Commission Implementing Regulation (EU) 2020/690 of 17 December 2019 laying down rules for the application of Regulation (EU) 2016/429 of the European Parliament and of the Council as regards the listed diseases subject to Union surveillance programmes, the geographical scope of such programmes and the listed diseases for which the disease-free status of compartments may be established (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2020/690

of 17 December 2019

laying down rules for the application of Regulation (EU) 2016/429 of the European Parliament and of the Council as regards the listed diseases subject to Union surveillance programmes, the geographical scope of such programmes and the listed diseases for which the disease-free status of compartments may be established

(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 point (a) of Article 30(1) and point (b) of the first subparagraph of Article 37(4) thereof,

Whereas:

(1) Regulation (EU) 2016/429 lays down rules for the prevention and control of diseases which are transmissible to animals or humans, including rules for surveillance, eradication and granting of disease free-status at compartment level.

(2) Regulation (EU) 2016/429 establishes a harmonised list of transmissible animal diseases ('listed diseases') which pose a risk to animal or public health in the Union, whether across the whole Union or only in parts.

(3) Article 28 of Regulation (EU) 2016/429 provides for Union surveillance programmes for certain listed diseases. Article 30 of that Regulation provides for the determination by means of an implementing act which of the listed diseases are to be subject to Union surveillance programmes, including the geographical scope of such programmes.

(4) Regulation (EU) 2016/429 repeals Council Directive 2005/94/EC[(2)] as from 21 April 2021. Directive 2005/94/EC provides for mandatory surveillance programmes for avian influenza in poultry and in wild birds. The mandatory surveillance programmes for avian influenza continue to be relevant to ensure a high level of surveillance across the Union due to the impact of highly pathogenic avian influenza on animal health. These programmes should also include the surveillance of certain areas with a heightened risk of mutation of low pathogenic avian influenza viruses to highly pathogenic avian influenza viruses. The surveillance of avian influenza also contributes

to the knowledge on viruses posing a potential zoonotic risk. Therefore, this obligation should be reflected within the framework of Regulation (EU) 2016/429 by means of Union surveillance programmes for avian influenza.

(5) Pursuant to the harmonised list of transmissible animal diseases in Regulation (EU) 2016/429, a distinction is made between highly pathogenic avian influenza and infection with low pathogenic avian influenza viruses. In order to ensure consistency, this distinction should be reflected in the scope of Union surveillance programmes.

(6) Commission Delegated Regulation (EU) 2020/689[(3)] lays down, amongst others, the criteria for establishing the listed diseases subject to Union surveillance programmes and the contents of such programmes. Highly pathogenic avian influenza and infection with low pathogenic avian influenza viruses conform with those criteria.

(7) Article 37 of Regulation (EU) 2016/429 gives Member States the right to apply for recognition of the disease-free status of compartments for certain listed diseases referred to in points (a), (b) and (c) of Article 9(1) of that Regulation. An implementing act should determine for which of these listed diseases the disease-free status of compartments may be established.

(8) Regulation (EU) 2016/429 repeals Council Directive 2006/88/EC[(4)] as from 21 April 2021. Directive 2006/88/EC provides for the establishment of disease-free compartments for a list of diseases of aquatic animals, in line with the Aquatic Animal Health Code issued by the World Organisation for Animal Health (OIE). In order to facilitate the maintenance of disease-free status of compartments, the aquatic animal diseases included in that list of diseases should, as far as possible, be used for the purposes of the listed diseases for which disease-free status of compartments may be established within the framework of Regulation (EU) 2016/429.

(9) As the provisions of Regulation (EU) 2016/429 governing the matters covered by this Regulation apply from 21 April 2021, this Regulation should apply from the same date.

(10) 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

The listed diseases subject to Union surveillance programmes in accordance with Article 28 of Regulation (EU) 2016/429 and the geographical scope of such programmes are set out in Annex I to this Regulation.

Article 2

The listed diseases for which the disease-free status of compartments may be established in accordance with Article 37 of Regulation (EU) 2016/429 are set out in Annex II to this Regulation.

Article 3

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 21 April 2021.

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

Done at Brussels, 17 December 2019.

For the Commission

The President

Ursula VON DER LEYEN