

Commission Implementing Decision (EU) 2020/2238 of 22 December 2020 amending the Annex to Implementing Decision (EU) 2020/1809 concerning certain protective measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (notified under document C(2020) 9620) (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2020/2238

of 22 December 2020

amending the Annex to Implementing Decision (EU) 2020/1809 concerning certain protective measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States

*(notified under document C(2020) 9620)*

(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<sup>(1)</sup>, 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<sup>(2)</sup>, and in particular Article 10(4) thereof,

Having regard to Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC<sup>(3)</sup>, and in particular Article 63(4) thereof,

Whereas:

- (1) Commission Implementing Decision (EU) 2020/1809<sup>(4)</sup> was adopted following outbreaks of highly pathogenic avian influenza (HPAI) in holdings where poultry or other captive birds were 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.
- (2) Implementing Decision (EU) 2020/1809 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) 2020/1809 was recently amended by Commission Implementing Decision (EU) 2020/2010<sup>(5)</sup>, following further outbreaks of highly pathogenic avian influenza of subtype H5N8 in poultry or other captive birds

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*Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/2238, Introductory Text. (See end of Document for details)*

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in Belgium in close proximity to the border with France, as well as in Germany, the Netherlands and Poland that needed to be reflected in that Annex.

- (4) Since the date of adoption of Implementing Decision (EU) 2020/2010, France has notified the Commission of recent outbreaks of HPAI of subtype H5N8 in holdings where poultry or other captive birds were kept in the departments of Landes, Vendée and Deux Sèvres.
- (5) In addition, the Netherlands has notified the Commission of new outbreaks of HPAI of subtype H5N8 in holdings where poultry or other captive birds were kept in the Provinces of Friesland and Zuid-Holland.
- (6) Moreover, Poland has also notified the Commission of further outbreaks of HPAI of subtype H5N8 in holdings where poultry or other captive birds were kept in the Pomorskie, Wielkopolskie, Mazowieckie, Warmińsko-Mazurskie and Zachodniopomorskie voivodships.
- (7) Furthermore, Denmark has notified the Commission of a recent outbreak of HPAI of subtype H5N8 in a holding where poultry or other captive birds were kept in Jutland.
- (8) In addition, Ireland has notified the Commission of an outbreak of HPAI of subtype H5N8 in a holding where poultry or other captive birds were kept in County Wicklow.
- (9) Moreover, Germany has notified the Commission of an outbreak of HPAI of subtype H5N8 in a holding where poultry or other captive birds are kept in Cloppenburg district.
- (10) Those outbreaks in France, Denmark, Germany, Ireland, the Netherlands and Poland are outside the areas currently listed in the Annex to Implementing Decision (EU) 2020/1809, and the competent authorities of those Member States have taken the necessary measures required in accordance with Directive 2005/94/EC, including the establishment of protection and surveillance zones around these outbreaks.
- (11) The Commission has examined the measures taken by France, Denmark, Germany, Ireland, the Netherlands and Poland, and it is satisfied that the borders of the protection and surveillance zones, established by the competent authorities of those Member States, are at a sufficient distance to the holdings where the recent outbreaks of HPAI have been confirmed.
- (12) 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 France, Denmark, Germany, Ireland, the Netherlands and Poland the new protection and surveillance zones established by those Member States in accordance with Directive 2005/94/EC.
- (13) Therefore, the protection and surveillance zones listed for France, Denmark, Germany, the Netherlands and Poland in the Annex to Implementing Decision (EU) 2020/1809 should be amended.
- (14) In addition, protection and surveillance zones for Ireland should be listed in the Annex to Implementing Decision (EU) 2020/1809.

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- (15) Accordingly, the Annex to Implementing Decision (EU) 2020/1809 should be amended to update regionalisation at Union level to take account of the new protection and surveillance zones duly established by the competent authorities of France, Denmark, Germany, Ireland, the Netherlands and Poland in accordance with Directive 2005/94/EC and the duration of the restrictions applicable therein.
- (16) Implementing Decision (EU) 2020/1809 should therefore be amended accordingly.
- (17) Given the urgency of the epidemiological situation in the Union as regards the spread of HPAI, it is important that the amendments to be made to the Annex to Implementing Decision (EU) 2020/1809 by this Decision take effect as soon as possible.
- (18) 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:

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- (1) [OJ L 395, 30.12.1989, p. 13.](#)
- (2) [OJ L 224, 18.8.1990, p. 29.](#)
- (3) [OJ L 10, 14.1.2006, p. 16.](#)
- (4) Commission Implementing Decision (EU) 2020/1809 of 30 November 2020 concerning certain protective measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States ([OJ L 402, 1.12.2020, p. 144.](#))
- (5) Commission Implementing Decision (EU) 2020/2010 of 8 December 2020 amending the Annex to Implementing Decision (EU) 2020/1809 concerning certain protective measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States ([OJ L 414, 9.12.2020, p. 79.](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/2238, Introductory Text.