

COMMISSION IMPLEMENTING DECISION (EU) 2023/414**of 17 February 2023****amending Implementing Decision (EU) 2022/2333 concerning certain emergency measures relating to sheep pox and goat pox in Spain***(notified under document C(2023) 1270)***(Only the Spanish text is authentic)****(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) thereof,

Whereas:

- (1) Sheep pox and goat pox is an infectious viral disease affecting caprine and ovine animals and can have a severe impact on the concerned animal population and the profitability of farming causing disturbance to movements of consignments of those animals and products thereof within the Union and exports to third countries. In the event of an outbreak of that disease in caprine and ovine animals, there is a serious risk that it may spread to other establishments keeping those animals.
- (2) Sheep pox and goat pox is defined as a category A disease in Commission Implementing Regulation (EU) 2018/1882 ⁽²⁾. In addition, Commission Delegated Regulation (EU) 2020/687 ⁽³⁾ supplements the rules for the control of the listed diseases referred to in Article 9(1), points (a), (b) and (c), of Regulation (EU) 2016/429, and defined as category A, B and C diseases in Implementing Regulation (EU) 2018/1882. In particular, Articles 21 and 22 of Delegated Regulation (EU) 2020/687 provide for the establishment of a restricted zone in the event of an outbreak of a category A disease, including sheep pox and goat pox, and for certain disease control measures to be applied therein. In addition, Article 21(1) of that Delegated Regulation provides that the restricted zone is to comprise a protection zone and a surveillance zone, and if necessary further restricted zones around or adjacent to the protection and surveillance zones.
- (3) Commission Implementing Decision (EU) 2022/2333 ⁽⁴⁾ was adopted within the framework of Regulation (EU) 2016/429 and it lays down emergency measures for Spain in relation to outbreaks of sheep pox and goat pox, that were detected in the regions of Andalusia and Castilla-La Mancha, where they form two distinct clusters, one in each region.
- (4) More particularly, Implementing Decision (EU) 2022/2333 provides that the protection, surveillance and further restricted zones, to be established by Spain following outbreaks of sheep pox and goat pox, in accordance with Delegated Regulation (EU) 2020/687, are to comprise at least the areas listed in the Annex to that Implementing Decision.

⁽¹⁾ OJ L 84, 31.3.2016, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) 2018/1882 of 3 December 2018 on the application of certain disease prevention and control rules to categories of listed diseases and establishing a list of species and groups of species posing a considerable risk for the spread of those listed diseases (OJ L 308, 4.12.2018, p. 21).

⁽³⁾ 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).

⁽⁴⁾ Commission Implementing Decision (EU) 2022/2333 of 23 November 2022 concerning certain emergency measures relating to sheep pox and goat pox in Spain and repealing Implementing Decision (EU) 2022/1913 (OJ L 308, 29.11.2022, p. 22).

- (5) Furthermore, in the Annex to Implementing Decision (EU) 2022/2333, the areas listed as protection and surveillance zones, are grouped together with the same date of duration during which the measures apply, for each cluster, which takes into account the date when the last preliminary cleaning and disinfection was completed so that all outbreaks within the same area have been subjected to preliminary cleaning and disinfection.
- (6) In addition to the protection and surveillance zones, a further restricted zone was established, in accordance with Article 21(1), point (c), of Delegated Regulation (EU) 2020/687, in both the region of Andalusia as well as the region of Castilla-La Mancha, where Spain is required to apply certain measures regarding restrictions on the movements of sheep and goats outside that zone, with a view to preventing the spread of the disease to the rest of its territory and the rest of the Union.
- (7) After the adoption of Implementing Decision (EU) 2022/2333, Spain notified the Commission of two additional outbreaks of sheep pox and goat pox in establishments where ovine and/or caprine animals were kept, located in the region of Castilla – La Mancha. As a result, the areas listed as protection and surveillance zones, as well as further restricted zones for Spain, in the Annex to this Decision, were amended by Commission Implementing Decision (EU) 2023/10 ⁽ⁱ⁾.
- (8) Since the date of adoption of Implementing Decision (EU) 2023/10, Spain has notified the Commission of three additional outbreaks of sheep pox and goat pox in establishments where ovine and/or caprine animals were kept, all located in the region of Castilla – La Mancha, inside the further restricted zone already established in this region. Two of these outbreaks are located in the Province of Cuenca, while the third one is located in the Province of Ciudad Real and is the first outbreak reported in this province.
- (9) In the region of Andalusia, no new outbreaks of sheep pox and goat pox have been reported to date, since the confirmation of the last ones, on 7 November 2022. As a result, all restricted zones in that region have been lifted since 16 January 2023.
- (10) The competent authority of Spain 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 those three new outbreaks and the expansion of the further restricted zone around them.
- (11) Spain has also provided the Commission, with regular updates, on the epidemiological situation of sheep pox and goat pox in its territory. These updates include the disease control measures taken by Spain that the Commission reviews in order to assess their effectiveness, taking into account the evolution of the disease.
- (12) Therefore, the areas listed as protection, surveillance and further restricted zones for Spain in the Annex to Implementing Decision (EU) 2022/2333, should be amended, spatially and/or temporally, taking into account the current epidemiological situation in the region of Castilla-La Mancha. Furthermore, in view of the current epidemiological situation, it is necessary to put in place stricter measures in relation to movements of sheep and goats from the further restricted zone to establishments outside that zone, in order to prevent the spread of the disease to the rest of the territory of Spain and the rest of the Union. To this end, movements of sheep and goats outside the further restricted zone should only be allowed to a slaughterhouse for immediate slaughter.
- (13) Given the urgency of the epidemiological situation in the Union as regards the spread of sheep pox and goat pox, it is important that the measures laid down in this Implementing Decision apply as soon as possible.
- (14) In addition, taking into account the current epidemiological situation in the Union as regards sheep pox and goat pox, this Decision should apply until 31 July 2023.
- (15) Implementing Decision (EU) 2022/2333 should therefore be amended accordingly.

⁽ⁱ⁾ Commission Implementing Decision (EU) 2023/10 of 20 December 2022 amending Implementing Decision (EU) 2022/2333 concerning certain emergency measures relating to sheep pox and goat pox in Spain (OJ L 2, 4.1.2023, p. 126).

- (16) 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

Implementing Decision (EU) 2022/2333 is amended as follows:

- (1) paragraph 2 of Article 3 is replaced by the following:

‘2. The following movements of sheep and goats kept in the further restricted zone outside that zone within the territory of Spain may be authorised by the competent authority:

— Movements of sheep and goats directly to a slaughterhouse for immediate slaughter.’;

- (2) Article 5 is replaced by the following:

‘Article 5

Application

This Decision shall apply until 31 July 2023.’;

- (3) the Annex to Implementing Decision (EU) 2022/2333 is replaced by the text set out in the Annex to this Decision.

Article 2

Addressee

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 17 February 2023.

For the Commission
Stella KYRIAKIDES
Member of the Commission

ANNEX

ANNEX

A. Protection and surveillance zones established around confirmed outbreaks

Region and ADIS reference number of the outbreak	Areas established as protection and surveillance zones, part of the restricted zones in Spain as referred to in Article 1	Date until applicable
Region of Castilla – La Mancha ES-CAPRIPOX-2023-00001 ES-CAPRIPOX-2023-00002 ES-CAPRIPOX-2023-00003	Protection zone: Those parts of the provinces of Cuenca and Ciudad Real, contained within a circle of a radius of 5 kilometres, centred on UTM 30, ETRS89 coordinates Lat. 39.5105823, Long. -2.4881244 (2023/01); Lat. 39.4754483, Long. -2.1693509 (2023/2); Lat 39.3779337, Long -3.2065384 (2023/3)	22.3.2023
	Surveillance zone: Those parts of the provinces of Cuenca, Ciudad Real, Toledo and Albacete, beyond the area described in the protection zone and contained within a circle of a radius of 20 kilometres centred on UTM 30, ETRS89 coordinates Lat. 39.5105823, Long. -2.4881244 (2023/01); Lat. 39.4754483, Long. -2.1693509 (2023/2); Lat 39.3779337, Long -3.2065384 (2023/3)	7.4.2023
	Surveillance zone: Those parts of the provinces of Cuenca and Ciudad Real, contained within a circle of a radius of 5 kilometres, centred on UTM 30, ETRS89 coordinates Lat. 39.5105823, Long. -2.4881244 (2023/01); Lat. 39.4754483, Long. -2.1693509 (2023/2); Lat 39.3779337, Long -3.2065384 (2023/3)	23.3.2023 – 7.4.2023

B. Further restricted zones

Region	Areas established as further restricted zones, part of the restricted zones in Spain as referred to in Article 1	Date until applicable
Region of Castilla – La Mancha	A further restricted zone that comprises the following provinces: — Albacete — Ciudad Real — Cuenca — Toledo	17.5.2023'