

Council Directive 2005/94/EC of 20 December 2005 on Community measures
for the control of avian influenza and repealing Directive 92/40/EEC

CHAPTER III

SUSPECTED OUTBREAKS

Article 7

Measures to be applied on holdings where outbreaks are suspected

1 In the case of a suspected outbreak, the competent authority shall immediately set in motion an investigation to confirm or exclude the presence of avian influenza in accordance with the diagnostic manual and place the holding under official surveillance. The competent authority shall also ensure that the measures provided for in paragraphs 2 and 3 are complied with.

2 The competent authority shall ensure that the following measures are applied on the holding:

- a poultry, other captive birds and all mammals of domestic species are counted or, if appropriate, their numbers estimated by the type of poultry or species of other captive bird;
- b a list is compiled of the approximate number of poultry, other captive birds and all mammals of domestic species already sick, dead or likely to be infected in each category on the holding; that list shall be updated daily to take account of hatchings, births and deaths throughout the period of the suspected outbreak and shall be produced on request to the competent authority;
- c all poultry and other captive birds are brought inside a building on their holding and kept there. Where this is impractical or if their welfare is compromised they are confined in some other place on the same holding such that they do not have contact with other poultry or other captive birds on other holdings. All reasonable steps are taken to minimise their contact with wild birds;
- d no poultry or other captive birds may enter or leave the holding;
- e no carcasses of poultry or other captive birds, meat of poultry including offal ('poultry meat'), poultry feed ('feed'), utensils, materials, waste, droppings, poultry or other captive birds manure ('manure'), slurry, used litter or anything likely to transmit avian influenza may leave the holding without an authorisation from the competent authority, observing appropriate biosecurity measures such as to minimise any risk of the spread of avian influenza;
- f no eggs may leave the holding;
- g the movement of persons, mammals of domestic species, vehicles and equipment to or from the holding is subject to the conditions and authorisation of the competent authority;
- h appropriate means of disinfection are used at the entrances and exits of buildings housing poultry or other captive birds and of the holding itself in accordance with the instructions of the competent authority.

3 The competent authority shall ensure that an epidemiological inquiry is carried out in accordance with Article 6 ('the epidemiological inquiry').

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4 Notwithstanding paragraph 1, the competent authority may provide for the submission of samples in other cases. In such circumstances the competent authority may proceed without adopting some or all of the measures referred in paragraph 2.

Article 8

Derogations from certain measures to be applied on holdings where outbreaks are suspected

1 The competent authority may grant derogations from the measures provided for in Article 7(2) points (c) to (e) on the basis of a risk assessment and taking into account the precautions taken and the destination of the birds and products to be moved.

2 The competent authority may also grant derogations from the measures provided for in Article 7(2), point (h) in the case of other captive birds kept on non-commercial holdings.

3 With reference to Article 7(2) point (f), the competent authority may authorise the sending of eggs:

- a directly to an establishment for the manufacture of egg products, as set out in Chapter II of Section X of Annex III to Regulation (EC) No 853/2004, to be handled and treated in accordance with Chapter XI of Annex II to Regulation (EC) No 852/2004; where the competent authority issues such an authorisation, the latter shall be subject to the conditions set out in Annex III to this Directive; or
- b for disposal.

Article 9

Duration of the measures to be applied on holdings where outbreaks are suspected

The measures to be applied on holdings in cases of suspected outbreaks, as provided for in Article 7, shall continue to be applied until the competent authority is satisfied that the suspicion of avian influenza on the holding has been ruled out.

Article 10

Additional measures based on an epidemiological inquiry

1 Based on the preliminary results of an epidemiological inquiry, the competent authority may apply the measures provided for in paragraphs 2, 3 and 4 in particular if the holding is located in an area with a high density of poultry.

2 Temporary restrictions may be introduced on the movements of poultry, other captive birds and eggs and the movement of vehicles used by the poultry sector in a defined area or in the whole of the Member State.

Such restrictions may be extended to movements of mammals of domestic species, but in that case shall not exceed 72 hours, unless justified.

3 The measures provided for in Article 11 may be applied to the holding.

However, if conditions permit, application of those measures may be limited to the poultry or other captive birds suspected of being infected and their production units.

Samples shall be taken from the poultry or other captive birds if they are killed in order for the risk of a suspected outbreak to be confirmed or excluded, in accordance with the diagnostic manual.

4 A temporary control zone around the holding may be established and some or all of the measures provided for in Article 7(2) shall be applied as necessary to the holdings within that zone.