Kosovo, as defined by United Nations Security Council Resolution 1244 of 10 June 1999.

BR – Brazil	BR-0	Whole country	SPF							
	BR-1	States of: Rio Grande do Sul, Santa Catarina, Paraná, São Paulo and Mato Grosso do Sul	RAT, BPR, DOR, HER, SRA		N			A		
	BR-2	States of: Mato Grosso, Paraná, Rio Grande do Sul, Santa Catarina and São Paulo	BPP, DOC, HEP, SRP		N					S0
	BR-3	Distrito Federal and States of: Goiás, Minas Gerais, Mato	WGM	VIII						
			EP, E, POU		N					S4

a	Commodities, including those transported 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.
c	In accordance with the agreement between the European Community and the Swiss Confederation on trade in agricultural products (OJ L 114, 30.4.2002, p. 132).
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