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VETER 35  
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## COVER NOTE

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| From:            | Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director |
| date of receipt: | 5 May 2021  |
| To:              | Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union |

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| No. Cion doc.: | C(2021) 3028 final   |
| Subject:       | COMMISSION DELEGATED REGULATION (EU) .../... of 5.5.2021 amending Delegated Regulation (EU) 2020/687 supplementing Regulation (EU) 2016/429 of the European Parliament and the Council, as regards rules for the prevention and control of certain listed diseases |

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Delegations will find attached document C(2021) 3028 final.

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Encl.: C(2021) 3028 final



Brussels, 5.5.2021  
C(2021) 3028 final

**COMMISSION DELEGATED REGULATION (EU) .../...**

**of 5.5.2021**

**amending Delegated Regulation (EU) 2020/687 supplementing Regulation (EU) 2016/429  
of the European Parliament and the Council, as regards rules for the prevention and  
control of certain listed diseases**

(Text with EEA relevance)

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE DELEGATED ACT**

Commission Delegated Regulation (EU) 2020/687<sup>1</sup> lays down rules supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council ('Animal Health Law')<sup>2</sup> as regards the prevention and control of certain listed diseases, notably category A, B and C diseases.

After its publication on 3 June 2020 in the *Official Journal of the European Union*, certain minor mistakes and omissions were spotted in the text of Delegated Regulation (EU) 2020/687. Those mistakes and omissions should be corrected, and Delegated Regulation (EU) 2020/687 should be amended accordingly.

Among other things, Delegated Regulation (EU) 2020/687 provides for restrictions and conditions for movements of animals and products thereof within and from restricted zones as part of the measures to control the spread of category A diseases. These measures should be proportionate to the risks involved. This Delegated Regulation therefore amends Article 22(5) of Delegated Regulation (EU) 2020/687 to limit the obligation to issue an animal health certificate for movements of animal by-products from restricted zones to animal by-products obtained from animals of listed species for the relevant listed diseases.

Pursuant Article 272(2) of Regulation (EU) 2016/429, Article 112 of Delegated Regulation (EU) 2020/687 establishes the date of 21 April 2021, as the date from which various existing Directives, will cease to apply. This Delegated Regulation amends Article 112 of Delegated Regulation (EU) 2020/687 by adding Council Directive 2002/60/EC<sup>3</sup> which lays down specific provisions for the control of African swine fever and Council Directive 2000/75/EC<sup>4</sup>, which lays down specific provisions for the control and eradication of bluetongue, to the list of Directives that do not continue to apply with a view to avoid duplication and inconsistency of rules in force as regards the surveillance, eradication and disease-free status of those listed diseases in the Union.

### **2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT**

The Commission held two meetings of the Expert Group on animal health (E00930) on 12 October 2020 and on 26 November 2020 and had further exchanges within the same Expert Group. The draft Delegated Regulation was also made available to the European Parliament and the Council [neither of which submitted any comments].

### **3. LEGAL ELEMENTS OF THE DELEGATED ACT**

This Delegated Regulation is to be adopted within the framework of Regulation (EU) 2016/429, and in particular pursuant to Article 67 and Article 272(2) thereof.

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<sup>1</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).

<sup>2</sup> 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') (OJ L 84, 31.3.2016, p. 1).

<sup>3</sup> Council Directive 2002/60/EC of 27 June 2002 laying down specific provisions for the control of African swine fever and amending Directive 92/119/EEC as regards Teschen disease and African swine fever (OJ L 192, 20.7.2002, p. 27)

<sup>4</sup> Council Directive 2000/75/EC of 20 November 2000 laying down specific provisions for the control and eradication of bluetongue (OJ L 327, 22.12.2000, p.74.)

# COMMISSION DELEGATED REGULATION (EU) .../...

of 5.5.2021

## amending Delegated Regulation (EU) 2020/687 supplementing Regulation (EU) 2016/429 of the European Parliament and the Council, as regards rules for the prevention and control of certain listed diseases

(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>5</sup>, and in particular the first paragraph of Article 67 and Article 272(2) thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2020/687<sup>6</sup> lays down rules supplementing Regulation (EU) 2016/429 as regards the prevention and control of certain listed diseases, notably category A, B and C diseases in accordance with Commission Implementing Regulation (EU) 2018/1882<sup>7</sup>. More particularly, Delegated Regulation (EU) 2020/687 provides for restrictions and conditions for movements of animals and products thereof within and from restricted zones, as part of the measures to control the spread of category A diseases.
- (2) The rules provided in Delegated Regulation (EU) 2020/687 supplement those laid down in Regulation (EU) 2016/429. They include various technical aspects of the measures to be taken if there is suspicion or confirmation of diseases referred to in Article 9(1)(a) of Regulation (EU) 2016/429. As those rules are interrelated, they are laid down together in Delegated Regulation (EU) 2020/687. In the interest of clarity and for their effective application, it is appropriate for the rules amending Delegated Regulation (EU) 2020/687 to be also laid down in a single delegated act providing a comprehensive set of technical measures for the control of the relevant listed diseases.
- (3) Article 21(3) of Delegated Regulation (EU) 2020/687 provides for the possibility for the competent authority to decide whether or not to establish a restricted zone in certain circumstances. The current wording of that Article could be misleading, as it could be subject to different interpretations. That Article should therefore be amended to clearly provide for that possibility.

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<sup>5</sup> OJ L 84, 31.3.2016, p. 1.

<sup>6</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.)

<sup>7</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).

- (4) The disease control measures provided for in Delegated Regulation (EU) 2020/687 should be proportionate to the risks involved. For that reason, restrictions and conditions should cover only those species of animals and their products that pose a risk for the spread of a particular category A disease, taking into account the listed animal species for the relevant category A disease.
- (5) Article 22(5) of Delegated Regulation (EU) 2020/687 provides for the obligation to issue an animal health certificate for movements of consignments of animal by-products originating from and moved outside the restricted zone without specifying the species of animals covered by that provision. Therefore, that paragraph should be amended to limit this obligation to consignments of animal by-products obtained from animals of species listed for the relevant category A disease.
- (6) Article 272(2) of Regulation (EU) 2016/429 lays down transitional measures related to the repeal of various existing Directives, notably Council Directives 92/66/EEC<sup>8</sup>, 2000/75/EC<sup>9</sup>, 2001/89/EC<sup>10</sup>, 2002/60/EC<sup>11</sup>, 2003/85/EC<sup>12</sup> and 2005/94/EC<sup>13</sup>. In particular, it provides for the possibility for those Directives to continue to apply instead of the corresponding articles of that Regulation for a period of three years after the date of its application or an earlier date to be determined in a delegated act. In accordance with that provision, Article 112 of Delegated Regulation (EU) 2020/687 provides that Directives 92/66/EEC, 2001/89/EC, 2003/85/EC and 2005/94/EC are to cease to apply from 21 April 2021, since that Delegated Regulation lays down rules corresponding to those previously laid down in those Directives.
- (7) Delegated Regulation (EU) 2020/687 also lays down rules on disease control measures for all category A diseases, including African swine fever. Therefore, Article 112 of Delegated Regulation (EU) 2020/687 should be amended by adding Directive 2002/60/EC, which lays down the specific provisions for the control of African swine fever, to the list of Directives that are to cease to apply from *[Publication office please add the date corresponding to the day after the date of publication of this Delegated Regulation in the Official Journal of the European Union]*.
- (8) In addition, Commission Delegated Regulation (EU) 2020/689<sup>14</sup> lays down rules on surveillance, eradication programmes and disease-free status for certain listed diseases, including infection with bluetongue virus. Those rules will apply from 21 April 2021. Therefore, Article 112 of Delegated Regulation (EU) 2020/687 should be amended by

<sup>8</sup> Council Directive 92/66/EEC of 14 July 1992 introducing Community measures for the control of Newcastle disease (OJ L 260, 5.9.1992, p. 1)

<sup>9</sup> Council Directive 2000/75/EC of 20 November 2000 laying down specific provisions for the control and eradication of bluetongue (OJ L 327, 22.12.2000, p.74.)

<sup>10</sup> Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever (OJ L 316, 1.12.2001, p. 5)

<sup>11</sup> Council Directive 2002/60/EC of 27 June 2002 laying down specific provisions for the control of African swine fever and amending Directive 92/119/EEC as regards Teschen disease and African swine fever (OJ L 192, 20.7.2002, p. 27)

<sup>12</sup> Council Directive 2003/85/EC of 29 September 2003 on Community measures for the control of foot-and-mouth disease repealing Directive 85/511/EEC and Decisions 89/531/EEC and 91/665/EEC and amending Directive 92/46/EEC (OJ L 306, 22.11.2003, p. 1)

<sup>13</sup> 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)

<sup>14</sup> Commission Delegated Regulation (EU) 2020/689 of 17 December 2019 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for surveillance, eradication programmes, and disease-free status for certain listed and emerging diseases (OJ L 174, 3.6.2020, p.211.)

adding Directive 2000/75/EC, which lays down specific provisions for the control and eradication of bluetongue, to the list of Directives that are to cease to apply from *[Publication office please add the date corresponding to the day after the date of publication of this Delegated Regulation in the Official Journal of the European Union]*, with a view to avoiding a duplication and inconsistency of the rules in force as regards the surveillance, eradication and disease-free status of bluetongue in the Union.

- (9) Article 27 of Delegated Regulation (EU) 2020/687 lays down the prohibitions to be implemented by the competent authority in the protection and surveillance zones in the event of an outbreak of category A diseases to control the spread of the disease. Those prohibitions are listed in Annex VI to that Delegated Regulation. However, the prohibition on movements of consignments of animal by-products from protection and surveillance zones is incomplete, as it only refers to certain animal by-products. This could pose a risk for the spread of disease during the implementation of the disease control measures provided in that Delegated Regulation. Annex VI to Delegated Regulation (EU) 2020/687 should clarify that all movements of consignments of animal by products from protection and surveillance zones are prohibited.
- (10) Delegated Regulation (EU) 2020/687 should, therefore, be amended accordingly.
- (11) Delegated Regulation (EU) 2020/687 applies from 21 April 2021. In the interest of legal certainty, this Regulation should enter into force as a matter of urgency,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

Delegated Regulation (EU) 2020/687 is amended as follows:

1. in Article 21(3), the introductory phrase is replaced by the following:  
‘3. By way of derogation from paragraph 1, the competent authority may decide, after carrying out a risk assessment taking into account the disease profile, not to establish a restricted zone when an outbreak of a category A disease occurs in the following locations:’
2. in Article 22, paragraph 5 is replaced by the following:  
‘5. Animal by-products from animals of listed species, originating from and moved outside the restricted zone shall be accompanied by an animal health certificate issued by an official veterinarian stating that they are allowed to be moved from the restricted zone under the conditions established by the competent authority in accordance with this Chapter.’
3. Article 112 is replaced by the following:

#### *‘Article 112*

#### **Repeals**

1. Directives 92/66/EEC, 2001/89/EC, 2003/85/EC and 2005/94/EC as well as the acts adopted on the basis of those Directives, shall cease to apply with effect from 21 April 2021.
2. Directives 2000/75/EC and 2002/60/EC as well as the acts adopted on the basis of those Directives, shall cease to apply with effect from *[Publication office please add the date corresponding to the day after the date of publication of this Delegated Regulation in the Official Journal of the European Union]*.’

4. Annex VI to Delegated Regulation (EU) 2020/687 is amended in accordance with the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 5.5.2021

*For the Commission*  
*The President*  
*Ursula VON DER LEYEN*