

COMMISSION IMPLEMENTING DECISION (EU) 2021/1395**of 20 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) 6253)***(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.
- (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) 2021/1307 ⁽⁴⁾ to extend the duration of the restrictions applicable in the protection and surveillance zones established by the competent authority of France for an outbreak in the Pyrénées-Atlantiques department.
- (6) Since the date of adoption of Implementing Decision (EU) 2021/1307, Poland has notified the Commission of an outbreak of HPAI of subtype H5N8 in a holding where poultry or captive birds were kept in the Mazowieckie voivodship of that Member State.

⁽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⁾ 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 (OJ L 285, 9.8.2021, p. 1).

- (7) That outbreak in Poland is located outside the areas currently listed in the Annex to Implementing Decision (EU) 2021/641 and the competent authority of that Member State has taken the necessary disease control measures required in accordance with Delegated Regulation (EU) 2020/687, including the establishment of protection and surveillance zones around this outbreak.
- (8) The Commission has examined the disease control measures taken by Poland in collaboration with that Member State, and it is satisfied that the boundaries of the protection and surveillance zones established by the competent authority of Poland are at a sufficient distance from the holding where the recent outbreak of HPAI has been confirmed.
- (9) 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 Poland, the new protection and surveillance zones established by that Member State in accordance with Delegated Regulation (EU) 2020/687.
- (10) Therefore, protection and surveillance zones should be listed for Poland in the Annex to Implementing Decision (EU) 2021/641.
- (11) Accordingly, the Annex to Implementing Decision (EU) 2021/641 should be amended to update regionalisation at Union level to take account of the protection and surveillance zones duly established by Poland, in accordance with Delegated Regulation (EU) 2020/687, and the duration of the restrictions applicable therein.
- (12) Implementing Decision (EU) 2021/641 should therefore be amended accordingly.
- (13) 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.
- (14) 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, 20 August 2021.

For the Commission
Stella KYRIAKIDES
Member of the Commission

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
<i>Les communes suivantes dans le département: Pyrénées-Atlantiques (64)</i>	
BIDACHE; CAME	26.8.2021

Member State: Poland

Area comprising:	Date until applicable in accordance with Article 39 of Delegated Regulation (EU) 2020/687
<i>Mazowieckie voivodship, żuromiński district</i>	
<ul style="list-style-type: none"> — The following localities in the Biezuń municipality: Karniszyn, Karniszyn-Parcele, Sadłowo, Sadłowo-Parcele, Strzeszewo; — The following localities in the Żuromin municipality: Chamsk, Młudzyn. 	3.9.2021

Part B

Surveillance zones as referred to in Articles 1 and 3:

Member State: France

Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
<i>Les communes suivantes dans le département: Landes (40)</i>	
CAUNEILLE; HASTINGUES; OEYREGAVE; ORTHEVIELLE; PEYREHORADE; SORDE-L'ABBAYE	4.9.2021
<i>Les communes suivantes dans le département: Pyrénées-Atlantiques (64)</i>	
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

Member State: Poland

Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
<i>Mazowieckie voivodship, żuromiński district</i>	
<ul style="list-style-type: none"> — The following localities in the Biezuń municipality: Kocewo, Myślin, Dąbrówki, Mak, Władysławowo, Stanisławowo, Pozga, Bielawy Gołuskie, Gołuszyn, Dźwierzno, Kobyla Łąka, Sławęcín, Zgliczyn Pobodzy, Stawiszyn-Łaziska, Wilewo, Stawiszyn-Zwalewo, Wieluń-Zalesie, Pełki, Małocin, Trzaski; — City of Biezuń; — The following localities in the Lutocin municipality: Siemcichy, Chromakowo, Przeradz Mały, Przeradz Nowy, Przeradz Wielki, Swojęcín, Mojnowo, Obręb, Parlin, Lutocin, Seroki, Zimolza, Elźbiecin, Felcyn, Jonne; — The following localities in the Siemiątkowo municipality: Sokołowy Kąt, Siciarz; — The following localities in the in Żuromin municipality: Będzimin, Rzężawy, Kruszewo, Brudnice, Poniatowo, Wiadrowo, Dąbrowa, Cierpigórz, Franciszkowo, Olszewo, Kosewo, Dębsk, Kliczewo Małe, Kliczewo Duże, Wólka Kliczewska, Nowe Nadratowo, Stare Nadratowo, Sadowo; — City of Żuromin. 	12.9.2021
<ul style="list-style-type: none"> — The following localities in the Biezuń municipality: Karniszyn, Karniszyn-Parcele, Sadłowo, Sadłowo-Parcele, Strzeszewo; — The following localities in the Żuromin municipality: Chamsk, Młudzyn. 	From 4.9.2021 until 12.9.2021
<i>Mazowieckie voivodship, mławski district</i>	
<ul style="list-style-type: none"> — The following localities in the Radzanów municipality: Zgliczyn-Glinki, Zgliczyn Witowy; — The following localities in the Szreńsk municipality: Ługi, Słowikowo. 	12.9.2021'