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COMMISSION IMPLEMENTING DECISION (EU) 2015/2460

of 23 December 2015

concerning certain protective measures in relation to highly pathogenic avian influenza of subtype H5 in France

(notified under document C(2015) 9818)

(Only the French text is authentic)

(Text with EEA relevance)

(OJ L 339, 24.12.2015, p. 52)

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► <u>M2</u>	Commission Implementing Decision (EU) 2016/237 of 17 February 2016	L 44	12	19.2.2016

**COMMISSION IMPLEMENTING DECISION (EU) 2015/2460****of 23 December 2015****concerning certain protective measures in relation to highly pathogenic avian influenza of subtype H5 in France***(notified under document C(2015) 9818)***(Only the French text is authentic)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, and in particular Article 9(4) thereof,Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 10(4) thereof,

Whereas:

- (1) Avian influenza is an infectious viral disease in birds, including poultry. Infections with avian influenza viruses in domestic poultry cause two main forms of that disease that are distinguished by their virulence. The low pathogenic form generally only causes mild symptoms, while the highly pathogenic form results in very high mortality rates in most poultry species. That disease may have a severe impact on the profitability of poultry farming.
- (2) Avian influenza is mainly found in birds, but under certain circumstances infections can also occur in humans even though the risk is generally very low.
- (3) In the event of an outbreak of avian influenza, there is a risk that the disease agent might spread to other holdings where poultry or other captive birds are kept. As a result it may spread from one Member State to other Member States or to third countries through trade in live birds or their products.
- (4) Council Directive 2005/94/EC ⁽³⁾ sets out certain preventive measures relating to the surveillance and the early detection of avian influenza and the minimum control measures to be applied in the event of an outbreak of that disease in poultry or other

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC (OJ L 10, 14.1.2006, p. 16).

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captive birds. Article 16 of that Directive provides for the establishment of protection, surveillance and further restricted zones in the event of an outbreak of highly pathogenic avian influenza. In addition, Article 30 of Directive 2005/94/EC provides for certain measures to be applied in the surveillance zones in order to prevent the spread of the disease, including certain restrictions on the movements of poultry, ready-to-lay-poultry, day-old chicks and hatching eggs.

- (5) Council Directive 2009/158/EC ⁽¹⁾ lays down rules for trade within the Union in poultry and hatching eggs, including the veterinary certificates to be used.
- (6) France notified the Commission of outbreaks of highly pathogenic avian influenza of subtype H5 in holdings on its territory where poultry are kept and it immediately took the measures required pursuant to Directive 2005/94/EC, including the establishment of protection and surveillance zones in accordance with Article 16 of that Directive.
- (7) Laboratory investigations have shown that the HPAI viruses of the H5N1, H5N2 and H5N9 subtypes detected in France are clearly different from the HPAI H5N1 virus that appeared in the mid-1990s in Asia and which was first detected in Europe in 2005. The HPAI viruses of H5 subtype currently detected in the south-west of France are of European origin.
- (8) Commission Implementing Decision (EU) 2015/2239 ⁽²⁾ was adopted in order to list, at Union level, the protection and surveillance zones established by France in accordance with Article 16 of Directive 2005/94/EC.
- (9) Due to the current epidemiological situation and the risk of further spread of the disease, France has also established a large further restricted zone around the protection and surveillance zones comprising several departments or parts thereof in the south-west of that Member State.
- (10) In order to limit the spread of the disease, France should ensure that no consignments of live poultry, ready-to-lay poultry, day-old chicks and hatching eggs are dispatched from the protection, surveillance and further restricted zone to other parts of France, other Member States or to third countries.
- (11) Day-old chicks present a negligible risk for the spread of highly pathogenic avian influenza viruses provided that they have hatched from hatching eggs originating from poultry on holdings located in the further restricted zone and outside the

⁽¹⁾ Council Directive 2009/158/EC of 30 November 2009 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs (OJ L 343, 22.12.2009, p. 74).

⁽²⁾ Commission Implementing Decision (EU) 2015/2239 of 2 December 2015 concerning certain protective measures in relation to highly pathogenic avian influenza of subtypes H5N1 and H5N2 in France (OJ L 317, 3.12.2015, p. 37).

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protection and surveillance zones and when the hatchery of dispatch can ensure by its logistics and by its biosecurity working conditions that no contact has occurred between these hatching eggs and any other hatching eggs or day-old chicks originating from poultry flocks within the protection or surveillance zones and which are therefore of a different health status.

- (12) Hatching eggs pose a very low risk for disease transmission provided they are collected from flocks that are kept in the further restricted zone and which have undergone serological testing with negative results. Another condition is that such hatching eggs and their packaging have to be disinfected before dispatch from the further restricted zone.
- (13) Without prejudice to the measures applicable in the protection and surveillance zone, it is therefore appropriate that the competent authority of France may authorise the dispatch of consignments of day-old chicks and hatching eggs from the further restricted zone listed in the Annex to this Decision in accordance with the above requirements and provided that prior agreement of the competent authority of the Member State or third country of destination has been obtained.
- (14) The wide extension of the further restricted zone as established by France in accordance with Article 16(4) of Directive 2005/94/EC would impose a prohibition of movements on a large proportion of the susceptible poultry population.
- (15) It is also appropriate to mitigate the risk of poultry becoming exposed to avian influenza viruses circulating in the established surveillance zones by swiftly reducing the density of the susceptible poultry population in these zones that are comprised in the further restricted zone, in particular by timely slaughter and delayed restocking of holdings in that zone.
- (16) Given the large and unexpected scale of the outbreaks and the correspondingly wide area of the surveillance zones established around each outbreak, it is necessary to quickly reduce the density of the susceptible poultry on holdings at a particular high risk for infection. A systematic clinical examination of the poultry prior to dispatch would considerably slow down that depopulation process and increase the risk of virus spread.
- (17) Therefore, it is appropriate to provide that no systematic clinical investigations of poultry on holdings located in the surveillance zones shall be carried out 24 hours prior to dispatch for direct slaughter within the surveillance zone or the further restricted zone, provided that only direct movements of poultry originating from holdings in the surveillance zones are authorised to a designated slaughterhouse located within the surveillance and further restricted zone; and these movements are carried out under stringent biosecurity measures, including a strict separation from poultry originating from the protection zone, and that cleaning and disinfection is carried out accordingly, and that restocking will be significantly delayed.

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- (18) The Commission has examined the measures to control the disease and the extent of the zones put under restrictions in collaboration with France, and it deems that they are suitable to achieve the set objectives.
- (19) The Commission is also satisfied that the borders of the protection and surveillance and further restricted zone, established by the competent authority of France in accordance with Article 16 of Directive 2005/94/EC, are at a sufficient distance to the actual holdings where outbreaks were confirmed.
- (20) In order to prevent any unnecessary disturbance to trade within the Union and to avoid unjustified barriers to trade being imposed by third countries, it is necessary to rapidly define the further restricted zone established in France at Union level and to provide that no consignments of live poultry, ready-to-lay poultry, day-old chicks and hatching eggs are dispatched from the protection and surveillance zones and the further restricted zone to other parts of France, to other Member States or to third countries, except under certain authorised derogations.
- (21) In view of the scale of the current developments of the disease outbreaks, it is no longer feasible to timely update the list of the areas established as protection and surveillance zones by a Commission Implementing Decision. Therefore, France shall publish these lists on the website of the French authorities which should also be published on the Commission's website for information purposes.
- (22) The further restricted zone around the areas of the protection and surveillance zones should be listed in the Annex to this Decision and the duration of that regionalisation fixed.
- (23) Given that France is implementing additional measures as laid down in the Implementing Decision (EU) 2015/2239 to prevent the spread of the avian influenza and for reasons of clarity, that Decision should be repealed.
- (24) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

1. France shall establish the protection and surveillance zones in accordance with Article 16(1) of Directive 2005/94/EC, and
- (a) France shall publish lists of the protection and surveillance zones established in accordance with Article 16(1) of Directive 2005/94/EC ('the lists').
- (b) France shall ensure that the lists are kept up-to-date and provide any update immediately to the Commission, to other Member States and to the public.

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2. The Commission shall publish the lists on its website, for information purposes only.

Article 2

1. Without prejudice to the measures to be applied in the protection and surveillance zones in accordance with Article 1 of this Decision, France shall establish a further restricted zone in accordance with Article 16(4) of Directive 2005/94/EC which includes at least the areas listed as further restricted zone in the Annex to this Decision.

2. France shall ensure that no consignments of live poultry, ready-to-lay poultry, day-old chicks and hatching eggs are dispatched from the areas listed in the Annex.

3. By way of derogation from paragraph 2, the competent authority of France may authorise the dispatch of consignments of day-old chicks from the areas listed in the Annex outside the established protection and surveillance zones to holdings located within that Member State or to other Member States or to third countries provided that:

- (a) they are hatched from hatching eggs originating from poultry holdings located outside the protection and surveillance zones;
- (b) the hatchery of dispatch can ensure by its logistics and biosecurity working conditions that no contact has occurred between these hatching eggs and any other hatching eggs or day-old-chicks originating from poultry flocks within established protection and surveillance zones and which are therefore of a different health status;
- (c) the competent authority of the Member State or third country of destination is given written notification in advance and has agreed to receive the consignments of the day-old chicks and to notify the date of arrival of the consignments at the holding of destination on its territory to the competent authority of France.

4. By way of derogation from paragraph 2, the competent authority of France may authorise the dispatch of consignments of hatching eggs from the areas listed in the Annex outside the established protection and surveillance zones to hatcheries located within that Member State, other Member States or third countries provided that they are collected from holdings situated on the day of collection in the further restricted zone listed in the Annex, and 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.

5. France shall ensure that the veterinary certificates provided for in Annex IV to Directive 2009/158/EC accompanying the consignments referred to in paragraph 2 of this Article to be dispatched to other Member States include the words:

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‘The consignment complies with the animal health conditions laid down in Commission Implementing Decision (EU) 2015/2460 (*).

(*) OJ L 339, 24.12.2015, p. 52’.

Article 3

The competent authority of France shall authorise the dispatch of poultry for direct slaughter from the areas in the surveillance zones listed in accordance with paragraph 1 of Article 1 to a designated slaughterhouse located within the surveillance or the further restricted zone provided that such movement is carried out:

- (a) without any undue delay as a single trip;
- (b) under stringent biosecurity measures including a strict separation from poultry originating from other regions, as well as cleaning and disinfection measures.

Article 4

Implementing Decision (EU) 2015/2239 is repealed.

Article 5

This Decision shall apply until 31 March 2016.

Article 6

This Decision is addressed to the French Republic.

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ANNEX

Further restricted zone as referred to in Article 2(1):

ISO Country Code	Member State	Name (Department number)		
FR	France	Areas comprising the departments of:		
		DORDOGNE (24) GERS (32) GIRONDE (33) HAUTE-VIENNE (87) HAUTES-PYRÉNÉES (65) LANDES (40) LOT-ET-GARONNE (47) PYRÉNÉES-ATLANTIQUES (64) LOT (46) HAUTE-GARONNE (31) ARIÈGE (09) AVEYRON (12) CORRÈZE (19) TARN (81) TARN-ET-GARONNE (82)		
		Areas comprising parts of the departments of:		
		CHARENTE (16) the commune of:	16254	PALLUAUD
		AUDE (11) the communes of:	11002 11009 11011 11026 11030 11033 11049 11052 11054 11056 11057 11070 11072 11074 11075	AIROUX ALZONNE ARAGON BARAIGNE BELFLOU BELPECH BRAM BROUSSES-ET-VILLARET LES BRUNELS CABRESPINE CAHUZAC CARLIPA LA CASSAIGNE LES CASSES CASTANS

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ISO Country Code	Member State	Name (Department number)		
			11076	CASTELNAUDARY
			11079	CAUDEBRONDE
			11087	CAZALRENOUX
			11089	CENNE-MONESTIES
			11114	CUMIES
			11115	CUXAC-CABARDES
			11134	FAJAC-LA-RELENQUE
			11136	FANJEUX
			11138	FENDEILLE
			11149	FONTERS-DU-RAZES
			11150	FONTIERS-CABARDES
			11154	FOURNES-CABARDES
			11156	FRAISSE-CABARDES
			11159	GAJA-LA-SELVE
			11162	GENERVILLE
			11166	GOURVIEILLE
			11174	LES ILHES
			11175	ISSEL
			11178	LABASTIDE-D'ANJOU
			11180	LABASTIDE-ESPARBAIRENQUE
			11181	LABECEDE-LAURAGAIS
			11182	LACOMBE
			11184	LAFAGE
			11189	LAPRADE
			11192	LASBORDES
			11194	LASTOURS
			11195	LAURABUC
			11196	LAURAC
			11200	LESPINASSIERE
			11205	LIMOUSIS
			11208	LA LOUVIERE-LAURAGAIS
			11218	MARQUEIN
			11221	LES MARTYS
			11222	MAS-CABARDES
			11225	MAS-SAINTE-PUELLES
			11226	MAYREVILLE
			11231	MEZERVILLE
			11232	MIRAVAL-CABARDES
			11234	MIREVAL-LAURAGAIS

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ISO Country Code	Member State	Name (Department number)		
			11236	MOLANDIER
			11238	MOLLEVILLE
			11239	MONTAURIOL
			11243	MONTFERRAND
			11252	MONTMAUR
			11253	MONTOLIEU
			11259	MOUSSOULENS
			11268	ORSANS
			11275	PAYRA-SUR-L'HERS
			11277	PECHARIC-ET-LE-PY
			11278	PECH-LUNA
			11281	PEXIORA
			11283	PEYREFITTE-SUR-L'HERS
			11284	PEYRENS
			11290	PLAIGNE
			11291	PLAVILLA
			11292	LA POMAREDE
			11297	PRADELLES-CABARDES
			11300	PUGINIER
			11308	RAISSAC-SUR-LAMPY
			11312	RIBOUISSE
			11313	RICAUD
			11319	ROQUEFERE
			11331	SAINT-AMANS
			11334	SAINTE-CAMELLE
			11339	SAINT-DENIS
			11348	SAINT-JULIEN-DE-BRIOLA
			11356	SAINT-MARTIN-LALANDE
			11357	SAINT-MARTIN-LE-VIEIL
			11359	SAINT-MICHEL-DE-LANES
			11361	SAINT-PAPOUL
			11362	SAINT-PAULET
			11365	SAINT-SERNIN
			11367	SAISSAC
			11368	SALLELES-CABARDES
			11371	SALLES-SUR-L'HERS
			11372	SALSIGNE
			11382	SOUILHANELS
			11383	SOUILHE
			11385	SOUPEX
			11391	LA TOURETTE-CABARDES

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ISO Country Code	Member State	Name (Department number)		
			11395	TRASSANEL
			11399	TREVILLE
			11404	VENTENAC-CABARDES
			11407	VERDUN-EN-LAURAGAIS
			11411	VILLANIERE
			11413	VILLARDONNEL
			11418	VILLASAVARY
			11419	VILLAUTOU
			11428	VILLEMAGNE
			11430	VILLENEUVE-LA-COMPTAL
			11434	VILLEPINTE
			11438	VILLESISCLE
			11439	VILLESPIY
		CANTAL (15) the communes of:	15003	ALLY
			15011	ARNAC
			15012	ARPAJON-SUR-CERE
			15014	AURILLAC
			15016	AYRENS
			15018	BARRIAC-LES-BOSQUETS
			15021	BOISSET
			15024	BRAGEAC
			15027	CALVINET
			15028	CARLAT
			15029	CASSANIOUZE
			15030	CAYROLS
			15036	CHALVIGNAC
			15046	CHAUSSENAC
			15056	CRANDELLES
			15057	CROS-DE-MONTVERT
			15058	CROS-DE-RONESQUE
			15064	ESCORAILLES
			15071	FOURNOULES
			15072	FREIX-ANGLARDS
			15074	GIOU-DE-MAMOU
			15076	GLENAT
			15082	JUNHAC
			15083	JUSSAC
			15084	LABESSERETTE
			15085	LABROUSSE
			15087	LACAPELLE-DEL-FRAISSE
			15088	LACAPELLE-VIESCAMP

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ISO Country Code	Member State	Name (Department number)		
			15089	LADINHAC
			15090	LAFEUILLADE-EN-VEZIE
			15093	LAPEYRUGUE
			15094	LAROQUEBROU
			15103	LEUCAMP
			15104	LEYNHAC
			15117	MARCOLES
			15118	MARMANHAC
			15120	MAURIAC
			15122	MAURS
			15134	MONTSALVY
			15135	MONTVERT
			15136	MOURJOU
			15140	NAUCELLES
			15143	NIEUDAN
			15144	OMPS
			15147	PARLAN
			15150	PERS
			15153	PLEAUX
			15156	PRUNET
			15157	QUEZAC
			15160	REILHAC
			15163	ROANNES-SAINT-MARY
			15165	ROUFFIAC
			15166	ROUMEGOUX
			15167	ROUZIERS
			15172	SAINT-ANTOINE
			15175	SAINT-CERNIN
			15179	SAINT-CIRGUES-DE-MALBERT
			15181	SAINT-CONSTANT
			15182	SAINT-ETIENNE-CANTALES
			15183	SAINT-ETIENNE-DE-CARLAT
			15184	SAINT-ETIENNE-DE-MAURS
			15186	SAINTE-EULALIE
			15189	SAINT-GERONS
			15191	SAINT-ILLIDE
			15194	SAINT-JULIEN-DE-TOURSAC
			15196	SAINT-MAMET-LA-SALVETAT
			15200	SAINT-MARTIN-CANTALES
			15204	SAINT-PAUL-DES-LANDES
			15211	SAINT-SANTIN-CANTALES

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ISO Country Code	Member State	Name (Department number)		
			15212	SAINT-SANTIN-DE-MAURS
			15214	SAINT-SAURY
			15215	SAINT-SIMON
			15217	SAINT-VICTOR
			15221	SANSAC-DE-MARMIESSE
			15222	SANSAC-VEINAZES
			15224	LA SEGALASSIERE
			15226	SENEZERGUES
			15228	SIRAN
			15233	TEISSIERES-DE-CORNET
			15234	TEISSIERES-LES-BOULIES
			15242	LE TRIOULOU
			15255	VEZAC
			15257	VEZELS-ROUSSY
			15260	VIEILLEVIE
			15264	VITRAC
			15266	YOLET
			15267	YTRAC
			15268	LE ROUGET
			15269	BESSE