Commission Implementing Decision (EU) 2019/2169 of 17 December 2019 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(2019) 9369) (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2019/2169

of 17 December 2019

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(2019) 9369)

(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) Regulation (EU) 2016/429 of the European Parliament and of the Council[(4)] lays down rules for the prevention and control of animal diseases, which are transmissible to animals or to humans, including rules providing for emergency measures to be taken in the event of cases of certain listed diseases, including African swine fever. Regulation (EU) 2016/429 applies from 21 April 2021. Regulation (EU) 2017/625 of the European Parliament and of the Council[(5)] repeals Directives 89/662/EEC and 90/425/EEC with effect from 14 December 2019. However, Article 164(2) of that Regulation provides that Article 9 of Directive 89/662/EEC and Article 10 of Directive 90/425/EEC are to continue to apply in relation to matters governed by Regulation (EU) 2016/429 until the date of application of Regulation (EU) 2016/429.

(2) Commission Implementing Decision 2014/709/EU[(6)] 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) 2019/2114[(7)], following instances of African swine fever in Lithuania and Poland.

(3) Council Directive 2002/60/EC[(8)] 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 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. 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 other measures related to the eradication of that disease.

(4) Since the date of adoption of Implementing Decision (EU) 2019/2114, the epidemiological situation in Poland and Slovakia has improved as regards domestic pigs due to the measures being applied by those Member States in accordance with Directive 2002/60/EC. In addition, there have been further cases of African swine fever in feral pigs in Poland, Lithuania and Hungary.

(5) Taking into account the effectiveness of the measures being applied in Poland and Slovakia 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 Terrestrial Animal Health Code of the World Organisation for Animal Health (the OIE Code), certain areas in the districts of chełmski, parczewski, włodawski and radzyński in Poland and in the district of Trebišov in Slovakia currently listed in Part III of the Annex to Implementing Decision 2014/709/EU should now be listed 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 those areas for the past three months in accordance with the OIE Code. Given that Part III of the Annex to Implementing Decision 2014/709/EU lists the areas where the epidemiological situation is still evolving and very dynamic, when any amendments are made to areas listed in that Part, particular consideration must always be given to the effect on the surrounding areas, as has been done in this instance. The Annex to Implementing Decision 2014/709/EU should therefore be amended accordingly.

(6) Furthermore, following the recent cases of African swine fever in feral pigs in Poland, Lithuania and Hungary, and taking into account the current epidemiological situation in the Union, regionalisation in those three Member States has been reassessed and updated. In addition, the risk management measures in place also have been reassessed and updated. These changes also need to be reflected in the Annex to Implementing Decision 2014/709/EU.

(7) In December 2019, several cases of African swine fever were observed in feral pigs in the district of białobrzeski 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 affected by African swine fever should now be listed in Part II of the Annex to Implementing Decision 2014/709/EU instead of in Part I thereof.

(8) In addition, in December 2019, several cases of African swine fever in feral pigs were also observed in the districts of lubelski, niżański and bielski in Poland in areas currently listed in Part II of the Annex to Implementing Decision 2014/709/EU, located in close proximity to areas 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 listed in Part I of the Annex to Implementing Decision 2014/709/EU 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.

(9) In December 2019, one case of African swine fever in feral pigs was also observed in the county of Telšiai in Lithuania in an area currently listed in Part II of the Annex to Implementing Decision 2014/709/EU, located in close proximity to an area listed in Part I thereof. This case of African swine fever in feral pigs constitutes an increased level of risk which should be reflected in that Annex. Accordingly, this area of Lithuania listed in Part I of the Annex to Implementing Decision 2014/709/EU that are in close proximity to an area listed in Part II affected by this recent case of African swine fever should now be listed in Part II of that Annex instead of in Part I thereof.

(10) In December 2019, one case of African swine fever was observed in feral pigs in the county of Békés in Hungary in an area currently listed in Part I of the Annex to Implementing Decision 2014/709/EU. This case of African swine fever in feral pigs constitutes an increased level of risk which should be reflected in that Annex. Accordingly, this area of Hungary affected by African swine fever should now be listed in Part II of the Annex to Implementing Decision 2014/709/EU instead of in Part I thereof.

(11) In addition, in December 2019, several cases of African swine fever in feral pigs were also observed in the counties of Szabolcs-Szatmár-Bereg, Nógrád and Pest in Hungary in areas currently listed in Part II of the Annex to Implementing Decision 2014/709/EU, located in close proximity to areas 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 Hungary listed in Part I of the Annex to Implementing Decision 2014/709/EU 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.

(12) In order to take account of recent developments in the epidemiological evolution 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, Lithuania and Hungary and duly listed in Parts I and II of the Annex to Implementing Decision 2014/709/EU. The Annex to Implementing Decision 2014/709/EU should therefore be amended accordingly.

(13) 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 should 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 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, 17 December 2019.

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) 2019/2169. (See end of Document for details)*

ANNEX

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

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

PART II

1. **Belgium**

The following areas in Belgium:
in Luxembourg province:
— the area is delimited clockwise by:
— La frontière avec la France au niveau de Florenville,
— La N85 jusque son intersection avec la N894 au niveau de Florenville,
— La N894 jusque son intersection avec larue de la Motte,
— La rue de la Motte jusque son intersection avec la rue de Neufchâteau,
— La rue de Neufchâteau,
— La rue des Bruyères jusque son intersection avec la rue de la Gaume,
— La rue de la Gaume jusque son intersection avec la rue de l'Accord,
— La rue de l'Accord,
— La rue du Fet,
— La N40 jusque son intersection avec la E25-E411,
— La E25-E411 jusque son intersection avec la N81 au niveau de Weyler,
— La N81 jusque son intersection avec la N883 au niveau d'Aubange,
— La N883 jusque son intersection avec la N88 au niveau d'Aubange,
— La N88 jusque son intersection avec la N811,
— La N811 jusque son intersection avec la rue Baillet Latour,
— La rue Baillet Latour jusque son intersection avec la N88,
— La N88 jusque son intersection avec la N871,
— La N871 jusque son intersection avec la N87 au niveau de Rouvroy,
— La N87 jusque son intersection avec la frontière avec la France.