

COMMISSION IMPLEMENTING DECISION**of 19 December 2014****concerning certain protective measures in relation to highly pathogenic avian influenza of subtype H5N8 in Germany***(notified under document C(2014) 10261)***(Only the German text is authentic)****(Text with EEA relevance)**

(2014/945/EU)

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(4) thereof,Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 10(4) 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. That disease may have a severe impact on the profitability of poultry farming.
- (2) Avian influenza is mainly found in birds, but under certain circumstances infections can also occur in humans even though the risk is generally very low.
- (3) In the event of an outbreak of avian influenza, there is a risk that the disease agent might spread to other holdings where poultry or other captive birds are kept. As a result it may spread from one Member State to other Member States or to third countries through trade in live birds or their products.
- (4) 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 highly pathogenic avian influenza.
- (5) Germany notified the Commission of an outbreak of highly pathogenic avian influenza of subtype H5N8 in a holding on its territory where poultry are kept and it immediately took the measures required pursuant to Directive 2005/94/EC, including the establishment of protection and surveillance zones, which should be defined in Parts A and B of the Annex to this Decision.
- (6) 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 actual holding where the outbreak was confirmed.
- (7) 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 highly pathogenic avian influenza in Germany at Union level.

⁽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).

- (8) Accordingly, 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 this Decision and the duration of that regionalisation fixed.
- (9) 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

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 is addressed to the Federal Republic of Germany.

Done at Brussels, 19 December 2014.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

PART A

Protection zone as referred to in Article 1:

ISO Country Code	Member State	Code (if available)	Name	Date until applicable in accordance with Article 29 of Directive 2005/94/EC
DE	Germany	Postal code	Area comprising:	9 January 2015
		26676 Barßel	In the municipality of Barßel, district of Cloppenburg, Lower Saxony: From the crossing of the railway line with the eastern border of the municipality of Barßel following the border of that municipality in a southern, then western and northern direction until the railway line in Elisabethfehn and from there along the railway line in an eastern direction until the starting point at the crossing of the railway line with the eastern border of the municipality.	
		26689 Apen 26188 Edeweicht	In the municipalities of Apen and Edeweicht, district of Ammerland, Lower Saxony: From the crossing of the district border with the Kortemoorstraße, Kortemoorstraße, Hübscher Berg, Lohorster Straße, Wittenberger Straße, Edewechter Straße, Rothenmethen, Kanalstraße, Am Voßbarg, agricultural road between 'Am Voßbarg' and 'Am Jagen', Am Jagen, Edewechter Straße, Ocholter Straße, Nordloher Straße, railway line in the direction of Barßel until the district border following that border in a south-eastern direction until the crossing between the district border and Kortemoorstraße. The protection zone comprises the poultry holdings on both sides of any street forming a borderline of the zone.	

PART B

Surveillance zone as referred to in Article 1:

ISO Country Code	Member State	Code (if available)	Name	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
DE	Germany	Postal code	Area comprising:	18 January 2015
		26676 Barßel 26683 Saterland 26169 Friesoythe	In the district of Cloppenburg, Lower Saxony: From the crossing of the B 401 with B 72 in a northern direction along the B 72 until the district border and then along that border in an eastern and south-eastern direction until the L831 in Edewechterdamm, and from there along the L 831 (Altenoyther Straße) in a south-western direction until the Lahe-Ableiter and along that in a north-western direction until the Buchweizendamm, along that following the Ringstraße, Zum Kellerdamm, Vitusstraße, An der Mehrenkamper Schule, Mehrenkamper Straße and the Lindenweg until the K 297 (Schwaneburger Straße) and along that in a north-western direction until the B 401 and along that in a western direction to the starting point at the crossing of the B 401 with the B 72.	

ISO Country Code	Member State	Code (if available)	Name	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
		26689 Apen 26160 Bad Zwische- nahn 26188 Edewecht 26655 Westerstede	<p>In the municipalities of Apen, Bad Zwischenahn, Edewecht and the town of Westerstede, district of Ammerland, Lower Saxony:</p> <p>From the crossing of the district border and the Edamer Straße, Edamer Straße Hauptstraße, Auf der Loge, Zur Loge, Lienenweg, Zur Tonkuhle, Burgfelder Straße, Wischenweg, Querensteder Straße, Langer Damm, An den Feldkämpfen, Pollerweg, Ocholter Straße, Westerstede Straße, Steegenweg, Rostruper Straße, Rüschedamm, Torsholter Hauptstraße, Südholter Straße, Westersteder Straße, Westerloyer Straße, Strohen, In der Loge, Buernstreet, Am Damm, Moorweg, Plackenweg, Ihausener Straße, Eibenstraße, Eichenstraße, Klauhörner Straße, Am Kanal, Aper Straße, Stahlwerkstraße, Ginsterweg, Am Uhlenmeer, Grüner Weg, Südgeorgsfehner Straße, Schmuggelpadd, Wasserzug Bitsche respectively the district border, Hauptstraße, along the district border in a south-eastern direction until the crossing of the district border and the Edamer Straße.</p> <p>The surveillance zone comprises the poultry holdings on both sides of any street forming a borderline of the zone.</p>	
		26847 Detern	<p>In the municipality of Jümme, part Detern, district of Leer, Lower Saxony:</p> <p>At the starting point of the district border Cloppenburg-Leer on the B72 at the height of Ubbehausen in a northern direction at the corner of 'Borgsweg' and 'Lieneweg' further in an northern direction onto the 'Deelenweg' following that into the 'Handwiserweg'. Following that in a north-eastern direction onto the 'Barger Straße' and further in a northern direction onto the Street 'Am Barger Schöpfwerkstief'. Following that street first in an eastern and then in a northern direction onto the street 'Fennen' and following that street in a northern direction onto the Street 'Zur Wassermühle'.</p> <p>In a northern direction across the Jümme following the Aper Tief until at the height of the 'Französischer Weg' onto the 'Osterstraße'. From there towards the district border to Ammerland and following that until the starting point at Ubbehausen.</p>	