Changes to legislation: *Commission Implementing Decision (EU) 2020/798 is up to date with all changes known to be in force on or before 29 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commission Implementing Decision (EU) 2020/798 of 17 June 2020 amending Implementing Decision (EU) 2020/47 on protective measures in relation to highly pathogenic avian influenza of subtype H5N8 in certain Member States (notified under document C(2020) 4134) (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2020/798

of 17 June 2020

amending Implementing Decision (EU) 2020/47 on protective measures in relation to highly pathogenic avian influenza of subtype H5N8 in certain Member States

(notified under document C(2020) 4134)

(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,

Whereas:

(1) Commission Implementing Decision (EU) 2020/47[(3)] was adopted following outbreaks of highly pathogenic avian influenza of subtype H5N8 in holdings where poultry are kept in certain Member States, and the establishment of protection and surveillance zones by those Member States in accordance with Council Directive 2005/94/EC[(4)].

(2) Implementing Decision (EU) 2020/47 provides that the protection and surveillance zones established by the Member States listed in the Annex to that Implementing Decision, in accordance with Directive 2005/94/EC, are to comprise at least the areas listed as protection and surveillance zones in that Annex.

(3) The Annex to Implementing Decision (EU) 2020/47 was recently amended by Commission Implementing Decision (EU) 2020/711[(5)], following additional outbreaks of highly pathogenic avian influenza of subtype H5N8 in poultry in Hungary that needed to be reflected in that Annex.

(4) Since the date of adoption of Implementing Decision (EU) 2020/711, Hungary has notified the Commission of three more outbreaks of highly pathogenic avian influenza of subtype H5N8 in holdings where poultry were kept, again located in the Bács-Kiskun county of that Member State.

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(5) The new outbreaks in Hungary are located within the boundaries of areas currently listed in the Annex to Implementing Decision (EU) 2020/47. However, the boundaries of the new protection zones around these new outbreaks, established by the competent authority of Hungary in accordance with Directive 2005/94/EC, extend beyond the boundaries of the protection zones currently listed in that Annex.

(6) In addition, Bulgaria has notified the Commission of an outbreak of highly pathogenic avian influenza of subtype H5N8 in a holding where poultry were kept in the Plovdiv region.

(7) Bulgaria is currently not listed in the Annex to Implementing Decision (EU) 2020/47 and following that new outbreak of highly pathogenic avian influenza of subtype H5N8, the competent authority of that Member State has taken the necessary measures required in accordance with Directive 2005/94/EC, including the establishment of protection and surveillance zones around that new outbreak.

(8) The Commission has examined the measures taken by Bulgaria and Hungary, in accordance with Directive 2005/94/EC, and it is satisfied that the boundaries of the protection and surveillance zones established by the competent authority of Bulgaria, and the new protection zones established by the competent authority of Hungary, are at a sufficient distance to the holdings where the recent outbreaks of highly pathogenic avian influenza of subtype H5N8 have been confirmed. Therefore, the protection zones listed for Hungary in Implementing Decision (EU) 2020/47 should be amended, and new protection and surveillance zones should be listed for Bulgaria.

(9) Accordingly, Implementing Decision (EU) 2020/47 should be amended to update regionalisation at Union level to include a listing of the new protection and surveillance zones established by Bulgaria and also the new protection zones established by Hungary, in accordance with Directive 2005/94/EC, and the duration of the restrictions applicable therein.

(10) In addition, since the date of adoption of Implementing Decision (EU) 2020/47, the epidemiological situation in the Union has continued to evolve, being particularly unfavourable in Hungary where 264 outbreaks of highly pathogenic avian influenza of subtype H5N8 were confirmed in the Bács-Kiskun and Csongrád counties, out of the total 273 outbreaks confirmed in that Member State. The severity of the epidemiological situation was influenced, among other factors, by the high density of poultry holdings and the high density of the poultry population present in the affected areas in those counties.

(11) In areas with a high density of poultry, and certain poultry species that are particularly susceptible to the risk of infection, there is an increased risk for the spread of the highly pathogenic avian influenza virus. Accordingly, the areas in the Bács-Kiskun and Csongrád counties of Hungary can be considered as high-risk areas for the spread of the highly pathogenic avian influenza. Therefore, in order to control the multiplication and the spread of the virus the density of the susceptible poultry population has to be decreased in those high-risk areas and movements of poultry and day-old chicks should be more limited than is permitted in the control measures laid down in Directive

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2005/94/EC. More stringent protection measures are needed due to the evolution of the current epidemic of highly pathogenic avian influenza.

(12) Given the large scale of the outbreaks in Bács-Kiskun and Csongrád counties and the large number of poultry still present in the protection and surveillance zones established for the outbreaks in those counties, to mitigate the risk of poultry becoming exposed to the highly pathogenic avian influenza virus circulating in those areas, and to prevent the spread of highly pathogenic avian influenza, and in accordance with the precautionary principle, it is necessary to adopt protection measures to be applied in those high risk areas, in addition to the control measures already laid down in Directive 2005/94/EC, by not allowing the poultry and day-old chicks to be moved from and to holdings within those high risk areas and delaying the restocking of poultry in those areas by not allowing poultry or day-old chicks to be moved to holdings in those areas.

(13) Implementing Decision (EU) 2020/47 should therefore be amended in order to provide for additional protection measures to be applied in these high-risk areas in Hungary. In addition, the Annex to that Implementing Decision should be replaced by two Annexes, namely Annex I which lists the protection and surveillance zones established in accordance with Directive 2005/94/EC, and Annex II referring to areas of the protection and surveillance zones listed in Annex I which present a particularly high risk for the spread of the highly pathogenic avian influenza virus and where the additional protection measures should be applied due to the current epidemical situation in Bács-Kiskun and Csongrád counties of Hungary. Accordingly, the high risk areas of those counties should be referred to in Annex II to Implementing Decision (EU) 2020/47.

(14) The density of the susceptible poultry population in the high risk areas of the protection and surveillance zones as referred to in Annex II of Implementing Decision (EU) 2020/47 should be reduced, in particular by delaying the restocking of poultry holdings, which are at a particularly high risk for infection. It is also appropriate to restrict the movements of poultry from and within those protection and surveillance zones, except where certain animal health conditions are fulfilled.

(15) Given the current epidemiological situation as regards highly pathogenic avian influenza, as well as the control measures provided for by Directive 2005/94/EC, Hungary should apply the strict protection measures in order to limit the risk of spread of that disease in the high risk areas of Bács-Kiskun and Csongrád counties. Therefore, Hungary should ensure that consignments of poultry and day-old chicks are not dispatched from those high risk areas referred to in Annex II, to other parts of Hungary, or to other Member States or to third countries.

(16) The movement of poultry for immediate slaughter poses a smaller risk for the spread of disease than other types of movements of poultry, provided that risk mitigation measures are in place. It is therefore appropriate that when, due to logistic and animal welfare considerations, the slaughtering of poultry in the high risk areas referred to in Annex II is not possible, in particular due to the absence of an appropriate slaughterhouse or limitations in slaughtering capacity within the relevant high risk areas, the Member States concerned may exceptionally grant derogations for the dispatch of poultry from a high risk area referred to in Annex II for immediate slaughter,

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to a designated slaughterhouse located outside that high risk area in the same Member State. Those movements should be authorised provided that rigorous risk mitigation measures are applied in order not to jeopardise disease control.

(17) The restocking of poultry holdings in the high risk areas for Hungary referred to in Annex II, should be delayed for a sufficient period of time to ensure that the highly pathogenic avian influenza virus is eradicated in those high risk areas, and at least until the absence of the circulation of the virus is confirmed by the results of a suitable surveillance plan put in place by the competent authority of that Member State. Therefore, the movement of day-old chicks to holdings in those high risk areas should not be permitted. In addition, the restocking of poultry holdings located in those high risk areas should only be permitted following a favourable result of a risk assessment carried out by the competent authority of Hungary and if the poultry holdings to be restocked have put in place appropriate risk mitigation and reinforced biosecurity measures to prevent the introduction and the spread of the virus.

(18) In addition, in order to allow the competent authority of Hungary sufficient time to implement the surveillance necessary to confirm that the highly pathogenic avian influenza virus is not circulating in the protection and surveillance zones established for the outbreaks in Bács-Kiskun and Csongrád counties, referred to in Annex II, and taking into account the time necessary to do the necessary checks in all the poultry holdings in those zones before restocking is to be permitted, the duration of the protection measures applied in those zones should be prolonged. Therefore, the duration for which the protection measures have to be applied in the protection and surveillance zones listed in Parts A and B of Annex I for Hungary should be extended.

(19) The official name of Csongrád county of Hungary changed on 4 June 2020 to Csongrád-Csanád. Therefore, the references to Csongrád county in the current Annex to Implementing Decision (EU) 2020/47 should be replaced by the new name of that county in new Annexes I and II to that act.

(20) 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 at Union level, in collaboration with Bulgaria and Hungary, the new protection and surveillance zones established by those Member States in accordance with Directive 2005/94/EC and listed in Annex I and the areas referred to in Annex II where the additional protection measures apply.

(21) Implementing Decision (EU) 2020/47 should therefore be amended accordingly.

(22) Given the current evolution of the epidemiological situation in Bulgaria and Hungary, and the need to mitigate the further spread of highly pathogenic avian influenza of subtype H5N8, it is important that the amendments made to Implementing Decision (EU) 2020/47, by this Decision, take effect as soon as possible.

(23) 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:

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Article 1

Implementing Decision (EU) 2020/47 is amended as follows:

(1) Articles 1, 2 and 3 are replaced by the following:

Article 1

Subject matter and scope

1 This Decision establishes at Union level the protection and surveillance zones to be established in accordance with Article 16(1) of Directive 2005/94/EC by the Member States listed in Annex I to this Decision ("the concerned Member States"), following an outbreak or outbreaks of highly pathogenic avian influenza in poultry, and the duration of the measures to be applied in accordance with Article 29(1) and Article 31 of Directive 2005/94/EC.

2 This Decision lays down certain protection measures to be implemented in relation to highly pathogenic avian influenza in Member States or areas thereof as referred to in Annex II, concerning:

a movements of poultry and day-old chicks within those Member States or areas thereof;

b the dispatch of consignments of poultry and day-old chicks from holdings located in those Member States or areas thereof.

The duration of those protection measures shall be in accordance with the duration of the protection and the surveillance zones for those areas, listed in Annex I.

Article 2

Areas to be listed in Part A of Annex I and the duration of the measures to be applied therein

The concerned Member States shall ensure that:

(a) the protection zones established by their competent authorities, in accordance with Article 16(1)(a) of Directive 2005/94/EC, comprise at least the areas listed as protection zones in Part A of Annex I to this Decision;

(b) the measures to be applied in the protection zones, as provided for in Article 29(1) of Directive 2005/94/EC, are maintained until at least the dates for the protection zones set out in Part A of Annex I to this Decision.

Article 3

Areas to be listed in Part B of Annex I and the duration of the measures to be applied therein

The concerned Member States shall ensure that:

(a) the surveillance zones established by their competent authorities in accordance with Article 16(1)(b) of Directive 2005/94/EC, comprise at least the areas listed as surveillance zones in Part B of Annex I to this Decision;