Changes to legislation: *Commission Implementing Decision (EU) 2020/549 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) 2020/549 of 20 April 2020 amending the Annex to 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) 2592) (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2020/549

of 20 April 2020

amending the Annex to 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) 2592)

(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) 2020/529[(5)], following 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) 2020/529, 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.

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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 and surveillance zones around some of these new outbreaks, established by the competent authority of Hungary in accordance with Directive 2005/94/EC, extend beyond the areas currently listed in the Annex to Implementing Decision (EU) 2020/47, and accordingly the areas listed in that Annex need to be updated.

(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.

(9) In addition, the duration of the restrictions in the areas of the sulęciński district, as listed for Poland in the Annex to Implementing Decision (EU) 2020/47, should be extended, in accordance with Directive 2005/94/EC, due to a second outbreak of highly pathogenic avian influenza of subtype H5N8 confirmed by Poland in that district on 31 March 2020. The Annex to Implementing Decision (EU) 2020/47 should therefore be amended to take account of the extension of the duration for such restrictions.

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

(11) 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.

(12) 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 (EU) 2020/47 is replaced by the text set out in the Annex to this Decision.

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Article 2

This Decision is addressed to the Member States.

Done at Brussels, 20 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**
NIEDERSACHSEN, Landkreis Aurich	
In den wie folgt beschriebenen Sperrbezirk fallen folgende Gemeinden bzw. werden folgende Gemeinden angeschnitten: Dornum, Großheide. In der Gemeinde Dornum beginnend an der Gabelung Hochbrücker Tief – Dornumersiel Tief, dann weiter über das Dornumersieltief bis hoch zur Brücke Butenhusener Straße. Der Butenhusener Straße nördlich folgen und dann den ersten Feldweg in Richtung Südosten nehmen. Der Straße folgen, am Ferienhof Blankenhausen vorbei, weiter in südöstlicher Richtung bis zur Windmühle. Danach dem Weg folgen, bis zum ersten Gebäude auf der rechten Seite. Hier die Südenburger Straße entlang, dieser erst südlich, dann südöstlich folgen bis zur Pumpsieler Straße. Dann Luftlinie Kreuzung Südenburger Straße – Pumpsieler Straße bis Sackgasse Lütt Uppum. An der Kreisgrenze südöstlich entlang bis zum Dornumersieltief, diesem südöstlich folgen bis kurz vor der Kreuzung mit dem Pumptief, von da an der Kreisgrenze wieder folgen, erst südlich dann westlich. Von der Kreisgrenze Luftlinie in gerader Linie südwestlich bis Ostergaste. Von da aus dem Alter Weg nördlich folgen bis zum Dornumer Weg, diesem westlich folgen bis zur Kreuzung mit dem Moortief.	From 14.4.2020 until 22.4.2020

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Dem Moortief weit folgen bis zur Kreuzung mit dem Zugraben Hoheweg. Östlich weiter dem Moortief folgen, dann nordöstlich bis zur Gabelung Hochbrücker Tief, westliches Dornum. Dem Hochbrücker Tief folgen, erst nördlich und dann nordöstlich, an der Brücke Schatthauser Straße vorbei östlich bis zur Gabelung mit dem Dornumersieler Tief.	
NIEDERSACHSEN, Landkreis Aurich	
In den wie folgt beschriebenen Sperrbezirk fallen folgende Gemeinden bzw. werden folgende Gemeinden angeschnitten: Dornum, Großheide, Hagermarsch, Hage, Berumbur, Aurich In der Gemeinde Hagermarsch beginnend an der Gabelung Theener Oststreek – Vierweg, dem Vierweg nördlich folgen, an der Kreuzung Osterdeicher Weg vorbei weiter nach Norden, dann an der Kreuzung rechts. Der Straße östlich folgen bis diese nach links abbiegt, dem Weg dann nördlich wieder folgen, bis er die Küste erreicht. Die Grenze verläuft an der Küste entlang bis zur Kreisgrenze Wittmund, folgt dann weiter der Kreisgrenze entlang bis zur Kreuzung Langefelder Grenzweg – Ricklefsche Trift in Aurich. Dem Ricklefsche Trift südlich folgen, bis sich diese mit der Straße Im Meerhusener Moor kreuzt. Letzterer südwestlich am Wald entlang bis zum Rockerstrift. Auf diesem weiter südlich gehen bis zum Aderkrutweg, diesen dann westlich weiter bis man auf die Dietrichsfelder Straße trifft. Von dort verläuft die Grenze per Luftlinie nach Westen durch den Meerhusener Wald bis zur Kreuzung Dornumer Straße – Stickerspittsweg. Dem Stickerspittsweg südwestlich bis zum Sandstrahlweg, die Grenze verläuft hier nordwestlich weiter bis zur Kreisgrenze Aurich/Wittmund. Der Kreisgrenze folgen bis zur Kreuzung Tannenhausener Weg – Mansfelder Weg. Dem Tannenhausener Weg westlich folgen bis zur Kreuzung Zum Ententeich, dann nördlich weiter bis zum Düwelsmeer, auf diesem nordwestlich bis die Kreuzung mit dem Kuhweg kommt.	22.4.2020