Official Journal
of the European Union

EN
L series

2023/2886

22.12.2023

COMMISSION IMPLEMENTING REGULATION (EU) 2023/2886

of 18 December 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 and germinal products of poultry, and of 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]) lays down the lists of third countries, or territories, or zones 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. Those lists and certain general rules concerning those lists are set out in Annexes I to XXII to that Regulation.

(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 and germinal products of poultry, and of fresh meat of poultry and game birds.

(5) The United States notified the Commission of 35 outbreaks of highly pathogenic avian influenza (HPAI) in poultry in the states of Arkansas (2), California (8), Colorado (1), Kansas (2), Michigan (1), Minnesota (7), North Dakota (1), Ohio (3), South Dakota (5) and Wisconsin (5), which were confirmed between 22 November 2023 and 13 December 2023 by laboratory analysis (RT-PCR).

(6) Following those recent outbreaks of HPAI, the veterinary authorities of the United States 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.

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

(8) 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 States, the entry into the Union of consigments of poultry and germinal products of poultry, and of fresh meat of poultry and game birds from those areas should be suspended, in order to protect the animal health status of the Union.

(9) In addition, the United Kingdom and the United States have provided updated information to the Commission in relation to the epidemiological situation on their territories 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.

(10) The United Kingdom has submitted updated information on the epidemiological situation in relation to an outbreak of HPAI in backyard poultry in Aberdeenshire, Scotland, which was confirmed on 23 October 2023.

(11) The United States have submitted updated information on the epidemiological situation in relation to three outbreaks of HPAI in poultry establishments in the states of Montana and South Dakota, which were confirmed on 10 October 2023 and 17 October 2023.

(12) The United Kingdom and the United States have also submitted information on the measures they have taken to prevent the further spread of HPAI. In particular, following the outbreaks of HPAI, they have implemented a stamping out policy in order to control and limit the spread of that disease, and also completed the requisite cleaning and disinfection following the implementation of the stamping out policy on the infected poultry establishment on their territories.

(13) The Commission has evaluated the information submitted by the United Kingdom and the United States, and considers that they have provided appropriate guarantees that the animal health situation that gave rise to the suspension of the entry of consignments of certain products into the Union from the concerned zones in those third countries, as set out in Annexes V and XIV to Implementing Regulation (EU) 2021/404, no longer represents a threat to animal or public health within the Union, and that, consequently, the entry into the Union of those consignments from the concerned zones of the United Kingdom and the United States, 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 States and the United Kingdom.

(15) Furthermore, Article 2 of Commission Implementing Regulation (EU) 2023/2688 ([4]) provides for certain corrections to be made to Annexes V and XIV to Implementing Regulation (EU) 2021/404 as regards the date of closing for a zone in the United Kingdom. An error has been detected as regards the reference to the Part of Annex XIV where one of those corrections should have been made. It is, therefore, appropriate to correct this error in Annex XIV to Implementing Regulation (EU) 2021/404. That Annex should, therefore, be corrected accordingly.

(16) Taking into account the current epidemiological situation in the United States as regards HPAI, and in order to avoid unnecessary disruption of trade with the United Kingdom and the United States, 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.

([4]) Commission Implementing Regulation (EU) 2023/2688 of 24 November 2023 amending Annexes V and XIV to Implementing Regulation (EU) 2021/404 as regards the entries for Canada, 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, fresh meat of poultry and game birds (OJ L, 2023/2688, 28.11.2023, ELI: http://data.europa.eu/eli/reg_impl/2023/2688/oj).

(17) The correction of the error in Annex XIV to Implementing Regulation (EU) 2021/404, introduced by Implementing Regulation (EU) 2023/2688, should apply from 16 November 2023, as this was the date of application of Part II of the Annex to Implementing Regulation (EU) 2023/2688.

(18) 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 and XIV 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 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, Article 2 shall apply from 16 November 2023.

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

Done at Brussels, 18 December 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

PART I

Amendments to Implementing Regulation (EU) 2021/404

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–2.323 is replaced by the following:

'**GB** United Kingdom	GB–2.323	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		23.10.2023	27.11.2023'

(ii) in the entry for the United States, the row for the zone US–2.463 is replaced by the following:

'**US** United States	US–2.463	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		10.10.2023	8.12.2023'

(iii) in the entry for the United States, the rows for the zones US–2.467 and US–2.468 are replaced by the following:

'**US** United States	US–2.467	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		17.10.2023	30.11.2023
	US–2.468		N, P1		17.10.2023	7.12.2023'

(iv) in the entry for the United States, the following rows for the zones US–2.543 to US–2.577 are added after the row for the zone US–2.542:

'**US** United States	US–2.543	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		29.11.2023	
	US–2.544		N, P1		29.11.2023	
	US–2.545		N, P1		29.11.2023	
	US–2.546		N, P1		30.11.2023	
	US–2.547		N, P1		27.11.2023	
	US–2.548		N, P1		30.11.2023	
	US–2.549		N, P1		30.11.2023	
	US–2.550		N, P1		29.11.2023	
	US–2.551		N, P1		22.11.2023	
	US–2.552		N, P1		28.11.2023	

	US–2.553		N, P1		28.11.2023	
	US–2.554		N, P1		1.12.2023	
	US–2.555		N, P1		29.11.2023	
	US–2.556		N, P1		4.12.2023	
	US–2.557		N, P1		4.12.2023	
	US–2.558		N, P1		5.12.2023	
	US–2.559		N, P1		5.12.2023	
	US–2.560		N, P1		6.12.2023	
	US–2.561		N, P1		7.12.2023	
	US–2.562		N, P1		7.12.2023	
	US–2.563		N, P1		4.12.2023	
	US–2.564		N, P1		5.12.2023	
	US–2.565		N, P1		6.12.2023	
	US–2.566		N, P1		5.12.2023	
	US–2.567		N, P1		6.12.2023	
	US–2.568		N, P1		6.12.2023	
	US–2.569		N, P1		8.12.2023	
	US–2.570		N, P1		6.12.2023	
	US–2.571		N, P1		8.12.2023	
	US–2.572		N, P1		7.12.2023	
	US–2.573		N, P1		7.12.2023	
	US–2.574		N, P1		7.12.2023	
	US–2.575		N, P1		13.12.2023	
	US–2.576		N, P1		13.12.2023	
	US–2.577		N, P1		11.12.2023’	

(b) in Part 2, in the entry for the United States, the following descriptions of the zones US–2.543 to US–2.577 are added after the description of the zone US–2.542:

'United States	US–2.543	State of Minnesota Douglas 01 Douglas County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 95.6955711°W 45.9256788°N)
	US–2.544	State of Minnesota Otter Tail 10 Otter Tail County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 95.3748140°W 46.3050912°N)
	US–2.545	State of Minnesota Becker 06 Becker County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 95.3932724°W 46.8711724°N)
	US–2.546	State of Colorado Bent 01 Bent County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 103.2823065°W 38.1502447°N)
	US–2.547	State of California Sonoma 03 Sonoma County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 122.7605781°W 38.3371032°N)
	US–2.548	State of California Sonoma 04 Sonoma County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 122.7228932°W 38.3382739°N)
	US–2.549	State of California San Benito 01 San Benito County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 121.3952720°W 36.9594033°N)
	US–2.550	State of North Dakota Dickey 05 Dickey County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 98.2183166°W 46.1667989°N)
	US–2.551	State of Wisconsin Trempealeau 01 Trempealeau County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 91.2847172°W 44.1768369°N)
	US–2.552	State of Wisconsin Trempealeau 02 Trempealeau County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 91.3960710°W 44.2674511°N)

	US–2.553	State of Wisconsin Trempealeau 03 Trempealeau County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 91.3106620°W 44.1842181°N)
	US–2.554	State of Ohio Darke 01 Darke County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 84.5789983°W 40.3126236°N)
	US–2.555	State of Arkansas Carroll 01 Carroll County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 93.3978602°W 36.3984114°N)
	US–2.556	State of Arkansas Johnson 01 Johnson County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 93.5966030°W 35.6615779°N
	US–2.557	State of Wisconsin Barron 08 Barron County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 91.5552568°W 45.3504318°N)
	US–2.558	State of California Stanislaus 03 Stanislaus County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 121.0094500°W 37.5205789°N)
	US–2.559	State of California Stanislaus 04 Stanislaus County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 121.0145742°W 37.5160376°N)
	US–2.560	State of California Sonoma 05 Sonoma County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 122.7210055°W 38.3482743°N)
	US–2.561	State of California Sonoma 06 Sonoma County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 122.8526387°W 38.3578766°N)
	US–2.562	State of California Stanislaus 05 Stanislaus County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 121.0109598°W 37.5159786°N)
	US–2.563	State of South Dakota McPherson 10 McPherson County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 98.7911109°W 45.7550100°N)

	US–2.564	State of South Dakota Spink 10 Spink County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 98.0528429°W 44.8284039°N)
	US–2.565	State of South Dakota Hamlin 05 Hamlin County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 96.8990933°W 44.7313639°N)
	US–2.566	State of Minnesota Otter Tail 11 Otter Tail County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 95.8281061°W 46.3777320°N)
	US–2.567	State of Minnesota Becker 07 Becker County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 95.3724124°W 46.8840421°N)
	US–2.568	State of Minnesota Todd 09 Todd County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 95.1035598°W 46.2955791°N)
	US–2.569	State of Wisconsin Barron 09 Barron County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 91.5584300°W 45.3634617°N)
	US–2.570	State of South Dakota Bon Homme 03 Bon Homme County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 97.9305374°W 43.1815726°N)
	US–2.571	State of South Dakota Charles Mix 08 Charles Mix County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 98.4674689°W 43.3093378°N)
	US–2.572	State of Ohio Darke 02 Darke County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 84.5981080°W 40.4299041°N)
	US–2.573	State of Ohio Hardin 01 Hardin County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 83.4249651°W 40.6182496°N)
	US–2.574	State of Michigan Montmorency 01 Montmorency County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 83.9017294°W 45.1913416°N)

	US–2.575	State of Kansas Rice 01 Rice County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 98.3908652°W 38.4526958°N)
	US–2.576	State of Kansas McPherson 02 McPherson County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 97.8379580°W 38.4528984°N)
	US–2.577	State of Minnesota Olmsted 01 Olmsted County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 92.4239373°W 44.0487999°N)'

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

(a) in the entry for the United Kingdom, the rows for the zone GB–2.323 are replaced by the following:

'**GB** United Kingdom	GB–2.323	POU, RAT	N, P1		23.10.2023	27.11.2023
		GBM	P1		23.10.2023	27.11.2023'

(b) in the entry for the United States, the rows for the zone US–2.463 are replaced by the following:

'**US** United States	US–2.463	POU, RAT	N, P1		10.10.2023	8.12.2023
		GBM	P1		10.10.2023	8.12.2023'

(c) in the entry for the United States, the rows for the zones US–2.467 and US–2.468 are replaced by the following:

'**US** United States	US–2.467	POU, RAT	N, P1		17.10.2023	30.11.2023
		GBM	P1		17.10.2023	30.11.2023
	US–2.468	POU, RAT	N, P1		17.10.2023	7.12.2023
		GBM	P1		17.10.2023	7.12.2023'

(d) in the entry for the United States, the following for the zones US–2.543 to US–2.577 are added after the row for the zone US–2.542:

'**US** United States	US–2.543	POU, RAT	N, P1		29.11.2023	
		GBM	P1		29.11.2023	
	US–2.544	POU, RAT	N, P1		29.11.2023	
		GBM	P1		29.11.2023	
	US–2.545	POU, RAT	N, P1		29.11.2023	
		GBM	P1		29.11.2023	
	US–2.546	POU, RAT	N, P1		30.11.2023	
		GBM	P1		30.11.2023	

	US–2.547	POU, RAT	N, P1		27.11.2023	
		GBM	P1		27.11.2023	
	US–2.548	POU, RAT	N, P1		30.11.2023	
		GBM	P1		30.11.2023	
	US–2.549	POU, RAT	N, P1		30.11.2023	
		GBM	P1		30.11.2023	
	US–2.550	POU, RAT	N, P1		29.11.2023	
		GBM	P1		29.11.2023	
	US–2.551	POU, RAT	N, P1		22.11.2023	
		GBM	P1		22.11.2023	
	US–2.552	POU, RAT	N, P1		28.11.2023	
		GBM	P1		28.11.2023	
	US–2.553	POU, RAT	N, P1		28.11.2023	
		GBM	P1		28.11.2023	
	US–2.554	POU, RAT	N, P1		1.12.2023	
		GBM	P1		1.12.2023	
	US–2.555	POU, RAT	N, P1		29.11.2023	
		GBM	P1		29.11.2023	
	US–2.556	POU, RAT	N, P1		4.12.2023	
		GBM	P1		4.12.2023	
	US–2.557	POU, RAT	N, P1		4.12.2023	
		GBM	P1		4.12.2023	
	US–2.558	POU, RAT	N, P1		5.12.2023	
		GBM	P1		5.12.2023	
	US–2.559	POU, RAT	N, P1		5.12.2023	
		GBM	P1		5.12.2023	
	US–2.560	POU, RAT	N, P1		6.12.2023	
		GBM	P1		6.12.2023	
	US–2.561	POU, RAT	N, P1		7.12.2023	
		GBM	P1		7.12.2023	
	US–2.562	POU, RAT	N, P1		7.12.2023	
		GBM	P1		7.12.2023	
	US–2.563	POU, RAT	N, P1		4.12.2023	
		GBM	P1		4.12.2023	
	US–2.564	POU, RAT	N, P1		5.12.2023	
		GBM	P1		5.12.2023	
	US–2.565	POU, RAT	N, P1		6.12.2023	
		GBM	P1		6.12.2023	

	US–2.566	POU, RAT	N, P1		5.12.2023	
		GBM	P1		5.12.2023	
	US–2.567	POU, RAT	N, P1		6.12.2023	
		GBM	P1		6.12.2023	
	US–2.568	POU, RAT	N, P1		6.12.2023	
		GBM	P1		6.12.2023	
	US–2.569	POU, RAT	N, P1		8.12.2023	
		GBM	P1		8.12.2023	
	US–2.570	POU, RAT	N, P1		6.12.2023	
		GBM	P1		6.12.2023	
	US–2.571	POU, RAT	N, P1		8.12.2023	
		GBM	P1		8.12.2023	
	US–2.572	POU, RAT	N, P1		7.12.2023	
		GBM	P1		7.12.2023	
	US–2.573	POU, RAT	N, P1		7.12.2023	
		GBM	P1		7.12.2023	
	US–2.574	POU, RAT	N, P1		7.12.2023	
		GBM	P1		7.12.2023	
	US–2.575	POU, RAT	N, P1		13.12.2023	
		GBM	P1		13.12.2023	
	US–2.576	POU, RAT	N, P1		13.12.2023	
		GBM	P1		13.12.2023	
	US–2.577	POU, RAT	N, P1		11.12.2023	
		GBM	P1		11.12.2023’	

PART II

Correction to Implementing Regulation (EU) 2021/404

In Annex XIV to Implementing Regulation (EU) 2021/404, in Part 1, Section B, in the entry for the United Kingdom, the rows for the zone GB–2.323 are replaced by the following:

‘**GB** United Kingdom	GB–2.323	POU, RAT	N, P1		23.10.2023	
		GBM	P1		23.10.2023’	