

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 166/2014

of 17 February 2014

amending Regulation (EC) No 798/2008 as regards certification requirements for imports into the Union of meat of farmed ratites for human consumption and the entries for Israel and South Africa in the list of third countries or territories

(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 paragraph of point 1 of Article 8, points 3 and 4 of Article 8 and Article 9(2)(b) thereof,

Whereas:

(1) Commission Regulation (EC) No 798/2008⁽²⁾ provides that certain commodities are only to be imported into and transited through the Union from 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. Those requirements take into account whether or not specific conditions apply and if additional guarantees are required due to the disease status of those third countries, territories, zones or compartments. Specific conditions and additional guarantees that those commodities are required to comply with are set out in Part 2 of Annex I to Regulation (EC) No 798/2008.

(2) Chapter III of Regulation (EC) No 798/2008 lays down the conditions for a third country, territory, zone or compartment to be considered as free from highly pathogenic avian influenza (HPAI) and the requirements for the veterinary certification in that respect for commodities destined for importation into the Union.

(3) South Africa has been experiencing HPAI outbreaks of the subtype H5N2 in ratite holdings in an area with a high density of ratite holdings in 2004, 2006 and since April 2011. Consequently imports of certain ratite commodities including meat of farmed ratites are currently restricted by Regulation (EC) No 798/2008 as amended by Commission Implementing Regulation (EU) No 536/2011⁽³⁾. At present South Africa is not in a position to declare its HPAI free status.

(4) Outdoor keeping of ratites poses a specific challenge for preventing the possible introduction of avian influenza viruses into ratite flocks, in particular from the wild bird reservoir. The South African competent authority has in collaboration with the ratite industry developed a tailor made system for producing ratite meat obtained from ratites which are kept on registered closed ratite holdings approved by the competent authority.

(5) Those holdings are under official control and stringent biosecurity rules and movement controls and laboratory testing are applied. In addition surveillance is carried out for avian influenza on ratite and poultry holdings located in a defined radius around the registered closed ratite holding and on the whole South African territory. In setting up those requirements recommendations of the Community Veterinary Emergency Team (CVET) that had carried out a mission to South Africa in 2011 were duly taken into account.

(6) Pending the declaration of HPAI freedom of its whole territory and in view of providing better guarantees for the safety of ratite meat destined for future imports into the Union, South Africa on 5 May 2013 submitted a revised proposal of the system of registered closed ratite holdings requesting authorisation of imports of ratite meat into the Union produced from ratites kept on such holdings.

⁽¹⁾ OJ L 18, 23.1.2003, p. 11.

⁽²⁾ 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 (OJ L 226, 23.8.2008, p. 1).

⁽³⁾ Commission Implementing Regulation (EU) No 536/2011 of 1 June 2011 amending Annex II to Decision 2007/777/EC and Annex I to Regulation (EC) No 798/2008 as regards the entries for South Africa in the lists of third countries or parts thereof (OJ L 147, 2.6.2011, p. 1).

- (7) Commission and Member States' experts evaluated the proposal and concluded that the system established by South Africa should provide for satisfactory guarantees for imports into the Union of ratite meat obtained from ratites kept on such holdings with respect to possible risks posed by HPAI virus.
- (8) A new specific condition 'H' should be established in Part 2 of Annex I to Regulation (EC) No 798/2008, which provides for specific guarantees for the safety of meat of farmed ratites for human consumption obtained from ratites coming from a registered closed ratite holding including guarantees in relation to possible future HPAI outbreaks and which should apply to South African territory. This specific condition should also be included in the model veterinary certificate for meat of farmed ratites for human consumption.
- (9) Part 1 of Annex I to Regulation (EC) No 798/2008 indicates currently in the entry for Israel five different codes, IL-0 to IL-4, which correspond to parts of the territory which was regionalised following previous HPAI outbreaks in that country. Following a request from Israel and taking into account that meat from poultry, ratites or wild game birds (POU, RAT, and WGM) produced during the periods of restrictions is no longer circulating on the market, the different zones should be consolidated and the entry for Israel should be modified accordingly. For the sake of market transparency and in accordance with public international law, it should be clarified that the territorial coverage of the certificates is limited to the territory of the State of Israel excluding the territories under Israeli administration since June 1967, namely the Golan Heights, the Gaza Strip, East Jerusalem and the rest of the West Bank.
- (10) Regulation (EC) No 798/2008 should therefore be amended accordingly.
- (11) 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 to Regulation (EC) No 798/2008 is amended in accordance with the Annex to this Regulation.

Article 2

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.

Done at Brussels, 17 February 2014.

For the Commission
The President
José Manuel BARROSO

ANNEX

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

(1) Part 1 is amended as follows:

(a) the entry for 'Israel — IL' is replaced by the following:

'IL — Israel ⁽⁶⁾	IL-0	Whole country	SPF							
			BPR, BBP, DOR, DOC, HER, HEP, SRP		N			A		S5, ST1
			POU, RAT							
			WGM	VIII						
			EP, E						S4'	

(b) the entry for 'ZA — South Africa' is replaced by the following:

'ZA — South Africa	ZA-0	Whole country	SPF							
			EP, E							S4'
			BPR	I	P2	9.4.2011		A		
			DOR	II						
			HER	III						
			RAT	VII	P2 H	9.4.2011		A		

(c) the following footnote is added:

⁽⁶⁾ Hereafter understood as the State of Israel, excluding the territories under Israeli administration since June 1967, namely the Golan Heights, the Gaza Strip, East Jerusalem and the rest of the West Bank.'

(2) Part 2 is amended as follows:

(a) in section 'Specific conditions', the following shall be added after specific condition 'L':

'H': Guarantees have been provided that meat of farmed ratites for human consumption (RAT) is obtained from ratites coming from a registered closed ratite holding approved by the third country's competent authority. In case of a HPAI outbreak, imports of such meat may still be authorised, if it is obtained from ratites coming from a registered closed ratite holding free of HPAI and where within a radius of 100 km around that holding, including, where applicable, the territory of a neighbouring country, there has been no outbreak of HPAI for at least the last 30 days and where there has been no epidemiological link to a ratite or poultry holding in which the presence of HPAI has been detected within the last 30 days.'

(b) the model veterinary certificate for meat of farmed ratites for human consumption (RAT) shall be replaced by the following:

Model veterinary certificate for meat of farmed raptives for human consumption (RAT)

COUNTRY

Veterinary certificate to EU

Part I: Details of dispatched consignment	I.1. Consignor Name Address Country Tel.		I.2. Certificate reference number		I.2.a.		
			I.3. Central Competent Authority				
			I.4. Local Competent Authority				
	I.5. Consignee Name Address Country Tel.		I.6.				
	I.7. Country of origin		ISO code	I.8. Region of origin		Code	I.9. Country of destination
							I.10.
	I.11. Place of origin Name Address		Approval number		I.12.		
	I.13. Place of loading Address		I.14. Date of departure				
	I.15. Means of transport Aeroplane <input type="checkbox"/> Ship <input type="checkbox"/> Railway wagon <input type="checkbox"/> Road vehicle <input type="checkbox"/> Other <input type="checkbox"/> Identification Document		I.16. Entry BIP in EU				
			I.17.				
I.18. Description of commodity				I.19. Commodity code (HS code) 02.08.90			
				I.20. Quantity			
I.21. Temperature of products Ambient <input type="checkbox"/> Chilled <input type="checkbox"/> Frozen <input type="checkbox"/>				I.22. Total number of packages			
I.23. Seal/Container No				I.24.			
I.25. Commodities certified for: Human consumption <input type="checkbox"/>							
I.26.			I.27. For import or admission into EU <input type="checkbox"/>				
I.28. Identification of the commodities Approval number of establishments							
Species (scientific name)	Abattoir	Manufacturing plant	Cold store	Number of packages	Net weight		

COUNTRY

RAT (meat of farmed ratites for human consumption)

Part II: Certification	II.	Health information	II.a. Certificate reference number	II.b.
	II.1.	Public health attestation		
		I, the undersigned official veterinarian, declare that I am aware of the relevant provisions of Regulations (EC) No 178/2002, (EC) No 852/2004, (EC) No 853/2004 and (EC) No 854/2004 and hereby certify that the meat of ratites ⁽¹⁾ described in this certificate has been obtained in accordance with those requirements, in particular that:		
		(a) it comes from (an) establishments(s) implementing a programme based on the HACCP principles in accordance with Regulation (EC) No 852/2004;		
		(b) it has been produced in compliance with the conditions set out in Sections III and V of Annex III to Regulation (EC) No 853/2004;		
		(c) it has been found fit for human consumption following ante and post-mortem inspection carried out in accordance with Section IV, Chapter VII of Annex I to Regulation (EC) No 854/2004 ⁽²⁾ ;		
		(d) it has been marked with an identification mark in accordance with Section I of Annex II to Regulation (EC) No 853/2004;		
		(e) the guarantees covering live animals and products thereof provided by the residue plans submitted in accordance with Directive 96/23/EC and, in particular, Article 29 thereof, are fulfilled.		
	II.2.	Animal health attestation		
		I, the undersigned official veterinarian, hereby certify that the meat of ratites described in this certificate:		
II.2.1.	comes from:			
	⁽²⁾ ⁽³⁾ ⁽⁵⁾ <i>either</i> [the territory of code;]			
	⁽²⁾ ⁽⁴⁾ <i>or</i> [compartment(s);]			
	⁽²⁾ ⁽¹¹⁾ <i>or</i> [registered closed ratite holding(s) approved by the competent authority around which within a radius of 100 km around that holding, including, where appropriate, the territory of a neighbouring country, there has been no outbreak of highly pathogenic avian influenza for at least the previous 30 days and where there has been no epidemiological link to a ratite or poultry holding where the presence of highly pathogenic avian influenza has been detected within the last 30 days;]			
	which at the date of issue of the certificate was (were) free from:			
	highly pathogenic avian influenza as defined in Regulation (EC) No 798/2008, and			
	⁽⁶⁾ [Newcastle disease as defined in Regulation (EC) No 798/2008;]			
II.2.2.	has been obtained from ratites which:			
	⁽²⁾ <i>either</i> [have not been vaccinated against avian influenza;]			
	⁽²⁾ <i>or</i> [have been vaccinated against avian influenza in accordance with vaccination plan under Regulation (EC) No 798/2008 using: (name and type of used vaccine(s))			
	at the age of weeks;]			
	⁽⁷⁾ have been slaughtered on (dd/mm/yyyy) or between (dd/mm/yyyy) and (dd/mm/yyyy);			
II.2.3.	has been:			
	⁽²⁾ ⁽⁶⁾ <i>either</i> [II.2.3.1. obtained from farmed ratites which have been kept uninterruptedly for at least three months before slaughter or since hatching in:			
	⁽²⁾ ⁽³⁾ <i>either</i> [the territory of code;]			
	⁽²⁾ ⁽⁴⁾ <i>or</i> [compartment(s);]			
	⁽²⁾ ⁽¹¹⁾ <i>or</i> [registered closed ratite holding(s) approved by the competent authority around which within a radius of 100 km around that holding, including, where appropriate, the territory of a neighbouring country, there has been no outbreak of highly pathogenic avian influenza for at least the previous 30 days and where there has been no epidemiological link to a ratite or poultry holding where the presence of highly pathogenic avian influenza has been detected within the last 30 days;]			
	⁽²⁾ ⁽⁶⁾ <i>or</i> [II.2.3.1. boned and skinned and has been obtained from farmed ratites which have been kept uninterruptedly for at least three months before slaughter or since hatching in:			
	⁽²⁾ ⁽³⁾ <i>either</i> [the territory of code;]			
	⁽²⁾ ⁽⁴⁾ <i>or</i> [compartment(s);]			
	⁽²⁾ ⁽¹¹⁾ <i>or</i> [registered closed ratite holding(s) approved by the competent authority around which within a radius of 100 km around that holding, including, where appropriate, the territory of a neighbouring country, there has been no outbreak of highly pathogenic avian influenza for at least the previous 30 days and where there has been no epidemiological link to a ratite or poultry holding where the presence of highly pathogenic avian influenza has been detected within the last 30 days;]			

COUNTRY		RAT (meat of farmed ratites for human consumption)	
II.	Health information	II.a. Certificate reference number	II.b.
II.2.4.	has been:		
(⁶) (²) (¹²) <i>either</i>	<p>II.2.4.1. obtained from ratites from (an) establishment(s):</p> <p>(a) which receive(s) regular veterinary inspection visits to detect diseases transmissible to humans or animals;</p> <p>(b) which is (are) not subject to animal-health restrictions in connection with any disease to which ratites and/or other poultry are susceptible;</p> <p>(c) within a 10 km radius of which, including, where appropriate, the territory of a neighbouring country, there has been no outbreak of highly pathogenic avian influenza or Newcastle disease for at least the previous 30 days;]</p>		
(⁸) (²) (¹²) <i>or</i>	<p>II.2.4.1. boned and skinned and comes from ratites which were reared/kept for at least three months prior to slaughter on establishments:</p> <p>(a) which receive regular veterinary inspection visits to detect diseases transmissible to humans or animals;</p> <p>(b) which are not subject to animal-health restrictions in connection with any disease to which ratites and/or other poultry are susceptible;</p> <p>(c) on which there has been no outbreak of Newcastle disease or highly pathogenic avian influenza in the previous six months and around which no outbreaks of highly pathogenic avian influenza or Newcastle disease have occurred for at least three months within a distance of 10 km from the perimeter of that part of the establishment which contains the ratites, including where appropriate the territory of a neighbouring country;]</p>		
(²) <i>or</i>	<p>II.2.4.1. boned and skinned and comes from ratites from countries in Asia or Africa which:</p> <p>(a) were placed in isolation in tick-proofed surroundings under an officially approved programme for rodent control for at least 14 days prior to slaughter;</p> <p>(b) before being moving to the tick-proofed surroundings, were:</p> <p>(²) <i>either</i> [examined to verify that they were tick-free,]</p> <p>(²) <i>or</i> [underwent treatment to ensure that all ticks on them were destroyed</p> <p>by (specify the treatment): and this treatment has not given rise to any detectable residues in the ratite meat;]</p> <p>(c) were checked for the presence of ticks on arrival in the slaughterhouse (each batch), with negative results;]</p>		
II.2.5.	has not been obtained from ratites that were slaughtered under any animal health scheme for the control or eradication of poultry and/or ratite diseases;		
II.2.6.	comes from ratites:		
(²) (⁶) (⁹) <i>either</i>	II.2.6.1. that have been vaccinated against Newcastle disease using a live vaccine in the 30 days preceding slaughter;]		
(²) (⁶) <i>or</i>	II.2.6.1. that have not been vaccinated against Newcastle disease using a live vaccine in the 30 days preceding slaughter;]		
(²) (⁶) <i>either</i>	II.2.6.1. that have not been vaccinated against Newcastle disease;]		
(²) (⁶) <i>or</i>	II.2.6.1. that have been vaccinated against Newcastle disease using a live vaccine which does not meet the requirements of Annex VI of Regulation (EC) No 798/2008 but were not vaccinated in 30 days preceding slaughter;]		
(²) (⁶) <i>or</i>	II.2.6.1. that have been vaccinated against Newcastle disease using an inactivated vaccine which meets the requirements of Annex VI of Regulation (EC) No 798/2008;]		
(⁸) (¹⁰)	II.2.7. comes from ratites from establishments on which surveillance for Newcastle disease has been carried out under a statistically based sampling plan which produced negative results for at least the previous six months immediately prior to import to the Union;]		
II.2.8.	comes from ratites that during transport to the slaughterhouse, did not come into contact with poultry and/or ratites infected with highly pathogenic avian influenza or Newcastle disease;		
II.2.9.	comes from approved slaughterhouses which, at the time of slaughter, were not under restrictions owing to a suspected or confirmed outbreak of highly pathogenic avian influenza or Newcastle disease and within a 10 km radius of which there has been no outbreak of highly pathogenic avian influenza or Newcastle disease for at least the previous 30 days; and		
	has not been in contact at any time of slaughter, cutting, storage or transport with ratites or meat not complying with Regulation (EC) No 853/2004.		

COUNTRY

RAT (meat of farmed ratites for human consumption)

II.	II.a. Certificate reference number	II.b.
<p data-bbox="328 320 560 342">II.3. Animal welfare attestation</p> <p data-bbox="328 365 1477 454">I, the undersigned official veterinarian, hereby certify that the fresh meat described in Part I of this certificate derives from animals which have been handled in the slaughterhouse before and the at the time of slaughter or killing in accordance the relevant provisions of Union legislation and have met at least equivalent to those laid down in Chapters II and III of Council Regulation (EC) No 1099/2009 (OJ L 303, 18.11.2009, p. 1).</p> <p data-bbox="177 499 233 521">Notes</p> <p data-bbox="177 566 233 589">Part I:</p> <p data-bbox="177 633 1477 678">— Box I.8: Provide the code for the zone or the compartment of origin, if necessary, as defined under code in column 2 of Part 1 of Annex I to Regulation (EC) No 798/2008.</p> <p data-bbox="177 723 930 745">— Box I.11: Name, address and approval number of the establishment of dispatch.</p> <p data-bbox="177 790 1477 857">— Box I.15: Indicate the registration number(s) of railway wagons and lorries, the names of ships and, if known, the flight numbers of aircraft. In the case of transport in containers or boxes, the total number of these and their registration and where there is a serial number of the seal it has to be indicated in box I.23.</p> <p data-bbox="177 902 233 925">Part II:</p> <p data-bbox="177 947 1477 1014">(1) 'Ratite meat' means any parts, excluding offal, of farmed ratites that are fit for human consumption and which have not undergone any treatment other than cold treatment to ensure preservation; vacuum-wrapped meat or meat wrapped in a controlled atmosphere must also be accompanied by a certificate in accordance with this model.</p> <p data-bbox="177 1059 408 1081">(2) Keep as appropriate.</p> <p data-bbox="177 1126 1129 1149">(3) Code of the territory as it appears in column 2 of Part 1 of Annex I to Regulation (EC) No 798/2008.</p> <p data-bbox="177 1193 536 1216">(4) Insert the name of compartment(s).</p> <p data-bbox="177 1261 1477 1350">(5) For countries or territories with the entry 'N' in column 6 of Part 1 of Annex I to Regulation (EC) No 798/2008, for meat of farmed ratites for human consumption (RAT) only, this means that in the case of an outbreak of Newcastle disease as defined in Regulation (EC) No 798/2008 then the country code or territory code shall continue to be used but this will exclude any area under official restrictions, by the third country concerned in relation to Newcastle disease, at the date of issue of this certificate.</p> <p data-bbox="177 1395 1265 1417">(6) Not applicable to the countries with the entry 'VII' in column 5 in Part 1 of Annex I to Regulation (EC) No 798/2008.</p> <p data-bbox="177 1462 1477 1529">(7) Indicate the date or dates of slaughter. Imports of this meat shall not be allowed when obtained from ratites slaughtered in the territory or the compartment(s) mentioned under II.2.1 during a period where restrictive measures have been adopted by the European Union against imports of this meat from this territory or that (these) compartment(s).</p> <p data-bbox="177 1574 1273 1597">(8) Applicable only to the countries with the entry 'VII' in column 5 of Part 1 of Annex I to Regulation (EC) No 798/2008.</p> <p data-bbox="177 1641 730 1664">(9) Such consignment cannot be sent to Sweden or Finland.</p> <p data-bbox="177 1709 1477 1731">(10) In non-vaccinated flocks this surveillance is carried out by serology and in vaccinated flocks it is carried out by tracheal swabs of ratites.</p> <p data-bbox="177 1776 1477 1910">(11) For meat of farmed ratites for human consumption (RAT) only from countries or territories of that country with the entry 'H' in column 6 of Part 1 of Annex I to Regulation (EC) No 798/2008. Guarantees have been provided that in case of an outbreak of highly pathogenic avian influenza on the territory of a third country imports into the Union of ratite meat (RAT) obtained from ratites coming from a 'registered closed ratite holding' approved by the competent authority of the third country may be authorised provided that the holding is free of highly pathogenic avian influenza and where within a radius of 100 km around that holding, including, where appropriate, the territory of a neighbouring country, there has been no outbreak of highly pathogenic avian influenza for at least the previous 30 days and where there has been no epidemiological link to a ratite or poultry holding where the presence of highly pathogenic avian influenza has been detected within the last 30 days.</p> <p data-bbox="177 1955 679 1977">(12) Not applicable for registered closed ratite holdings.</p>		

COUNTRY		RAT (meat of farmed ratites for human consumption)	
II.	Health information	II.a. Certificate reference number	II.b.
Official veterinarian			
Name (in capital letters):		Qualification and title:	
Date:		Signature:	
Stamp:			