

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 2

**Protection, surveillance and further restricted zones**

*Article 16*

**Establishment of protection, surveillance and further  
restricted zones in cases of outbreaks of HPAI**

- 1 Immediately following an outbreak of HPAI, the competent authority shall establish:
  - a a protection zone with a radius of at least three kilometres around the holding;
  - b a surveillance zone with a radius of at least 10 kilometres around the holding, including the protection zone.
- 2 If the outbreak of HPAI is confirmed in other captive birds in a non-commercial holding, circus, zoo, pet bird shop, wildlife park, a fenced area where other captive birds are kept for scientific purposes or purposes related to the conservation of endangered species or officially registered rare breeds of other captive birds that do not contain poultry, the competent authority may, following a risk assessment, derogate to the extent necessary from the provisions of Sections 2 to 4 concerning the establishment of the protection and surveillance zones and the measures to be applied therein, provided that such derogations do not endanger disease control.
- 3 When establishing protection and surveillance zones, as provided for in paragraph 1, the competent authority shall take account of the following criteria at least:
  - a the epidemiological inquiry;
  - b the geographical situation, particularly natural boundaries;
  - c the location and proximity of holdings and the estimated number of poultry;
  - d patterns of movements and trade in poultry, other captive birds;
  - e the facilities and personnel available to control any movement within the protection and surveillance zones of poultry or other captive birds, their carcasses, manure, bedding or used litter, in particular if the poultry or other captive birds to be killed and disposed of have to be moved from their holding of origin.
- 4 The competent authority may establish further restricted zones around or adjacent to the protection and surveillance zones, taking account of the criteria provided for in paragraph 3.
- 5 If a protection, surveillance or further restricted zone covers the territories of different Member States, the competent authorities of the Member States concerned shall collaborate to establish the zone.