

COMMISSION IMPLEMENTING DECISION (EU) 2022/1658**of 26 September 2022****repealing Implementing Decision (EU) 2022/1189 concerning certain emergency measures relating to African swine fever in Germany***(notified under document C(2022) 6931)***(Only the German text is authentic)****(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') ⁽¹⁾, and in particular Article 259(1) thereof,

Whereas:

- (1) African swine fever is an infectious viral disease affecting kept and wild porcine animals and can have a severe impact on the concerned animal population and the profitability of farming causing disturbance to movements of consignments of those animals and products thereof within the Union and exports to third countries.
- (2) In the event of an outbreak of African swine fever in kept porcine animals, there is a serious risk of the spread of that disease to other establishments of kept porcine animals.
- (3) Commission Delegated Regulation (EU) 2020/687 ⁽²⁾ supplements the rules for the control of the listed diseases referred to in Article 9(1), points (a), (b) and (c) of Regulation (EU) 2016/429, and defined as category A, B and C diseases in Commission Implementing Regulation (EU) 2018/1882 ⁽³⁾. In particular, Articles 21 and 22 of Delegated Regulation (EU) 2020/687 provide for the establishment of a restricted zone in the event of an outbreak of a category A disease, including African swine fever, and for certain measures to be applied therein. In addition, Article 21(1) of that Delegated Regulation provides that the restricted zone is to comprise a protection zone, a surveillance zone, and, if necessary, further restricted zones around or adjacent to the protection and surveillance zones.
- (4) Following an outbreak of African swine fever in kept porcine animals in the state of Lower Saxony in Germany, which was confirmed on 2 July 2022, and the information received from that Member State of the disease situation on its territory, Commission Implementing Decision (EU) 2022/1189 ⁽⁴⁾ was adopted. That Implementing Decision provides that Germany is to ensure that the restricted zone, where the measures for protection and surveillance zones provided for in Delegated Regulation (EU) 2020/687 apply, comprises at least the areas listed in the Annex to that Implementing Decision.

⁽¹⁾ OJ L 84, 31.3.2016, p. 1.

⁽²⁾ 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).

⁽³⁾ 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⁾ Commission Implementing Decision (EU) 2022/1189 of 8 July 2022 concerning certain emergency measures relating to African swine fever in Germany (OJ L 184, 11.7.2022, p. 66).

- (5) Implementing Decision (EU) 2022/1189 applies until 14 October 2022. The period of applicability of Implementing Decision (EU) 2022/1189 was laid down taking account of the date of the outbreak, the epidemiology of the disease and the time needed to carry out an epidemiological investigation ensuring absence of the disease and in line with the World Organisation for Animal Health (WOAH, founded as OIE) international standards ⁽⁵⁾ on the recovery of disease-free status in a previously disease-free area and with the Commission guidelines on ASF regionalisation ⁽⁶⁾.
- (6) At the end of August 2022, Germany informed the Commission of the current favourable African swine fever situation in kept porcine animals in the restricted zone in the state of Lower Saxony and that the measures for protection and surveillance zones have been duly implemented in accordance with Delegated Regulation (EU) 2020/687, in order to prevent the further spread of that disease.
- (7) Based on that information and justifications received, in particular taking account of the completion of the preliminary cleaning and disinfection measures in the affected establishment on 5 July 2022, and taking account of the current favourable African swine fever situation in kept porcine animals in the state of Lower Saxony and the measures duly implemented by Germany, and in order to prevent any unnecessary disturbance to trade, it is appropriate to repeal Implementing Decision (EU) 2022/1189 with effect from 5 October 2022.
- (8) 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

Implementing Decision (EU) 2022/1189 is repealed with effect from 5 October 2022.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 26 September 2022.

For the Commission
Stella KYRIAKIDES
Member of the Commission

⁽⁵⁾ OIE Terrestrial Animal Health Code, 29th Edition, 2021. Volumes I and II ISBN 978-92-95115-40-8; <https://www.woah.org/en/what-we-do/standards/codes-and-manuals/terrestrial-code-online-access/>

⁽⁶⁾ Working Document SANTE/7112/2015/Rev. 3 'Principles and criteria for geographically defining ASF regionalisation'. https://ec.europa.eu/food/animals/animal-diseases/control-measures/asf_en