EU animal health legislation considers that all birds, including pigeons, are susceptible to infection with Highly Pathogenic Avian Influenza (HPAI) virus and pose a risk for spreading it. Therefore, relevant rules apply to all birds, as far as HPAI is concerned.

Delegated Regulation (EU) 2020/687 was drafted based on the most recent animal health scientific knowledge available to the Commission and following Member States experts’ discussions and consultations, and it was adopted with the support of the European Parliament and the Council. It provides for science-based and harmonised rules for, *inter alia*, quickly eradicating highly transmissible and dangerous animal diseases like HPAI. It lays down in particular rules and measures that shall be implemented in the affected establishments and around (in the restricted zone) to avoid the spread of the disease.

Possibilities for the Member States’ competent authorities to derogate from certain measures were considered during the drafting and adoption process of Delegated Regulation (EU) 2020/687 provided the risk of disease spreading is negligible. Derogating from the prohibition of any birds’ gathering in or movements to and from restricted zones around HPAI affected establishments was not considered, as the risk of disease spreading is not insignificant.

In addition, HPAI is known to have a seasonal pattern, affecting wild and kept birds during winter and early spring, linked to wild birds’ migration.

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