

II

(Non-legislative acts)

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2021/1766

of 7 October 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

(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⁾ has been 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) 2021/1485 ⁽⁴⁾ following outbreaks of HPAI in poultry or captive birds in Belgium, France and Luxembourg that needed to be reflected in that Annex.
- (6) Since the date of adoption of Implementing Decision (EU) 2021/1485, Czechia has notified the Commission of an outbreak of HPAI of subtype H5N1 in an establishment where poultry or captive birds were kept in the Central Bohemian region of that Member State.
- (7) The outbreak in Czechia 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 Czechia 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 Czechia are at a sufficient distance from the establishment 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 Czechia, the 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 Czechia in the Annex to Implementing Decision (EU) 2021/641.
- (11) The Annex to Implementing Decision (EU) 2021/641 should therefore be amended to update regionalisation at Union level to take account of the protection and surveillance zones duly established by Czechia, 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.

⁽⁴⁾ Commission Implementing Decision (EU) 2021/1485 of 15 September 2021 amending Implementing Decision (EU) 2021/641 concerning emergency measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 328, 16.9.2021, p. 4)

Done at Brussels, 7 October 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: Czechia

Area comprising:	Date until applicable in accordance with Article 39 of Delegated Regulation (EU) 2020/687
<i>Region: Central Bohemian</i>	
Bratkovice (609595); Drahlín (631604); Dubno (633682); Hluboš (639681); Kardavec (639699); Lhota u Příbramě (681211); Občov (708526); Pičín (720551); Sádek (745839); Liha (759198); Trhové Dušníky (768146); část katastrálního území Příbram (číslo KÚ 735426) – severní část katastrálního území Příbram po hranici silnice č. 18.	19.10.2021

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: ARDENNES (08)</i>	
BALLAY; VANDY; VOUIZIERS	4.10.2021

Member State: Luxembourg

Area comprising:	Date until applicable in accordance with Article 39 of Delegated Regulation (EU) 2020/687
Entire municipality of Betzdorf.	27.9.2021
The following localities in the municipality of Flaxweiler: Flaxweiler and Buchholz.	

PART B

Surveillance zones as referred to in Articles 1 and 3:

Member State: Czechia

Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
<i>Region: Central Bohemian</i>	
Baština (990019); Běřín (603180); Běštín (603368); Bohutín (606685); Brod u Příbramě (612634); Březové Hory (735515); Buková u Příbramě (615811); Bytíz (633356); Čenkov u Příbramě (619451); Dlouhá Lhota u Dobříše (626392); Dominikální Paseky (609609); Drásov u Příbramě (632074); Dubenec u Příbramě (633364); Háje u Příbramě (636550); Hostomice pod Brdy (645885); Hrachoviště (990591); Jince (660281); Konětopy u Příbramě (669083); Kotenčice (671045); Kozičín (671576); Křešín (676101); Lazec (671584); Lešetice (680435); Milín (694975); Narysov (701629); Obecnice (708569); Obořiště (708682); Ohrazenice u Jince (709310); Orlov (712272); Oseč (712698); Ostrov u Ouběnic (717037); Podlesí nad Litavkou (723886); Radětice (737585); Rejkovice (740047); Rosovice (741370); Stěžov (755486); Suchodol (759201); Tisová u Bohutína (606693); Višňová (782548); Vysoká Pec u Bohutína (606707); Zavržice (662704); Zdaboř (735566); Žežice (796689); část katastrálního území Příbram (číslo KÚ 735426) – jižní část katastrálního území od hranice tvoření silnice č. 18.	28.10.2021
Bratkovice (609595); Drahlín (631604); Dubno (633682); Hluboš (639681); Kardavec (639699); Lhota u Příbramě (681211); Občov (708526); Pičín (720551); Sádek (745839); Liha (759198); Trhové Dušníky (768146); část katastrálního území Příbram (číslo KÚ 735426) – severní část katastrálního území Příbram po hranici silnice č. 18.	From 20.10.2021 until 28.10.2021

Member State: Germany

Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
RHEINLAND-PFALZ	
Landkreis Trier-Saarburg Gemarkungen Temmels, Wellen, Nittel (im Osten begrenzt durch die K 110), Köllig, Rehlingen, Wincheringen (im Osten begrenzt durch die K 110, in der Ortslage Trierer Straße, Warsberger Straße und Helfanter Straße) sowie Wehr (im Süden begrenzt durch die B 419).	6.10.2021

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: ARDENNES (08)</i>	
ATTIGNY BELLEVILLE-ET-CHÂTILLON-SUR-BAR BOULT-AUX-BOIS BOURCQ BRÉCY-BRIÈRES CHARDENY BAIRON ET SES ENVIRONS CHUFFILLY-ROCHE CONTREUVE COULOMMES-ET-MARQUENY LA CROIX-AUX-BOIS FALAISE GRIVY-LOISY LAMETZ LONGWÉ MARS-SOUS-BOURCQ MONTGON MONT-SAINT-MARTIN NEUVILLE-DAY NOIRVAL OLIZY-PRIMAT QUATRE-CHAMPS QUILLY RILLY-SUR-AISNE SAINT-LAMBERT-ET-MONT-DE-JEUX SAINTE-MARIE SAINT-MOREL SAINTE-VAUBOURG SAVIGNY-SUR-AISNE SEMUY SUGNY SUZANNE TANNAY TOGES TOURCELLES-CHAUMONT VAUX-CHAMPAGNE VONCQ	13.10.2021
BALLAY ; VANDY ; VOUIERS	From 5.10.2021 until 13.10.2021

Member State: Luxembourg

Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
The entire municipalities of Bech, Biwer, Grewenmacher, Junglinster, Lenningen, Manternach, Niederanven, Schuttrange and Wormeldange. The municipality of Flaxweiler excluding the localities covered by the protection zone (Flaxweiler and Buchholz).	6.10.2021
Entire municipality of Betzdorf. The following localities in the municipality of Flaxweiler: Flaxweiler and Buchholz.	From 28.9.2021 until 6.10.2021'