

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 3*

**Establishment of control and monitoring areas**

1 The affected Member State shall establish around the area where the presence of HPAI caused by avian influenza A virus of subtype H5 is confirmed in wild birds and the neuraminidase type N1 is either suspected or confirmed:

- a a control area with a radius of at least three kilometres (the control area); and
- b a monitoring area with a radius of initially at least 10 kilometres, including the control area (the monitoring area).

2 The establishment of the control and the monitoring areas shall take account of geographical, limnological, administrative, ecological and epizootiological factors relating to the species of wild birds, the characteristics of the avian influenza viruses and the monitoring facilities.

3 The affected Member State shall notify to the Commission and to the other Member States the details of any control and monitoring areas and shall, as appropriate, inform the public of the measures taken.

4 If the control or the monitoring areas cover the territories of more than one Member State, the competent authorities of those Member States shall collaborate in order to establish those areas.

5 If wild birds are suspected or confirmed to be infected with HPAI H5N1 in a protection or surveillance zone established pursuant to Article 11(1) of Decision 2006/416/EC (the protection or surveillance zones) due to such infection in poultry or other captive birds, the competent authority shall:

- a establish control and monitoring areas; and
- b undertake a risk assessment to consider whether the radius of the control and monitoring areas needs to be extended to overlap with the protection and surveillance zones.

The competent authority may apply the protection measures provided for in Article 5(b), (c) and (d), in any parts of the protection and surveillance zones that do not overlap with the control and monitoring areas when the risk assessment indicates that there is a risk of spread of HPAI H5N1 to poultry or other captive birds in those parts.

**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](#)
- Art. 3(1) words substituted by [S.I. 2018/1410 reg. 11\(4\)\(a\)](#)
- Art. 3(1) words substituted in earlier amending provision S.I. 2018/1410, reg. 11(4)(a) by [S.I. 2020/1388 reg. 25\(8\)\(c\)](#)
- Art. 3(3) substituted by [S.I. 2018/1410 reg. 11\(4\)\(b\)](#)
- Art. 3(4) substituted by [S.I. 2018/1410 reg. 11\(4\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Reg. 11(4)(c) omitted immediately before IP completion day by virtue of S.I. 2020/1388, regs. 1(2)(a), 25(8)(d))
- Art. 3(5) words omitted by [S.I. 2018/1410 reg. 11\(4\)\(d\)](#)

**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\(8\)\(e\)](#)