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EUROPEAN
COMMISSION

Brussels, XXX
PLAN/2025/1924
[...] (2025) XXX draft

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

of XXX

amending Commission Delegated Regulation (EU) 2020/689 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

(Text with EEA relevance)

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EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Regulation (EU) 2016/429¹ 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') lays down rules on transmissible animal diseases and rules on animal health requirements for movements within the Union of terrestrial animals.

Commission Delegated Regulation (EU) 2020/689² supplements the rules of the Animal Health Law on eradication programmes and disease freedom for certain listed diseases including infection with bluetongue virus (serotype 1-24) ('infection with BTV').

Infection with BTV is a category C+D+E disease as provided for in Commission Implementing Regulation (EU) 2018/1882 and is as such, subject to optional eradication programmes to achieve freedom in accordance with Regulation (EU) 2016/429.

Infection with BTV is subject to re-categorisation to a category D+E disease by an ongoing amendment to Commission Implementing Regulation (EU) 2018/1882. Amongst other implications, such recategorization implies that the rules for BTV optional eradication programmes and disease freedom are no longer relevant as they only apply to category C+D+E diseases.

Therefore, this amendment will update Delegated Regulation (EU) 2020/689 accordingly by removing the provisions on infection with BTV eradication programmes and infection with BTV freedom.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The Commission consulted with members of the Expert Group on Animal Health (E00930) on the content of this draft Delegated Regulation during meetings that took place on XXX 2025.

Several other exchanges and meetings also took place with stakeholders as well as with competent authorities of Member States where relevant drivers and elements were discussed regarding the purpose and content of the draft delegated act.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

This Delegated Regulation is to be adopted within the framework of Regulation (EU) 2016/429, and in particular pursuant to Articles 31(5), 32(2), 39 and 41(3), thereof.

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

² Commission Delegated Regulation (EU) 2020/689 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, ELI: http://data.europa.eu/eli/reg_del/2020/689/oj).

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

of XXX

amending Commission Delegated Regulation (EU) 2020/689 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

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Whereas:

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')³, and in particular Articles 31(5), 32(2), 39 and 41(3), thereof

Whereas:

- (1) Regulation (EU) 2016/429 lays down rules for the prevention and control of animal diseases that are transmissible to animals or to humans. That Regulation lays down in its Part II Chapter 3 and Chapter 4 rules on eradication programmes and disease-free status. Commission Delegated Regulation (EU) 2020/689⁴ supplements the rules on eradication programmes and disease freedom for certain listed diseases including infection with bluetongue virus (serotype 1-24) ('infection with BTV').
- (2) In addition, Regulation (EU) 2016/429 includes 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 infection with BTV is a listed disease in the sense of Article 5 of Regulation (EU) 2016/429.
- (3) Moreover, 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

³ OJ L 84, 31.3.2016, p. 1, ELI: <http://data.europa.eu/eli/reg/2016/429/oj>.

⁴ 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, ELI: http://data.europa.eu/eli/reg_del/2020/689/oj).

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Regulation (EU) 2018/1882⁵ 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. Consequently, it is subject to the disease-specific rules referred to in Article 9(1), points (c), (d) and (e) of Regulation (EU) 2016/429.

- (4) Infection with BTV is a category C+D+E disease and one of the disease-specific rules to prevent and control infection with BTV is the implementation of optional eradication programmes. The provisions for optional eradication programmes for infection with BTV are laid down in Section 4 of Chapter 2 of Part II and in Part II of Annex V of Delegated Regulation (EU) 2020/689. Moreover, the provisions to obtain and maintain the infection with BTV free status are laid down in Chapter 4 of Part II of Delegated Regulation (EU) 2020/689.
- (5) Infection with BTV is subject to re-categorisation to a category D+E disease by an ongoing amendment to Commission Implementing Regulation (EU) 2018/1882. Amongst other implications, such recategorization implies that the rules for BTV optional eradication programmes and disease freedom are no longer relevant as they only apply to category C+D+E diseases. Therefore, they should be removed from Delegated Regulation (EU) 2020/689
- (6) Delegated Regulation (EU) 2020/689 should therefore be amended accordingly.

HAS ADOPTED THIS REGULATION:

Article 1
Amendments to Delegated Regulation (EU) 2020/689

Delegated Regulation (EU) 2020/689 is amended as follows:

- 1. in Article 2, points (17), (18) and (30) are deleted.
- 2. In Article 12, point (c)(ii) is deleted.
- 3. Section 4 of Chapter 2 of Part II is deleted.
- 4. in Article 66, the third indent of point (a)(iv) is deleted.
- 5. in article 70, point 3(b) is deleted.
- 6. in article 72, point (h) is deleted.
- 7. in article 81, point 3(h) is deleted.
- 8. Part II of Annex V is deleted.

⁵ 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).

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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 as of XXXX.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President
[\[...\]](#)