

COMMISSION DELEGATED REGULATION (EU) .../...

of **XXX**

amending Delegated Regulation (EU) 2020/687 supplementing Regulation (EU) 2016/429 of the European Parliament and the Council as regards rules for the prevention and control of 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 Article 67 and Article 68(2) thereof,

Whereas:

- (1) Regulation (EU) 2016/429 lays down rules for the prevention and control of animal diseases which are transmissible to animals or to humans, including rules on disease awareness, preparedness and control. In particular, Regulation (EU) 2016/429 lays down disease-specific rules for the prevention and control of diseases listed in its Article 5.
- (2) Commission Delegated Regulation (EU) 2020/687² lays down rules supplementing Regulation (EU) 2016/429 as regards the prevention and control of certain listed diseases, notably category A, B and C diseases in accordance with Commission Implementing Regulation (EU) 2018/1882³. More particularly, Delegated Regulation (EU) 2020/687 provides for the establishment of a restricted zone in the event of an outbreak of a category A disease and for restrictions and conditions for movements of animals and products thereof within and from restricted zones, as part of the measures to control the spread of category A diseases.
- (3) **Article 7 of Delegated Regulation (EU) 2020/687, among other measures, prohibits the movement of kept animals of non-listed species into and from an establishment where**

¹ OJ L 84, 31.3.2016, p. 1, ELI: <http://data.europa.eu/eli/reg/2016/429/oj>.

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, ELI: http://data.europa.eu/eli/reg_del/2020/687/oj).

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, ELI: http://data.europa.eu/eli/reg_impl/2018/1882/oj).

there is a suspicion of a category A disease. However, movement of animals of non-listed species to a slaughterhouse should be allowed, based on the risk assessment of the competent authority. Therefore, Article 7(2)(c) should be amended, to allow such a movement from an establishment placed under restrictions due to a suspicion of a category A disease should the competent authority considers, based on risk assessment, the risk of disease spreading by non-listed species negligible.

- (4) Cleaning and disinfection in the affected establishment is one of the basic disease control measures provided for in Regulation (EU) 2016/429 to minimise the risk of spreading a confirmed category A disease and to eliminate as soon as possible the category A disease pathogen. The procedures for cleaning and disinfection consist in several operations as described in parts A (*General requirements*), B (*Preliminary cleaning and disinfection*) and C (*Final cleaning and disinfection*) of Annex IV to Delegated Regulation (EU) 2020/687. However, Articles 15 and 16 of Delegated Regulation (EU) 2020/687 that lay down the rules and derogations for cleaning and disinfection and when necessary, control of insects and rodents, refer only to preliminary cleaning and disinfection, that is only a part of the complete procedure of cleaning and disinfection. Certain types of establishments, as those mentioned in Article 20 of Delegated Regulation (EU) 2020/687, are structured and equipped in a way that they can be easily cleaned and disinfected and therefore derogations may be provided regarding certain activities related to cleaning and disinfection, to shorten the period until the final cleaning and disinfection is completed. Therefore, Articles 15 and 16 of Delegated Regulation (EU) 2020/687 should be amended to refer to cleaning and disinfection and include references to all the procedures laid down for this activity in Annex IV to that Delegated Regulation. In addition, derogations should be added for certain types of establishments, like for example slaughterhouses, for them to be able to shorten the time needed to complete the final cleaning and disinfection.
- (5) If a category A disease is present in the wild susceptible animals or it is a vector borne disease, further outbreaks of that disease can be detected in a restricted zone established for previous outbreaks or outside that zone. Consequently, the measures taken need to be adapted to the evolution of the disease situation, to ensure the control and eradication of the Category A disease. Article 64(2) of Regulation (EU) 2016/429 asks for the continuous assessment and review of the epidemiological situation by the competent authority and for adaptation of the boundaries of the restricted zone where measures are implemented in order to prevent the spread of the disease. Also, when the evolution of the disease situation requires, the competent authority is to establish additional restricted zones. Article 21 of Delegated Regulation (EU) 2020/687 limits the adaptation of the restriction zones to certain situations but in certain cases, the possibilities enabled by the rules laid down in that Article for the establishment of a further restricted zone or for the adaptation of the restricted zone are not sufficient to effectively prevent the spread of the category A disease. Therefore, Article 21 of Delegated Regulation (EU) 2020/687 should be amended to allow for the adaptation of the restricted zones as provided for by Article 64(2) of Regulation (EU) 2016/429, without limitation to only certain possibilities.
- (6) Article 23 of Delegated Regulation (EU) 2020/687 provides the competent authority with the possibility to grant derogations from measures to be applied in the restricted

zones after carrying out a risk assessment. However, it is not clear that the outcome of the risk assessment should indicate that the risk of spread of the disease if the competent authority decides to grant a derogation is negligible. In addition, with the amendments added to Article 21(3) of Delegated Regulation (EU) 2020/687 by Commission Delegated Regulation (EU) 2023/751⁴ regarding establishments keeping up to 50 captive birds some of the provisions of Article 23 are not needed anymore as they are covered by Article 21. Moreover, the derogation initially provided by Article 23(d) of Delegated Regulation (EU) 2020/687 was not meant to cover also the establishments keeping up to 50 captive birds. However, with the amendments added by Commission Delegated Regulation (EU) 2023/751 this derogation is currently possible and therefore, Article 23 of Delegated Regulation (EU) 2020/687 should be amended to remove the possibility that establishments keeping up to 50 captive birds located in the restricted zone may be exempted from the measures to be applied in that zone.

- (7) Following confirmation of a category A disease in an establishment with kept animals of listed species, Article 26 of Delegated Regulation (EU) 2020/687 requires that official veterinarians carry out visits to the establishments located in the protection zone. The scope of these visits is to perform the necessary checks and examinations, including sampling for laboratory testing, to early detect the possible spread of the category A disease to other establishments in that zone. The procedures for the sampling of establishments to be visited and for the clinical and laboratory examinations in the visited establishments are laid down in Annex I to Delegated Regulation (EU) 2020/687. The clinical and laboratory examinations of animals of listed species kept in establishments located in the protection zone is also required by Article 39(1)(b). Since the adoption of Delegated Regulation (EU) 2020/687, the European Food Safety Authority (EFSA) issued in 2021 and 2022 scientific opinions on the assessment of the effectiveness of control measures for each category A disease⁵ (the relevant scientific

⁴ Commission Delegated Regulation (EU) 2023/751 of 30 January 2023 amending Delegated Regulation (EU) 2020/687 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 100, 13.4.2023, p.7 ELI: http://data.europa.eu/eli/reg_del/2023/751/oj).

⁵ Scientific Opinion on the assessment of the control measures for category A diseases of Animal Health Law: Foot and Mouth Disease, <https://efsa.onlinelibrary.wiley.com/doi/epdf/10.2903/j.efsa.2021.6632>
 Assessment of the control measures of category A diseases of the Animal Health Law: Infection with rinderpest virus (Rinderpest), <https://efsa.onlinelibrary.wiley.com/doi/epdf/10.2903/j.efsa.2022.7071>
 Assessment of the control measures of the category A diseases of Animal Health Law: Rift Valley Fever, <https://www.efsa.europa.eu/en/efsajournal/pub/7070>
 Assessment of the control measures for category A diseases of Animal Health Law: Lumpy Skin Disease, <https://www.efsa.europa.eu/en/efsajournal/pub/7121>
 Assessment of the control measures for category A diseases of Animal Health Law: Contagious Bovine Pleuropneumonia, <https://www.efsa.europa.eu/en/efsajournal/pub/7067>
 Assessment of the control measures of the category A diseases of Animal Health Law: sheep and goat pox, <https://www.efsa.europa.eu/en/efsajournal/pub/6933>
 Assessment of the control measures of the category A diseases of Animal Health Law: peste des petits ruminants, <https://www.efsa.europa.eu/en/efsajournal/pub/6708>
 Assessment of the control measures for category A diseases of Animal Health Law: Contagious Caprine Pleuropneumonia, <https://www.efsa.europa.eu/en/efsajournal/pub/7068>
 Assessment of the control measures of the category A diseases of Animal Health Law: Classical Swine Fever, <https://www.efsa.europa.eu/en/efsajournal/pub/6707>

evidence) including recommended clinical and laboratory examinations and sampling procedures to detect those diseases. Therefore, point 2(d) of Article 26 and point 1(b) of Article 39 of Delegated Regulation (EU) 2020/687 should be amended to refer to the need to collect samples for laboratory examinations when the relevant scientific evidence recommends such measure. In addition, Annex I to Delegated Regulation (EU) 2020/687 should be amended to add the requirement that the sampling procedures laid down in point A must be based on the relevant scientific evidence for the relevant category A disease.

- (8) Article 27(3) of Delegated Regulation (EU) 2020/687 lists the products exempted from the prohibitions applied in the protection zone and the conditions for such exemption. As such, products should be listed as safe commodities in accordance with Annex VII to Delegated Regulation (EU) 2020/687 or have undergone a treatment listed for the relevant Category A disease in Annex VII to that Delegated Regulation. The current text of points (a) and (b) of Article 27(3) should be amended to clarify that the reference to the provisions of Annex VII concerns the relevant category A disease. In addition, Article 27(3)(e) exempts derived products from prohibitions applied in the protection zone. However, certain derived products, e.g. certain pet food, may be obtained from treatments that are not sufficient to inactivate the relevant category A disease pathogen and therefore cannot be deemed safe to be moved from the protection zone. Therefore, Article 27(3)(e) of Delegated Regulation (EU) 2020/687 should be revised to restrict the exemption to derived products obtained from certain treatments considered sufficient to mitigate the risk of spreading of the relevant category A disease pathogens.
- (9) Articles 28 and 43 of Delegated Regulation (EU) 2020/687 set the general conditions for granting derogations from the prohibitions to be applied in the protection and surveillance zone, respectively as established following confirmation of a category A disease in kept animals of listed species. Based on Article 37 of Regulation (EU) 2016/429, compartments where stricter biosecurity and surveillance measures are applied may be used for the protection of the disease-free status of such a compartment in the event of an outbreak of a category A disease in an area. Commission Delegated Regulation (EU) 2024/2623⁶ lays down the rules for approval of compartments keeping terrestrial animals that are recognized with disease-free status as regards certain category A diseases. Therefore, Articles 28 and 43 of Delegated Regulation (EU)

Scientific Opinion on the assessment of the control measures of the category A diseases of Animal Health Law: African Swine Fever, <https://www.efsa.europa.eu/en/efsajournal/pub/6402>

Assessment of the control measures of the category A diseases of Animal Health Law: Burkholderia mallei (Glanders), <https://www.efsa.europa.eu/en/efsajournal/pub/7069>

Scientific Opinion on the assessment of the control measures of the category A diseases of Animal Health Law: African Horse Sickness, <https://www.efsa.europa.eu/en/efsajournal/pub/6403>

Scientific Opinion on the assessment of the control measures of the category A diseases of Animal Health Law: Highly Pathogenic Avian Influenza, <https://www.efsa.europa.eu/en/efsajournal/pub/6372>

Assessment of the control measures of the category A diseases of Animal Health Law: Newcastle disease, <https://www.efsa.europa.eu/en/efsajournal/pub/6946>

⁶ Commission Delegated Regulation (EU) 2024/2623 of 30 July 2024 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for approval and recognition of disease-free status of compartments keeping terrestrial animals (OJ L, 2024/2623, ELI: http://data.europa.eu/eli/reg_del/2024/2623/oj).

2020/687 should be amended to allow movements of animals and products from a restricted zone if they are originating from compartments approved for the relevant category A disease in accordance with Delegated Regulation (EU) 2024/2623.

- (10) Specific conditions for authorising movements of manure, including litter and used bedding from protection and surveillance zones are laid down in Articles 35 and 51 of Delegated Regulation (EU) 2020/687. In addition, Articles 37 and 53 of Delegated Regulation (EU) 2020/687 lay down the specific conditions for authorising movements of products from protection or surveillance zones to an animal by-product approved plant. Manure, including litter and used bedding are also animal by-products and therefore covered by those specific conditions. However, the covering of manure, including litter and used bedding under the products mentioned in Articles 37 and 53 of Delegated Regulation (EU) 2020/687 is not evident with the current wording of those articles, considering that movements of these products from establishments in the protection and surveillance zone are regulated in Articles 35 and 51 of that Delegated Regulation. Moreover, point 1(a)(i) of Part C in Annex IV to Delegated Regulation (EU) 2020/687 provides a treatment deemed to inactivate the category A disease pathogens in the manure, litter and used bedding from an affected establishment. The same treatment should be deemed safe also for the manure, litter and used bedding from non-affected establishments located in the protection zone. Therefore, this treatment should be added to the specific conditions laid down in Article 35. In addition, to ensure a clear indication and easier understanding of the possibilities offered by the Delegated Regulation (EU) 2020/687 for the movements of manure, including litter and used bedding from establishments in the protection and surveillance zone, respectively, Articles 35 and 51 of that Delegated Regulation need to be amended to cover all those possibilities. Moreover, it is important to ensure that the risk mitigating treatments used for animal-by products originating from protection and surveillance zones presenting an imminent risk for a transmission of the animal disease are safe to destroy the disease agent. This can only be ensured by processing those products with processing methods which are considered as safe in accordance with Regulation (EC) No. 1069/2009 and therefore fully harmonised under that legislation. It is therefore necessary to refer to these safe methods in Delegated Regulation (EU) 2020/687 and amend Articles 37 and 53 accordingly.
- (11) Article 46(1)(b) of Delegated Regulation (EU) 2020/687 limits the movements of day-old chicks originating in the surveillance zone to establishments in the same Member State only. However, movement from establishments in the surveillance zone of day-old chicks obtained from hatching eggs originating outside the restricted zone is deemed to be safe if those eggs and the day-old chicks had no contact with other products or animals from the restricted zone. Therefore, point (b) of Article 46(1) of Delegated Regulation (EU) 2020/687 needs to be revised to enable, based on certain conditions, movement of day-old chicks hatched from eggs originating outside the restricted zone to any establishment.
- (12) A surveillance zone is considered of lower risk for the spread of a category A disease pathogen than a protection zone. Therefore, the use of feed materials of plant origin and straw produced in the surveillance zone should not represent a higher risk than those produced in the protection zone and may be used in the protection zone without

increasing the risk of spreading the category A disease in that zone. Therefore, Article 52(c) of Delegated Regulation (EU) 2020/687 should be revised to enable the use of feed materials of plant origin and straw produced in the surveillance zone in the whole restricted zone, meaning that it could be used in the protection and surveillance zones.

- (13) The disease control measures need to be applied in the restricted zone established for a category A disease until the final cleaning and disinfection has been carried out, as required by Article 68 of Regulation (EU) 2016/429. Therefore, Article 55 of Delegated Regulation (EU) 2020/687 should be revised to clearly refer to the completion of the final cleaning and disinfection as a condition to be fulfilled before lifting the measures applied in the surveillance zone. However, in certain situations such as those related to the complexity of the buildings, surfaces and equipment to be cleaned and disinfected in the affected establishment or because of unfavourable weather conditions, the completion of the final cleaning and disinfection in accordance with the procedures of Annex IV to Delegated Regulation (EU) 2020/687 might be delayed. That prolongs the duration of the restrictions applied in the surveillance zone beyond the period required by Annex XI to that Delegated Regulation. In exceptional circumstances such delays might significantly extend the duration of the restrictions more than doubling the length of the minimum required duration. This can cause serious disturbances in the activity of the non-affected establishments located in the surveillance zone and significant economic losses for those operators. Therefore, for those exceptional circumstances, it is reasonable to enable the lifting of the measures in the surveillance zone before the completion of the final cleaning and disinfection in the affected establishment if certain conditions are fulfilled to ensure that the risk of spread of the disease from that establishment is negligible. The restricted zone may also comprise a further restricted zone as established by the competent authority in accordance with Article 21 of Delegated Regulation (EU) 2020/687 when certain epidemiological situations warrant applying such measure to effectively control the category A disease. In those circumstances, it also might be necessary to maintain certain measures in the entire restricted zone after the lifting of the measures applied in the surveillance zone. Therefore, Article 55 of Delegated Regulation (EU) 2020/687 should be amended accordingly.
- (14) The rules laid down in Chapter III of Part II of Delegated Regulation (EU) 2020/687 refer to repopulation of the affected establishment and lifting of the measures in that establishment. Therefore, the title of that Chapter needs to be corrected accordingly.
- (15) Article 58 of Delegated Regulation (EU) 2020/687 lays down the derogations from the conditions required to authorise the repopulation of affected establishment as laid down in Article 57. However, the title of Article 58 of Delegated Regulation (EU) 2020/687 wrongly refers to Article 55 and therefore should be corrected.
- (16) As a requirement of Article 59 of Delegated Regulation (EU) 2020/687 on the repopulation of the affected establishment, the official veterinarians should visit that establishment in a specific period considering the date when the repopulated animals were placed in the affected establishment and the monitoring period set out in Annex II to that Delegated Regulation. However, when the monitoring period for the relevant category A disease is longer than 30 days, the official veterinarian should visit the

affected establishment before 30 days elapsed since the day when animals have been introduced in the affected establishment. Therefore, the text of Article 59(5) should be clarified accordingly.

- (17) Lifting of the measures applied in an establishment affected by an outbreak of a category A disease is linked with the finalisation of the repopulation of that establishment, as required by Article 61 of Delegated Regulation (EU) 2020/687. The requirements of Article 61 do not cover cases when repopulation is not taking place in the affected establishment either due to the cessation of keeping of animals by the operator or in cases when the competent authority granted derogations from the killing of animals of listed species kept in certain affected establishments and of certain categories of animals as listed in paragraphs (1) and (2) of Article 13 of Delegated Regulation (EU) 2020/687. Therefore, Article 61 of Delegated Regulation (EU) 2020/687 should be amended to lay down conditions for lifting the control measures in affected establishments, covering the above situations as well, when repopulation is not intended in the affected establishment.
- (18) Article 78(1)(f), points (i) and (ii), and Article 78(5) of Delegated Regulation (EU) 2020/687 lay down provisions concerning animal by-products and products of animal origin although these are already covered in paragraphs 1(b) and 3 of that Article. Therefore, Article 78 should be amended to ensure that there is no duplication of provisions for the same products in the same Article.
- (19) When purification is required before molluscs can be processed from aquaculture establishments in the protection zone, such purification should be completed in a manner which does not create a risk of disease spread. In order to simplify and harmonise certain elements of Delegated Regulation (EU) 2020/687, Article 83 should be amended by deleting the reference to “a bio-secure purification centre”, to ensure that molluscs from infected aquaculture establishments, should only be purified in a disease control aquatic food establishment.
- (20) Article 90(2)(b) of Delegated Regulation (EU) 2020/687, provides that exchanges and discharges of water during transportation in the protection zone, must be carried out in areas, establishments or water exchange points approved by the competent authority. Such discharges and exchanges often require vehicles to stop. Such stopping is however, prohibited by Article 90(2)(a) of Delegated Regulation (EU) 2020/687. To ensure that those provisions are logistically feasible, the reference to stopping should be deleted from Article 90(2)(a) of Article 90 of Delegated Regulation (EU) 2020/687.
- (21) Article 99(1) of Delegated Regulation (EU) 2020/687, prohibits movements of aquaculture animals from within the surveillance zone for slaughter, further keeping or release into the wild outside the surveillance zone. Article 99(4) of that Delegated Regulation, however, allows the competent authority at the place of destination to authorise movements of aquaculture animals, provided that appropriate biosecurity measures are applied to prevent the spreading of the category A disease. While this derogation is appropriate for many types of movements, it is not appropriate for animals which are to be released into the wild, where such release may result in the infection of natural waters, from which eradication may be very difficult. The derogation set out in

Article 99(4) should therefore, be limited to movements other than for the purpose of release into the wild.

- (22) At the request of the Commission, EFSA issued scientific opinions concluding and recommending on the control measures of Regulation (EU) 2016/429 for each category A disease⁵, in particular for the effectiveness of the monitoring period, of the radiuses of the protection and surveillance zones and of the duration of the measures in those zones, as laid down in Annexes II, V, X and XI to Delegated Regulation (EU) 2020/687. In addition, prohibitions in restricted zones and risk-mitigating treatments for products of animal origin and other materials, as laid down in Annexes VI, VII and VIII to Delegated Regulation (EU) 2020/687 have been assessed by EFSA and conclusions on the effectiveness of those measures and risk-mitigation treatments have been published in a scientific opinion⁷. Therefore, Annexes II, V, VI, VII, VIII, X and XI to Delegated Regulation (EU) 2020/687 should be amended, to take account of the effective measures, prohibitions and risk-mitigating treatments relevant for each category A disease in accordance with EFSA recommendations.
- (23) Annex IV to Delegated Regulation (EU) 2020/687 lays down the procedures for cleaning, disinfection and when necessary, control of insects and rodents, as referred in certain Articles of that Delegated Regulation. With this Delegated Regulation references to cleaning and disinfection are added also in Article 55 of Delegated Regulation (EU) 2020/687 and therefore, the title of Annex IV should be amended accordingly. In addition, changes should be done in part B of Annex IV in relation to the maximum required contact time of the disinfectant with the treated surfaces, to take account of situations when unnecessarily maintaining the disinfectant on the surfaces to be disinfected longer than the maximum required contact time indicated by the manufacturer may damage the disinfected materials. Moreover, the duration of steam treatment required for manure within the procedures of final cleaning and disinfection as laid down in point 1(a)(i) of Part C of Annex IV should be clarified for its duration to ensure the effective inactivation of category A disease agents.
- (24) For the control of category A diseases, in the case of authorised movements of fresh meat obtained from animals of listed species kept in establishments located in the protection and surveillance zones, Annex IX to Delegated Regulation (EU) 2020/687 provides for the marking of fresh meat of poultry which is not intended to another Member State, as well as of fresh meat moved to a processing establishment to undergo one of the relevant risk-mitigating treatments, as required by Articles 33 and 49 of that Delegated Regulation. Different shapes of marks are described for marks to be applied to fresh meat of poultry and to fresh meat of other species. In addition, the description of the marks to be applied to fresh meat, as laid down in Annex IX to Delegated Regulation (EU) 2020/687 contains elements already laid down in Annex II to Implementing Regulation (EU) 2019/627⁸ or Section I of Annex II to Regulation (EC)

⁷ Assessment of the control measures of the Category A diseases of the Animal Health Law: prohibitions in restricted zones and risk-mitigating treatments for products of animal origin and other materials, <https://efsa.onlinelibrary.wiley.com/doi/epdf/10.2903/j.efsa.2022.7443>

⁸ Commission Implementing Regulation (EU) 2019/627 of 15 March 2019 laying down uniform practical arrangements for the performance of official controls on products of animal origin intended for human consumption in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council and

No 853/2004 of the European Parliament and of the Council⁹. Therefore, to simplify the description of the marks as laid down in Annex IX to Delegated Regulation (EU) 2020/687 and to ensure harmonised marking of fresh meat, Annex IX should provide a reference to health marks or, where relevant, identification marks, as laid down in Article 48 of Implementing Regulation (EU) 2019/627 or Section I of Annex II to Regulation (EC) No 853/2004, respectively. In addition, when used for the disease control purposes as laid down in Articles 33 and 49 of Delegated Regulation (EU) 2020/687, additional requirements should apply to the form of the health or identification marks ('special health or identification marks'). Therefore, Annex IX to Delegated Regulation (EU) 2020/687 should be amended accordingly.

- (25) The changes to the description of the marks as laid down in Annex IX to Delegated Regulation (EU) 2020/687 might create an additional administrative burden to operators. A transitional period should therefore be provided for in this Delegated Regulation during which the marks as described in Annex IX to the version of Delegated Regulation (EU) 2020/687 applicable before the amendments made by this Delegated Regulation, can continue to be used, and the fresh meat with such marks applied before the end of the transitional period may remain on the market.
- (26) Annex XII to Delegated Regulation (EU) 2020/687 should be amended to ensure that three separate options exist concerning the types of samples that may be taken for clinical examination and sampling of aquatic animals, rather than those options being linked with each other. In addition, the table in point 1(b) of that Annex has data gaps and certain inconsistencies concerning the samples to be collected from crustaceans and fish, under certain circumstances. The EURL for fish and crustacean diseases has been consulted and the table in point 1(b), should be amended according to the recommendations of that EURL.
- (27) In Annex XV to Delegated Regulation (EU) 2020/687, in the interest of clarity, it is necessary to harmonise the terminology to ensure that the term 'health visits' is used throughout, rather than using of the terms 'health visits' and 'health inspections', when they are intended for the same disease surveillance purpose.
- (28) After publication in the Official Journal of the European Union, some errors were noticed in Part III of Delegated Regulation (EU) 2020/687. Those errors should be corrected.
- (29) Delegated Regulation (EU) 2020/687 should therefore be amended accordingly,

amending Commission Regulation (EC) No 2074/2005 as regards official controls (OJ L 131, 17.5.2019, p. 51, ELI: http://data.europa.eu/eli/reg_impl/2019/627/oj).

⁹ Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ L 139, 30/04/2004, p. 55, ELI: <http://data.europa.eu/eli/reg/2004/853/oj>).

HAS ADOPTED THIS REGULATION:

Article 1

Delegated Regulation (EU) 2020/687 is amended as follows:

1. in Article 7(2), point (c) is replaced by the following:
‘(c) in case of movements of kept animals of listed species, the establishment of destination is not a slaughterhouse.’;
2. in Article 15, paragraphs 1 to 3 are replaced by the following:
 - ‘1. The competent authority shall order and supervise cleaning and disinfection and, when relevant, control of insects and rodents, in the affected establishment in order to avoid spreading of the category A disease and to eliminate as soon as possible the pathogen of the category A disease, as follows:
 - (a) a preliminary cleaning and disinfection, immediately after the completion of the measures provided for in Article 12, and when relevant in Article 14;
 - (b) a final cleaning and disinfection and, when relevant, control of insects and rodents as provided for in Article 68 of Regulation (EU) 2016/429, after the completion of preliminary cleaning and disinfection.
 2. The preliminary and final cleaning, disinfection and control of insects and rodents, referred to in paragraph 1 shall be:
 - (a) performed in accordance with the general requirements as set out in point A of Annex IV and the relevant procedures set out in points B and C of that Annex using the appropriate biocidal products to ensure destruction of the relevant category A disease agent; and
 - (b) adequately documented.
 3. When the competent authority grants one of the derogations provided for in Article 13(2) and (4), it shall order the preliminary and final cleaning, disinfection and the control referred to in paragraph 1 adapting the procedures referred to in point 2(a) to the specific situation without detriment to the control of spreading of the category A disease from the affected animals and affected establishments and locations to other unaffected animals or to humans.’;
3. **Article 16 is replaced by the following:**
 - ‘1. The competent authority may grant derogation to the requirement regarding cleaning and disinfection and control of insects and rodents set out in Article 15 in the case of:
 - (a) pastures epidemiologically linked to the affected establishment, under specific procedures to ensure effective inactivation of the relevant category A disease agent taking into account the disease profile, the type of establishment and the climatic conditions; and

- (b) manure, including litter and used bedding, from the affected establishment, under specific procedures to ensure effective inactivation of the relevant category A disease agent in accordance with scientific evidence.
- 2. The competent authority may grant derogation and reducing the time required in point 3 of Part C of Annex IV for establishments and locations referred to in Article 20, provided that the efficacy of the final cleaning and disinfection is not impaired.’;
- 4. in Article 21, point (c) of paragraph 1 and paragraph 2 are replaced as in the following:
 - ‘(c) if necessary, on the basis of the criteria set out in paragraph 1 of Article 64 of Regulation (EU) 2016/429, further restricted zones ~~around or adjacent to the protection and surveillance zones, or independently of those zones,~~ where the competent authority shall apply the same measures as those provided for in Section 3 of this Chapter for the surveillance zone.’
 - ‘2. The competent authority shall adapt the boundaries of the restricted zone, including the boundaries of the protection, surveillance and the further restricted zones, in accordance with the provisions laid down in Article 64(2) of Regulation (EU) 2016/429.’;
- 5. Article 23 is replaced by the following:

‘The competent authority may grant derogations from the provisions set out in this Chapter concerning the measures to be applied in restricted zones, to the extent necessary and after carrying out a risk assessment that indicates that the risk of spread of the category A disease is negligible:

 - (a) in the further restricted zones referred to in Article 21(1)(c);
 - (b) in the case that the competent authority decides to establish a restricted zone when an outbreak of a category A disease occurs in establishments and locations referred to in Article 21(3); or
 - (c) in establishments and locations referred to in points (a) to (f) of Article 21(3) located in a restricted zone.’;
- 6. in Article 26(2), point (d) is replaced by the following:

‘(d) collection of samples **from** animals for laboratory examination in order to confirm or rule out the presence of the relevant category A disease unless, based on **the relevant scientific evidence**, clinical examination is sufficient to rule out the presence of that disease.’;
- 7. in Article 27(3), points (a), (b) **and (e)** are replaced by the following:
 - ‘(a) products of animal origin considered as safe commodities in accordance with Annex VII, as regards the relevant category A disease;
 - (b) products of animal origin which have undergone the relevant treatment provided in Annex VII for the relevant category A disease;

- (e) derived products obtained with standard processing methods as laid down in Commission Regulation (EU) 142/2011¹⁰ for the relevant product.’;
8. in Article 28, paragraph 1 is replaced by the following:
- ‘1. By way of derogation from prohibitions provided for in Article 27 and under the general conditions laid down in paragraphs 2 to 7 of this Article, the competent authority may authorise movements of animals and products:
- (a) in the cases covered by Articles 29 to 38 and under specific conditions provided for in those Articles; or
 - (b) obtained in compartments approved in accordance with Commission Delegated Regulation (EU) 2024/2623¹¹ for the relevant category A disease and listed in Annex XI to Commission Implementing Regulation (EU) 2021/620¹², and
 - (c) after assessing the risk deriving from that authorisation as negligible for spreading the category A disease.’;
9. Title of Article 35 is replaced by the following:
- ‘Specific conditions for authorising movements of manure, including litter and used bedding from establishments located in the protection zone***
10. Article 35 is replaced by the following:
- ‘The competent authority may authorise movements of manure, including litter and used bedding:***
- (a) from establishments located in the protection zone for the purpose of their disposal in a designated landfill located within the same Member State only after it has been treated in accordance with the treatment set out in point (1)(a)(i) of part C of Annex IV or after processing in accordance with Article 13(c) of Regulation (EC) No 1069/2009;
 - (b) from establishments and locations in the protection zone to a plant approved for processing or disposal of animal by-products, in which the products are disposed

¹⁰ Commission Regulation (EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive (OJ L 54, 26.2.2011, p. 1, ELI: <http://data.europa.eu/eli/reg/2011/142/oj>).

¹¹ Commission Delegated Regulation (EU) 2024/2623 of 30 July 2024 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for approval and recognition of disease-free status of compartments keeping terrestrial animals (OJ L, 2024/2623, 4.10.2024, ELI: http://data.europa.eu/eli/reg_del/2024/2623/oj).

¹² 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, ELI: http://data.europa.eu/eli/reg_impl/2021/620/oj).

of or processed by one of the harmonized methods in accordance with Regulation (EC) No 1069/2009.’;

11. in Article 37, paragraph 2 is replaced by the following:

‘2. The competent authority may authorise movements of products from establishments and locations in the protection zone to a plant approved for processing or disposal of animal by-products, in which the products are disposed of or processed by one of the harmonised methods in accordance with Regulation (EC) No 1069/2009.’;

12. in Article 39, point 1(b) is replaced by the following:

‘(b) in all establishments keeping animals of listed species in the protection zone, animals of listed species have undergone, with favourable results, clinical and laboratory examinations as necessary, in accordance with Article 26.’;

13. in Article 43, paragraph 1 is replaced by the following:

‘1. By way of derogation from prohibitions provided for in Article 42 and under the general conditions laid down in paragraphs 2 to 7 of this Article, the competent authority may authorise movements of animals and products:

- (a) in the cases covered by Articles 44 to 54 and under specific conditions provided for in those Articles; or
- (b) obtained in compartments approved in accordance with Delegated Regulation (EU) 2024/2623 for the relevant category A disease and listed in Annex XI to Implementing Regulation (EU) 2021/620, and
- (c) after assessing the risk deriving from that authorisation as negligible for spreading the category A disease.’;

14. in Article 46 (1), point (b) is replaced by the following:

‘(b) to any establishment, if they were hatched from eggs originating outside the restricted zone and if the hatchery of dispatch can ensure that no contact has occurred between those eggs and any other hatching eggs or day-old chicks obtained from animals kept within the restricted zone.’.

15. Article 51 is replaced by the following:

‘1. The competent authority may authorise the movement of manure, including litter and used bedding, from establishments located in the surveillance zone:

- (a) without processing, to a landfill, previously authorised for that purpose by the competent authority, located in the same surveillance zone; or
- (b) following processing, to a landfill, previously authorised for that purpose by the competent authority, located in the territory of the same Member State.

2. The competent authority may authorise movements of manure, including litter and used bedding from establishments and other locations in the surveillance zone to a plant approved for processing or disposal of animal by-products where

they are disposed of or processed by one of the harmonized methods in accordance with Regulation (EC) No 1069/2009.’;

16. in Article 52, point (c) is replaced by the following:
‘(c) are intended for use within the restricted zone; or’;
17. in Article 53, paragraph 2 is replaced by the following:
‘2. The competent authority may authorise movements of products from establishments and other locations in the surveillance zone to a plant approved for processing or disposal of animal by-products where they are disposed of or processed by one of the harmonised methods in accordance with Regulation (EC) No 1069/2009.’;
18. in Article 55, paragraph 1 is replaced and new paragraphs 3 and 4 are added as in the following:
 - ‘1. The competent authority may lift the disease control measures applied in the surveillance zone pursuant to Sections 1 and 3 only if:
 - (a) the minimum period set out in Annex XI has elapsed after the date of completion of preliminary cleaning and disinfection and, where relevant, control of insects and rodents, performed in accordance with Article 15 in the affected establishment,
 - (b) the requirements provided for in Article 39(1), point (b), have been met in the protection zone,
 - (c) a representative number of establishments keeping animals of listed species have undergone, with favourable results, visits carried out by official veterinarians, in accordance with Article 41, and
 - (d) the final cleaning and disinfection and, when relevant, control of insects and rodents has been carried out in the affected establishment in accordance with at least the procedures set out in part A and part C of Annex IV, using the appropriate biocidal products to ensure destruction of the relevant category A disease agent.’;
 - ‘3. After the lifting of the measures referred to in paragraph 1, when the competent authority has established a further restricted zone in accordance with Article 21(1) (c), the measures implemented in this further restricted zone shall also apply in the surveillance zone until the lifting of the measures applied in the further restricted zone.
 4. In the exceptional circumstances where the final cleaning and disinfection as referred to in point (1)(d) can only be completed with significant delays compared to the minimum period set out in Annex XI, the competent authority may, after carrying out a risk assessment, lift the disease control measures applied in the surveillance zone, provided that:
 - (a) no other outbreak of the relevant category A disease has occurred in the restricted zone,

- (b) the conditions set out in points (a), (b) and (c) of paragraph (1) are fulfilled,
 - (c) appropriate biosecurity measures are applied in the affected establishment to prevent the risk of spread of the category A disease agent,
 - (d) the risk assessment carried out by the competent authority indicates that the risk of spreading the category A disease is negligible.’;
19. in Article 59(5) the introductory paragraph is replaced by the following:
- ‘5. Official veterinarians shall carry out at least a visit to the affected establishment on the last day of the monitoring period set out in Annex II for the relevant disease, calculated forwards from the date on which the animals were placed in the establishment, and in any case before 30 days have elapsed since that day when the monitoring period is longer than that, performing at least:’;
20. in Article 61, paragraph 2 is replaced, ~~and a new paragraph 3 is added as~~ by the following:
- ‘2. The competent authority shall lift all the disease control measures applied in the affected establishment in accordance with this Regulation when:
- (a) the repopulation is considered finalised as provided for in paragraph 1, or
 - (b) the requirements set out in Article 57 paragraphs 1 and 2 are fulfilled:
 - (i) in case of cessation of activities related to the keeping of animals by the operator or establishment concerned, or
 - (ii) in case a derogation in accordance with Article 13 has been granted in the affected establishment, and the animals of listed species have been subject with favourable result to the examinations laid down in points (b) and (c) of Article 59(5) carried out at the end of the monitoring period as mentioned in Article 57 (2).’;
- ~~3. When repopulation with kept animals of listed species is requested within three months period following lifting the disease control measures in the affected establishment in accordance with point 2(b)(i), requirements laid down in Article 59 apply.’;~~
21. in Article 75, point (b) is replaced by the following:
- ‘(b) the movement of aquatic animals in the vicinity of the suspected establishment;’;
22. in Article 78(1), point (f) is replaced by the following:
- ‘(f) all potentially contaminated materials or substances shall be isolated until:
- (i) cleaning and disinfection measures have been completed in accordance with the provisions in Article 80, in the case of materials and substances which are fit for cleaning and disinfection; and
 - (ii) they are removed from the establishment and disposed of under the supervision of official veterinarians, in the case of feeding stuff and other materials unfit for cleaning and disinfection.’;

23. in Article 78, paragraph 5 is deleted;
24. Article 83 is replaced by the following:
 - ‘1. When granting a derogation pursuant to Article 78(3), the competent authority may allow the placing on the market of products of animal origin from aquatic animals only if the following conditions are fulfilled:
 - (a) fish must be slaughtered and eviscerated before dispatch;
 - (b) molluscs and crustaceans must be fully traceable and processed to non-viable products unable to survive if returned to the water, before dispatch.

When purification is required before processing and placing on the market, it shall be conducted at a disease control aquatic food establishment.
 2. The products of animal origin referred to in paragraph 1 shall be intended for:
 - (a) direct supply to the final consumer; or
 - (b) for further processing in a disease control aquatic food establishment.’;
25. in Article 90(2), point (a) is replaced by the following:

‘(a) all movements must be carried out exclusively via designated routes, agreed with the competent authority, without unloading.’;
26. in Article 99, paragraph 1 is replaced by the following:
 - ‘1. The competent authority shall prohibit any movements of aquaculture animals from establishments within the surveillance zone for slaughter, further keeping or release into the wild outside the surveillance zone.’;
27. in Article 99, paragraph 4 is replaced by the following:
 - ‘4. By way of derogation from paragraph 1, and in agreement with the competent authority at the place of destination, the competent authority may authorise movements of aquaculture animals, other than for release into the wild, provided that appropriate biosecurity measures to prevent the spread of the category A disease, are applied.’;
28. ANNEX I is replaced by Annex I to this Regulation;
29. in ANNEX II, in the second column, the following monitoring periods are amended as follows:
 - (a) the period corresponding to “Infection with *Mycoplasma mycoides subsp. mycoides SC* (Contagious bovine pleuropneumonia) (CBPP)” is replaced by ‘90 days’;
 - (b) the period corresponding to “Classical swine fever (CSF)” is replaced by ‘25 days’;
30. Annex IV is amended as follows:
 - (a) the title is replaced by the following:

‘PROCEDURES FOR CLEANING, DISINFECTION AND WHEN NECESSARY CONTROL OF INSECTS AND RODENTS

(as referred to in Articles 12, 15, 16, 39, 45, 55 and 57 of this Regulation)‘;

(b) point (e) of part B is replaced by the following:

‘(e) the disinfectant must remain on the treated surface for at least 24 hours, except otherwise indicated by the manufacturer as maximum required contact time;’;

(c) point (i) of paragraph 1(a) of part C is replaced by the following:

‘(i) undergo a steam treatment at a temperature of at least 70 °C for a minimum period of 60 minutes;’;

31. ANNEX V is replaced by Annex II to this Regulation;

32. ANNEX VI is replaced by Annex III to this Regulation;

33. ANNEX VII is replaced by Annex IV to this Regulation;

34. in ANNEX VIII, the treatment in the last row of the table is replaced by the following:

‘Storage in package or bales under shelter at premises situated not closer than 2 km to the nearest outbreak and releasing from the premises do not take place before at least four months have elapsed following the completion of cleaning and disinfection according to Article 15’;

35. ANNEX IX is replaced by Annex V to this Regulation;

36. ANNEX X is replaced by Annex VI to this Regulation;

37. ANNEX XI is replaced by Annex VII to this Regulation;

36. in ANNEX XII, points (a) and (b) of paragraph (1) are replaced by the following:

‘(a) the clinical examination and the sampling for laboratory examinations must include, as relevant:

(i) aquaculture animals of listed species showing clinical signs of the relevant category A disease;

(ii) aquaculture animals likely to have recently died from the suspected or confirmed category A disease; or

(iii) aquaculture animals suspected of being infected due to an epidemiological link to a suspected or confirmed case of a category A disease, or based on other circumstances;

(b) the minimum number of samples to be collected is:

	Scenario
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Type of animals	Report of increased mortality	Post-mortem or clinical signs observed	Suspicion based on epidemiological link or other circumstances
Molluscs (the whole animal)	30	—	150
Crustaceans	30	10	150
Fish	30	10	150

39. in ANNEX XV, Table 2 is replaced by the table set out in Annex VIII to this Regulation.

Article 2

Delegated Regulation (EU) 2020/687 is corrected as follows:

1. Title of Article 15 is replaced by the following:
‘Cleaning and disinfection and control of insects and rodents in the affected establishment’;
2. Title of Article 16 is replaced by the following:
‘Derogations and special rules for the cleaning and disinfection and control of vectors’;
3. Title of Chapter III of Part II is replaced by the following:
‘Repopulation with terrestrial animals of the affected establishment and lifting of disease control measures in the affected establishment’;
4. Title of Article 58 is replaced by the following:
‘Derogation from the requirements provided for in Article 57(1)(b)’;
5. Title of Section 2, Chapter I of Part III is replaced by the following:
‘Disease control measures in the event of official confirmation of a category A disease in aquaculture animals’;
6. in Article 85(2), the introductory sentence is replaced by the following:
 - ‘2. The extent of the zones shall be set on a case-by-case basis, taking into account factors influencing the risk of spreading the disease. To that end, the competent authority shall consider the following data and criteria:’;
7. in Article 85(4), point (b) is replaced by the following:
 - ‘(b) establish a restricted zone consisting of a protection zone without any adjacent surveillance zone; or’;

8. in Article 90, paragraph 1 is replaced by the following:
 - ‘1. By way of derogation from the prohibitions provided for in Article 89(1), the competent authority may authorise the movement and transport of aquatic animals and products in the cases covered by Articles 91 to 93 under the specific conditions provided for in those Articles and the general conditions laid down in paragraph 2 of this Article.’;
9. in Article 99, paragraph (2) is replaced by the following:
 - ‘(2) The competent authority shall ensure that any transport of aquaculture animals of listed species within or into the surveillance zone shall be conducted under conditions as set out in Article 90, paragraph 2 (a) to (e) and in Article 91.’;
10. title of the Article 103 is replaced by the following:

‘Measures in the event of official confirmation of a category A disease in wild aquatic animals of listed species’;
11. in Article 104 (1), point (e) is replaced by the following:
 - ‘(e) prohibit bringing into establishments keeping aquaculture animals of listed species, within the infected zone, any parts of aquatic animals of listed species whether fished, caught, collected or found dead in the infected zone, as well as any product, material or substance, which is likely to be contaminated with a category A disease.’

Article 3

The marks to be applied to fresh meat as described in Annex IX as laid down in the version before the amendments made by this Delegated Regulation, may continue to be used until 31 December 2028, and the products of animal origin with such marks applied before that date may remain on the market.

Article 4

This Regulation shall enter into force on the twentieth 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,

For the Commission
The President
Ursula VON DER LEYEN