II

(Non-legislative acts)

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2021/1307

of 6 August 2021

amending the Annex to Implementing Decision (EU) 2021/641 concerning emergency measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States

(notified under document C(2021) 5979)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') ([1]), and in particular Article 259(1), point (c) thereof,

Whereas:

(1) Highly pathogenic avian influenza (HPAI) is an infectious viral disease in birds and may have a severe impact on the profitability of poultry farming causing disturbance to trade within the Union and exports to third countries. HPAI viruses can infect migratory birds, which can then spread these viruses over long distances during their autumn and spring migrations. Therefore, the presence of HPAI viruses in wild birds poses a continuous threat for the direct and indirect introduction of these viruses into holdings where poultry or captive birds are kept. In the event of an outbreak of HPAI, there is a risk that the disease agent may spread to other holdings where poultry or captive birds are kept.

(2) Regulation (EU) 2016/429 establishes a new legislative framework for the prevention and control of diseases that are transmissible to animals or humans. HPAI falls within the definition of a listed disease in that Regulation, and it is subject to the disease prevention and control rules laid down therein. In addition, Commission Delegated Regulation (EU) 2020/687 ([2]) supplements Regulation (EU) 2016/429 as regards the rules for the prevention and control of certain listed diseases, including disease control measures for HPAI.

(3) Commission Implementing Decision (EU) 2021/641 ([3]) was adopted within the framework of Regulation (EU) 2016/429, and it lays down disease control measures in relation to outbreaks of HPAI.

([1]) OJ L 84, 31.3.2016, p. 1.

([2]) Commission Delegated Regulation (EU) 2020/687 of 17 December 2019 supplementing Regulation (EU) 2016/429 of the European Parliament and the Council, as regards rules for the prevention and control of certain listed diseases (OJ L 174, 3.6.2020, p. 64).

([3]) Commission Implementing Decision (EU) 2021/641 of 16 April 2021 concerning emergency measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 134, 20.4.2021, p. 166).

(4) More particularly, Implementing Decision (EU) 2021/641 provides that the protection and surveillance zones established by the Member States following outbreaks of HPAI, in accordance with Delegated Regulation (EU) 2020/687, are to comprise at least the areas listed as protection and surveillance zones in the Annex to that Implementing Decision.

(5) The Annex to Implementing Decision (EU) 2021/641 was recently amended by Commission Implementing Decision (EU) 2021/1186 ([4]) following a further outbreak of HPAI in poultry or captive birds in France that needed to be reflected in that Annex.

(6) As referred to in Commission Implementing Decision (EU) 2021/239 ([5]), France notified the Commission of outbreaks of HPAI of H5N8 subtype in holdings where poultry or captive birds were kept in the Pyrénées-Atlantiques department of that Member State. Those kept poultry or captive birds included ducks of rare breed species in a particular establishment. Therefore, for the purpose of the conservation of those ducks of rare breed species, the competent authority of that Member State decided to postpone the killing of the birds in that establishment, in accordance with the derogation provided in Article 13(2), point (c) of Delegated Regulation (EU) 2020/687 and the fulfilment of the conditions provided in Article 13(3) thereof. Consequently, the duration of the restrictions applicable in the protection and surveillance zones established by the competent authority of that Member State for that outbreak in the Pyrénées-Atlantiques department should be extended in compliance with Articles 39 and 55 of Delegated Regulation (EU) 2020/687.Therefore, the duration of the restrictions applicable in those protection and surveillance zones listed for France in the Annex to Implementing Decision (EU) 2021/641 should be amended.

(7) Implementing Decision (EU) 2021/641 should therefore be amended accordingly.

(8) 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) 2021/641 by this Decision take effect as soon as possible.

(9) 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) 2021/641 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, 6 August 2021.

For the Commission
Stella KYRIAKIDES
Member of the Commission

([4]) Commission Implementing Decision (EU) 2021/1186 of 16 July 2021 amending the Annex to Implementing Decision (EU) 2021/641 concerning emergency measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 257, 19.7.2021, p. 5).

([5]) Commission Implementing Decision (EU) 2021/239 of 16 February 2021 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 56 I , 17.2.2021, p. 1).

ANNEX

'ANNEX

PART A

Protection zones as referred to in Articles 1 and 2:

Member State: France

Area comprising:	Date until applicable in accordance with Article 39 of Delegated Regulation (EU) 2020/687
Les communes suivantes dans le département: Pyrénées-Atlantiques (64)	
BIDACHE; CAME	26.8.2021

PART B

Surveillance zones as referred to in Articles 1 and 3:

Member State: Denmark

Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
The parts of Sønderborg municipality and Åbenrå municipality, beyond the area described in the protection zone and within the circle of radius 10 kilometres, centered on GPS coordinates Lat. 54,862138; Long. 9,654193	8.8.2021
The parts of Sønderborg municipality, that are contained within a circle of radius 3 kilometer, centered on GPS coordinates Lat. 54,862138; Long. 9,654193	From 31.7.2021 until 8.8.2021

Member State: Germany

Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
SCHLESWIG-HOLSTEIN	
Landkreis Schleswig-Flensburg Amt Langballig komplett mit den Gemeinden — Dollerup — Grundhof — Langballig — Munkbrarup — Ringsberg — Wees — Westerholz Stadt Glücksburg Teile des Amtes Hürup mit den betroffenen Gemeinden — Maasbüll — Husby Teile des Amtes Geltinger Bucht mit den betroffenen Gemeinden — Steinbergkirche — Steinberg	8.8.2021

Member State: France

Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
Les communes suivantes dans le département: Landes (40)	
Cauneille Hastingues Oeyregave Orthevielle Peyrehorade Sorde-l'Abbaye	4.9.2021
Les communes suivantes dans le département: Loiret (45)	
BEAULIEU-SUR-LOIRE BONNY-SUR-LOIRE BRETEAU BRIARE CHAMPOULET CHÂTILLON-SUR-LOIRE FAVERELLES OUSSON-SUR-LOIRE OUZOUER-SUR-TRÉZÉE THOU BATILLY-EN-PUISAYE DAMMARIE-EN-PUISAYE	8.8.2021
Les communes suivantes dans le département: Nievre (58)	
ANNAY ; ARQUIAN ; NEUVY-SUR-LOIRE	8.8.2021
Les communes suivantes dans le département: Pyrénées-Atlantiques (64)	
BIDACHE ; CAME	From 27.8.2021 until 4.9.2021
ARANCOU ; ARRAUTE-CHARRITTE ; AUTERRIVE ; BARDOS ; BERGOUEY-VIELLENAVE ; CARRESSE-CASSABER ; ESCOS ; GUICHE ; LABASTIDE-VILLEFRANCHE ; LABETS-BISCAY ; LEREN ; MASPARRAUTE ; OREGUE ; SAINT-DOS ; SAINT-PE-DE-LEREN ; SAMES	4.9.2021
Les communes suivantes dans le département: Yonne (89)	
BLÉNEAU LAVAU ROGNY-LES-SEPT-ÉCLUSES SAINT-MARTIN-DES-CHAMPS SAINT-PRIVÉ	8.8.2021'