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► **B****COMMISSION DECISION**

of 14 June 2006

concerning certain protection measures in relation to highly pathogenic avian influenza of the subtype H5N1 in poultry in the Community and repealing Decision 2006/135/EC

*(notified under document number C(2006) 2400)***(Text with EEA relevance)**

(2006/415/EC)

(OJ L 164, 16.6.2006, p. 51)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Commission Decision 2006/506/EC of 19 July 2006	L 199	36	21.7.2006
► <u>M2</u>	Commission Decision 2007/79/EC of 31 January 2007	L 26	5	2.2.2007
► <u>M3</u>	Commission Decision 2007/83/EC of 5 February 2007	L 33	4	7.2.2007
► <u>M4</u>	Commission Decision 2007/119/EC of 16 February 2007	L 51	22	20.2.2007
► <u>M5</u>	Commission Decision 2007/128/EC of 20 February 2007	L 53	26	22.2.2007
► <u>M6</u>	Commission Decision 2007/434/EC of 21 June 2007	L 161	70	22.6.2007
► <u>M7</u>	Commission Decision 2007/454/EC of 29 June 2007	L 172	87	30.6.2007
► <u>M8</u>	Commission Decision 2007/483/EC of 9 July 2007	L 180	43	10.7.2007
► <u>M9</u>	Commission Decision 2007/496/EC of 13 July 2007	L 184	29	14.7.2007
► <u>M10</u>	Commission Decision 2007/556/EC of 1 August 2007	L 212	10	14.8.2007
► <u>M11</u>	Commission Decision 2007/591/EC of 27 August 2007	L 222	21	28.8.2007
► <u>M12</u>	Commission Decision 2007/604/EC of 7 September 2007	L 236	11	8.9.2007
► <u>M13</u>	Commission Decision 2007/632/EC of 28 September 2007	L 255	46	29.9.2007
► <u>M14</u>	Commission Decision 2007/731/EC of 13 November 2007	L 295	28	14.11.2007
► <u>M15</u>	Commission Decision 2007/770/EC of 28 November 2007	L 311	45	29.11.2007
► <u>M16</u>	Commission Decision 2007/785/EC of 3 December 2007	L 316	62	4.12.2007
► <u>M17</u>	Commission Decision 2007/816/EC of 10 December 2007	L 326	32	12.12.2007
► <u>M18</u>	Commission Decision 2007/838/EC of 13 December 2007	L 330	51	15.12.2007
► <u>M19</u>	Commission Decision 2007/844/EC of 17 December 2007	L 332	101	18.12.2007
► <u>M20</u>	Commission Decision 2007/878/EC of 21 December 2007	L 344	54	28.12.2007
► <u>M21</u>	Commission Decision 2007/885/EC of 26 December 2007	L 346	23	29.12.2007
► <u>M22</u>	Commission Decision 2008/70/EC of 22 January 2008	L 18	25	23.1.2008
► <u>M23</u>	Commission Decision 2008/543/EC of 18 June 2008	L 173	25	3.7.2008
► <u>M24</u>	Commission Decision 2008/812/EC of 24 October 2008	L 282	19	25.10.2008
► <u>M25</u>	Commission Decision 2009/495/EC of 26 June 2009	L 166	77	27.6.2009
► <u>M26</u>	Commission Decision 2010/218/EU of 16 April 2010	L 97	14	17.4.2010
► <u>M27</u>	Commission Decision 2010/734/EU of 30 November 2010	L 316	10	2.12.2010
► <u>M28</u>	Commission Implementing Decision 2011/844/EU of 14 December 2011	L 334	31	16.12.2011
► <u>M29</u>	Commission Implementing Decision 2013/635/EU of 31 October 2013	L 293	40	5.11.2013

► <u>M30</u>	Commission Implementing Decision (EU) 2015/205 of 6 February 2015	L 33	48	10.2.2015
► <u>M31</u>	Commission Implementing Decision (EU) 2015/2225 of 30 November 2015	L 316	14	2.12.2015
► <u>M32</u>	Commission Implementing Decision (EU) 2017/2410 of 20 December 2017	L 342	13	21.12.2017

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(Text with EEA relevance)

(2006/415/EC)

*Article 1***Subject matter and scope**

1. This Decision lays down certain protection measures to be applied in cases of highly pathogenic avian influenza in poultry in the territory of a Member State (the ‘affected Member State’), caused by a highly pathogenic influenza A virus of subtype H5 suspected (‘suspected outbreak’) or confirmed (‘outbreak’) to be of the neuraminidase type N1, in order to prevent the spread of avian influenza into the disease free parts of the Community through movement of poultry, other birds as well as products thereof.

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2. The measures laid down in this Decision shall be applied without prejudice to the measures to be applied in the event of an outbreak of highly pathogenic avian influenza in poultry taken in accordance with Directive 2005/94/EC.

▼B*Article 2***Definitions**

For the purpose of this Decision, the definitions in Directive 2005/94/EC shall apply. In addition, the following definitions shall apply:

- (a) ‘hatching eggs’ means eggs for incubation laid by poultry as defined in Article 2(4) of Directive 2005/94/EC;
- (b) ‘wild feathered game’ means game as defined in point 1.5, second indent, and as far as avian species are concerned, in point 1.7 of Annex I to Regulation (EC) No 853/2004;
- (c) ‘other captive birds’ means birds as defined in point 6 of Article 2 of Directive 2005/94/EC, including:
 - (i) pet animals of the bird species as referred to in Article 3(a) of Regulation (EC) No 998/2003; and
 - (ii) birds destined for approved bodies, institutes or centres as defined in Article 2(1)(c) of Directive 92/65/EEC.

▼M7*Article 3***Areas A and B**

1. The area listed in Part A of the Annex ('area A') is classified as the high risk area consisting of the protection and surveillance zones established in accordance with Article 16 of Directive 2005/94/EC.
2. The area listed in Part B of the Annex ('area B') is classified as the low risk area which may include all or parts of the further restricted zone established in accordance with Article 16 of Directive 2005/94/EC, and which shall separate area A from the disease free part of the affected Member State, if such part is identified, or from neighbouring countries.

▼B*Article 4***Establishment of areas A and B****▼M7**

1. Immediately following a suspected or confirmed outbreak of highly pathogenic avian influenza caused by highly pathogenic influenza A virus of subtype H5 suspected or confirmed to be of the neuraminidase type N1, the affected Member State shall establish:
 - (a) area A, having regard to the legal requirements as set out in Article 16 of Directive 2005/94/EC;
 - (b) area B having regard to geographical, administrative, ecological and epizootiological factors relating to avian influenza.

The affected Member State shall notify areas A and B to the Commission, to the other Member States and, as appropriate, to the public.

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2. The Commission, in collaboration with the affected Member State, shall examine the areas established by the affected Member State and take the appropriate measures in relation to those areas pursuant to Article 9(3) and (4) of Directive 89/662/EEC and Article 10(3) or (4) of Directive 90/425/EEC.
3. If the neuraminidase type is confirmed as being different from N1, the affected Member State shall abolish the measures taken by it in relation to the areas concerned and notify the Commission and the other Member States.

The Commission, in collaboration with the affected Member State, shall take the appropriate measures pursuant to Article 9(3) or (4) of Directive 89/662/EEC and Article 10(3) or (4) of Directive 90/425/EEC.

4. If the presence of a highly pathogenic influenza A virus of the subtype H5N1 is confirmed in poultry, the affected Member States shall:
 - (a) notify the Commission and the other Member States;
 - (b) apply the measures provided for in Article 5:

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- (i) for at least 21 days in the case of the protection zone and 30 days in the case of the surveillance zone after the date of completion of the preliminary cleansing and disinfection on the holding where an outbreak is confirmed in accordance with Article 11(8) of Directive 2005/94/EC; and

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- (ii) as long as is necessary having regard to the geographical, administrative, ecological and epizootiological factors relating to avian influenza; or
 - (iii) until the date indicated for the affected Member State in the Annex;
- (c) keep the Commission and the other Member States informed about any development with regard to areas A and B.

The Commission, in collaboration with the affected Member State, shall take the appropriate measures pursuant to Article 9(3) or (4) of Directive 89/662/EEC and Article 10(3) or (4) of Directive 90/425/EEC.

*Article 5***General prohibition****▼M7**

In addition to the restrictions on the movement of poultry, other captive birds, their hatching eggs and products derived from such birds laid down in Directive 2005/94/EC, for holdings in the protection, surveillance and further restricted zones, the affected Member State shall ensure that:

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- (a) no live poultry and other captive birds, except birds referred to in Article 2(c)(i) and (ii), and hatching eggs of poultry, other captive birds, except those from birds referred to in Article 2(c)(ii), and of wild feathered game birds are dispatched from area B to the remaining part of the territory of the affected Member State, if applicable, or to other Member States or to third countries;
- (b) no products intended for human consumption derived from wild feathered game, are dispatched from areas A and B to the remaining part of the territory of the affected Member State, if applicable, or to other Member States and to third countries;
- (c) no animal by-products derived entirely or partially from avian species from areas A and B and subject to the provisions of Regulation (EC) No 1774/2002 are transported between areas A and B or dispatched from those areas to the remaining part of the territory of the affected Member State, if applicable, or to other Member States or to third countries;
- (d) no poultry or other captive birds are gathered at gatherings within area B such as fairs, markets or shows.



Article 6

Derogations for live poultry and day-old chicks

1. By way of derogation from Article 5(a), the affected Member State may authorise the direct transport of poultry from holdings in area B, to slaughterhouses in the affected Member State designated by the competent authority, or following agreement between the competent authorities, to a designated slaughterhouse in another Member State or third country.

2. By way of derogation from Article 5(a), the affected Member State may authorise the direct transport of poultry from holdings in area B to holdings under official control in the same Member State where the poultry shall remain for at least 21 days.

3. By way of derogation from Article 5(a), the affected Member State may authorise the direct transport of poultry from holdings in area B to a designated holding in another Member State or a third country, provided that:
 - (a) the competent authorities have agreed;
 - (b) no other poultry is kept on the designated holding;
 - (c) the designated holding is placed under official surveillance;
 - (d) the poultry remain on the designated holding for at least 21 days.

4. By way of derogation from Article 5(a), the affected Member State may authorise the transport of day-old chicks from a hatchery situated in area B:
 - (a) to holdings under official control in the affected Member State, preferably situated outside area A;
 - (b) to any holding, preferably situated outside area A, provided that the day-old chicks are hatched from eggs complying with the requirements in Article 7(1)(b);
 - (c) to any holding, preferably situated outside area A, provided that the day-old chicks are hatched from eggs collected from holdings which were on the date of collection situated outside areas A and B and were transported in disinfected packaging.

5. The animal health certificates accompanying consignments of poultry or day-old chicks referred to in paragraph 1, 2, 3 and 4(b) and (c) to other Member States shall include the words:

‘The consignment complies with the animal health conditions laid down in Commission Decision 2006/415/EC’.

6. Movements pursuant to paragraphs 1, 2, 3 and 4 shall be executed under official control. They shall be authorised only after the official veterinarian has ascertained that the holding of origin is not subject to any suspicion relating to highly pathogenic avian influenza. The means of transport used must be cleaned and disinfected before and after use.

▼B*Article 7***Derogations for hatching eggs and SPF-eggs**

1. By way of derogation from Article 5(a), the affected Member State may authorise the dispatch of hatching eggs

- (a) collected from holdings situated on the day of collection in area B, to a designated hatchery in the affected Member State, or following agreement between the competent authorities, to a designated hatchery in another Member State or third country;
- (b) collected from holdings situated on the day of collection in area B, on which the poultry have tested negative in a serological survey for avian influenza capable of detecting 5 % prevalence of disease with at least a 95 % level of confidence and traceability is ensured, to any hatchery.

2. By way of derogation from Article 5(a), the affected Member State shall authorise the dispatch of hatching eggs or SPF-eggs for scientific, diagnostic or pharmaceutical uses collected from holdings situated on the day of collection in area A or B to designated laboratories, institutes, pharmaceutical or vaccine producers in the affected Member State, or following agreement between the competent authorities, in another Member State or a third country.

3. The animal health certificates accompanying consignments of hatching eggs referred to in paragraphs 1(a) and (b) and 2 to other Member States shall include the words:

‘The consignment complies with the animal health conditions laid down in Commission Decision 2006/415/EC’.

4. Movements which are permitted pursuant to paragraph 1 or 2 shall be executed under official control. They shall be authorised only after the official veterinarian has ascertained that the holding of origin is not subject to any suspicion relating to highly pathogenic avian influenza. The means of transport used must be cleaned and disinfected before and after use.

*Article 8***Derogations for meat, minced meat and mechanically separated meat of wild feathered game and meat preparations and meat products prepared from such meat****▼M4**

1. By way of derogation from Article 5(b), the affected Member State may authorise the dispatch onto the national market of fresh meat, minced meat, mechanically separated meat and meat preparations or meat products from wild feathered game originating in areas A or B, if such meat is marked:

- (a) either in accordance with the special identification mark provided for in Annex II to Directive 2002/99/EC, or
- (b) in accordance with Article 2 of Decision 2007/118/EC.

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2. By way of derogation from Article 5(b), the affected Member State shall authorise the dispatch of:

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- (a) meat products produced from meat from wild feathered game originating in area A or B which were subjected to a treatment as required for avian influenza in row 1(a), (b) or (c) of Annex III to Directive 2002/99/EC;
- (b) fresh meat from wild feathered game originating outside the areas A and B and produced in establishments within area A or B in accordance with Section IV of Annex III to Regulation (EC) No 853/2004 and controlled in accordance with Chapter VIII of Section IV of Annex I to Regulation (EC) No 854/2004;
- (c) minced meat, meat preparations, mechanically separated meat and meat products containing meat referred to in point (b) and produced in establishments situated in area A or B in accordance with Sections V and VI of Annex III to Regulation (EC) No 853/2004.

*Article 9***Derogation for animal by-products**

1. By way of derogation from Article 5(c), the affected Member State shall authorise:

- (a) the dispatch from area A or B of animal by-products of avian origin which:
 - (i) comply with the conditions set out in the following Annexes, or parts thereof, to Regulation (EC) No 1774/2002:
 - Annex V,
 - Chapters II(A), III(B), IV(A), VI(A and B), VII(A), VIII(A), IX(A) and X(A) of Annex VII, and
 - Chapter II(B), Chapter III(II)(A) and Chapter VII(A)(1)(a) of Annex VIII; or
 - (ii) are transported under biosecurity measures to avoid spread of the virus to designated, plants approved in accordance with Articles 12 to 15 or Articles 17 or 18 of Regulation (EC) No 1774/2002 for disposal, further transformation or use which ensure at least the inactivation of the avian influenza virus; or
 - (iii) are transported under biosecurity measures to avoid spread of the virus to users or collection centres authorised and registered in accordance with Article 23(2) of Regulation (EC) No 1774/2002 for the feeding of animals after a treatment in accordance with points (5)(a)(ii) and (iii) of Annex IX to that Regulation to ensure at least the inactivation of the avian influenza virus;
- (b) the dispatch from area B of untreated feathers or parts of feathers in accordance with point 1(a) of Section A of Chapter VIII of Annex VIII to Regulation (EC) No 1774/2002, produced from poultry or farmed feathered game;
- (c) the dispatch from area A or B of feathers and parts of feathers that have been treated with a steam current, or by some other method that ensures that no pathogens remain, produced from poultry or wild feathered game.

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2. The affected Member State shall ensure that the products referred to in paragraph 1(b) and (c) of this Article are accompanied by a commercial document in accordance with Chapter X of Annex II to Regulation (EC) No 1774/2002 stating, in the case of the products referred to in paragraph 1(c) of this Article, in point 6.1 of that document that those products have been treated with a steam current or by some other method ensuring that no pathogens remain.

However, that commercial document shall not be required for processed decorative feathers, processed feathers carried by travellers for their private use or consignments of processed feathers sent to private individuals for non-industrial purpose.

*Article 10***Conditions for movements**

1. Where movements of animals or products thereof covered by this Decision are authorised under Articles 6, 7, 8 and 9, the authorisation shall be based on the favourable outcome of a risk assessment carried out by the competent authority and all appropriate biosecurity measures shall be taken to avoid the spread of avian influenza.

2. Where the dispatch, movement or transport of products referred to in paragraph 1 are authorised under Articles 7, 8 and 9, subject to justified conditions or limitations, they must be obtained, handled, treated, stored and transported without compromising the animal health status of other products fulfilling all the animal health requirements for trade, placing on the market or export to third countries.

*Article 11***Compliance and information**

All Member States shall immediately adopt and publish the measures necessary to comply with this Decision. They shall immediately inform the Commission thereof.

The affected Member State shall apply those measures as soon as it reasonably suspects the presence of highly pathogenic avian influenza virus of the subtype H5N1 in poultry.

The affected Member State shall regularly provide to the Commission and the other Member States the necessary information on the epidemiology of the disease and, where appropriate the additional control and surveillance measures and the awareness campaigns implemented.

*Article 12***Validity**

This Decision shall apply until ► **M32** 31 December 2018 ◀.

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Article 13

Repeal

Decision 2006/135/EC is repealed.

Article 14

Addressee

This Decision is addressed to the Member States.

▼ **M30***ANNEX***PART A**

Area A as established in accordance with Article 4(2):

ISO Country Code	Member State	Area A		Date until the measures provided in Article 5 are applicable in accordance with Article 4(4)(b)(iii)
		Code (if available)	Name	
BG	Bulgaria		Area comprising:	5 March 2015
		52279	Protection zone: Konstantinovo	
		07079	Surveillance zone: From the town of Burgas the parts: — Meden rudnik — Gorno ezerovo — Varli bryag	
		21141	Dimchevo	
		80916	Cherni vrah	
		57337	Polski izvor	
		43623	Livada	
		23604	Drachevo	
		20273	Debelt	
		58400	Prisad	

PART B

Area B as established in accordance with Article 4(2):

ISO Country Code	Member State	Area B		Date until the measures provided in Article 5 are applicable in accordance with Article 4(4)(b)(iii)
		Code (if available)	Name	
BG	Bulgaria		Area comprising:	5 March 2015
		BGS04	Burgas municipality	
		BGS08	Kameno municipality	
		BGS21	Sozopol municipality	
			From Sredets municipality:	
		63055	— Rosenovo	
		17974	— Sredec	
		24712	— Djulevo	

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ISO Country Code	Member State	Area B		Date until the measures provided in Article 5 are applicable in accordance with Article 4(4)(b)(iii)
		Code (if available)	Name	
		70322	— Suhodol	
		30168	— Zagortsi	
		65560	— Svetlina	
		03455	— Belila	
		59015	— Panchevo	
			From Pomorie municipality:	
		57491	— Pomorie	
		35691	— Kamenar	
		00271	— Aheloi	
		35033	— Kableshkovo	
		44425	— Laka	