

Council Directive 2005/94/EC of 20 December 2005 on Community measures  
for the control of avian influenza and repealing Directive 92/40/EEC

CHAPTER IV

**HIGHLY PATHOGENIC AVIAN INFLUENZA (HPAI)**

SECTION 1

**Holdings, separate production units and contact holdings**

*Article 13*

**Derogations concerning certain holdings**

1 The competent authority may grant derogations from the measures provided for in the first subparagraph of Article 11(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 diagnostic manual 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 The competent authority may grant derogations from the measures provided for in Article 11(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.

Any such authorisations shall be subject to the conditions set out in Annex III to this Directive.