

Commission Decision of 14 June 2006 concerning certain transitional measures in relation to highly pathogenic avian influenza in poultry or other captive birds in the Community (notified under document number C(2006) 2402) (Text with EEA relevance) (2006/416/EC)

Article 8

Derogations concerning certain holdings

1 The competent authority may grant derogations from the measures provided for in the first subparagraph of Article 7(2) in cases of an outbreak of HPAI in a non-commercial holding, a circus, a zoo, a pet bird shop, a wild life park, a fenced area where poultry or other captive birds are kept for scientific purposes or purposes related to the conservation of endangered species or officially registered rare breeds of poultry or other captive birds, provided that such derogations do not endanger disease control.

2 The competent authority shall ensure that where a derogation is granted, as provided for in paragraph 1, the poultry and other captive birds concerned by the derogation:

- a 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;
- b are subjected to further surveillance and testing in accordance with the instructions of the official veterinarian and are not moved until the laboratory tests have indicated that they no longer pose a significant risk of further spread of HPAI; and
- c are not moved from their holding of origin, except for slaughter or to another holding:
 - (i) located in the same Member State, in accordance with the instructions of the competent authority; or
 - (ii) in another Member State, subject to the agreement of the Member State of destination.

3 Notwithstanding the prohibition of movement of poultry or other captive birds in accordance with paragraph 2(b), the competent authority may on the basis of a risk assessment authorise the transport under biosecurity measures of poultry or birds which cannot be appropriately housed and kept under surveillance on the holding of origin to a designated holding in the same Member State, where further surveillance and testing shall be carried out under official surveillance; provided that such authorisation does not endanger disease control.

4 The competent authority may grant derogations from the measures provided for in Article 7(5), for eggs to be sent 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.

5 The Member States shall inform the Commission and the other Member States of any derogation granted on the basis of this provision.

Changes to legislation:

There are currently no known outstanding effects for the Commission Decision of 14 June 2006 concerning certain transitional measures in relation to highly pathogenic avian influenza in poultry or other captive birds in the Community (notified under document number C(2006) 2402) (Text with EEA relevance) (2006/416/EC), Article 8.