II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2023/1664

of 25 August 2023

amending Annexes V, XIV and XV to Implementing Regulation (EU) 2021/404 as regards the entries for Argentina, 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, XIV and XV 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, fresh meat of and meat products from poultry and game birds.

([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).

(5) Argentina is listed in Annex XIV as a third country from which consignments of fresh meat of and meat products from poultry and game birds are authorised for entry into the Union with a closing date of 28 February 2023 due to an outbreak of HPAI. Argentina is also listed in Annex XV as a third country from which consignments of meat products from poultry and game birds, subject to the risk mitigating treatment D, in accordance with Annex XXVI to Delegated Regulation (EU) 2020/692, are authorised for entry into the Union.

(6) On 10 August 2023, Argentina has submitted updated information to the Commission on the epidemiological situation on its territory in relation to outbreaks of HPAI confirmed in poultry establishements between 28 February 2023 and 14 June 2023, and the measures it has taken to prevent the further spread of that disease. In particular, following those outbreaks of HPAI, Argentina has implemented the measures laid down in Article 38(2) of Delegated Regulation (EU) 2020/692, namely, a stamping out policy to control and limit the spread of that disease, adequate cleaning and disinfection following the implementation of the stamping out policy in the affected establishements, and a relevant surveillance programme demonstrating the absence of infection in the populations at risk.

(7) The Commission has evaluated the information submitted by Argentina and concluded that those HPAI outbreaks have been cleared and that there is no longer any risk associated with the entry into the Union of consignments of fresh meat of and meat products from poultry from Argentina, from which the entry into the Union of those commoditities were prohibited.

(8) 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 (2) and Dumfries and Galloway (1), which were confirmed on 14 August 2023 by laboratory analysis (RT-PCR).

(9) Following those recent outbreaks of HPAI, the veterinary authorities of the United Kingdom established restricted zones of at least 10 km around the affected establishments and implemented a stamping-out policy to control the presence of HPAI and limit the spread of that disease.

(10) The United Kingdom has submitted information to the Commission on the epidemiological situation on its territory and the measures taken to prevent the further spread of HPAI.

(11) That information has been evaluated by the Commission. The Commision considers that, in view of the animal health situation in the areas under restrictions established by the veterinary authorities of the United Kingdom, the entry into the Union of consigments 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.

(12) The United States has provided updated information in relation to the 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.

(13) In particular, the United States has submitted updated information on the epidemiological situation on its territory in relation to three outbreaks of HPAI in poultry establishments in the states Nevada, New York and South Dakota, which were confirmed on 17 October 2022 and 22 March 2023.

(14) The United States has 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 States has implemented a stamping out policy to control and limit the spread of that disease, and that third country has also completed the requisite cleaning and disinfection following the implementation of the stamping out policy on the infected poultry establishments on its territory.

(15) The Commission has evaluated the information submitted by the United States. The Commission considers that the United States has provided appropriate guarantees that the animal health situation that gave rise to the suspensions, 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 zones of the United States from which entry into the Union had been suspended, should be reauthorised.

(16) Annexes V, XIV and XV to Implementing Regulation (EU) 2021/404 should therefore be amended to take account of the current epidemiological situation as regards HPAI in Argentina, the United Kingdom and the United States.

(17) Commission Implementing Regulation (EU) 2023/1603 ([4]) amended Annexes V and XIV to Implementing Regulation (EU) 2021/404 by setting an opening date for the previously closed zone US-2.363, in the entries for the United States. An error has been detected in the row for that zone in Part 1, Section B of Annex XIV to that Implementing Regulation. It is therefore appropriate to correct that Annex accordingly.

(18) Taking into account the current epidemiological situation in the United Kingdom as regards HPAI, and in order to avoid unnecessary disruption of trade with Argentina and the United States, the amendments to be made to Annexes V, XIV and XV to Implementing Regulation (EU) 2021/404 by this Regulation should take effect as a matter of urgency.

(19) 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

Amendments to Implementing Regulation (EU) 2021/404

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

Article 2

Correction to Implementing Regulation (EU) 2021/404

Annex XIV to Implementing Regulation (EU) 2021/404 is corrected in accordance with the Part II of the Annex to this Regulation.

Article 3

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*.

However, Part II of the Annex shall apply from 8 August 2023.

([4]) Commission Implementing Regulation (EU) 2023/1603 of 4 August 2023 amending Annexes V and XIV to Implementing Regulation (EU) 2021/404 as regards the entries for Canada, Chile, 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 (OJ L 197, 7.8.2023, p. 1).

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

Done at Brussels, 25 August 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

PART I

Amendments to Implementing Regulation (EU) 2021/404

Annexes V, XIV and XV 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 following rows for the zones GB-2.312, GB-2.313 and GB-2.314 are added after the row for the zone GB-2.311:

'**GB** United Kingdom	GB-2.312	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		14.8.2023	
	GB-2.313		N, P1		14.8.2023	
	GB-2.314		N, P1		14.8.2023'	

(ii) in the entry for the United States, the row for the zone US-2.313 is replaced by the following:

'**US** United States	US-2.313	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		17.10.2022	13.8.2023'

(iii) in the entry for the United States, the row for the zone US-2.445 is replaced by the following:

'**US** United States	US-2.445	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		22.3.2023	19.8.2023'

(iv) in the entry for the United States, the row for the zone US-2.448 is replaced by the following:

'**US** United States	US-2.448	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		22.3.2023	21.8.2023'

(b) in Part 2, in the entry for the United Kingdom, the following descriptions of the zones GB-2.312, GB-2.313 and GB-2.314 are added after the description of the zone GB-2.311:

'United Kingdom	GB-2.312	near Fraserburgh, Aberdeenshire, Scotland, GB The area contained within a circle of a radius of 10km, centred on WGS84 dec, coordinates Lat: N57.67 and Long: W1.98
	GB-2.313	near Fraserburgh, Aberdeenshire, Scotland, GB The area contained within a circle of a radius of 10km, centred on WGS84 dec, coordinates Lat: N57.67 and Long: W2.00
	GB-2.314	near Kirkcudbright, Dumfries and Galloway, Scotland, GB The area contained within a circle of a radius of 10km, centred on WGS84 dec, coordinates Lat: N54.80 and Long: W4.03'

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

(a) the entry for Argentina is replaced by the following:

'**AR** Argentina	AR-0	POU, RAT, GBM	P1		28.2.2023	10.8.2023'

(b) in the entry for the United Kingdom, the following rows for the zones GB-2.312, GB-2.313 and GB-2.314 are added after the rows for the zone GB-2.311:

'**GB** United Kingdom	GB-2.312	POU, RAT	N, P1		14.8.2023	
		GBM	P1		14.8.2023	
	GB-2.313	POU, RAT	N, P1		14.8.2023	
		GBM	P1		14.8.2023	
	GB-2.314	POU, RAT	N, P1		14.8.2023	
		GBM	P1		14.8.2023'	

(c) in the entry for the United States, the rows for the zone US-2.313 are replaced by the following:

'**US** United States	US-2.313	POU, RAT	N, P1		17.10.2022	13.8.2023
		GBM	P1		17.10.2022	13.8.2023'

(d) in the entry for the United States, the rows for the zone US-2.445 are replaced by the following:

'**US** United States	US-2.445	POU, RAT	N, P1		22.3.2023	19.8.2023
		GBM	P1		22.3.2023	19.8.2023'

(e) in the entry for the United States, the rows for the zone US-2.448 are replaced by the following:

'**US** United States	US-2.448	POU, RAT	N, P1		22.3.2023	21.8.2023
		GBM	P1		22.3.2023	21.8.2023'

(3) in Annex XV, Part 1, Section A, the entry for Argentina is replaced by the following:

'**AR** Argentina	AR-0	C	C	C	C	C	C	C	A	A	D	**MPNT** (**) **MPST**	
	AR-1	C	C	C	C	C	C	C	A	A	D	**MPNT** (**) **MPST**	
	AR-2	A	A	C	A	A	C	C	A	A	D	**MPNT** (**) **MPST**'	

PART II

Correction to Implementing Regulation (EU) 2021/404

In Annex XIV, Part 1, Section B, in the entry for the United States, the rows for the zone US-2.363 are replaced by the following:

'**US** United States	US-2.363	POU, RAT	N, P1		29.11.2022	22.6.2023
		GBM	P1		29.11.2022	22.6.2023'