Commission Implementing Decision (EU) 2019/246 of 11 February 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) 1107) (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2019/246

of 11 February 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) 1107)

(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) 2019/161[(5)], following recent instances of African swine fever in 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 demonstrated by the recent epidemiological evolution of that disease in the Union,

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2019/246. (See end of Document for details)*

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) Since the date of adoption of Implementing Decision (EU) 2019/161, there have been new instances of African swine fever in feral and domestic pigs in Poland and in domestic pigs in Romania that also need to be reflected in the Annex to Implementing Decision 2014/709/EU.

(4) In January 2019, an outbreak of African swine fever in domestic pigs was observed in the district of gołdapski in Poland in an area currently listed in Part II of the Annex to Implementing Decision 2014/709/EU. This outbreak of African swine fever in domestic pigs constitutes an increased level of risk which should be reflected in that Annex. Accordingly, this area of Poland affected by African swine fever should now be listed in Part III of the Annex to Implementing Decision 2014/709/EU.

(5) In January 2019, a case of African swine fever in feral pig was observed in the district of elbląski in Poland 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 pig constitutes an increased level of risk which should be reflected in that Annex. Accordingly, this area 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.

(6) In February 2019, an outbreak of African swine fever in domestic pigs was observed in the county of Covasna in Romania in an area currently listed in Part I of the Annex to Implementing Decision 2014/709/EU. This outbreak of African swine fever in domestic pigs constitutes an increased level of risk which should be reflected in that Annex. Accordingly, this area of Romania affected by African swine fever should now be listed in Part III of the Annex to Implementing Decision 2014/709/EU.

(7) 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 Romania and Poland and duly listed in Parts I, II and III of the Annex to Implementing Decision 2014/709/EU. In particular, given 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. The Annex to Implementing Decision 2014/709/EU should therefore be amended accordingly.

(8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

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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, 11 February 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) 2019/246. (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.Bulgaria
The following areas in Bulgaria:
3.The Czech Republic
The following areas in the Czech Republic:
4.Estonia
The following areas in Estonia:
5.Hungary
The following areas in Hungary:
6.Latvia
The following areas in Latvia:
7.Lithuania
The following areas in Lithuania:
8.Poland
The following areas in Poland:
9.Romania
The following areas in Romania:

PART II

1. **Belgium**

The following areas in Belgium:
in Luxembourg province:
— the area is delimited clockwise by:
  — The border with France,
  — 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 N879 au niveau de Marbehan,
  — La N879 jusque son intersection avec la N897 au niveau de Marbehan,
  — La N897 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,
  — The border with France.

2. **Bulgaria**

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The following areas in Bulgaria:

in Silistra region:

- within municipality of Kaynardzha:
  - Voynovo,
  - Kaynardzha,
  - Kranovo,
  - Zarnik,
  - Dobrudzhanka,
  - Golesh,
  - Svetoslav,
  - Polkovnik Cholakovo,
  - Kamentzi,
  - Gospodinovo,
  - Davidovo,
  - Sredishte,
  - Strelkovo,
  - Poprusanovo,
  - Posev,
- within municipality of Alfatar:
  - Alfatar,
  - Alekovo,
  - Bistra,
  - Kutlovitza,
  - Tzar Asen,
  - Chukovetz,
  - Vasil Levski,
- within municipality of Silistra:
  - Glavan,
  - Silistra,
  - Aydemir,
  - Babuk,
  - Popkralevo,
  - Bogorovo,
  - Bradvari,
  - Sratzimir,
  - Bulgarka,
  - Tsenovich,
  - Sarpovo,
  - Srebarna,
  - Smiletz,
  - Profesor Ishirkovo,
  - Polkovnik Lambrinovo,
  - Kalipetrovo,
  - Kazimir,
  - Yordanovo,