

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2023/573

of 10 March 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 and germinal products of poultry, fresh meat of and meat products from 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 Article 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⁾ lays down the lists of third countries or territories, or zones or compartments thereof, from which the entry into the Union of those species and categories of animals, germinal products and products of animal origin, that fall 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, territories, or zones thereof authorised for the entry into the Union respectively of consignments of poultry and 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) On 3 March 2023, Argentina notified to the Commission services an outbreak of highly pathogenic avian influenza (HPAI). That outbreak is located in the province of Río Negro, Argentina and was confirmed on 28 February 2023 by laboratory analysis (RT-PCR).
- (6) The lists of third countries, territories, or zones thereof set out in Section B of Part 1 of Annex XIV and in Section A of Part 1 of Annex XV to Regulation (EU) 2021/404 specify that the entry into the Union from Argentina of consignments of fresh meat of and meat products from poultry and game birds are authorised. In addition, Section A of Part 1 of Annex XV to Implementing Regulation (EU) 2021/404 does not currently require any risk-mitigating treatments for the entry into the Union of consignments of meat products from poultry and game birds from that third country.
- (7) Due to the risk of the introduction of HPAI into the Union linked with the entry of consignments of fresh meat of and meat products from poultry and game birds from Argentina, and in the absence of guarantees allowing for regionalisation of that third country, the entry into the Union of such consignments should no longer be authorised. In addition, the risk mitigating treatment D, in accordance with Annex XXVI to Delegated Regulation (EU) 2020/692, should be required for the entry into the Union of consignments of meat products from poultry and game birds from that third country.
- (8) The entries for Argentina in the lists of third countries, territories, or zones thereof set out in the table in Part 1 of Annex XIV and in the table in Section A of Part 1 of Annex XV to Implementing Regulation (EU) 2021/404 should therefore be amended to take account of the current epidemiological situation in that third country.
- (9) Additionally, the United States have notified the Commission of eight outbreaks of highly pathogenic avian influenza in poultry in the states of Florida (1), Illinois (1), Nebraska (1), Pennsylvania (4) and Virginia (1), United States, which were confirmed between 21 February 2023 and 28 February 2023 by laboratory analysis (RT-PCR).
- (10) Following those recent outbreaks of highly pathogenic avian influenza, the veterinary authorities of the United States established control zones of at least 10 km around the affected establishments and implemented a stamping-out policy in order to control the presence of highly pathogenic avian influenza and limit the spread of that disease.
- (11) The United States have submitted information to the Commission on the epidemiological situation on their territory and the measures they have taken to prevent the further spread of highly pathogenic avian influenza. That information has been evaluated by the Commission. On the basis of that evaluation and in order to protect the animal health status of the Union, the entry into the Union of consignments of poultry, germinal products of poultry, and fresh meat of poultry and game birds from the areas under restrictions established by the veterinary authorities of the United States due to the recent outbreaks of highly pathogenic avian influenza should no longer be authorised.
- (12) In addition, the United Kingdom has submitted updated information on the epidemiological situation on its territory in relation to one outbreak of highly pathogenic avian influenza in a poultry establishment in the county of Leicestershire in England, United Kingdom, which was confirmed on 27 October 2022.
- (13) The United Kingdom has also submitted information on the measures it has taken to prevent the further spread of highly pathogenic avian influenza. In particular, following the above mentioned outbreak 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.
- (14) The Commission has evaluated the information submitted by the United Kingdom and concluded that the outbreak of highly pathogenic avian influenza in a poultry establishment has been cleared and that there is no longer a risk associated with the entry into the Union of poultry commodities from the zone of the United Kingdom from which the entry into the Union of poultry commodities was suspended following this outbreak.
- (15) Annexes V, XIV and XV to Implementing Regulation (EU) 2021/404 should be therefore amended accordingly.

- (16) Taking into account the current epidemiological situation in Argentina and in the United States as regards HPAI, the amendments to be made to Implementing Regulation (EU) 2021/404 by this Regulation should take effect as a matter of urgency.
- (17) 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, XIV and XV to Implementing Regulation (EU) 2021/404 are amended in accordance with the Annex to this Regulation.

Article 2

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, 10 March 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

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

(1) Annex V is amended as follows:

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

(i) in the entry for the United Kingdom, the row for the zone GB-2.223 is replaced by the following:

'GB United Kingdom	GB-2.223	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		27.10.2022	1.3.2023'
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(ii) in the entry for the United States, the following rows for the zones US-2.417 to US-2.424 are added after the row for the zone US-2.416:

'US United States	US-2.417	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		21.2.2023	
	US-2.418		N, P1		23.2.2023	
	US-2.419		N, P1		23.2.2023	
	US-2.420		N, P1		24.2.2023	
	US-2.421		N, P1		24.2.2023	
	US-2.422		N, P1		24.2.2023	
	US-2.423		N, P1		27.2.2023	
	US-2.424		N, P1		28.2.2023'	

(b) Part 2 is amended as follows: in the entry for the United States, the following description of the zones US-2.417 to US-2.424 is added after the description of the zone US-2.416:

'United States	US-2.417	State of Nebraska – Lincoln 01 Lincoln County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 100.8387664°W 41.2235670°N)
	US-2.418	State of Pennsylvania – Lancaster 15 Lancaster County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 76.0163232°W 40.2416586°N)
	US-2.419	State of Virginia – Alexandria 01 Alexandria County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 77.0623573°W 38.8954575°N)
	US-2.420	State of Illinois – Wayne 01 Wayne County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 88.6714315°W 38.4922958°N)
	US-2.421	State of Pennsylvania – Chester 01 Chester County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 76.0065041°W 39.8780320°N)
	US-2.422	State of Pennsylvania – Lancaster 16 Lancaster County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 76.0523464°W 40.2478762°N)

	US-2.423	State of Pennsylvania – Lancaster 17 Lancaster County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 76.0242330°W 40.2422203°N)
	US-2.424	State of Florida – Miami-Dade 01 Miami-Dade County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 80.3743439°W 25.8137553°N)

(2) Section B of Part 1 to Annex XIV is amended as follows:

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

'AR Argentina	AR-0	POU, RAT, GBM	P1		28.2.2023'	
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(ii) in the entry for the United Kingdom, the rows for the zone GB-2.223 are replaced by the following:

'GB United Kingdom	GB-2.223	POU, RAT	N, P1		27.10.2022	1.3.2023
		GBM	P1		27.10.2022	1.3.2023'

(iii) in the entry for the United States, the following rows for the zones US-2.417 to US-2.424 are added after the rows for the zone US-2.416:

'US United States	US-2.417	POU, RAT	N, P1		21.2.2023	
		GBM	P1		21.2.2023	
	US-2.418	POU, RAT	N, P1		23.2.2023	
		GBM	P1		23.2.2023	
	US-2.419	POU, RAT	N, P1		23.2.2023	
		GBM	P1		23.2.2023	
	US-2.420	POU, RAT	N, P1		24.2.2023	
		GBM	P1		24.2.2023	
	US-2.421	POU, RAT	N, P1		24.2.2023	
		GBM	P1		24.2.2023	
	US-2.422	POU, RAT	N, P1		24.2.2023	
		GBM	P1		24.2.2023	
	US-2.423	POU, RAT	N, P1		27.2.2023	
		GBM	P1		27.2.2023	
	US-2.424	POU, RAT	N, P1		28.2.2023	
		GBM	P1		28.2.2023'	

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

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