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Draft Requirements for Poultry and Poultry Product Imports

Report Categories:

Poultry and Products

Sanitary/Phytosanitary/Food Safety

FAIRS Subject Report

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Report Highlights:

The Department of Animal Husbandry, Dairying and Fisheries notified draft requirements for poultry and poultry product imports from countries reporting an outbreak of Highly Pathogenic Avian Influenza or Low Pathogenic Avian Influenza to the World Trade Organization. The deadline for comments is June 19, 2016.

General Information:

Disclaimer: The information contained in this report was retrieved from the Government of India (GOI) and World Trade Organization (WTO) websites: <http://dahd.nic.in/dahd/trade.aspx> and www.wto.org. The Office of Agricultural Affairs and/or the U.S. Government make no claim of accuracy or authenticity. The summary below is based on a *cursory* review of the subject announcement and, therefore, should not under any circumstances be viewed as a definitive interpretation of the regulation in question, or of its implications for U.S. agricultural trade interests.

On July 19, 2011, the Government of India (GOI) prohibited the import of poultry and poultry products from countries reporting outbreaks of Highly Pathogenic Avian Influenza (HPAI) and Low Pathogenic Avian Influenza (LPAI) for an unspecified period (Please see [IN1167](#)). In 2012, the United States filed a Dispute Settlement case at the WTO. On June 19, 2015, the WTO Dispute Settlement Body (DSB) ruled in favor of the United States by adopting the Appellate Body (AB) report and panel's report, as modified by the AB report, which required India to modify its import requirements for poultry and poultry products.

On April 21, 2016, the Department of Animal Husbandry, Dairying and Fisheries (DAHDF) notified draft requirements for poultry and poultry product imports from countries reporting an outbreak of Highly Pathogenic Avian Influenza (HPAI) or Low Pathogenic Avian Influenza (LPAI) to the WTO. The document references the WTO Agreement on Sanitary and Phytosanitary Measures and the World Organisation for Animal Health (OIE) Terrestrial Code, which may be used to determine disease free status. The deadline for comments is June 19, 2016.

The notification can be accessed on the DAHDF website at [Import of Poultry and Poultry Products into India in view of Outbreak of Avian Influenza](#) or the [WTO](#) website.

Comments should be sent to:

Dr A J V Prasad
Joint Secretary
Department of Animal Husbandry, Dairying and Fisheries
Ministry of Agriculture, Room No. 240, Krishi Bhawan
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Final details on the Notification:

Publication date on the DAHDF website: April 21, 2016
Date of Implementation: To be determined
WTO Notification Number: G/SPS/N/IND/143
WTO Notification Date: April 20, 2016
Final Date for Comments: June 19, 2016
Products Affected: Poultry and Poultry Products
Agency in Charge: Department of Animal Husbandry, Dairying and Fisheries, GOI

[TO BE PUBLISHED IN THE GAZETTE OF INDIA PART II SECTION 3(ii)
EXTRAORDINARY]

Government of India
Ministry of Agriculture and Farmers Welfare
Department of Animal Husbandry, Dairying and Fisheries

Notification

New Delhi, Dated 2016

S.O. In exercise of the power conferred by sub-section (1) of Section 3 and Section 3A of the Livestock Importation Act, 1898 (9 of 1898) and in supersession of the notification of the Government of India in the Ministry of Agriculture (Department of Animal Husbandry, Dairying and Fisheries) published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (ii) vide number S.O. 1663 (E) dated 19th July, 2011, except with respect to things done or omitted to be done before such supersession, the Central Government taking into consideration the requirements under the WTO Agreement on Sanitary and Phytosanitary Measures and the OIE Terrestrial Code hereby makes the following provisions for import of poultry and poultry products :

1. Definitions- In this notification, unless the context otherwise provides-

- i. "avian influenza" shall be understood to mean as defined in the OIE Terrestrial Code.
- ii. 'notifiable avian influenza' shall be understood to mean as defined in the OIE Terrestrial Code.
- iii. "poultry" is defined as all domesticated birds, including backyard poultry, used for the production of meat or eggs for consumption, for the production of other commercial products, for restocking supplies of game, or for breeding these categories of birds, as well as fighting cocks used for any purposes.
- iv. "poultry products" means the produce of the poultry mentioned in paragraph (iii) of this clause including hatching eggs, eggs for human consumption, egg

- v. products, poultry semen, meat and meat products of poultry, feathers and down of poultry, feather meal and poultry meal.
- vi. "pest- or disease-free areas and areas of low pest or disease prevalence" shall be understood to mean as referred to in the WTO Agreement on Sanitary and Phytosanitary Measures.
- vii. "country, zones and compartment" shall be understood to mean as referred to in the OIE Terrestrial Code.

2. Import of poultry and poultry products upon occurrence of avian influenza-

- i. The import of poultry and poultry products into India shall be allowed from the country, zone or compartment free from avian influenza in accordance with the OIE Terrestrial Code and subject to fulfilment of requirements in paragraph 3 of this notification.

The avian influenza status of a country, zone or compartment shall be determined on the basis of the following criteria:

- a. Avian influenza is notifiable in the whole country; an ongoing avian influenza awareness programme is in place; and all notified suspect occurrences of avian influenza are subjected to field and, where applicable, laboratory investigations;
 - b. appropriate surveillance is in place to demonstrate the presence of infection in the absence of clinical signs in poultry, and the risk posed by birds other than poultry; this may be achieved through an avian influenza surveillance programme maintained in accordance with the OIE Terrestrial Code; and
 - c. consideration of all epidemiological factors for avian influenza occurrence and their historical perspective.
- ii. A country, zone or compartment may be considered free from avian influenza when it has been shown that infection with avian influenza viruses in poultry has not been present in the country, zone or compartment for the past

12 months, based on surveillance in accordance with the OIE Terrestrial Code.

If infection has occurred in poultry in a previously free country, zone or compartment, avian influenza free status can be regained:

- a. In the case of infections with high pathogenicity avian influenza viruses, three months after a stamping-out policy (including disinfection of all affected establishments) is applied, providing that surveillance in accordance with provisions of the OIE Terrestrial Code has been carried out during that three-month period.
- b. In the case of infections with low pathogenicity avian influenza viruses, poultry may be kept for slaughter for human consumption subject to conditions specified in the OIE Terrestrial Code or a stamping-out policy may be applied; in either case, three months after the disinfection of all affected establishments, providing that surveillance in accordance with the OIE Terrestrial Code has been carried out during that three-month period.

3. Recognition of Pest or Disease-Free Areas and Areas of Low Pest or Disease Prevalence-

- i. The adaptation to the sanitary and phytosanitary characteristics of the area of the exporting country and the determination of pest or disease free areas and areas of low pest or disease prevalence would be made in accordance with the requirements of the WTO Agreement on Sanitary and Phytosanitary Measures and the guidelines issued by the Central Government.
- ii. For recognition of pest or disease free areas and areas of low pest or disease prevalence, the appropriate authority of the exporting country shall make a written request along with necessary evidence to the Department of Animal Husbandry, Dairying and Fisheries, Ministry of Agriculture and Farmers Welfare, Government of India.

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4. This notification shall come into effect from the date of its publication in the official Gazette.

[F.NO.109-33/2009-Trade]

Dr. A.J.V Prasad
Joint Secretary to the Government of India

To,
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