Commission Implementing Decision (EU) 2019/404 of 12 March 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) 1833) (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2019/404

of 12 March 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) 1833)

(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) Commission Implementing Decision 2014/709/EU[(4)] 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) 2019/315[(5)], following instances of African swine fever in Belgium, Bulgaria and Romania.

(2) The risk of the spread of African swine fever in wildlife is linked to the natural slow spread of that disease among feral pig populations, and also to human activity, as

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2019/404. (See end of Document for details)*

demonstrated by the recent epidemiological evolution of that disease in the Union, and as documented by the European Food Safety Authority (EFSA) in the Scientific Opinion of the Panel on Animal Health and Welfare, published on 14 July 2015; in the Scientific Report of EFSA on Epidemiological analyses on African swine fever in the Baltic countries and Poland, published on 23 March 2017; in the Scientific Report of EFSA on Epidemiological analyses of African swine fever in the Baltic States and Poland, published on 8 November 2017; and in the Scientific Report of EFSA on Epidemiological analyses of African swine fever in the European Union, published on 29 November 2018[(6)].

(3) Council Directive 2002/60/EC[(7)] 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. In addition, Article 15 of Directive 2002/60/EC provides for the measures to be taken where African swine fever is confirmed in feral pigs, including the placing under official surveillance of pig holdings in the defined infected area. 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 the measures related to the eradication of the disease from a feral pig population.

(4) Taking into account the effectiveness of the measures being applied in the Member States in accordance with Directive 2002/60/EC, and in particular those laid down in Article 10(4)(b), Article 10(5) and Article 15 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, certain areas in the counties of Alytaus, Kauno, Marijampolės, Šiaulių, Tauragės and Telšių in Lithuania 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. 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.

(5) In addition, taking into account the effectiveness of the overall measures being applied in the Czech Republic in accordance with Directive 2002/60/EC, and in particular those laid down in Article 15 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, all areas in the Czech Republic currently listed in Parts I and II of the Annex to Implementing Decision 2014/709/EU, should now be delisted from the Annex, in view of favourable epidemiological situation of the disease in that Member State.

(6) In February 2019, there have been further instances of African swine fever in feral pigs in Hungary and Poland that also need to be reflected in the Annex to Implementing Decision 2014/709/EU.

(7) In February 2019, a few cases of African swine fever in feral pigs were observed in the counties of Heves and Borsod-Abaúj-Zemplén in Hungary in close proximity to areas 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 Hungary affected by African swine fever should be listed in Part II of the Annex to Implementing Decision 2014/709/EU instead of in Part I thereof.

(8) In February 2019, a few cases of African swine fever in feral pigs were observed in the county of miński in Poland in close proximity to an area 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, this area of Poland affected by African swine fever should be listed in Part II of the Annex to Implementing Decision 2014/709/EU instead of in Part I thereof.

(9) In February 2019, one case of African swine fever in a feral pig was observed in the region of Dobrich in Bulgaria in close proximity to areas listed in Part I of the Annex to Implementing Decision 2014/709/EU. This case of African swine fever in a feral pig constitutes an increased level of risk which should be reflected in that Annex. Accordingly, this area of Bulgaria affected by African swine fever should be listed in Part II of the Annex to Implementing Decision 2014/709/EU.

(10) 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 Lithuania, Hungary, Poland and Bulgaria and duly listed in Parts I, II and III of the Annex to Implementing Decision 2014/709/EU. The Annex to Implementing Decision 2014/709/EU should therefore be amended accordingly.

(11) 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.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2019/404. (See end of Document for details)*

Done at Brussels, 12 March 2019.

For the Commission

Vytenis ANDRIUKAITIS

Member of the Commission

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2019/404. (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:
in Luxembourg province:
2.Bulgaria
The following areas in Bulgaria:
3.Estonia
The following areas in Estonia:
4.Hungary
The following areas in Hungary:
5.Latvia
The following areas in Latvia:
6.Lithuania
The following areas in Lithuania:
7.Poland
The following areas in Poland:
8.Romania
The following areas in Romania:

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 N83 au niveau de Florenville
— La N83 jusque son intersection avec la N891
— La N891 jusque son intersection avec la N801
— La N801 jusque son intersection avec la N894
— La N894 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 N871
— La N871 jusque son intersection avec la N87 au niveau de Rouvroy
— La N87 jusque son intersection avec la frontière avec la France

2. **Bulgaria**

The following areas in Bulgaria:
In Varna region
— Within municipality of Beloslav
— Razdelna
— within municipalty of Devnya