Commission Implementing Decision (EU) 2020/1741 of 20 November 2020 amending the Annex to Implementing Decision 2014/709/EU concerning animal health control measures relating to African swine fever in certain Member States (notified under document C(2020) 8266) (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2020/1741

of 20 November 2020

amending the Annex to Implementing Decision 2014/709/EU concerning animal health control measures relating to African swine fever in certain Member States

(notified under document C(2020) 8266)

(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,

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,

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption[(3)], and in particular Article 4(3) thereof,

Whereas:

(1) Commission Implementing Decision 2014/709/EU[(4)] lays down animal health control measures in relation to African swine fever in certain Member States, where there have been confirmed cases of that disease in domestic or feral pigs (the Member States concerned). The Annex to that Implementing Decision demarcates and lists certain areas of the Member States concerned in Parts I to IV thereof, differentiated by the level of risk based on the epidemiological situation as regards that disease. The Annex to Implementing Decision 2014/709/EU has been amended several times to take account of changes in the epidemiological situation in the Union as regards African swine fever that need to be reflected in that Annex. The Annex to Implementing Decision 2014/709/EU was last amended by Commission Implementing Decision (EU) 2020/1644[(5)], following changes in the epidemiological situation as regards that disease in Slovakia.

(2) Council Directive 2002/60/EC[(6)] lays down the minimum Union measures to be taken for the control of African swine fever. In particular, Article 9 of Directive 2002/60/

EC provides for the establishment of a protection zone and a surveillance zone when African swine fever has been officially confirmed in pigs on a holding, and Articles 10 and 11 of that Directive lay down the measures to be taken in the protection and surveillance zones in order to prevent the spread of that disease. In addition, Article 15 of Directive 2002/60/EC lays down the measures to be taken where African swine fever has been confirmed in feral pigs. Recent experience has shown that the measures laid down in Directive 2002/60/EC are effective in controlling the spread of that disease, and in particular, the measures providing for the cleaning and disinfecting of infected holdings and the other measures related to the eradication of that disease in domestic and feral pig populations.

(3) In addition, the epidemiological situation in Belgium and in certain areas of Poland has improved as regards domestic and feral pigs, due to the measures being applied by these Member States in accordance with Directive 2002/60/EC.

(4) Taking into account the effectiveness of the overall measures being applied in Belgium in accordance with Directive 2002/60/EC, and in particular those laid down in Article 15 thereof, and in line with the risk mitigation measures for African swine fever set out in the Terrestrial Animal Health Code of the World Organization for Animal Health (the OIE Code), all areas in Belgium currently listed in Parts I and II of the Annex to Implementing Decision 2014/709/EU, should now be deleted from the lists in Parts I and II of that Annex, in view of favourable epidemiological situation of the disease in that Member State.

(5) In addition, taking into account the effectiveness of the measures being applied in Poland in accordance with Directive 2002/60/EC, and in particular those laid down in Article 10(4)(b) and Article 10(5) thereof, and in line with the risk mitigation measures for African swine fever set out in the OIE Code, certain areas of the Voivodeships of Podlaskie, Wielkopolskie, Lubelskie and Warmińsko-Mazurskie in Poland, currently listed in Part III of the Annex to Implementing Decision 2014/709/EU should now be listed instead in Part II of that Annex, in view of the expiry of the period of three months from the date of the final cleaning and disinfection of the infected holdings and due to the absence of African swine fever outbreaks in domestic pigs in those areas for the past three months in accordance with the provisions of the OIE Code.

(6) Also, taking into account the effectiveness of the measures being applied in Poland in accordance with Directive 2002/60/EC, and in particular those laid down in Article 10(4)(b) and Article 10(5) thereof, and in line with the risk mitigation measures for African swine fever set out in the OIE Code, certain areas of the Voivodeship of Wielkopolskie in Poland, currently listed in Part III of the Annex to Implementing Decision 2014/709/EU should now be listed instead in Part I of that Annex, in view of the expiry of the period of three months from the date of the final cleaning and disinfection of the infected holdings and due to the absence of African swine fever occurrences in feral pigs and outbreaks in domestic pigs in those areas for the past three months in accordance with the provisions of the OIE Code.

(7) Also, taking into account the effectiveness of the measures being applied in Poland in accordance with Directive 2002/60/EC, and in particular those laid down in Article 15

thereof, and in line with the risk mitigation measures for African swine fever set out in the OIE Code, certain areas of the Voivodeship of Mazowieckie in Poland currently listed in Part II of the Annex to Implementing Decision 2014/709/EU, should now be listed in Part I of that Annex, due to the absence of occurrences of African swine fever in feral pigs in those areas for the past twelve months in accordance with the provisions of the OIE Code.

(8) In September 2020, a case of African swine fever in wild boar was observed in Germany in the state of Brandenburg of that federal Member State. Commission Implementing Decisions (EU) 2020/1270[(7)] and (EU) 2020/1513[(8)] were adopted in response to this case. Implementing Decision (EU) 2020/1513 repealed and replaced Implementing Decision (EU) 2020/1270 and it applies until 30 November 2020. Implementing Decision (EU) 2020/1513 provides that the infected area established by Germany, where the measures provided for in Article 15 of Directive 2002/60/EC apply, are to comprise at least the areas listed in the Annex to that Implementing Decision.

(9) Subsequently, in late September 2020, a further case of African swine fever in wild boar was observed in Germany, again in the state of Brandenburg, but in an area not covered by Implementing Decision (EU) 2020/1513. Commission Implementing Decision (EU) 2020/1391[(9)] was adopted in response to this case and it applies until 30 November 2020. Implementing Decision (EU) 2020/1391 provides that the infected area established by Germany, where the measures provided for in Article 15 of Directive 2002/60/EC apply, are to comprise at least the areas listed in the Annex to that Implementing Decision.

(10) In November 2020, Germany informed the Commission of a new case of African swine fever in a wild boar in the state of Saxony of that federal Member State. Commission Implementing Decisions (EU) 2020/1645[(10)] was adopted in response to that new case and it applies until 31 January 2021. It provides that the infected area established by Germany, where the measures provided for in Article 15 of Directive 2002/60/EC apply, are to comprise at least the areas listed in the Annex to that Implementing Decision.

(11) These recent cases of African swine fever in Germany constitute an increased level of risk which should be reflected in the Annex to Implementing Decision 2014/709/EU. Accordingly, these areas of Germany in the states of Brandenburg and Saxony of that federal Member State affected by these recent cases of African swine fever should now be listed in Parts I and II of that Annex.

(12) Following the recent cases of African swine fever in feral pigs in Germany and taking into account the current epidemiological situation in the Union, regionalisation in this Member State has been reassessed and updated. In addition, the risk management measures in place have also been reassessed and updated. These changes need to be reflected in the Annex to Implementing Decision 2014/709/EU.

(13) Since the date of adoption of Implementing Decision (EU) 2020/1644, there have also been new occurrences of African swine fever in feral pigs in Poland.

(14) In November 2020, several cases of African swine fever in feral pigs were observed in the districts of słubicki and swiebodziński in Poland in areas listed in Part II of the Annex to Implementing Decision 2014/709/EU, located in close proximity to

areas currently listed in Part I thereof. These cases of African swine fever in feral pigs constitute an increased level of risk, which should be reflected in that Annex. Accordingly, these areas of Poland currently listed in Part I of that Annex, that are in close proximity to areas listed in Part II affected by these recent cases of African swine fever, should now be listed in Part II of that Annex instead of in Part I thereof.

(15) In addition, in November 2020, two cases of African swine fever in feral pigs were observed in the districts of sulęciński and międzyrzecki in Poland in areas currently listed in Part I of the Annex to Implementing Decision 2014/709/EU. These cases of African swine fever in feral pigs constitute an increased level of risk, which should be reflected in that Annex. Accordingly, these areas of Poland currently listed in Part I of the Annex to Implementing Decision 2014/709/EU, affected by these recent cases of African swine fever, should now be listed in Part II of that Annex instead of in Part I thereof, and the current boundaries of Part I also need to be redefined and enlarged to take account of these recent cases.

(16) In order to take account of recent developments in the epidemiological situation of African swine fever in the Union, and in order to combat the risks associated with the spread of that disease in a proactive manner, new high-risk areas of a sufficient size should be demarcated for Poland and duly listed in Parts I and II of the Annex to Implementing Decision 2014/709/EU.

(17) Given the urgency of the epidemiological situation in the Union as regards the spread of African swine fever, it is important that the amendments made to the Annex to Implementing Decision 2014/709/EU by this Decision take effect as soon as possible.

(18) 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 Annex to Implementing Decision 2014/709/EU is replaced by the text set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 20 November 2020.

For the Commission

Stella KYRIAKIDES

Member of the Commission

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/1741. (See end of Document for details)*

ANNEX

The Annex to Implementing Decision 2014/709/EU is replaced by the following:

ANNEX PART I1.Estonia
The following areas in Estonia:
2.Hungary
The following areas in Hungary:
3.Latvia
The following areas in Latvia:
4.Lithuania
The following areas in Lithuania:
5.Poland
The following areas in Poland:
6.Slovakia
The following areas in Slovakia:
7.Greece
The following areas in Greece:
8.Germany
The following areas in Germany:

PART II

1. **Bulgaria**

The following areas in Bulgaria:
— the whole region of Haskovo,
— the whole region of Yambol,
— the whole region of Stara Zagora,
— the whole region of Pernik,
— the whole region of Kyustendil,
— the whole region of Plovdiv,
— the whole region of Pazardzhik,
— the whole region of Smolyan,
— the whole region of Burgas excluding the areas in Part III.

2. **Estonia**

The following areas in Estonia:
— Eesti Vabariik (välja arvatud Hiiu maakond).

3. **Hungary**

The following areas in Hungary:
— Békés megye 950150, 950250, 950350, 950450, 950550, 950650, 950660, 950750, 950850, 950860, 951050, 951150, 951250, 951260, 951350, 951450, 951460, 951550, 951650, 951750, 952150, 952250, 952350, 952450, 952550, 952650, 953250, 953260, 953270, 953350, 953450, 953550, 953560, 953950, 954050, 954060, 954150, 956250, 956350, 956450, 956550, 956650 és 956750 kódszámú vadgazdálkodási egységeinek teljes területe,