

Commission Decision of 31 October 2008 implementing Council Directive 2006/88/EC as regards surveillance and eradication programmes and disease-free status of Member States, zones and compartments (notified under document number C(2008) 6264) (Text with EEA relevance) (2009/177/EC)

COMMISSION DECISION

of 31 October 2008

implementing Council Directive 2006/88/EC as regards surveillance and eradication programmes and disease-free status of Member States, zones and compartments

(notified under document number C(2008) 6264)

(Text with EEA relevance)

(2009/177/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals⁽¹⁾, and in particular the first subparagraph of Article 44(1), the first subparagraph of Article 44(2), Article 44(3), Article 49(1), Article 50(2)(a), Articles 50(3), 51(2), 59(2) and 61(3) and Article 64 thereof,

Whereas:

- (1) Directive 2006/88/EC lays down minimum preventive measures aimed at increasing the awareness and preparedness of the competent authorities, aquaculture production business operators and others related to this industry, for diseases in aquaculture animals, and minimum control measures to be applied in the event of a suspicion of, or an outbreak of certain diseases in aquatic animals. It repeals and replaces, from 1 August 2008, Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products⁽²⁾.
- (2) Article 44(1) of Directive 2006/88/EC provides that, where a Member State not known to be infected but not declared free of one or more of the non-exotic diseases listed in Part II of Annex IV thereto draws up a surveillance programme for achieving disease-free status for one or more of those diseases, it is to submit that programme for approval in accordance with the regulatory procedure.
- (3) Article 44(1) of Directive 2006/88/EC also provides that where that surveillance programme is to cover individual compartments or zones which comprise less than 75 % of the territory of the Member State and the zone or compartment consists of a water catchment area not shared with another Member State or third country, a different procedure, including the model forms to be submitted to the Standing Committee on

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the Food Chain and Animal Health (the Committee), is to be followed, as provided for in Article 50(2) of Directive 2006/88/EC.

- (4) Article 44(2) of Directive 2006/88/EC provides that, where a Member State known to be infected by one or more of the non-exotic diseases listed in Part II of Annex IV thereto draws up an eradication programme for one or more of those disease, it is to submit that programme for approval in accordance with the regulatory procedure.
- (5) Where a Member State wishes to achieve the disease-free status of one or more of the non-exotic diseases listed in Part II of Annex IV to that Directive for its whole territory pursuant to Article 49(1) of Directive 2006/88/EC, it is to submit the evidence in order to be declared disease-free in accordance with the regulatory procedure.
- (6) Article 50(1) of Directive 2006/88/EC provides that a Member State may declare a zone or compartment within its territory free of one or more of the non-exotic diseases listed in Part II of Annex IV thereto under certain conditions. A Member State making such a declaration is to submit it to the Committee in accordance with the procedure laid down in paragraph 2 of that Article.
- (7) In addition, Article 50(3) of Directive 2006/88/EC provides that where that zone or compartment comprises more than 75 % of the territory of the Member State or consists of a water catchment area shared with another Member State or third country, the procedure laid down in Article 50(2) of that Directive is to be replaced by the regulatory procedure.
- (8) It is necessary to lay down detailed provisions to specify in which cases surveillance programmes and disease-free status declarations should be approved in accordance with the regulatory procedure.
- (9) Lists of Member States, zones or compartments subject to surveillance or eradication programmes approved in accordance with the regulatory procedure, or for which disease-free status has been approved, should be drawn up.
- (10) Model forms for the submission of surveillance programmes for approval and for declarations of such programmes should be laid down. A model form for Member States to report on the evolution of certain eradication programmes and certain surveillance programmes should also be drawn up. In addition, a model form for the submission of applications for disease-free status for approval and declarations of such status, should be laid down.
- (11) Annex V to Commission Decision 2008/425/EC of 25 April 2008 laying down the standard requirements for the submission by Member States of national programmes for the eradication, control and monitoring of certain animal diseases and zoonoses for Community financing⁽³⁾ includes the detailed analysis of the cost of the programmes for which Member States wish to receive a financial contribution. In the interests of consistency of Community legislation, the model form for the submission of eradication programmes for approval pursuant to Directive 2006/88/EC should comply with the model set out in that Annex.

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- (12) Annual information from Member States is needed to assess the evolution of approved surveillance programmes, as well as of approved eradication programmes not subject to Community funding. For that purpose, a report should be submitted each year to the Commission. Since eradication programmes subject to Community funding fall within the scope of Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field⁽⁴⁾, Member States are to report the technical and financial issues of those programmes in accordance with that Decision.
- (13) Declarations of surveillance programmes and declarations of disease-free status submitted by the Member States to the Committee should be accessible to the Commission and to the other Member States by electronic means. An Internet-based information page is technically the most feasible solution, as it ensures easy access to such declarations.
- (14) Pursuant to Directive 91/67/EEC, the following decisions approved disease-free zones, fish farms and programmes for the purpose of obtaining disease-free status: Commission Decision 2002/308/EC of 22 April 2002 establishing lists of approved zones and approved farms with regard to one or more of the fish diseases viral haemorrhagic septicaemia (VHS) and infectious haematopoietic necrosis (IHN)⁽⁵⁾, Commission Decision 2002/300/EC of 18 April 2002 establishing the list of approved zones with regard to *Bonamia ostreae* and/or *Marteilia refringens*⁽⁶⁾, Commission Decision 2003/634/EC of 28 August 2003 approving programmes for the purpose of obtaining the status of approved zones and of approved farms in non-approved zones with regard to viral haemorrhagic septicaemia (VHS) and infectious haematopoietic necrosis (IHN) in fish⁽⁷⁾, and Commission Decision 94/722/EC of 25 October 1994 approving the programme concerning bonamiosis and marteiliosis submitted by France⁽⁸⁾.
- (15) The criteria for disease-free status in Directive 2006/88/EC are equivalent to those laid down in Directive 91/67/EEC, as regards the approval of the entire territory of Member States, continental zones and farms in non-approved zones.
- (16) Therefore, continental zones and farms approved pursuant to Directive 91/67/EEC should not be required to be declared to the Committee in accordance with Directive 2006/88/EC. They should also be included in the list of zones and compartments accessible on the Internet-based pages established by this Decision.
- (17) However, the concept of coastal zone is not provided for in Directive 2006/88/EC. Areas approved as disease-free coastal zones pursuant to Directive 91/67/EEC should therefore be reassessed by the Member States and a new application, or if appropriate a new declaration, should be submitted pursuant to Directive 2006/88/EC.
- (18) Decisions 2002/300/EC and 2002/308/EC should therefore be repealed from 1 August 2009, thereby allowing Member States sufficient time to submit new declarations or applications as regards those coastal zones.
- (19) The distinction between surveillance and eradication programmes is not provided for in Directive 91/67/EEC. However, since the requirements applicable to such programmes are equivalent, the programmes approved pursuant to Decisions 2003/634/EC and

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94/722/EC should be regarded as complying with Directive 2006/88/EC. For the purpose of identifying which of those programmes should be regarded as surveillance or eradication programmes and included in the relevant lists set out in this Decision, the Member States should provide information on those programmes to the Commission by 30 April 2009.

- (20) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

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- (1) OJ L 328, 24.11.2006, p. 14.
- (2) OJ L 46, 19.2.1991, p. 1.
- (3) OJ L 159, 18.6.2008, p. 1.
- (4) OJ L 224, 18.8.1990, p. 19.
- (5) OJ L 106, 23.4.2002, p. 28.
- (6) OJ L 103, 19.4.2002, p. 24.
- (7) OJ L 220, 3.9.2003, p. 8.
- (8) OJ L 288, 9.11.1994, p. 47.

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

- Annex 1 Pt. A words omitted by [S.I. 2019/451 reg. 6\(11\)\(a\)\(iii\)](#) (This amendment not applied to legislation.gov.uk. Pt. 2 revoked immediately before IP completion day by S.I. 2020/1388, regs. 1(2)(a), 31)
- Annex 1 Pt. A words omitted by [S.I. 2019/451 reg. 6\(11\)\(a\)\(iv\)](#) (This amendment not applied to legislation.gov.uk. Pt. 2 revoked immediately before IP completion day by S.I. 2020/1388, regs. 1(2)(a), 31)
- Annex 1 Pt. A words omitted by [S.I. 2019/451 reg. 6\(11\)\(a\)\(v\)](#) (This amendment not applied to legislation.gov.uk. Pt. 2 revoked immediately before IP completion day by S.I. 2020/1388, regs. 1(2)(a), 31)
- Annex 1 Pt. A words omitted by [S.I. 2019/451 reg. 6\(11\)\(a\)\(vi\)](#) (This amendment not applied to legislation.gov.uk. Pt. 2 revoked immediately before IP completion day by S.I. 2020/1388, regs. 1(2)(a), 31)
- Annex 1 Pt. A heading words substituted by [S.I. 2019/451 reg. 6\(11\)\(a\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Pt. 2 revoked immediately before IP completion day by S.I. 2020/1388, regs. 1(2)(a), 31)
- Annex 1 Pt. A words substituted by [S.I. 2019/451 reg. 6\(11\)\(a\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Pt. 2 revoked immediately before IP completion day by S.I. 2020/1388, regs. 1(2)(a), 31)
- Annex 1 Pt. B words omitted by [S.I. 2019/451 reg. 6\(11\)\(a\)\(iii\)](#) (This amendment not applied to legislation.gov.uk. Pt. 2 revoked immediately before IP completion day by S.I. 2020/1388, regs. 1(2)(a), 31)
- Annex 1 Pt. B words omitted by [S.I. 2019/451 reg. 6\(11\)\(a\)\(iv\)](#) (This amendment not applied to legislation.gov.uk. Pt. 2 revoked immediately before IP completion day by S.I. 2020/1388, regs. 1(2)(a), 31)
- Annex 1 Pt. B words omitted by [S.I. 2019/451 reg. 6\(11\)\(a\)\(v\)](#) (This amendment not applied to legislation.gov.uk. Pt. 2 revoked immediately before IP completion day by S.I. 2020/1388, regs. 1(2)(a), 31)
- Annex 1 Pt. B words omitted by [S.I. 2019/451 reg. 6\(11\)\(a\)\(vi\)](#) (This amendment not applied to legislation.gov.uk. Pt. 2 revoked immediately before IP completion day by S.I. 2020/1388, regs. 1(2)(a), 31)
- Annex 1 Pt. B heading words substituted by [S.I. 2019/451 reg. 6\(11\)\(a\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Pt. 2 revoked immediately before IP completion day by S.I. 2020/1388, regs. 1(2)(a), 31)
- Annex 1 Pt. B words substituted by [S.I. 2019/451 reg. 6\(11\)\(a\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Pt. 2 revoked immediately before IP completion day by S.I. 2020/1388, regs. 1(2)(a), 31)
- Annex 1 Pt. C substituted by [S.I. 2019/451 reg. 6\(11\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Pt. 2 revoked immediately before IP completion day by S.I. 2020/1388, regs. 1(2)(a), 31)
- Annex 2 para. 1.4 words omitted by [S.I. 2019/451 reg. 6\(12\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Pt. 2 revoked immediately before IP completion day by S.I. 2020/1388, regs. 1(2)(a), 31)
- Annex 2 para. 5.5 words omitted by [S.I. 2019/451 reg. 6\(12\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Pt. 2 revoked immediately before IP completion day by S.I. 2020/1388, regs. 1(2)(a), 31)

- Annex 2 para. 1.1 words substituted by [S.I. 2019/451 reg. 6\(12\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Pt. 2 revoked immediately before IP completion day by S.I. 2020/1388, regs. 1(2)(a), 31)
- Annex 2 para. 5.6 words substituted by [S.I. 2019/451 reg. 6\(12\)\(d\)](#) (This amendment not applied to legislation.gov.uk. Pt. 2 revoked immediately before IP completion day by S.I. 2020/1388, regs. 1(2)(a), 31)
- Annex 2 para. 6.1 words substituted by [S.I. 2019/451 reg. 6\(12\)\(e\)](#) (This amendment not applied to legislation.gov.uk. Pt. 2 revoked immediately before IP completion day by S.I. 2020/1388, regs. 1(2)(a), 31)
- Annex 4 para. 1.4 words omitted by [S.I. 2019/451 reg. 6\(14\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Pt. 2 revoked immediately before IP completion day by S.I. 2020/1388, regs. 1(2)(a), 31)
- Annex 4 para. 6.3 words omitted by [S.I. 2019/451 reg. 6\(14\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Pt. 2 revoked immediately before IP completion day by S.I. 2020/1388, regs. 1(2)(a), 31)
- Annex 4 para. 6.5 words omitted by [S.I. 2019/451 reg. 6\(14\)\(d\)](#) (This amendment not applied to legislation.gov.uk. Pt. 2 revoked immediately before IP completion day by S.I. 2020/1388, regs. 1(2)(a), 31)
- Annex 4 para. 8.4 words omitted by [S.I. 2019/451 reg. 6\(14\)\(g\)](#) (This amendment not applied to legislation.gov.uk. Pt. 2 revoked immediately before IP completion day by S.I. 2020/1388, regs. 1(2)(a), 31)
- Annex 4 para. 1.1 words substituted by [S.I. 2019/451 reg. 6\(14\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Pt. 2 revoked immediately before IP completion day by S.I. 2020/1388, regs. 1(2)(a), 31)
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- Annex 4 para. 7.1 words substituted by [S.I. 2019/451 reg. 6\(14\)\(f\)](#) (This amendment not applied to legislation.gov.uk. Pt. 2 revoked immediately before IP completion day by S.I. 2020/1388, regs. 1(2)(a), 31)