

Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') (Text with EEA relevance)

PART II

DISEASE NOTIFICATION AND REPORTING, SURVEILLANCE, ERADICATION PROGRAMMES, DISEASE-FREE STATUS

CHAPTER 3

Eradication programmes

Article 31

Compulsory and optional eradication programmes

1 Member States which are not free, or not known to be free, from one or more of the listed diseases referred to in point (b) of Article 9(1) throughout their territory, or in zones or compartments thereof, shall:

- a establish a programme for the eradication of, or demonstration of freedom from, that listed disease, to be carried out in the animal populations concerned by that disease and covering the relevant parts of their territory or the relevant zones or compartments thereof ('compulsory eradication programme'), to apply until the conditions for the grant of disease-free status in the territory of the Member State or zone concerned, as provided for in Article 36(1), or compartment, as provided for in Article 37(2), are fulfilled;
- b submit the draft compulsory eradication programme to the Commission for approval.

2 Member States which are not free, or not known to be free, from one or more of the listed diseases referred to in point (c) of Article 9(1) and which decide to establish a programme for the eradication of that listed disease, to be carried out in the animal populations concerned by the disease in question and covering the relevant parts of their territory or zones or compartments thereof ('optional eradication programme'), shall submit a draft of that programme to the Commission for approval, where the Member State concerned asks for the recognition, within the Union, of animal health guarantees as regards the disease in question for movements of animals or products.

Such an optional eradication programme shall apply until:

- a the conditions for the grant of disease-free status in the territory of the Member State or zone concerned, as provided for in Article 36(1), or compartment, as provided for in Article 37(2), are fulfilled; or
- b it is established that the conditions for the grant of disease-free status cannot be achieved and that the programme no longer fulfils its purpose; or
- c the Member State concerned withdraws the programme.

3 The Commission shall, by means of implementing acts, approve:

- a draft compulsory eradication programmes submitted to it for approval in accordance with paragraph 1;

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- b draft optional eradication programmes submitted to it for approval in accordance with paragraph 2,

if the conditions set out in this Chapter are met.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 266(2).

4 On duly justified imperative grounds of urgency relating to a listed disease representing a risk having a highly significant impact, the Commission shall adopt immediately applicable implementing acts provided for in point (a) of paragraph 3 of this Article in accordance with the procedure referred to in Article 266(3).

The Commission may, for duly justified reasons, by means of implementing acts, approve an amendment proposed by the Member State concerned or withdraw the approval of eradication programmes approved in accordance with points (a) and (b) of paragraph 3 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 266(2).

5 The Commission shall adopt delegated acts in accordance with Article 264 concerning:

- a the disease control strategies, intermediate and final targets for specific diseases, and period of application of eradication programmes;
- b derogations from the requirement for the submission of eradication programmes for approval, as provided for in point (b) of paragraph 1 of this Article and in paragraph 2 thereof, where such approval is not necessary due to the adoption of rules regarding those programmes in accordance with Articles 32(2) and 35;
- c the information to be provided by Member States to the Commission and to the other Member States concerning derogations from the requirement for approval of eradication programmes as provided for in point (b) of this paragraph.

The Commission shall be empowered to adopt delegated acts in accordance with Article 264 amending or discontinuing rules adopted pursuant to point (b) of this paragraph.

Article 32

Measures under compulsory and optional eradication programmes

- 1 Eradication programmes shall consist of at least the following measures:
 - a disease control measures for the eradication of the disease agent from establishments, compartments and zones in which a disease occurs and to prevent re-infection;
 - b surveillance to be carried out in accordance with the rules laid down in Articles 26 to 30 to demonstrate:
 - (i) the effectiveness of the disease control measures provided for in point (a);
 - (ii) freedom from the listed disease;
 - c disease control measures to be taken in the event of positive surveillance results.
- 2 The Commission shall adopt delegated acts in accordance with Article 264 concerning the following elements to ensure the effectiveness of eradication programmes:
 - a disease control measures as provided for in point (a) of paragraph 1;
 - b disease control measures to be taken to avoid re-infection of the targeted animal population with the disease in question in establishments, zones and compartments;

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- c surveillance design, means, diagnostic methods, frequency, intensity, targeted animal population and sampling patterns;
- d disease control measures to be taken in the event of positive surveillance results for the listed disease as provided for in point (c) of paragraph 1;
- e criteria for vaccination, where relevant and appropriate for the disease or species in question.

Article 33

Content of compulsory and optional eradication programmes submitted for approval to the Commission

Member States shall include the following information in applications for approval of compulsory and optional eradication programmes submitted to the Commission in accordance with Article 31(1) and (2):

- (a) a description of the epidemiological situation of the listed disease covered by the compulsory or optional eradication programme in question;
- (b) a description and demarcation of the geographical and administrative area or the compartment covered by the eradication programme;
- (c) a description of the disease control measures of the eradication programme as provided for in Article 32(1) and in the rules adopted pursuant to Article 32(2);
- (d) a description of the organisation, supervision and roles of the parties involved in the eradication programme;
- (e) the estimated duration of the eradication programme;
- (f) the intermediate targets of, and the disease control strategies for implementing, the eradication programme.

Article 34

Reporting

Member States implementing eradication programmes shall submit to the Commission:

- (a) reports enabling the Commission to monitor achievement of the intermediate targets of the on-going eradication programmes as referred to in point (f) of Article 33;
- (b) a final report after completion of the eradication programme in question.

Article 35

Implementing powers

The Commission shall, by means of implementing acts, lay down rules concerning the information, format and procedural requirements provided for in Articles 31 to 34 as regards:

- (a) the submission of draft compulsory and draft optional eradication programmes for approval;

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- (b) performance indicators;
- (c) reporting to the Commission and other Member States on the results of the implementation of compulsory or optional eradication programmes.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 266(2).

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