

Commission Decision of 11 August 2006 concerning certain protection measures in relation to highly pathogenic avian influenza of subtype H5N1 in wild birds in the Community and repealing Decision 2006/115/EC (notified under document number C(2006) 3585) (Text with EEA relevance) (2006/563/EC)

Article 15

Derogations concerning the duration of measures in the control and monitoring areas

1 By way of derogation from Article 14(2), the competent authority may decide, following the favourable outcome of a risk assessment taking into account the criteria in Article 3(2), to suspend the measures provided for in Article 6(a) to (g) in the control area and those provided for in Article 8 in the monitoring area, even where further infected wild birds have been found, provided that at least 21 days have lapsed since the initial establishment of the control and monitoring areas and there has been no outbreak of HPAI H5N1 and no suspicion of avian influenza in poultry and other captive birds in those areas.

2 By way of derogation from Article 14(2), where, in accordance with Article 3(5), a control or monitoring area overlap with a surveillance zone and that surveillance zone has been lifted, the competent authority may, on the basis of a favourable outcome of a risk assessment, suspend some or all of the measures provided for in Article 5(a) and (e) and of Article 6 in the control area.

3 By way of derogation from Article 14(2), the competent authority may decide to replace the control area by a monitoring area subject to the following conditions:

- a favourable results of a risk assessment, taking into account the criteria in Article 3(2);
- b the completion of the measures provided for in Article 5(a);
- c at least one visit to each holding has been made as provided for in Article 5(e);
- d negative results have been obtained for all laboratory tests carried out as provided for in Article 5(e)(i).

Where the competent authority decides to replace the control area by a monitoring area, it may change the shape and size of that monitoring area provided such monitoring area remains at least 1 km in radius or a band of 1 km in width from the banks of a river or the shores of a lake or coast for a length of at least 3 km. The measures provided for in Article 5(b), (c) and (d) and Article 6(h) and (i) shall be maintained until the end of the 30 day period from the date of the establishment of the control and monitoring areas in accordance with Article 3(1).

Changes to legislation:

There are outstanding changes not yet made to Commission Decision of 11 August 2006 concerning certain protection measures in relation to highly pathogenic avian influenza of subtype H5N1 in wild birds in the Community and repealing Decision 2006/115/EC (notified under document number C(2006) 3585) (Text with EEA relevance) (2006/563/EC). Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Decision revoked by [S.S.I. 2021/444 art. 3](#)
- Decision revoked by [S.I. 2021/1305 art. 8](#)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Art. 1(2)(a) omitted by [S.I. 2018/1410 reg. 11\(2\)\(b\)](#)
- Art. 2(d)-(f) inserted by [S.I. 2018/1410 reg. 11\(3\)\(b\)](#)
- Art. 6(g) words inserted by [S.I. 2018/1410 reg. 11\(7\)\(b\)](#)
- Art. 6(g) words substituted in earlier amending provision S.I. 2018/1410, reg. 11(7)(b) by [S.I. 2020/1388 reg. 25\(8\)\(e\)](#)
- Art. 9(1)(b) words substituted by [S.I. 2018/1410 reg. 11\(9\)\(a\)\(ii\)](#)
- Art. 9(1)(b) words substituted in earlier amending provision S.I. 2018/1410, reg. 11(9)(a)(ii) by [S.I. 2020/1388 reg. 25\(8\)\(e\)](#)
- Art. 11(2)(b) words inserted by [S.I. 2018/1410 reg. 11\(11\)\(b\)](#)
- Art. 11(2)(b) words substituted in earlier amending provision S.I. 2018/1410, reg. 11(11)(b) by [S.I. 2020/1388 reg. 25\(8\)\(e\)](#)
- Art. 12(1)(b) words substituted by [S.I. 2018/1410 reg. 11\(12\)\(b\)](#)
- Art. 12(1)(b) words substituted in earlier amending provision S.I. 2018/1410, reg. 11(12)(b) by [S.I. 2020/1388 reg. 25\(8\)\(e\)](#)