

COMMISSION IMPLEMENTING DECISION (EU) 2020/1664**of 9 November 2020****concerning certain interim protective measures in relation to highly pathogenic avian influenza of subtype H5N8 in Germany***(notified under document C(2020) 7887)***(Only the German 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 Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, and in particular Article 9(3) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary checks applicable in intra-Union trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 10(3) thereof,

Whereas:

- (1) Avian influenza is an infectious viral disease in birds, including poultry. Infections with avian influenza viruses in domestic poultry cause two main forms of that disease that are distinguished by their virulence. The low pathogenic form generally only causes mild symptoms, while the highly pathogenic form results in very high mortality rates in most poultry species. The disease may have a severe impact on the profitability of poultry farming causing disturbance to trade within the Union and exports to third countries.
- (2) Since 2005, highly pathogenic avian influenza (HPAI) viruses of the H5 subtype have shown to be able to infect migratory birds, which can then spread these viruses over long distances during their autumn and spring migrations.
- (3) 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 other captive birds are kept.
- (4) In the event of an outbreak of HPAI, there is a risk that the disease agent may spread to other holdings where poultry or other captive birds are kept.
- (5) Council Directive 2005/94/EC ⁽³⁾ sets out certain preventive measures relating to the surveillance and the early detection of avian influenza and the minimum control measures to be applied in the event of an outbreak of that disease in poultry or other captive birds. That Directive provides for the establishment of protection and surveillance zones in the event of an outbreak of HPAI. This regionalisation is applied in particular to preserve the health status of birds in the remainder of the territory of the Member State by preventing the introduction of the pathogenic agent and ensuring the early detection of the disease.
- (6) Germany recently confirmed the presence of HPAI of subtype H5N8 virus in migratory and non-migratory wild birds on its territory.
- (7) Also, Germany recently notified the Commission of an outbreak of HPAI of subtype H5N8 on its territory, in one holding where poultry or other captive birds are kept in the Nordfriesland district, and it immediately took the measures required pursuant to Directive 2005/94/EC, including the establishment of protection and surveillance zones.
- (8) The Commission has examined those measures in collaboration with Germany, and it is satisfied that the borders of the protection and surveillance zones, established by the competent authority in that Member State, are at a sufficient distance to the holding where the outbreak was confirmed.

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC (OJ L 10, 14.1.2006, p. 16).

- (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 the protection and surveillance zones established in relation to HPAI in Germany at Union level.
- (10) Accordingly, pending the next meeting of the Standing Committee on Plants, Animals, Food and Feed, the protection and surveillance zones in Germany where the animal health control measures as laid down in Directive 2005/94/EC are applied, should be defined in the Annex to this Decision and the duration of that regionalisation fixed.
- (11) This Decision is to be reviewed at the next meeting of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

Germany shall ensure that the protection and surveillance zones established in accordance with Article 16(1) of Directive 2005/94/EC comprise at least the areas listed in Parts A and B of the Annex to this Decision.

Article 2

This Decision shall apply until 28 February 2021.

Article 3

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 9 November 2020.

For the Commission
Stella KYRIAKIDES
Member of the Commission

ANNEX

PART A

Protection zone as referred to in Article 1:

Member State: Germany

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
SCHLESWIG-HOLSTEIN	
Landkreis Nordfriesland — Hallig Oland	1.12.2020

PART B

Surveillance zone as referred to in Article 1:

Member State: Germany

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
SCHLESWIG-HOLSTEIN	
Landkreis Nordfriesland — Gemeinde Galmsbüll — Gemeinde Dagebüll — Gemeinde Ockholm — Hallig Gröde — Hallig Langeneß — Gemeinde Wyk auf Föhr — Gemeinde Wrixum — Gemeinde Oevenum	10.12.2020
Landkreis Nordfriesland — Hallig Oland	From 2.12.2020 until 10.12.2020