Changes to legislation: *Commission Implementing Decision (EU) 2020/406 is up to date with all changes known to be in force on or before 28 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) 2020/406 of 16 March 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) 1719) (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2020/406

of 16 March 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) 1719)

(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 2020/47 was recently amended by Commission Implementing Decision (EU) 2020/384[(5)], following outbreaks of highly pathogenic avian influenza of subtype H5N8 in poultry in Bulgaria and Poland that needed to be reflected in that Annex.

(4) Since the date of adoption of Implementing Decision (EU) 2020/384, Poland has notified the Commission of two new outbreaks of highly pathogenic avian influenza of subtype H5N8 in holdings where poultry are kept, in the zgierskim and wrocławskim districts.

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(5) In addition, Bulgaria has notified the Commission of additional outbreaks of highly pathogenic avian influenza of subtype H5N8 in holdings where poultry are kept in the Plovdiv and Kurdzhali regions.

(6) One of the new outbreaks, in the zgierskim district of Poland, is 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 this new outbreak, established by the competent authorities of Poland, in accordance with Directive 2005/94/EC go 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.

(7) The other new outbreak, in the wrocławskim district of Poland, is located outside the boundaries of areas currently listed in the Annex to Implementing Decision (EU) 2020/47, and the competent authorities of that Member State have taken the necessary measures required, in accordance with Directive 2005/94/EC, including the establishment of new protection and surveillance zones around this new outbreak.

(8) The new outbreaks in Bulgaria, in the Plovdiv region, are located within the boundaries of the areas currently listed in the Annex to Implementing Decision (EU) 2020/47, but the duration of the measures required, in accordance with Directive 2005/94/EC, in the protection and surveillance zones has to be extended, to take account of the current epidemiological situation in that Member State.

(9) The new outbreak in Bulgaria, in the Kurdzhali region, is located outside the boundaries of areas currently listed in the Annex to Implementing Decision (EU) 2020/47, and the competent authorities of that Member State have taken the necessary measures required, in accordance with Directive 2005/94/EC, including the establishment of new protection and surveillance zones around this new outbreak.

(10) The Commission has examined the measures taken by Bulgaria and Poland, 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 authorities of Poland and Bulgaria, are at a sufficient distance to the holdings where the recent outbreaks of highly pathogenic avian influenza of subtype H5N8 have been confirmed. It has also examined the extension of the required duration of the measures in the protection and surveillance zones in Bulgaria, in the Plovdiv region, where there has been the new outbreaks, and it is satisfied that the extended duration is appropriate based on the current epidemiological situation.

(11) 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 Poland, the new protection and surveillance zones established by those Member States, and the adapted duration of the measures applicable in the Plovdiv region of Bulgaria, in accordance with the requirements of Directive 2005/94/EC. Therefore, the protection and surveillance zones listed for Bulgaria and Poland in the Annex to Implementing Decision (EU) 2020/47, and the required duration of the measures applicable in certain protection and

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surveillance zones in the Plovdiv region listed for Bulgaria in that Annex, should be amended.

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

(13) 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.

(14) 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.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 16 March 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: Bulgaria
Member State: Czechia
Member State: Poland

PART B

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

Area comprising:	**Date until applicable in accordance with Article 31 of Directive 2005/94/EC**
Plovdiv region:	
Municipality of Rakovski: — Rakovski city — Stryama — Shishmantsi — Bolyarino	From 30.3.2020 until 15.4.2020
Municipality of Brezovo: — Padarsko — Glavatar — Borets	From 22.3.2020 until 15.4.2020
Municipality of Maritsa — Trilistnik	From 6.4.2020 until 15.4.2020
The whole municipality of Brezovo The whole municipality Rakovski exept the villiages listed in Part A The whole municipality of Kaloyanovo The whole municipality of Maritsa The whole municipality of Suedinenie Sadovo municipality — Sadovo	15.4.2020
Kurdzali region:	
Municipality of Kurdzali — Perperek — Mudrets — Visoka Polyana — Kaloyantsi — Svatbare — Kokiche — Dobrinovo — Chiflik	From 6.4.2020 until 15.4.2020
Kurdzhali municipality	15.4.2020

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— Chereshitsa — Zhinzifovo — Krin — Murgovo — Bolyartsi — Zvinitsa — Zvezdelina — Shiroko pole — Zornitsa Skalishte — Gaskovo — Oreshnitsa — Zvezden — Chernyovtsi — Bashchino — Rudina — Tatkovo — Sestrinsko — Miladinovo — Lyulyakovo — Strahil voyvoda — Byala Polyana — Gorna krepost — Dolna krepost — Konevo Dolishte — Maystorovo — Zornitsa — Gnyazdovo Bialka — Most.	
Stara Zagora region:	
Municipality of Bratya Daskalovi — Orizovo — Opyltchenets — Granit	7.4.2020
Haskovo region:	
Haskovo municipality — Maslinovo — Gorno Voivodino s. Stambolovo municipality — Balkan — Popovets — Svetoslav — Byal kladenets — Putnikovo	15.4.2020

Member State: Czechia

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