

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2021/1908

of 3 November 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) 7966)

(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.
- (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.

⁽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).

- (5) The Annex to Implementing Decision (EU) 2021/641 was recently amended by Commission Implementing Decision (EU) 2021/1872 ⁽⁴⁾ following an outbreak of HPAI in poultry or captive birds in Italy that needed to be reflected in that Annex.
- (6) Since the date of adoption of Implementing Decision (EU) 2021/1872, Germany has notified the Commission of an outbreak of HPAI of subtype H5N1 in an establishment where poultry or captive birds were kept in the Schleswig-Holstein Land of that Member State.
- (7) In addition, Estonia has notified the Commission of one outbreak of HPAI of subtype H5N8 in an establishment where poultry or captive birds were kept in the Tartu County of that Member State.
- (8) Moreover, Italy has notified the Commission of further outbreaks of HPAI of subtype H5N1 in establishments where poultry or captive birds were kept in the Veneto region of that Member State.
- (9) Furthermore, the Netherlands has notified the Commission of an outbreak of HPAI of H5 subtype in an establishment where poultry or captive birds were kept in the Flevoland Province of that Member State.
- (10) The outbreaks in Italy are located within 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 these outbreaks.
- (11) The outbreaks in Germany, Estonia and the Netherlands are located outside the areas currently listed in the Annex to Implementing Decision (EU) 2021/641 and the competent authorities of those Member States 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 these outbreaks.
- (12) The Commission has examined the disease control measures taken by Germany, Estonia, Italy and the Netherlands in collaboration with those Member States and it is satisfied that the boundaries of the protection and surveillance zones established by the competent authorities of Germany, Estonia, Italy and the Netherlands are at a sufficient distance from the establishments where the recent outbreaks of HPAI have been confirmed.
- (13) 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, Estonia, Italy and the Netherlands the new protection and surveillance zones established by those Member States in accordance with Delegated Regulation (EU) 2020/687.
- (14) Therefore, protection and surveillance zones should be listed for Germany, Estonia and the Netherlands in the Annex to Implementing Decision (EU) 2021/641.
- (15) In addition, the areas listed for Italy in the Annex to Implementing Decision (EU) 2021/641 should be amended.
- (16) Accordingly, the Annex to Implementing Decision (EU) 2021/641 should be amended to update regionalisation at Union level to take account of the new protection and surveillance zones duly established by Germany, Estonia, Italy and the Netherlands, in accordance with Delegated Regulation (EU) 2020/687, and the duration of the restrictions applicable therein.
- (17) Implementing Decision (EU) 2021/641 should therefore be amended accordingly.

⁽⁴⁾ Commission Implementing Decision (EU) 2021/1872 of 25 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 (OJ L 379, 26.10.2021, p. 53).

- (18) 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.
- (19) 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, 3 November 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: Germany

Area comprising:	Date until applicable in accordance with Article 39 of Delegated Regulation (EU) 2020/687
SCHLESWIG-HOLSTEIN	
Kreis Dithmarschen — Gemeinde Neufeld ab dem südlichen Elbufer (Landkreisgrenze) entlang der Straße Op'n Diek, Nienfelder Strot bis zur B 5 — von dort der Alten Bundesstraße folgend bis zur Einmündung Ohlener Landweg — dem Ohlener Landweg folgend bis zur Einmündung Westerbeltmhusener Straße — der Westerbeltmhusener Straße in südliche Richtung folgend bis zum Siel Moorwettern — dem Siel Moorwettern und nachfolgend der Sprante in südöstliche Richtung folgend bis zur Einmündung in die Braake — von dort der Braake in südliche Richtung folgend bis zur Einmündung in die Elbe (Landkreisgrenze)	16.11.2021

Member State: Estonia

Area comprising:	Date until applicable in accordance with Article 39 of Delegated Regulation (EU) 2020/687
The parts of Tartu county, that are contained within a circle of radius 3 kilometer, centered on GPS coordinates N 58.376077; E 26.707087	13.11.2021

Member State: Italy

Area comprising:	Date until applicable in accordance with Article 39 of Delegated Regulation (EU) 2020/687
Region: Veneto	
The area of the parts of Veneto Region (ADIS: IT-HPAI(P)-2021-00001) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45.331231 E11.209306	12.11.2021
The area of the parts of Veneto Region (ADIS: IT-HPAI(P)-2021-00002) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45.346268 E11.203338	15.11.2021
The area of the parts of Veneto Region (ADIS: IT-HPAI(P)-2021-00003) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45.335709 E11.190235	18.11.2021

The area of the parts of Veneto Region (ADIS: IT-HPAI(P)-2021-00004) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45.333403 E11.229928	20.11.2021
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Member State: the Netherlands

Area comprising:	Date until applicable in accordance with Article 39 of Delegated Regulation (EU) 2020/687
Municipality Zeewolde, province Flevoland	
<ol style="list-style-type: none"> 1. Vanaf de kruising van de A27 en de N706 (Vogelweg), de N706 (Vogelweg) volgend in oostelijke richting tot aan de N705. 2. De N705 volgend in zuidelijke richting overgaand in oostelijke richting overgaand in zuidelijke richting tot aan de Groenewoudse Weg. 3. De Groenewoudse Weg volgend in westzuidelijke richting tot aan de Flediteweg. 4. De Flediteweg volgend in westelijke richting tot aan de overgaand in de Winkelweg tot aan het Priempad. 5. Het Priempad in noordelijke richting overgaand in oostelijke richting overgaand in noordelijke richting overgaand in oostelijke richting tot aan de N704. 6. De N704 volgend in oostelijke richting tot aan de N305. 7. De N305 volgend in noordwestelijke richting tot aan de A27. 8. De A27 volgend in noordelijke richting tot aan de N706 (Vogelweg) 	16.11.2021

PART B

Surveillance zones as referred to in Articles 1 and 3:

Member State: Germany

Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
SCHLESWIG-HOLSTEIN	
Kreis Dithmarschen — die Stadt Brunsbüttel — Amt KLG Marne-Nordsee: die Gemeinden Diekhusen-Fahrstedt, Helse, Kaiser-Wilhelm-Koog, Marne, Marnerdeich, Neufeld, Neufelderkoog, Ramhusen, Schmedeswurth, und Volsenhusen sowie die Gemeinde Kronprinzenkoog südlich der Mittelstraße Amt KLG Burg-St. Michaelisdonn: — die Gemeinden Averlak, Eddelak und Dingen, Die Gemeinde Sankt Michaelisdonn: — das Gemeindegebiet südlich des Helser Geestweges, — westlich der Bebauung zwischen Helser Geestweg und Marner Straße, — ab Einmündung Westerstraße südlich der Marner Straße bis zur Einmündung in die Eddelaker Straße,	25.11.2021

<ul style="list-style-type: none"> — südlich des Kayenweges, — ab Einmündung in die Heisterbergstraße der Bahnlinie bis zur Straße Hopen folgend, — ab Kreuzung Bahnlinie/Straße Hopen in südliche Richtung östlich des Naturschutzgebietes Kleve und westlich des Flugplatzes Hopen bis zur Einmündung in die Friedrichshöfer Straße, — der Friedrichshöfer Straße in südliche Richtung folgend bis zur Mühlenstraße, — südlich der Mühlenstraße folgend bis zur Ortsgrenze Kuden. <p>Die Gemeinde Kuden:</p> <ul style="list-style-type: none"> — das Gemeindegebiet südlich der Mühlenstraße ab Ortsgrenze St. Michaelisdonn bis zur 1. Verbindungsstraße zur Hauptstraße, — westlich dieser Verbindungsstraße bis zur Einmündung in die Friedrichshöfer Au (Ortsgrenze zur Gemeinde Eddelak). 	
<p>Kreis Steinburg</p> <ul style="list-style-type: none"> — Gemeinde Büttel und Kudensee 	25.11.2021
<p>Kreis Dithmarschen</p> <ul style="list-style-type: none"> — Gemeinde Neufeld ab dem südlichen Elbufer (Landkreisgrenze) entlang der Straße Op'n Diek, Nienfelder Strot bis zur B 5 — von dort der Alten Bundesstraße folgend bis zur Einmündung Ohlener Landweg — dem Ohlener Landweg folgend bis zur Einmündung Westerbalmhusener Straße — der Westerbalmhusener Straße in südliche Richtung folgend bis zum Siel Moorwettern — dem Siel Moorwettern und nachfolgend der Sprante in südöstliche Richtung folgend bis zur Einmündung in die Braake — von dort der Braake in südliche Richtung folgend bis zur Einmündung in die Elbe (Landkreisgrenze) 	From 17.11.2021 until 25.11.2021
LOWER SAXONY	
<p>Landkreis Cuxhaven</p> <ul style="list-style-type: none"> — Von der Landkreisgrenze des Landkreises Stade zum Landkreis Cuxhaven kommend auf dem Fluss „Krummendeicher Wettern“ bis zur Einmündung in die „Oste“. — Dem Verlauf des Flusses „Oste“ flussabwärts folgend bis zur Überbrückung der L111/„Dingwörden“. — Auf dieser Straße bis Dingwörden zur Bundesstraße 73 und anschließend dieser folgend in Richtung Cuxhaven bis zum Übergang des „Hadelner Kanals“. — Auf dem „Hadelner Kanal“ bis zur Elbmündung und weiter auf der Elbe Richtung Schleswig-Holstein. 	25.11.2021
<p>Landkreis Stade</p> <ul style="list-style-type: none"> — Beginnend an der Elbe in Höhe der Grenze zwischen Stellenfleth Außendeich und Schöneworth Außendeich, — nach Süden bis zur L 111, der L 111 (Kamp/Wechtern) — nach Westen folgen bis zur Hünkenbütteler Straße, — dieser nach Süden bis zur K 10 folgen, — der K 10 (Süderdeich Ost) nach Westen folgen — bis zur K 6 (Neuensleuser Straße), — auf der K 26 bis zur Kreisgrenze des Landkreises Cuxhaven, — dann entlang der Kreisgrenze bis zur Ostemündung. 	25.11.2021

Member State: Estonia

Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
The parts of Tartu county, beyond the area described in the protection zone and within the circle of radius 10 kilometres, centred on GPS coordinates coordinates N 58.376077; E 26.707087	22.11.2021

The parts of Tartu county, that are contained within a circle of radius 3 kilometer, centered on GPS coordinates N 58.376077; E 26.707087	From 14.11.2021 until 22.11.2021
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Member State: Italy

Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
Region: Veneto	
The area of the parts of Veneto Region (ADIS: IT-HPAI(P)-2021-00001) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45.331231 E11.209306	21.11.2021
The area of the parts of Veneto Region (ADIS: IT-HPAI(P)-2021-00001) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45.331231 E11.209306	From 13.11.2021 until 21.11.2021
The area of the parts of Veneto Region (ADIS: IT-HPAI(P)-2021-00002) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45.346268 E11.203338	24.11.2021
The area of the parts of Veneto Region (ADIS: IT-HPAI(P)-2021-00002) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45.346268 E11.203338	From 16.11.2021 until 24.11.2021
The area of the parts of Veneto Region (ADIS: IT-HPAI(P)-2021-00003) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45.335709 E11.190235	27.11.2021
The area of the parts of Veneto Region (ADIS: IT-HPAI(P)-2021-00003) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45.335709 E11.190235	From 19.11.2021 until 27.11.2021
The area of the parts of Veneto Region (ADIS: IT-HPAI(P)-2021-00004) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45.333403 E11.229928	29.11.2021
The area of the parts of Veneto Region (ADIS: IT-HPAI(P)-2021-00004) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45.333403 E11.229928	From 21.11.2021 until 29.11.2021

Member State: the Netherlands

Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
Municipality Zeewolde, province Flevoland	
<ol style="list-style-type: none"> 1. Vanaf kruising Gooimeerdijk-Oost / Stamerbos, Stamerbos volgen in noordelijke richting tot aan Meentweg. 2. Meentweg volgen in noordelijke richting tot aan Waterlandseweg. 3. Waterlandseweg volgen in noordelijke richting tot aan A6. 4. A6 volgen in oostelijke richting tot aan Hoge Vaart (water) 5. Hoge Vaart volgen in noordelijke richting tot aan Hogering. 	25.11.2021

<ol style="list-style-type: none">6. Hogering volgen in oostelijke richting overgaand in buitenring tot aan Kitsweg.7. Kitsweg volgen in oostelijke richting tot aan Knardijk.8. Knardijk volgen in zuidelijke richting tot aan Wolderwijd(water).9. Wolderwijd volgen in zuidelijke richting overgaand in Noldernauw overgaand Eemmeer overgaand in Gooimeer tot aan Gooimeerdijk.	
<ol style="list-style-type: none">1. Vanaf de kruising van de A27 en de N706 (Vogelweg), de N706 (Vogelweg) volgend in oostelijke richting tot aan de N705.2. De N705 volgend in zuidelijke richting overgaan in oostelijke richting overgaand in zuidelijke richting tot aan de Groenewoudse Weg.3. De Groenewoudse Weg volgend in westzuidelijke richting tot aan de Flediteweg.4. De Flediteweg volgend in westelijke richting tot aan de overgaand in de Winkelweg tot aan het Priempad.5. Het Priempad in noordelijke richting overgaand in oostelijke richting overgaand in noordelijke richting overgaand in oostelijke richting tot aan de N704.6. De N704 volgend in oostelijke richting tot aan de N305.7. De N305 volgend in noordwestelijke richting tot aan de A27.8. De A27 volgend in noordelijke richting tot aan de N706 (Vogelweg)	From 17.11.2021 until 25.11.2021'