Commission Implementing Decision (EU) 2020/1742 of 20 November 2020 concerning certain protective measures in relation to highly pathogenic avian influenza of subtype H5N8 in the United Kingdom (notified under document C(2020) 8265) (Only the English text is authentic) (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2020/1742

of 20 November 2020

concerning certain protective measures in relation to highly pathogenic avian influenza of subtype H5N8 in the United Kingdom

(notified under document C(2020) 8265)

(Only the English text is authentic)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market[(1)], and in particular Article 9(4) thereof, in conjunction with Article 131 of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ('Withdrawal Agreement'),

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary checks applicable in intra-Union trade in certain live animals and products with a view to the completion of the internal market[(2)], and in particular Article 10(4) thereof, in conjunction with Article 131 of the Withdrawal Agreement,

Whereas:

(1) Avian influenza is an infectious viral disease in birds, including poultry. Infections with avian influenza viruses in domestic poultry cause two main forms of that disease that are distinguished by their virulence. The low pathogenic form generally only causes mild symptoms, while the highly pathogenic form results in very high mortality rates in most poultry species. The disease may have a severe impact on the profitability of poultry farming causing disturbance to trade within the Union and exports to third countries.

(2) Since 2005, highly pathogenic avian influenza (HPAI) viruses of the H5 subtype have shown to be able to infect migratory birds, which can then spread these viruses over long distances during their autumn and spring migrations.

(3) The presence of HPAI viruses in wild birds poses a continuous threat for the direct and indirect introduction of these viruses into holdings where poultry or other captive birds are kept.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/1742. (See end of Document for details)*

(4) In the event of an outbreak of HPAI, there is a risk that the disease agent may spread to other holdings where poultry or other captive birds are kept.

(5) Council Directive 2005/94/EC[(3)] sets out certain preventive measures relating to the surveillance and the early detection of avian influenza and the minimum control measures to be applied in the event of an outbreak of that disease in poultry or other captive birds. That Directive provides for the establishment of protection and surveillance zones in the event of an outbreak of HPAI. This regionalisation is applied in particular to preserve the health status of birds in the remainder of the territory of the country by preventing the introduction of the pathogenic agent and ensuring the early detection of the disease.

(6) In November 2020, the United Kingdom notified the Commission of outbreaks of HPAI of subtype H5N8 on its territory, in holdings where poultry or other captive birds are kept in the counties of Cheshire and Herefordshire, and it immediately took the measures required pursuant to Directive 2005/94/EC, including the establishment of protection and surveillance zones.

(7) The Commission has examined those measures in collaboration with the United Kingdom, and it is satisfied that the borders of the protection and surveillance zones, established by the competent authority of the United Kingdom, are at a sufficient distance to the holdings where the outbreaks were confirmed.

(8) In order to prevent any unnecessary disturbance to trade within the Union and to avoid unjustified barriers to trade being imposed by third countries, it is necessary to rapidly describe the protection and surveillance zones established in relation to HPAI in the United Kingdom at Union level.

(9) Accordingly, the protection and surveillance zones in the United Kingdom, where the animal health control measures as laid down in Directive 2005/94/EC are applied, should be defined in the Annex to this Decision and the duration of that regionalisation fixed.

(10) In addition, Commission Implementing Decision (EU) 2020/1654[(4)], which was adopted following the notification by the United Kingdom in November 2020 of the outbreak in the county of Cheshire, and later amended following the notification of the outbreak in the county of Herefordshire, should be repealed and replaced by this Decision.

(11) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

The United Kingdom shall ensure that the protection and surveillance zones established in accordance with Article 16(1) of Directive 2005/94/EC comprise at least the areas listed in Parts A and B of the Annex to this Decision.

Article 2

Implementing Decision (EU) 2020/1654 is repealed.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/1742. (See end of Document for details)*

Article 3

This Decision shall apply until 31 December 2020.

Article 4

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/1742. (See end of Document for details)*

[F1ANNEX

Textual Amendments

F1 Substituted by Commission Implementing Decision (EU) 2020/2240 of 23 December 2020 amending the Annex to Implementing Decision (EU) 2020/1742 concerning certain protective measures in relation to highly pathogenic avian influenza of subtype H5N8 in the United Kingdom (notified under document C(2020) 9624) (Only the English text is authentic) (Text with EEA relevance).

PART A

Protection zone as referred to in Article 1:

United Kingdom

Area comprising:	**Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC**
Those parts of Cheshire County (ADNS code 00140) contained within a circle of a radius of three kilometres, centred on WGS84 dec. coordinates N53.25 and W2.81	27.11.2020
Those parts of Herefordshire County (ADNS code 00051) contained within a circle of a radius of three kilometres, centred on WGS84 dec. coordinates N52.17 and W2.81	8.12.2020
Those parts of Leicestershire County (ADNS code 00152) contained within a circle of a radius of three kilometres, centred on WGS84 dec. coordinates N52.78 and W0.86	16.12.2020
Those parts of North Yorkshire County (ADNS code 00176) contained within a circle of a radius of three kilometres, centred on WGS84 dec. coordinates N54.30 and W1.47	26.12.2020
Those parts of North Yorkshire County (ADNS code 00176) contained within a circle of a radius of three kilometres, centred on WGS84 dec. coordinates N54.29 and W1.45	29.12.2020
Those parts of Norfolk County (ADNS code 00154) contained within a circle of a radius of three kilometres, centred on WGS84 dec. coordinates N52.49 and E0.95	31.12.2020
Those parts of Norfolk County (ADNS code 00154) contained within a circle of a radius of three kilometres, centred on WGS84 dec. coordinates N52.72 and E0.15	31.12.2020