

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 (Text with EEA relevance)

### CHAPTER III

#### **ANIMAL HEALTH STATUS OF THIRD COUNTRIES, TERRITORIES, ZONES OR COMPARTMENTS OF ORIGIN WITH REGARD TO AVIAN INFLUENZA AND NEWCASTLE DISEASE**

##### *Article 8*

##### **Avian influenza free third countries, territories, zones or compartments**

1 For the purposes of this Regulation, a third country, territory, zone or compartment from which commodities are imported into [<sup>F1</sup>Great Britain] shall be considered as free from avian influenza where:

- a avian influenza has not been present in the third country, territory, zone or compartment for a period of at least 12 months preceding the certification by the official veterinarian;
- b an avian influenza surveillance programme, in accordance with Article 10 has been carried out during a period of at least six months preceding the certification referred to in point (a) of this paragraph where required in the certificate.

2 Where an outbreak of avian influenza occurs in a third country, territory, zone or compartment previously free of that disease, as referred to in paragraph 1, that third country, territory, zone or compartment shall again be considered as free from avian influenza provided the following conditions have been met:

- a in the case of HPAI, a stamping out policy has been implemented to control the disease;
- b in the case of LPAI, either a stamping out policy has been implemented or the poultry have been slaughtered to control the disease;
- c adequate cleansing and disinfection has been carried out on all previously infected establishments;
- d avian influenza surveillance has been carried out in accordance with Part II of Annex IV during a three-month period following completion of the cleansing and disinfection referred to in point (c) of this paragraph with negative results.

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##### **Textual Amendments**

- F1** Words in Art. 8(1) substituted (31.12.2020) by [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **53(9)** (with regs. 69-71)

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## Article 9

### HPAI free third countries, territories, zones and compartments

1 For the purposes of this Regulation, a third country, territory, zone or compartment from which commodities are imported into [<sup>F2</sup>Great Britain] shall be considered as free from HPAI where that disease has not been present in the third country, territory, zone or compartment for a period of at least 12 months preceding the certification by the official veterinarian.

2 Where an outbreak of HPAI occurs in a third country, territory, zone or compartment previously free of that disease as referred to in paragraph 1, that third country, territory, zone or compartment shall again be considered as free of HPAI, provided the following conditions are met:

- a a stamping out policy has been implemented to control the disease, including adequate cleansing and disinfection carried out on all previously infected establishments;
- b avian influenza surveillance has been carried out in accordance with Part II of Annex IV during a three-month period following completion of the stamping out policy and cleansing and disinfection referred to in point (a).

#### Textual Amendments

- F2** Words in Art. 9(1) substituted (31.12.2020) by [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **53(10)** (with regs. 69-71)

## Article 10

### Avian influenza surveillance programmes

Where an avian influenza surveillance programme is required in the certificate, commodities shall only be imported into [<sup>F3</sup>Great Britain] from third countries, territories, zones or compartments where:

- (a) the third country, territory, zone or compartment has had in place for a period of at least six months an avian influenza surveillance programme, which is indicated [<sup>F4</sup>by the Secretary of State, with the consent of the Scottish Ministers (in relation to Scotland) and the Welsh Ministers (in relation to Wales), in a document published for the purposes of this Article], and that programme meets the requirements:
  - (i) set out in Part I of Annex IV; or
  - (ii) of the Terrestrial Animal Health Code of the OIE<sup>(1)</sup>;
- (b) the third country informs the [<sup>F5</sup>appropriate authority] of any changes to its avian influenza surveillance programme.

#### Textual Amendments

- F3** Words in Art. 10 substituted (31.12.2020) by [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **53(11)(a)** (with regs. 69-71)

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- F4** Words in Art. 10(a) substituted (1.7.2022) by [The Import of Animals and Animal Products and Approved Countries \(Amendment\) Regulations 2022 \(S.I. 2022/735\)](#), regs. 1(2), **3(8)**
- F5** Words in Art. 10(b) substituted (31.12.2020) by [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **53(11)(b)** (with regs. 69-71)

## Article 11

### Vaccination against avian influenza

Where vaccination against avian influenza is carried out in third countries, territories, zones or compartments, poultry or other commodities derived from vaccinated poultry shall only be imported into [<sup>F6</sup>Great Britain], where:

- (a) the third country carries out vaccination against avian influenza in accordance with a vaccination plan indicated [<sup>F7</sup>by the Secretary of State, with the consent of the Scottish Ministers (in relation to Scotland) and the Welsh Ministers (in relation to Wales), in a document published for the purposes of this Article], and that plan meets the requirements set out in Annex V;
- (b) the third country informs the [<sup>F8</sup>appropriate authority] of any changes to its avian influenza vaccination plan.

#### Textual Amendments

- F6** Words in Art. 11 substituted (31.12.2020) by [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **53(12)(a)** (with regs. 69-71)
- F7** Words in Art. 11(a) substituted (1.7.2022) by [The Import of Animals and Animal Products and Approved Countries \(Amendment\) Regulations 2022 \(S.I. 2022/735\)](#), regs. 1(2), **3(9)**
- F8** Words in Art. 11(b) substituted (31.12.2020) by [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **53(12)(b)** (with regs. 69-71)

## Article 12

### Newcastle disease free third countries, territories, zones and compartments

1 For the purposes of this Regulation, a third country, territory, zone or compartment from which commodities are imported into [<sup>F9</sup>Great Britain] shall be considered as free from Newcastle disease where the following conditions are met:

- a no outbreaks of Newcastle disease have occurred in poultry in the third country, territory, zone or compartment for a period of at least 12 months preceding the certification by the official veterinarian;
- b no vaccination against Newcastle disease using vaccines that do not comply with the criteria for recognised Newcastle disease vaccines set out in Annex VI has been carried out for at least the period referred to in point (a) of this paragraph.

2 Where an outbreak of Newcastle disease occurs in a third country, territory, zone or compartment previously free from that disease, as referred to in paragraph 1, that third country,

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territory, zone or compartment shall again be considered as free from that disease provided the following conditions are met:

- a a stamping out policy has been implemented to control the disease;
- b adequate cleansing and disinfection has been carried out on all previously infected establishments;
- c during a period of at least three months following the completion of the stamping out policy and cleansing and disinfection referred to in points (a) and (b):
  - (i) the competent authority of a the third country can demonstrate the absence of that disease in the third country, territory, zone or compartment by intensified investigations including laboratory testing in relation to the outbreak;
  - (ii) no vaccination against Newcastle disease using vaccines that do not comply with the criteria for recognised Newcastle disease vaccines set out in Annex VI has been carried out.

#### Textual Amendments

- F9** Words in Art. 12(1) substituted (31.12.2020) by [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **53(13)** (with regs. 69-71)

### Article 13

#### Derogations concerning the use of vaccines against Newcastle disease

1 For commodities referred to in Article 1(1)(a), and by way of derogation from Article 12(1)(b) and Article 12(2)(c)(ii), a third country, territory, zone or compartment shall be considered as free from Newcastle disease where the following conditions are met:

- a the third country, territory, zone or compartment allows the use of vaccines which comply with the general criteria set out in Part I of Annex VI, but not with the specific criteria set out in Part II of that Annex;
- b the additional health requirements set out in Part I of Annex VII are complied with.

2 For commodities referred to in Article 1(1)(b), and by way of derogation from Article 12(1)(b) and Article 12(2)(c)(ii), a third country, territory, zone or compartment from which imports of poultrymeat into <sup>F10</sup>Great Britain] are authorised, shall be considered as free from Newcastle disease where the additional health requirements laid down in Part II of Annex VII are complied with.

#### Textual Amendments

- F10** Words in Art. 13(2) substituted (31.12.2020) by [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **53(14)** (with regs. 69-71)

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(1) [http://www.oie.int/eng/normes/mcode/en\\_sommaire.htm](http://www.oie.int/eng/normes/mcode/en_sommaire.htm)

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