Commission Implementing Decision (EU) 2020/574 of 24 April 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) 2732) (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2020/574

of 24 April 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) 2732)

(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) 2020/549[(5)], following outbreaks of highly pathogenic avian influenza of subtype H5N8 in poultry in Hungary and Poland that needed to be reflected in that Annex.

(4) Since the date of adoption of Implementing Decision (EU) 2020/549, Hungary has notified the Commission of additional outbreaks of highly pathogenic avian influenza of subtype H5N8 in holdings where poultry were kept, in the Bács-Kiskun and Csongrád counties.

Changes to legislation: Commission Implementing Decision (EU) 2020/574 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

(5) Some of the new outbreaks in Hungary are located outside the boundaries of areas currently listed in the Annex to Implementing Decision (EU) 2020/47, with the result that the new protection and surveillance 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 areas currently listed in that Annex.

(6) The Commission has examined the measures taken by Hungary, in accordance with Directive 2005/94/EC, and it is satisfied that the boundaries of the new protection and surveillance zones, established by the competent authority of that Member State, are at a sufficient distance to the holdings where the recent outbreaks of highly pathogenic avian influenza of subtype H5N8 have been confirmed.

(7) 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 Hungary, the new protection and surveillance zones established by that Member State. Therefore, new protection and surveillance zones should be listed for Hungary in the Annex to Implementing Decision (EU) 2020/47.

(8) Accordingly, the Annex to Implementing Decision (EU) 2020/47 should be amended to update regionalisation at Union level to include the new protection and surveillance zones established by Hungary, in accordance with Directive 2005/94/EC, and the duration of the restrictions applicable therein. Given the urgency of the epidemiological situation in the Union, as regards the spread of highly pathogenic avian influenza of subtype H5N8, it is important that the amendments made to the Annex to Implementing Decision (EU) 2020/47, by this Decision, take effect as soon as possible.

(9) In addition, since the date of adoption of Implementing Decision (EU) 2020/47 the current epidemic of highly pathogenic avian influenza has further evolved, and its geographical scope has extended, mainly due to seasonal movements of wild migratory birds, and in particular wild migratory water birds that are known to be the natural host for avian influenza viruses. These seasonal movements pose a continuing threat for the direct and indirect introduction of those viruses into holdings where poultry or other captive birds are kept with the risk of the possible subsequent virus spread from an infected holding to other holdings.

(10) This evolution in the epidemiological situation in the Union as regards highly pathogenic avian influenza has necessitated the Annex to Implementing Decision (EU) 2020/47 being amended many times, to take account of further outbreaks of highly pathogenic avian influenza of subtype H5N8 in Bulgaria, Czechia, Germany, Hungary, Poland, Romania and Slovakia.

(11) Given the evolving epidemiological situation in the Union as regards highly pathogenic avian influenza, and also taking into account the seasonality of the circulation of the highly pathogenic avian influenza virus in wild birds, there is a very high risk that further outbreaks of that disease will occur in the Union in the coming months, and in particular during the next migratory season of wild birds. Therefore, the strict implementation of the Union surveillance and control measures remains very important.

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(12) Implementing Decision (EU) 2020/47 currently applies until 31 May 2020. However, the period of application of that Implementing Decision should be extended due to the continuing presence of the highly pathogenic avian influenza virus in the Union, the constantly evolving epidemiological situation in the Union as regards that disease, the accompanying risks to animal health, and the efforts required to combat that disease, while at the same time not imposing any unnecessary restrictions on trade.

(13) Regulation (EU) 2016/429 of the European Parliament and of the Council[(6)] establishes a new legislative framework for the prevention and control of a number of listed diseases in the Union, including highly pathogenic avian influenza, and provides for safeguard measures in the event of animal diseases. That Regulation applies from 21 April 2021. It is important to have continuity of measures against highly pathogenic avian influenza at Union level in light of the current epidemic of that disease. It is therefore appropriate to prolong the period of application of Implementing Decision (EU) 2020/47 until 20 April 2021 to cover the occurrence of further outbreaks of highly pathogenic avian influenza of subtype H5N8 in the Union.

(14) The period of application of Implementing Decision (EU) 2020/47 should therefore be amended accordingly.

(15) 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

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

(1) in Article 5, the date ‘31 May 2020’ is replaced by the date ‘20 April 2021’;

(2) the Annex 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, 24 April 2020.

For the Commission

Stella KYRIAKIDES

Member of the Commission

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ANNEX

The Annex to Implementing Decision (EU) 2020/47 is replaced by the following:

ANNEX PART A

Protection zones in the concerned Member States as referred to in Articles 1 and 2:
Member State: Germany
Member State: Hungary
Member State: Poland

PART B

Surveillance zones in the concerned Member States as referred to in Articles 1 and 3:
Member State: Germany

Area comprising:	**Date until applicable in accordance with Article 31 of Directive 2005/94/EC**
BUNDESLAND SACHSEN-ANHALT, Landkreis Börde	
Verbandsgemeinde Flechtingen Gemeinde: 39345 Bülstringen Ortsteil: Wieglitz/Ellersell	From 24.4.2020 until 2.5.2020
Einheitsgemeinde Stadt Haldensleben Ortsteil: 39345 Uthmöden	From 24.4.2020 until 2.5.2020
Einheitsgemeinde Stadt Haldensleben Ortsteil: 39343 Bodendorf Ortsteil: 39345 Gut Detzel Ortsteil: 39340 Hütten Ortsteil: 39340 Lübberitz Ortsteil: 39345 Satuelle Ortsteil: 39343 Süplingen 39340 Stadt Haldensleben	2.5.2020
Einheitsgemeinde Oebisfelde/Weferlingen Ortsteil: 39359 Keindorf	2.5.2020
Verbandsgemeinde Elbe-Heide Gemeinde Westheide Ortsteil: 39345 Born	2.5.2020
BUNDESLAND SACHSEN-ANHALT, Altmarkkreis Salzwedel	
Gemeinde Gardelegen Ortsteil: 39638 Jeseritz Ortsteil: 39638 Parleib Ortsteil: 39638 Potzehne Ortsteil: 39638 Roxförde	2.5.2020

Member State: Hungary

Area comprising:	**Date until applicable in accordance with Article 31 of Directive 2005/94/EC**

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Bács-Kiskun és Csongrád megye:	
Ásotthalom, Balástya, Csengele, Csólyospálos, Hajós, Jászszentlászló, Kelebia, Kiskunmajsa, Kistelek, Kömpöc, Öttömös, Pálmonostora, Petőfiszállás, Pusztaszer és Ruzsa települések közigazgatási területeinek a 46.440827 és a 19.846995, a 46.438786 és a 19.850685, a 46.440443 és a 19.857895, a 46.423886 és a 19.854827, a 46.44449 és 19.8483, 46.455321 és 19.852898, a 46.45030 és 19.84853, a 46.403611 és 19.834167, a 46.38769 és 19.86654 , a 46.40299 és 19.87998, a 46.41096 és 19.83726, a 46.44957 és 19.87544, a 46.55800 és 19.79035, a 46.38741 és 19.86223, a 46.42564 és 19.86214, a 46.44133 és 19.85725, a 46.40685 és 19.86369, a 46.38730 és 19.85161, a 46.45601 és 19.87579, a 46.45869 és 19.87283, a 46.411942 és 19.852744, a 46.41407 és 19.88379, a 46.45071735 és 19.8386126, a 46.45798081 és 19.86121049, a 46.40755246 és 19.85871844, a 46.6014 és 19.5428, 46.47455783 és 19.86788239, a 46.4776644 és 19.86554941, a 46.41085 és 19.85558, a 46.3896296224 és 19.858905558, a 46.5253 és 19.7569, a 46.48031 és 19.84032, a 46.386442 és 19.775899, a 46.53935 és 19.74915, a 46.434080 és 19.837544, a 46.49795 és 19.77742, a 46.49526 és 19.77629, a 46.518974 és 19.785285, a 46.494599 és 19.784372, a 46.48499 és 19.79693, a 46.34363 és a 19.88657, a 46.38582 és 19.87797, a 46.426789 és 19.4482121, a 46.50638 és 19.78172, a 46.55212 és 19.97079, a 46.50073 és 19.7877, a 46.4993565 és 19.7809441, a 46.54135 és 19.83184, a 46.3996 és 19.87582, a 46.4963 és 19.9106, a 46.2541 és 46.2541, a 46.54013 és a 19.84689, a 46.51653 és 19.88925, a 46.51654 és 19.76043, valamint a 46.5951638 és 19.8779228 GPS-koordináták által meghatározott pontok körüli 3 km sugarú körökön belül eső területei.	From 19.5.2020 until 27.5.2020
Az alábbiak által határolt terület védőkörzeten kívüli területei: Kunbaja nyugati közigazgatási határa, majd Bácsalmás, Mátételke, Felsőszentiván, Baja közigazgatási határai, majd Bács-	27.5.2020