

COMMISSION IMPLEMENTING REGULATION (EU) 2023/1644**of 17 August 2023****amending Annexes V and XIV to Implementing Regulation (EU) 2021/404 as regards the entries for the United Kingdom and the United States in the lists of third countries authorised for the entry into the Union of consignments of poultry, germinal products of poultry and fresh meat of poultry and game birds****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') ⁽¹⁾, and in particular Articles 230(1) and 232(1) and (3) thereof,

Whereas:

- (1) Regulation (EU) 2016/429 provides that consignments of animals, germinal products and products of animal origin must come from a third country or territory, or zone or compartment thereof, listed in accordance with Article 230(1) of that Regulation in order to enter the Union.
- (2) Commission Delegated Regulation (EU) 2020/692 ⁽²⁾ lays down the animal health requirements that consignments of certain species and categories of animals, germinal products and products of animal origin, from third countries or territories, or zones thereof, or compartments thereof in the case of aquaculture animals, must comply with in order to enter the Union.
- (3) Commission Implementing Regulation (EU) 2021/404 ⁽³⁾ establishes the lists of third countries, or territories, or zones or compartments thereof, from which the entry into the Union of the species and categories of animals, germinal products and products of animal origin falling within the scope of Delegated Regulation (EU) 2020/692 is permitted.
- (4) More particularly, Annexes V and XIV to Implementing Regulation (EU) 2021/404 set out the lists of third countries, or territories, or zones thereof authorised for the entry into the Union, respectively, of consignments of poultry, germinal products of poultry, and of fresh meat of poultry and game birds.
- (5) The United Kingdom has notified the Commission of three outbreaks of highly pathogenic avian influenza (HPAI) in poultry in Scotland, in the council areas of Aberdeenshire (1) and Highland (1), and the Isle of Lewis (1) which were confirmed on 8 August 2023 and 9 August 2023 by laboratory analysis (RT-PCR).
- (6) Furthermore, the United States has notified the Commission of two outbreaks of highly pathogenic avian influenza (HPAI) in poultry in the state of New York, which were confirmed on 29 July 2023 and 3 August 2023 by laboratory analysis (RT-PCR).

⁽¹⁾ OJ L 84, 31.3.2016, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) 2020/692 of 30 January 2020 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for entry into the Union, and the movement and handling after entry of consignments of certain animals, germinal products and products of animal origin (OJ L 174, 3.6.2020, p. 379).

⁽³⁾ Commission Implementing Regulation (EU) 2021/404 of 24 March 2021 laying down the lists of third countries, territories or zones thereof from which the entry into the Union of animals, germinal products and products of animal origin is permitted in accordance with Regulation (EU) 2016/429 of the European Parliament and of the Council (OJ L 114, 31.3.2021, p. 1).

- (7) Following those recent outbreaks of HPAI, the veterinary authorities of the United Kingdom and the United States established restricted zones of at least 10 km around the affected establishments and implemented a stamping-out policy in order to control the presence of HPAI and limit the spread of that disease.
- (8) The United Kingdom and the United States have submitted information to the Commission on the epidemiological situation on their territories and the measures taken to prevent the further spread of HPAI.
- (9) That information has been evaluated by the Commission. The Commission considers that, in view of the animal health situation in the areas under restrictions established by the veterinary authorities of the United Kingdom and the United States, the entry into the Union of consignments of poultry, germinal products of poultry, and fresh meat of poultry and game birds from those areas should be suspended, in order to protect the animal health status of the Union.
- (10) The United Kingdom has provided updated information in relation to epidemiological situation on its territory as regards HPAI that gave rise to the suspension of the entry of certain products into the Union, as set out in Annexes V and XIV to Implementing Regulation (EU) 2021/404.
- (11) In particular, the United Kingdom has submitted updated information on the epidemiological situation on its territory in relation to an outbreak of HPAI in a poultry establishment in the country of Cumbria, England, which was confirmed on 2 July 2023.
- (12) The United Kingdom also submitted information on the measures that were taken to prevent the further spread of HPAI. In particular, following those outbreaks of that disease, the United Kingdom has implemented a stamping out policy in order to control and limit the spread of that disease, and it has also completed the requisite cleaning and disinfection following the implementation of the stamping out policy on the infected poultry establishment on its territory.
- (13) The Commission has evaluated the information submitted by the United Kingdom. The Commission considers that the United Kingdom has provided appropriate guarantees that the animal health situation that gave rise to the suspension, no longer represents a threat to animal or public health within the Union, and that, consequently, the entry into the Union of poultry commodities from the concerned zone the United Kingdom from which entry into the Union had been suspended, should be reauthorised.
- (14) Annexes V and XIV to Implementing Regulation (EU) 2021/404 should therefore be amended to take account of the current epidemiological situation as regards HPAI in the United Kingdom and the United States.
- (15) Taking into account the current epidemiological situation in the United Kingdom and the United States as regards HPAI, the amendments to be made to Annexes V and XIV to Implementing Regulation (EU) 2021/404 by this Regulation should take effect as a matter of urgency.
- (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

Annexes V and XIV to Implementing Regulation (EU) 2021/404 are amended in accordance with the Annex to this Regulation.

*Article 2***Entry into force and applicability**

This Regulation shall enter into force on the 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, 17 August 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annexes V and XIV to Implementing Regulation (EU) 2021/404 are amended as follows:

(1) Annex V is amended as follows:

(a) in Part 1, Section B is amended as follows:

(i) in the entry for the United Kingdom, the row for the zone GB-2.306 is replaced by the following:

'GB United Kingdom	GB-2.306	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		2.7.2023	4.8.2023'
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(ii) in the entry for the United Kingdom, the following rows for the zones GB-2.309, GB-2.310 and GB-2.311 are added after the row for the zone GB-2.308:

'GB United Kingdom	GB-2.309	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		8.8.2023	
	GB-2.310		N, P1		8.8.2023	
	GB-2.311		N, P1		9.8.2023'	

(iii) in the entry for the United States, the following rows for the zones US-2.457 and US-2.458 are added after the row for the zone US-2.456:

'US United States	US-2.457	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		29.7.2023	
	US-2.458		N, P1		3.8.2023'	

(b) Part 2 is amended as follows:

(i) in the entry for the United Kingdom, the following descriptions of the zones GB-2.309, GB-2.310 and GB-2.311 are added after the description of the zone GB-2.308:

'United Kingdom	GB-2.309	near Stornoway, Isle of Lewis, Scotland, GB The area contained within a circle of a radius of 10km, centred on WGS84 dec, coordinates Lat: N58.22 and Long: W6.25
	GB-2.310	near Portsoy, Aberdeenshire, Scotland, GB The area contained within a circle of a radius of 10km, centred on WGS84 dec, coordinates Lat: N57.67 and Long: W2.80
	GB-2.311	in Lochcarron, Highland, Scotland, GB The area contained within a circle of a radius of 10km, centred on WGS84 dec, coordinates Lat: N57.40 and Long: W5.50'

- (ii) in the entry for the United States, the following descriptions of the zones US-2.457 and US-2.458 are added after the description of the zone US-2.456:

'United States	US-2.457	State of New York Kings 04 Kings County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 73.9673514°W 40.7336098°N)
	US-2.458	State of New York Kings 05 King County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 73.9869471°W 40.7240856°N)

- (2) in Annex XIV, in Part 1, Section B is amended as follows:

- (i) in the entry for the United Kingdom, the rows for the zone GB-2.306 are replaced by the following:

'GB United Kingdom	GB-2.306	POU, RAT	N, P1		2.7.2023	4.8.2023
		GBM	P1		2.7.2023	4.8.2023'

- (ii) in the entry for the United Kingdom, the following rows for the zones GB-2.309, GB-2.310 and GB-2.311 are added after the rows for the zone GB-2.308:

'GB United Kingdom	GB-2.309	POU, RAT	N, P1		8.8.2023	
		GBM	P1		8.8.2023	
	GB-2.310	POU, RAT	N, P1		8.8.2023	
		GBM	P1		8.8.2023	
	GB-2.311	POU, RAT	N, P1		9.8.2023	
		GBM	P1		9.8.2023'	

- (iii) in the entry for the United States, the following rows for the zones US-2.457 and US-2.458 are added after the rows for the zone US-2.456:

'US United States	US-2.457	POU, RAT	N, P1		29.7.2023	
		GBM	P1		29.7.2023	
	US-2.458	POU, RAT	N, P1		3.8.2023	
		GBM	P1		3.8.2023'	