

II

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory)

DECISIONS

COMMISSION

COMMISSION DECISION

of 24 October 2008

amending Decision 2006/415/EC concerning certain protection measures in relation to an outbreak of highly pathogenic avian influenza of the subtype H5N1 in poultry in Germany

(notified under document number C(2008) 6154)

(Text with EEA relevance)

(2008/812/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

of avian influenza and repealing Directive 92/40/EEC ⁽⁴⁾, and in particular Article 63(3) thereof,

Having regard to the Treaty establishing the European Community,

Whereas:

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,

(1) Commission Decision 2006/415/EC of 14 June 2006 concerning certain protection measures in relation to highly pathogenic avian influenza of subtype H5N1 in poultry in the Community ⁽⁵⁾ lays down certain protection measures to be applied in order to prevent the spread of that disease, including the establishment of areas A and B following a suspected or confirmed outbreak of the disease. Those areas are set out in the Annex to that Decision.

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,

(2) Following a confirmed outbreak of highly pathogenic avian influenza of subtype H5N1 in Landkreis Görlitz, Saxony, in Germany, that Member State took protection measures pursuant to Decision 2006/415/EC, including the establishment of areas A and B, as provided for in Article 4 of that Decision.

Having regard to Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC ⁽³⁾, and in particular the first paragraph of Article 18 thereof,

(3) Commission Decision 2008/795/EC of 10 October 2008 concerning certain interim protection measures in relation to highly pathogenic avian influenza of subtype H5N1 in poultry in Germany ⁽⁶⁾ was adopted following that outbreak in Germany. That Decision defines the areas within which the protection measures provided for in Decision 2006/415/EC are to apply and the period of application of those measures.

Having regard to Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ OJ L 146, 13.6.2003, p. 1.

⁽⁴⁾ OJ L 10, 14.1.2006, p. 16.

⁽⁵⁾ OJ L 164, 16.6.2006, p. 51.

⁽⁶⁾ OJ L 272, 14.10.2008, p. 16.

- (4) These interim protection measures have now been reviewed within the framework of the Standing Committee on the Food Chain and Animal Health and should be confirmed.
- (5) The outbreak in Germany is located close to the border with Poland and therefore Poland has taken the appropriate protection measures as provided for in Decision 2006/415/EC, including the establishment of areas A and B on its territory. These areas should also be added to the Annex to Decision 2006/415/EC.
- (6) Decision 2006/415/EC should therefore be amended accordingly.
- (7) In the interests of clarity of Community legislation, Decision 2008/795/EC should be repealed.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2006/415/EC is replaced by the text in the Annex to this Decision.

Article 2

Decision 2008/795/EC is repealed.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 24 October 2008.

For the Commission

Androulla VASSILIOU

Member of the Commission

ANNEX

'ANNEX

PART A

Area A as established in accordance with Article 4(2):

ISO Country Code	Member State	Area A		Date until applicable in accordance with Article 4(4)(b)(iii)
		Code (if available)	Name	
DE	GERMANY	Görlitz 14284	The 10 km zone established around the outbreak in the commune of Markersdorf in the Landkreis of Görlitz including all or parts of the communes of: Görlitz Markersdorf Schöpstal Königshain Reichenbach/O.L. Sohland a. Rotstein Bernstadt a. d. Eigen Schönau-Berzdorf a. d. Eigen Kodersdorf Vierkirchen Waldhufen	13.11.2008
PL	POLAND	Dolnośląskie Voivodship Zgorzelecki 00225	The area in the district of Zgorzelecki contained within the following boundaries: — to the North: northern border of Zgorzelec town; — to the East: eastern border of Zgorzelec town, Koźmin village and Osiek Łużycki village; — to the South: southern border of Osiek Łużycki village; — to the West: Polish-German border	13.11.2008

PART B

Area B as established in accordance with Article 4(2):

ISO Country Code	Member State	Area B		Date until applicable in accordance with Article 4(4)(b)(iii)
		Code (if available)	Name	
DE	GERMANY	Görlitz 14284	The area in the Landkreis of Görlitz including all or parts of the communes of: Neißeau Horka Niesky Quitzdorf am See Hohendubrau Kittlitz Löbau Rosenbach Berthelsdorf Großhenndorf Schlegel Ostritz	13.11.2008
		Bautzen 14272	The area in the Landkreis of Bautzen including all or parts of the commune of: Weißenberg	
PL	POLAND	Dolnośląskie Voivodship Zgorzelecki 00225	In the district of Zgorzelecki the municipalities of: — Pieńsk including Pieńsk town and village area of Pieńsk — Sulików — Zgorzelec (areas other than listed in Area A) — Zawidów	13.11.2008'