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**COMMISSION IMPLEMENTING REGULATION (EU) .../...**

**of **XXX****

**amending the Annex to Implementing Regulation (EU) 2018/1882 concerning the  
categorisation of infection with bluetongue virus (serotypes 1-24) as a listed disease**

(Text with EEA relevance)

# COMMISSION IMPLEMENTING REGULATION (EU) .../...

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**amending the Annex to Implementing Regulation (EU) 2018/1882 concerning the categorisation of infection with bluetongue virus (serotypes 1-24) as a listed disease**

(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')<sup>1</sup>, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EU) 2016/429 lays down rules for the prevention and control of diseases which are transmissible to animals or humans, including rules for the prioritisation and categorisation of listed diseases that are of concern at Union level. According to Article 5 of that Regulation, disease-specific rules apply to the prevention and control of diseases that have been listed in accordance with that provision. Infection with bluetongue virus (serotypes 1-24) ('infection with BTV') is a listed disease in the sense of Article 5 of Regulation (EU) 2016/429.
- (2) Article 9(1) of Regulation (EU) 2016/429 provides for different categories of listed diseases to be subject to the application of different disease-specific rules. Based on Article 9(2) of Regulation (EU) 2016/429, Commission Implementing Regulation (EU) 2018/1882<sup>2</sup> categorises each listed disease as A, B, C, D or E diseases which are subject to the corresponding disease-specific rules referred to in Article 9(1), points (a) to (e) of Regulation (EU) 2016/429. Infection with BTV is currently categorised as a C+D+E disease as set out in the table of the Annex to Implementing Regulation (EU) 2018/1882 and consequently subject to the disease-specific rules referred to in Article 9(1), points (c), (d) and (e) of Regulation (EU) 2016/429.
- (3) In accordance with Annex IV of Regulation (EU) 2016/429, the process of categorisation of listed diseases must take into account, among other factors, the profile of the disease in question and the availability, feasibility and effectiveness of the different sets of disease prevention and control measures provided for in that Regulation with respect to the disease. Following from that as well as from recital (41) of Regulation (EU) 2016/429, if the disease profile of a given disease changes, as well as the risks associated with the disease and other circumstances, the implementing powers conferred

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

<sup>2</sup> 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](http://data.europa.eu/eli/reg_impl/2018/1882/oj)).

on the Commission also include the power to modify the category into which a particular listed disease falls, and therefore the measures to which it is subject.

- (4) Since the adoption of Implementing Regulation (EU) 2018/1882, experience has shown that the profile of infection with BTV has changed and that the prevention and control measures pursuant to Article 9(1), point (c) of Regulation (EU) 2016/429 are of limited feasibility and effectiveness for that disease.
- (5) As regards the disease profile of infection with BTV, recent epidemiological events have shown an increase in the persistence of infection with BTV in animal populations towards a wide range of ruminant species and in the environment. Possibly due to climate change, the abundance, persistence and expansion of vectors is higher and occurs during longer periods, favouring a more efficient transmission of infection with BTV. In addition, the recent spread of different BTV serotypes (BTV-3, BTV-4 and BTV-8) without producing cross-protection in infected animals in the last years has dramatically increased the territorial scope and the distribution of the presence of infection with BTV in the EU. These changes in the disease profile have led to a growing consensus in the expert community arguing to re-categorise infection with BTV.
- (6) Experience with the implementation of the disease-specific rules applicable to infection with BTV as a disease categorised as a listed disease in the sense of Article 9(1), point (c) of Regulation (EU) 2016/429 has also led to a growing consensus in the expert community arguing that the special disease control measures referred to in that provision are not feasible or effective for infection with BTV anymore. This concerns in particular the implementation of optional eradication programmes. The proportionality of applying the prevention and control measures foreseen for category C diseases to infection with BTV is no longer assured in light of the above-mentioned changes in the epidemiological situation concerning that listed disease.
- (7) After considering the outcome of several discussions with Member States and stakeholders, the Commission therefore considers it necessary to modify the categorisation of infection with BTV in order to ensure the application of appropriate prevention and control measures to that listed disease. By reducing the number and range of measures applicable to infection with BTV, the applicable legal framework for the prevention and control for this disease will be simplified, as the emphasis shifts to the EU-level risk management through risk-mitigating measures applied, by national authorities, to movements between Member States of live ruminants and germinal products thereof.
- (8) Therefore, it is necessary to categorise infection with BTV as a category D+E disease only.
- (9) The Annex to Implementing Regulation (EU) 2018/1882 should therefore be amended accordingly.
- (10) The categorisation of infection with BTV as a Category D+E disease necessitates adaptations of the animal health rules in several delegated and implementing acts, among them Commission Delegated Regulation (EU) 2020/688<sup>3</sup>. The modification introduced by means of the present amendment should therefore only apply from a date in the future, when the other relevant acts will also become applicable.

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<sup>3</sup> Commission Delegated Regulation (EU) 2020/688 of 17 December 2019 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council, as regards animal health requirements for movements within the Union of terrestrial animals and hatching eggs (OJ L 174, 3.6.2020, p. 140, ELI: [http://data.europa.eu/eli/reg\\_del/2020/688/oj](http://data.europa.eu/eli/reg_del/2020/688/oj)).

(11) 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*

In the table of the Annex to Implementing Regulation (EU) 2018/1882, the row for infection with bluetongue virus (serotypes 1-24) is replaced by the following:

‘Infection with bluetongue virus (serotypes 1-24)	D+E	Antilocapridae, Bovidae, Camelidae, Cervidae, Giraffidae, Moschidae, Tragulidae	<i>Culicoides</i> spp.’
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*Article 2*

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from XXX.

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*