

Commission Implementing Decision (EU) 2020/2109 of 16 December 2020 amending Decisions 93/52/EEC, 2003/467/EC, 2004/558/EC and 2008/185/EC as regards the listing of Member States and regions thereof recognised as officially free of several terrestrial animal diseases (notified under document C(2020) 9301) (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2020/2109

of 16 December 2020

amending Decisions 93/52/EEC, 2003/467/EC, 2004/558/EC and 2008/185/EC as regards the listing of Member States and regions thereof recognised as officially free of several terrestrial animal diseases

*(notified under document C(2020) 9301)*

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine<sup>(1)</sup>, and in particular Articles 9(2) and 10(2) thereof,

Having regard to Council Directive 91/68/EEC of 28 January 1991 on animal health conditions governing intra-Community trade in ovine and caprine animals<sup>(2)</sup>, and in particular Section II of Chapter 1 of Annex A thereto,

Whereas:

- (1) Directive 64/432/EEC establishes the animal health conditions governing trade in the Union in bovine and porcine animals. It lays down the conditions whereby Member States or regions thereof may be recognised as officially free of tuberculosis, brucellosis, enzootic bovine leukosis and infectious bovine rhinotracheitis as regards bovine herds, and Aujeszky's disease as regards porcine herds.
- (2) Even though the Channel Islands and the Isle of Man, as internally self-governing dependencies of the British Crown, are not part of the Union, they have a special, limited relationship with the Union. As a result, Regulation (EEC) No 706/73 of the Council<sup>(3)</sup> provides that for the purpose of applying rules concerning, amongst others, animal health legislation, the United Kingdom, the Channel Islands and the Isle of Man are to be treated as a single Member State.
- (3) Directive 91/68/EEC establishes the animal health conditions governing trade in the Union in ovine and caprine animals. It lays down the conditions whereby Member States or regions thereof may be recognised as officially free of brucellosis (*B. melitensis*) as regards ovine and caprine herds.

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**Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/2109. (See end of Document for details)

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- (4) Article 2 of Commission Decision 93/52/EEC<sup>(4)</sup> provides that Member States listed in Annex I thereto are recognised as officially free of brucellosis (*B. melitensis*) as regards ovine and caprine herds, in accordance with the conditions laid down in Directive 91/68/EEC. The United Kingdom is listed in Annex I to that Decision as officially brucellosis (*B. melitensis*) free.
- (5) Article 1 of Commission Decision 2003/467/EC<sup>(5)</sup> provides that regions of Member States listed in Chapter 2 of Annex I thereto are declared officially tuberculosis-free as regards bovine herds, in accordance with the conditions laid down in Directive 64/432/EEC. In respect of the United Kingdom, the territories of Scotland and the Isle of Man are listed as officially tuberculosis-free regions.
- (6) Article 2 of Decision 2003/467/EC provides that regions of Member States listed in Chapter 2 of Annex II thereto are declared officially brucellosis-free as regards bovine herds, in accordance with the conditions laid down in Directive 64/432/EEC. In respect of the United Kingdom, the territories of England, Scotland and Wales, Northern Ireland and the Isle of Man are listed as officially brucellosis-free regions.
- (7) Article 3 of Decision 2003/467/EC provides that Member States and regions thereof listed in Annex III thereto are declared officially enzootic-bovine-leukosis-free as regards bovine herds, in accordance with the conditions laid down in Directive 64/432/EEC. In Chapter 1 of Annex III to Decision 2003/467/EC, the United Kingdom is listed as officially enzootic-bovine-leukosis-free Member State, and in Chapter 2 of that Annex, Jersey and the Isle of Man are listed as officially enzootic-bovine-leukosis-free regions.
- (8) Commission Decision 2004/558/EC<sup>(6)</sup> lists the Member States and regions thereof, which are authorised to apply additional guarantees for infectious bovine rhinotracheitis in accordance with Articles 9 and 10 of Directive 64/432/EEC. Jersey is listed in Annex II to that Decision as a region in which additional guarantees for infectious bovine rhinotracheitis apply in accordance with Article 10 of Directive 64/432/EEC.
- (9) Commission Decision 2008/185/EC<sup>(7)</sup> lays down additional guarantees for movements of pigs between Member States. Those guarantees are linked to the classification of the Member States or regions thereof according to their disease status for Aujeszky's disease. The United Kingdom is listed in Annex I to that Decision as free of Aujeszky's disease. Point 2(d) of Annex III to that Decision lists the institutes responsible for checking the quality of the ELISA method in each Member State. Among the listed institutes is one in the United Kingdom. In accordance with section 36 of Annex 2 to the Protocol on Ireland/Northern Ireland, references to national reference laboratories in the acts listed in that section are not to be read as including the reference laboratory in the United Kingdom.
- (10) 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 (Withdrawal Agreement), and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, Directives 64/432/EEC and 91/68/EEC, as well as the Commission acts based on them,

apply to and in the United Kingdom in respect of Northern Ireland after the end of the transition period provided for in the Withdrawal Agreement. For that reason, references to the United Kingdom in Annex I to Decision 93/52/EEC, in Chapter 2 of Annex II to Decision 2003/467/EC as well as in Chapter 1 of Annex III thereto and in Annex I to Decision 2008/185/EC should be replaced by references to the United Kingdom in respect of Northern Ireland.

- (11) Furthermore, it is necessary to delete the references to the United Kingdom from Chapter 2 of Annex I to Decision 2003/467/EC, as well as from Chapter 2 of Annex III to that Decision, from Annex II to Decision 2004/558/EC, and from Annex III to Decision 2008/185/EC.
- (12) Decisions 93/52/EEC, 2003/467/EC, 2004/558/EC and 2008/185/EC should therefore be amended accordingly.
- (13) As the transition period provided for in the Withdrawal Agreement ends on 31 December 2020, this Decision should apply from 1 January 2021.
- (14) 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*

Annex I to Decision 93/52/EEC, Chapter 2 of Annex II and Chapter 1 of Annex III to Decision 2003/467/EC and Annex I to Decision 2008/185/EC are amended as set out in Annex I to this Decision.

*Article 2*

Chapter 2 of Annex I and Chapter 2 of Annex III to Decision 2003/467/EC, Annex II to Decision 2004/558/EC and Annex III to Decision 2008/185/EC are amended as set out in Annex II to this Decision.

*Article 3*

This Decision shall apply from 1 January 2021.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 16 December 2020.

*For the Commission*

Stella KYRIAKIDES

*Member of the Commission*

*Changes to legislation:* There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/2109. (See end of Document for details)

## ANNEX I

### Part 1

In Annex I to Decision 93/52/EEC, the table is replaced by the following:

<b>‘ISO Code</b>	<b>Member State<sup>a</sup></b>
BE	Belgium
CZ	Czechia
DK	Denmark
DE	Germany
EE	Estonia
IE	Ireland
CY	Cyprus
LV	Latvia
LT	Lithuania
LU	Luxembourg
HU	Hungary
NL	Netherlands
AT	Austria
PL	Poland
RO	Romania
SI	Slovenia
SK	Slovakia
FI	Finland
SE	Sweden
UK(NI)	United Kingdom (Northern Ireland)

<sup>a</sup> 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.’

### Part 2

Chapter 2 of Annex II to Decision 2003/467/EC is amended as follows:

(1) The title is replaced by the following:

**Officially brucellosis-free regions of Member States<sup>(8)</sup>**

(2) the entry concerning the United Kingdom is replaced by the following: