



2023/2447

30.10.2023

**COMMISSION IMPLEMENTING DECISION (EU) 2023/2447**

**of 24 October 2023**

**concerning emergency measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States**

*(notified under document C(2023)7450)*

**(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') <sup>(1)</sup>, and in particular Article 259(1), point (c), thereof,

Whereas:

- (1) Highly pathogenic avian influenza (HPAI) is an infectious viral disease in birds and can 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 the legislative framework for the prevention and control of diseases, which are transmissible to animals or humans. HPAI is referred in Article 5(1), point (a)(iv), of that Regulation, and accordingly it falls within the definition of a listed disease set out in Article 4, point 18, of that Regulation, and it is subject to the disease prevention and control rules laid down in Article 9 thereof. In addition, Commission Implementing Regulation (EU) 2018/1882 <sup>(2)</sup> defines categories A to E listed diseases, and the Annex thereto lists HPAI as a category A, D and E disease.
- (3) Commission Delegated Regulation (EU) 2020/687 <sup>(3)</sup> supplements the rules for the control of category A, B and C diseases laid down in Regulation (EU) 2016/429, including disease control measures for HPAI. That Delegated Regulation provides for the establishment of protection and surveillance zones, and where necessary further restricted zones, in the event of an outbreak of a category A disease, including HPAI. That regionalisation is applied, in particular, to preserve the health status of birds in the remainder of the territory of the Member State concerned by that disease (the concerned Member State), by preventing the introduction of the pathogenic agent and ensuring the early detection of the disease.
- (4) Accordingly, the protection, surveillance and further restricted zones in the concerned Member States, where the disease control measures laid down in Delegated Regulation (EU) 2020/687 are applied, should now be set out in the Annex to this Decision and the duration of that regionalisation fixed.

<sup>(1)</sup> OJ L 84, 31.3.2016, p. 1.

<sup>(2)</sup> 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).

<sup>(3)</sup> 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).

- (5) In addition, Article 23, point (a) of Delegated Regulation (EU) 2020/687 provides that the competent authority may grant derogations from the measures to be applied in the further restricted zones, to the extent necessary and after carrying out a risk assessment. Accordingly, the competent authorities of the concerned Member States may allow movements of consignments of poultry, captive birds, hatching eggs and specific pathogen-free eggs from such zones. Such consignments may be moved to other Member States if accompanied by the required animal health certificate or animal health/official certificate for such consignments set out in Annex I to Commission Implementing Regulation (EU) 2021/403 <sup>(4)</sup>. An attestation should therefore be added to such certificates stating that the consignments comply with the restrictions laid down in this Decision.
- (6) Since 2020, the HPAI virus has been detected in the Union and in neighbouring third countries in many migratory wild birds, in particular during their autumn and spring migration seasons, and in certain areas also during summer. Consequently, the HPAI virus has been also detected in poultry and captive birds establishments in almost all Member States.
- (7) The epidemiological situation with regard to HPAI improved from July to September 2023, when no outbreaks in poultry or captive birds were detected in the Union during that time and only a very limited number in migratory waterfowl wild birds in the Northern part of the Union.
- (8) Following the start of the autumn migration of the migratory wild birds in 2023, the HPAI virus has been spread again and it has been detected in wild birds in an increasing number of Member States. In addition, Denmark and Poland have confirmed outbreaks of HPAI in establishments on their territory where poultry or captive birds were kept, located in Guldborgsund municipality in Denmark and in the Łódź and West Pomeranian Voivodeships in Poland.
- (9) The competent authorities of Denmark and Poland 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 the outbreaks.
- (10) The Commission has examined the disease control measures taken by Denmark and Poland 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 Denmark and Poland are at a sufficient distance from the establishments where the outbreaks of HPAI have been confirmed.
- (11) 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 Denmark and Poland, the protection and surveillance zones duly established by those Member States in accordance with Delegated Regulation (EU) 2020/687.
- (12) Therefore, protection and surveillance zones should be listed for Denmark and Poland in the Annex to this Decision and the duration of the measures applicable therein.
- (13) Given the evolving epidemiological situation in the Union and taking into account the seasonality of virus circulation in wild birds, there is a risk that further outbreaks of HPAI will occur in the Union in the following months, which may require the description of additional protection and surveillance zones, and, when necessary, further restricted zones, at Union level in this Decision.
- (14) The Commission is therefore together with Member States continuously assessing the epidemiological situation and keeping the measures under review.
- (15) Consequently, this Decision should apply until 30 September 2024.

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<sup>(4)</sup> Commission Implementing Regulation (EU) 2021/403 of 24 March 2021 laying down rules for the application of Regulations (EU) 2016/429 and (EU) 2017/625 of the European Parliament and of the Council as regards model animal health certificates and model animal health/official certificates, for the entry into the Union and movements between Member States of consignments of certain categories of terrestrial animals and germinal products thereof, official certification regarding such certificates and repealing Decision 2010/470/EU (OJ L 113, 31.3.2021, p. 1).

- (16) Given the urgency of the epidemiological situation in the Union as regards the spread of HPAI, it is important that this Decision take effect as soon as possible.
- (17) 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*

### **Subject matter and scope**

This Decision establishes at Union level:

- (a) the protection and surveillance zones to be established by the Member States listed in the Annex to this Decision (the concerned Member States), following an outbreak or outbreaks of highly pathogenic avian influenza in poultry or captive birds, in accordance with Article 21 of Delegated Regulation (EU) 2020/687, and the duration of the disease control measures to be applied in the protection zones in accordance with Article 39, and in the surveillance zones in accordance with Article 55 of that Delegated Regulation;
- (b) the further restricted zones to be established by the concerned Member States, following an outbreak or outbreaks of highly pathogenic avian influenza in poultry or captive birds, in accordance with Article 21 of Delegated Regulation (EU) 2020/687, and the duration of the measures to be applied in the further restricted zones.

This Decision also lays down rules concerning movements of consignments of poultry, captive birds, hatching eggs and specific pathogen-free eggs from the further restricted zones, where a derogation has been granted, in accordance with Article 23 of Delegated Regulation (EU) 2020/687, permitting such movements.

#### *Article 2*

### **The protection zone**

The concerned Member States shall ensure that:

- (a) the protection zones established by their competent authorities, in accordance with Article 21(1), point (a), of Delegated Regulation (EU) 2020/687, comprise at least the areas listed as protection zones in Part A of the Annex to this Decision;
- (b) the measures to be applied in the protection zones, as provided for in Article 39 of Delegated Regulation (EU) 2020/687, are maintained until at least the dates for the protection zones set out in Part A of the Annex to this Decision.

#### *Article 3*

### **The surveillance zone**

The concerned Member States shall ensure that:

- (a) the surveillance zones established by their competent authorities in accordance with Article 21(1), point (b), of Delegated Regulation (EU) 2020/687, comprise at least the areas listed as surveillance zones in Part B of the Annex to this Decision;
- (b) the measures to be applied in the surveillance zones, as provided for in Article 55 of Delegated Regulation (EU) 2020/687, are maintained until at least the dates for the surveillance zones set out in Part B of the Annex to this Decision.

#### *Article 4*

### **The further restricted zone**

The concerned Member States shall ensure that:

- (a) the further restricted zones established by their competent authorities, in accordance with Article 21(1), point (c), of Delegated Regulation (EU) 2020/687, comprise at least the areas listed as further restricted zones in Part C of the Annex to this Decision;
- (b) the measures to be applied in the further restricted zones as provided for in Article 21(1), point (c), of Delegated Regulation (EU) 2020/687, are maintained until at least the dates for the further restricted zones set out in Part C of the Annex to this Decision;
- (c) where after a positive outcome of a risk assessment a derogation has been granted by the competent authority of a concerned Member State, in accordance with Article 23 of Delegated Regulation (EU) 2020/687, permitting the movement of consignments of poultry, captive birds, hatching eggs and specific pathogen-free eggs from further restricted zones listed in Part C of the Annex to this Decision to other Member States, the concerned Member State shall ensure that those consignments are accompanied by the required animal health certificate or animal health/official certificate set out in Annex I to Implementing Regulation (EU) 2021/403 which must contain the following attestation:  
'The consignment complies with the provisions laid down in Article 4 of Commission Implementing Decision C(2023) 7450.'

#### *Article 5*

### **Application**

This Decision shall apply until 30 September 2024.

#### *Article 6*

### **Addressees**

This Decision is addressed to the Member States.

Done at Brussels, 24 October 2023.

*For the Commission*  
Stella KYRIAKIDES  
*Member of the Commission*

## ANNEX

## Part A

Protection zones in the concerned Member States\* as referred to in Article 1, point (a), and Article 2:

## Member State: Denmark

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 39 of Delegated Regulation (EU) 2020/687
DK-HPAI(P)-2023-00005	The parts of Guldborgsund municipality are contained within a circle of radius 3 km, centred on GPS coordinates N 54.8360; E 11.6452	19.10.2023

## Member State: Poland

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 39 of Delegated Regulation (EU) 2020/687
PL-HPAI(P)-2023-00070	W województwie łódzkim: 1. powiat piotrkowski: a. gmina Wolbórz: Bogusławice, Kol. Żywocin, Komorniki, Krzykowice, Noworybie, Bogusławice, Żywocin, Dąbrowa, 2. powiat tomaszowski: a. gmina Tomaszów Mazowiecki: Chorzęcín, Godaszewice, Kwiatkówka, Świńsko-Łagiewniki b. gmina Będków: Łaknarz c. gmina Ujazd: Wólka Krzykowska zawierające się w promieniu 3 km od współrzędnych GPS: 51.53744/19.86792	29.10.2023
PL-HPAI(P)-2023-00071	W województwie zachodniopomorskim: 1. Część gminy Gryfice i część gminy Płoty w powiecie gryfickim 2. Część gminy Golczewo w powiecie kamieńskim zawierające się w promieniu 3 km od współrzędnych 53.827482/15.126153	9.11.2023

**Part B**

Surveillance zones in the concerned Member States\* as referred to in Article 1, point (a), and Article 3:

**Member State: Denmark**

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
DK-HPAI(P)-2023-00005	The parts of Guldborgsund and Lolland municipalities beyond the area described in the protection zone are within the circle of radius 10 kilometres, centred on GPS coordinates N 54.8360; E 11.6452	28.10.2023
	The parts of Guldborgsund municipality are contained within a circle of radius 3 km, centred on GPS coordinates N 54.8360; E 11.6452	20.10.2023 – 28.10.2023

**Member State: Poland**

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
PL-HPAI(P)-2023-00070	<p>W województwie łódzkim:</p> <ol style="list-style-type: none"> <li>1. powiat piotrkowski: <ol style="list-style-type: none"> <li>a. gmina Wolbórz: Adamów, Apolonka, Bronisławów, Brudaki, Dębsko, Golesze, Golesze Duże, Janów, Kaleń, Kuznocin, Leonów, Lubiaszów Stary, Lubiatów, Marianów, Młoszów, Młynary, Modrzewek, Polichno, Prosenie, Psary Stare, Psary Witowskie, Psary-Lechawa, Stanisławów, Studzianki, Swolszewice Duże, Świątniki, Żarnowica Duża, Żarnowica Mała, Miasto Wolbórz</li> <li>b. gmina Moszczenica: Baby, Białkowice, Gazomia Nowa, Gazomia Stara, Kielczówka, Pomyków, Raciborowice, wschodnia część Moszczenicy ograniczona częścią ulicy Wolborskiej od miejscowości Białkowice do Pomyków</li> <li>c. gmina Czarnocin: Kalska Wola</li> </ol> </li> <li>2. powiat tomaszowski: <ol style="list-style-type: none"> <li>a. gmina Będków: Będków, Brzustów, Ceniawy, Drzazgowa Wola, Ewcin, Gutków, Kalinów, Nowiny, Rosocha, Rudnik, Rzeczków, Sługocice, Zacharz, Wykno</li> <li>b. gmina Ujazd: Bielina, Bronisławów, Buków, Ciosny i Józefów, Józefin, Lipianki, Łominy, Maksymów, Niewiadów-Szymanów, Olszowa, PGR Niewiadów-Mącznik, Przesiadłów, Sangrodz, Skrzynki, Stasiolas, Tobiasze Ojrzanów, Ujazd, Konstancin, Kolonia Dębniak, Buków-Parcel, Kolonia Ujazd, Tekłów, Wygoda,</li> </ol> </li> </ol>	7.11.2023

	<p>c. gmina Tomaszów Mazowiecki (gm. wiejska): Cekanów, Jadwigów, Kol. Zawada -Dąbrowa, Komorów, Łazisko, Swolszewice Małe, Wiaderno, Zaborów, Zawada, Niebrów, Zaborów Pierwszy, Zaborów Drugi, Nagórzyce, Józefów, Pudło</p> <p>d. gmina Rokiciny: Popielawy</p> <p>e. gmina Lubochnia: Lubochnia Górki (od zachodu ograniczona torami kolejowymi biegnącymi od ulicy Warszawskiej na północny zachód do drogi ekspresowej S8, następnie do granicy z miastem Cekanów. Ulicą Władysława Jagiełły od granicy miejscowości Cekanów drogą na północny zachód do granicy miejscowości Skrzynki). Małecz (ograniczona drogą łączącą miejscowości Skrzynki i Ujazd)</p> <p>f. gmina Tomaszów Mazowiecki (gm. miejska): Od północnego wschodu ograniczone ulicami: Ujezdźka, Warszawska, Brukowa, Cegielniana, Ugaj, Grota Roweckiego, Nowowiejska, Mościckiego, Bohaterów 14 Brygady, Seweryna, Świętego Antoniego, Modrzewskiego, Smardzewicka, do granicy rzeki Pilica i Raicha. Wola Wiaderno, Nagórzyce Duże, Józefów, Nagórzyce, Babi Dół</p> <p>zawierające się w promieniu 10 km od współrzędnych GPS: 51.53744/19.86792</p>	
	<p>W województwie łódzkim:</p> <p>1. powiat piotrkowski:</p> <p>a. gmina Wolbórz: Bogusławice, Kol. Żywocin, Komorniki, Krzykowice, Noworybie, Bogusławice, Żywocin, Dąbrowa,</p> <p>2. powiat tomaszowski:</p> <p>a. gmina Tomaszów Mazowiecki: Chorzęcin, Godaszewice, Kwiatkówka, Świńsko-Łagiewniki</p> <p>b. gmina Będków: Łaknarz</p> <p>c. gmina Ujazd: Wólka Krzykowska</p> <p>zawierające się w promieniu 3 km od współrzędnych GPS: 51.53744/19.86792</p>	30.10.2023 – 7.11.2023
PL-HPAI(P)-2023-00071	<p>W województwie zachodniopomorskim:</p> <p>1. Część gminy Gryfice i część gminy Płoty w powiecie gryfickim</p> <p>2. Część gminy Golczewo w powiecie kamieńskim</p> <p>3. Część gminy Nowogard w powiecie goleniowskim</p> <p>zawierające się w promieniu 10 km od współrzędnych 53.82748/15.12615</p>	18.11.2023
	<p>W województwie zachodniopomorskim:</p> <p>1. Część gminy Gryfice i część gminy Płoty w powiecie gryfickim</p> <p>2. Część gminy Golczewo w powiecie kamieńskim</p> <p>zawierające się w promieniu 3 km od współrzędnych 53.82748/15.12615</p>	10.11.2023 – 18.11.2023

Part C

Further restricted zones in the concerned Member States as referred to in Article 1, point (b), and Article 4:

Member State: None


\* In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, for the purposes of this Annex, references to Member State include the United Kingdom in respect of Northern Ireland.

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