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COMMISSION IMPLEMENTING DECISION (EU) 2024/1948

of 9 July 2024

amending the Annex to Implementing Decision (EU) 2023/2447 concerning emergency measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States

(notified under document C(2024) 4955)

(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 can 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) 2023/2447 ([3]) was adopted within the framework of Regulation (EU) 2016/429 and it lays down emergency measures at Union level in relation to outbreaks of HPAI.

(4) More particularly, Implementing Decision (EU) 2023/2447 provides that the protection, surveillance and further restricted 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, surveillance and further restricted zones in the Annex to that Implementing Decision.

([1]) OJ L 84, 31.3.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/429/oj.

([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, ELI: http://data.europa.eu/eli/reg_del/2020/687/oj).

([3]) Commission Implementing Decision (EU) 2023/2447 of 24 October 2023 concerning emergency measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L, 2023/2447, 30.10.2023, ELI: http://data.europa.eu/eli/dec_impl/2023/2447/oj).

(5) The Annex to Implementing Decision (EU) 2023/2447 was recently amended by Commission Implementing Decision (EU) 2024/1452 ([4]) following outbreaks of HPAI in poultry in Bulgaria that needed to be reflected in that Annex.

(6) Since the date of adoption of Implementing Decision (EU) 2024/1452, Germany has notified the Commission of an outbreak of HPAI subtype H7N5, in an establishment where poultry was kept, located in Lower Saxony state.

(7) In addition, the outbreak confirmed by Germany is located in close proximity to the border with the Netherlands. Accordingly, the competent authorities of those two Member States have duly collaborated with regard to the establishment of the necessary protection and surveillance zones, in accordance with Delegated Regulation (EU) 2020/687, as the protection and surveillance zones extend into the territory of the Netherlands.

(8) The competent authorities of Germany and the Netherlands have taken the necessary disease control measures required in accordance with Delegated Regulation (EU) 2020/687, including the establishment of protection and surveillance zones around the outbreak.

(9) The Commission has examined the disease control measures taken by Germany and the Netherlands in collaboration with those Member States, and it is satisfied that the boundaries of the protection and surveillances zones established by the competent authorities of Germany and the Netherlands are at a sufficient distance from the establishment where the outbreak of HPAI has been confirmed.

(10) In the Annex to Implementing Decision (EU) 2023/2447, there are currently no areas listed as protection and surveillance zones for Germany and the Netherlands.

(11) 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 Germany and the Netherlands, the protection and surveillance zone duly established by those Member States in accordance with Delegated Regulation (EU) 2020/687.

(12) Therefore, protection and surveillance zones should be listed for Germany and the Netherlands in the Annex to Implementing Decision (EU) 2023/2447.

(13) Accordingly, the Annex to Implementing Decision (EU) 2023/2447 should be amended to update regionalisation at Union level to take account of the protection and surveillance zones duly established by Germany and the Netherlands in accordance with Delegated Regulation (EU) 2020/687, and the duration of the measures applicable therein.

(14) Implementing Decision (EU) 2023/2447 should therefore be amended accordingly.

(15) 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 Implementing Decision (EU) 2023/2447 by this Decision take effect as soon as possible.

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

([4]) Commission Implementing Decision (EU) 2024/1452 of 17 May 2024 amending the Annex to Implementing Decision (EU) 2023/2447 concerning emergency measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L, 2024/1452, 21.5.2024, ELI: http://data.europa.eu/eli/dec_impl/2024/1452/oj).

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Implementing Decision (EU) 2023/2447 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, 9 July 2024.

For the Commission
Stella KYRIAKIDES
Member of the Commission

ANNEX

Part A

Protection zones in the concerned Member States* as referred to in Article 1, point (a), and Article 2:

Member State: Germany

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 39 of Delegated Regulation (EU) 2020/687
	NIEDERSACHSEN	
DE-HPAI(P)-2024-00010	**Landkreis Grafschaft Bentheim** 3 km um den Ausbruchsbetrieb mit den GPS Koordiniaten 7.076164 / 52.354830. Betroffen sind Teile der Gemeinden Bad Bentheim, Isterberg, Quendorf und Nordhorn.	27.7.2024

Member State: the Netherlands

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 39 of Delegated Regulation (EU) 2020/687
	Province Overijssel	
DE-HPAI(P)-2024-00010	Those parts of the province Overijssel contained within a circle of a radius of 3 kilometres, centered on GPS coordinates 7.076164 / 52.354830.	27.7.2024

Part B

Surveillance zones in the concerned Member States* as referred to in Article 1, point (a), and Article 3:

Member State: Germany

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
	NIEDERSACHSEN	
DE-HPAI(P)-2024-00010	**Landkreis Grafschaft Bentheim** 10 km um den Ausbruchsbetrieb mit den GPS Koordiniaten 7.076164 / 52.354830. Betroffen sind die Gemeinde Isterberg und Teile der Gemeinden Bad Bentheim, Quendorf, Nordhorn, Engden und Schüttorf.	5.8.2024
	Landkreis Grafschaft Bentheim 3 km um den Ausbruchsbetrieb mit den GPS Koordiniaten 7.076164 / 52.354830. Betroffen sind Teile der Gemeinden Bad Bentheim, Isterberg, Quendorf und Nordhorn.	28.7.2024 - 5.8.2024

Member State: the Netherlands

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
	Province Overijssel	
DE-HPAI(P)-2024-00010	Those parts of the province Overijssel extending beyond the area described in the protection zone contained within a circle of a radius of 10 kilometres, centered on GPS coordinates 7.076164 / 52.354830.	5.8.2024
	Those parts of the province Overijssel contained within a circle of a radius of 3 kilometres, centered on GPS coordinates 7.076164 / 52.354830.	28.7.2024 - 5.8.2024

Part C

Further restricted zones in the concerned Member States* as referred to in Article 1, point (b), and Article 4:

Member State: None

Area comprising:	Date until measures are to remain applicable in accordance with Article 3a

* In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and in particular Article 5(4) of the Windsor Framework (see Joint Declaration No 1/2023 of the Union and the United Kingdom in the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 24 March 2023, OJ L 102, 17.4.2023, p. 87) in conjunction with Annex 2 to that Framework, for the purposes of this Annex, references to Member State include the United Kingdom in respect of Northern Ireland.