

COMMISSION IMPLEMENTING REGULATION (EU) 2023/2057**of 26 September 2023****amending Annexes VII and VIII to Implementing Regulation (EU) 2021/620 as regards the approval or withdrawal of the disease-free status of certain Member States or zones thereof as regards certain listed diseases and the approval of eradication programmes for 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') ⁽¹⁾, and in particular Articles 31(3) and 36(4) thereof,

Whereas:

- (1) Regulation (EU) 2016/429 lays down disease-specific rules for the diseases listed in accordance with Article 5(1) thereof and lays down how those rules are to be applied to different categories of listed diseases. Regulation (EU) 2016/429 provides for the Member States to establish compulsory eradication programmes for the listed diseases referred to in Article 9(1), point (b), thereof, and for optional eradication programmes for listed diseases referred to in Article 9(1), point (c), thereof, and for the approval of such programmes by the Commission. That Regulation also provides for the approval or withdrawal by the Commission of the disease-free status of Member States or zones or compartments thereof regarding certain listed diseases referred to in Article 9(1), points (b) and (c), thereof.
- (2) Commission Delegated Regulation (EU) 2020/689 ⁽²⁾ supplements Regulation (EU) 2016/429 and lays down the criteria for granting, maintaining, suspending, and withdrawing disease-free status for Member States or zones or compartments thereof, and the requirements for the approval of compulsory or optional eradication programmes for Member States or zones or compartments thereof.
- (3) Commission Implementing Regulation (EU) 2021/620 ⁽³⁾ lays down implementing rules for the listed diseases referred to in Article 9(1), points (a), (b) and (c), of Regulation (EU) 2016/429 of animals, as regards the disease-free and non-vaccination status of certain Member States or zones or compartments thereof, and the approval of eradication programmes for those listed diseases. More particularly, it lists in the Annexes thereto, the Member States or zones or compartments thereof with disease-free status and it also lists the existing approved compulsory or optional eradication programmes. The changing epidemiological situation of certain diseases makes it necessary to amend certain Annexes to Implementing Regulation (EU) 2021/620 to list new disease-free Member States or zones thereof and to approve certain compulsory or optional eradication programmes submitted to the Commission.
- (4) For BVD, Germany has submitted to the Commission information demonstrating that the conditions for recognition of disease-free status from BVD laid down in Delegated Regulation (EU) 2020/689 are fulfilled in the whole territory in the state of Bavaria, in most of the territory in the state of Lower Saxony except the regions of Cuxhaven, Göttingen, Northeim, Oldenburg and Stade, and in most of the territory in the state of North Rhine-Westphalia except the regions of Borken, Gütersloh, Höxter, Kleve and Paderborn, and in most of the territory in the state of

⁽¹⁾ OJ L 84, 31.3.2016, p. 1.

⁽²⁾ 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).

⁽³⁾ Commission Implementing Regulation (EU) 2021/620 of 15 April 2021 laying down rules for the application of Regulation (EU) 2016/429 of the European Parliament and of the Council as regards the approval of the disease-free and non-vaccination status of certain Member States or zones or compartments thereof as regards certain listed diseases and the approval of eradication programmes for those listed diseases (OJ L 131, 16.4.2021, p. 78).

Schleswig-Holstein except the region of Rendsburg-Eckernförde. Following the assessment by the Commission, those applications have been shown to comply with the criteria laid down in Part II, Chapter 4, of Delegated Regulation (EU) 2020/689 for the granting of disease-free status from BVD. Therefore, those zones should be listed in Part I of Annex VII to Implementing Regulation (EU) 2021/620, as having disease-free status from BVD.

- (5) As regards infection with BTV, Luxembourg has submitted to the Commission information demonstrating that the conditions for recognition of disease-free status from infection with BTV are fulfilled for the whole territory of Luxembourg. Following the assessment by the Commission, that application has been shown to comply with the criteria laid down in Part II, Chapter 4, of Delegated Regulation (EU) 2020/689 for the granting of disease-free status from infection with BTV. Therefore, Luxembourg should be listed as free from infection with BTV in Part I of Annex VIII to Implementing Regulation (EU) 2021/620.
- (6) Annexes VII and VIII to Implementing Regulation (EU) 2021/620 should therefore be amended accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes VII and VIII to Implementing Regulation (EU) 2021/620 are amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the third 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, 26 September 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annexes VII and VIII to Implementing Regulation (EU) 2021/620 are amended as follows:

(1) Annex VII is amended as follows:

(a) in Part I, the entry for Germany is replaced by the following:

Member State	Territory
'Germany	Bundesland Baden-Württemberg Bundesland Bayern Bundesland Brandenburg Bundesland Bremen Bundesland Hamburg Bundesland Hessen Bundesland Mecklenburg-Vorpommern Bundesland Niedersachsen, except Landkreis Cuxhaven, Göttingen, Northeim, Oldenburg, Stade Bundesland Nordrhein-Westfalen, except Kreis Borken, Gütersloh, Höxter, Kleve, Paderborn Bundesland Schleswig-Holstein, except Kreis Rendsburg-Eckernförde Bundesland Rheinland-Pfalz Bundesland Saarland Bundesland Sachsen Bundesland Sachsen-Anhalt Bundesland Thüringen'

(b) in Part II, the entry for Germany is replaced by the following:

Member State	Territory	Date of initial approval as referred to in Article 15(2) of Delegated Regulation (EU) 2020/689
'Germany	Bundesland Berlin Bundesland Niedersachsen: Landkreis Cuxhaven, Göttingen, Northeim, Oldenburg, Stade Bundesland Nordrhein-Westfalen: Kreis Borken, Gütersloh, Höxter, Kleve, Paderborn Bundesland Schleswig-Holstein: Kreis Rendsburg-Eckernförde	21 February 2022'

(2) in Annex VIII, in Part I, the following entry for Luxembourg is inserted between the entries for Lithuania and Hungary:

Member State	Territory
'Luxembourg	Whole territory'