

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 III

DISEASE AWARENESS, PREPAREDNESS AND CONTROL

TITLE II

DISEASE CONTROL MEASURES

CHAPTER 2

Disease control measures for listed diseases as referred to in points (b) and (c) of Article 9(1)

Section 1

Disease control measures in the event of suspicion of disease in kept animals

Article 72

Obligations on operators and other relevant natural and legal persons concerned in relation to listed diseases as referred to in point (b) of Article 9(1)

1 In the event of suspicion of a listed disease as referred to in point (b) of Article 9(1) in kept animals, in addition to complying with the notification obligation laid down in Article 18(1) and pending any disease control measures being taken by the competent authority in accordance with Article 74(1), Member States shall take measures to ensure that operators and other relevant natural and legal persons concerned take disease control measures as referred to in point (a) of Article 74(1) and in any delegated acts adopted pursuant to Article 74(4), to prevent the spread of that listed disease from the affected animals, establishments and other locations under their responsibility to other unaffected animals or to humans.

2 The Commission shall be empowered to adopt delegated acts in accordance with Article 264 concerning detailed rules for supplementing the disease control measures as provided for in paragraph 1 of this Article.

Article 73

Investigation by the competent authority in the event of suspicion of a listed disease as referred to in point (b) of Article 9(1)

1 In the event of suspicion of a listed disease as referred to in point (b) of Article 9(1) in kept animals, the competent authority shall conduct without delay an investigation to confirm or rule out the presence of that listed disease.

2 For the purpose of the investigation provided for in paragraph 1, the competent authority shall ensure that:

- a official veterinarians carry out a clinical examination of a representative sample of the kept animals of listed species for the listed disease in question;
- b official veterinarians take appropriate samples from those kept animals of listed species and other samples for examination in laboratories designated for that purpose by the competent authority;
- c such designated laboratories carry out examinations to confirm or rule out the presence of the listed disease in question.

3 The Commission shall be empowered to adopt delegated acts in accordance with Article 264 concerning detailed rules supplementing the rules for investigations as provided for in paragraph 1 of this Article.

Article 74

Preliminary disease control measures by the competent authority for listed diseases as referred to in point (b) of Article 9(1)

1 The competent authority shall, in the event that it suspects a listed disease as referred to in point (b) of Article 9(1) in kept animals, carry out the following preliminary disease control measures, subject to national requirements for gaining access to private residences, pending the results of the investigation provided for in Article 73(1) and the carrying-out of the disease control measures provided for in Article 79:

- a apply disease control measures to limit the spread of that listed disease from the affected territory, establishment, food or feed business, animal by-products establishment or other location;
- b initiate, where necessary, an epidemiological enquiry, taking into account the rules for such enquiry laid down in Article 57(1).

2 In addition to the measures referred to in paragraph 1, the competent authority may, in the cases referred to in that paragraph, take additional preliminary disease control measures, provided that those measures respect the provisions of this Regulation and are in accordance with Union law.

3 The preliminary disease control measures provided for in paragraphs 1 and 2 shall be appropriate and proportionate to the risk posed by the listed disease in question, taking into account the following:

- a the disease profile;
- b the kept animals affected;
- c the health status of the Member State, zone, compartment or establishment in which the listed disease is suspected;
- d the preliminary disease control measures provided for in Article 55(1) and Article 56 and in any delegated act adopted pursuant to Article 55(2).

4 The Commission shall adopt delegated acts in accordance with Article 264 concerning rules for listed diseases as referred to in point (b) of Article 9(1) supplementing those laid down in paragraph 1 of this Article, while taking into account the matters referred to in paragraph 3, as regards:

- a the preliminary disease control measures to be taken to prevent the spread of the listed disease, as provided for in point (a) of paragraph 1;

- b the application of the preliminary disease control measures provided for in point (a) of paragraph 1 to other establishments, epidemiological units therein, food or feed businesses and animal by-products establishments or other locations;
- c the establishment of temporary restricted zones which are appropriate in light of the disease profile.

Article 75

Review and extension of the preliminary disease control measures for listed diseases as referred to in point (b) of Article 9(1)

The disease control measures provided for in Article 74(1) shall be:

- (a) reviewed by the competent authority, as appropriate, following the findings of the investigation provided for in Article 73(1) and, where relevant, the epidemiological enquiry provided for in point (b) of Article 74(1);
- (b) further extended to other locations, as referred to in point (b) of Article 74(4), where necessary.

Article 76

Obligations of operators and other relevant natural and legal persons and measures to be taken by the competent authority in the event of suspicion of listed diseases as referred to in point (c) of Article 9(1)

1 In the event of suspicion of a listed disease as referred to in point (c) of Article 9(1) in a Member State that has opted for the eradication programme covering the relevant parts of its territory or zones or compartments thereof, as provided for in Article 31(2), that Member State shall take measures to ensure that operators and other relevant natural and legal persons concerned take appropriate measures as provided for in Article 72(1), pending any disease control measures being taken by the competent authority in accordance with paragraph 2 of this Article.

2 The competent authority of a Member State that has opted for the eradication of a listed disease as referred to in paragraph 1 shall, in the event that it suspects the disease in question in kept animals:

- a conduct without delay an investigation to confirm or rule out the presence of that listed disease in accordance with Article 73(1) and (2);
- b pending the results of the investigation provided for in point (a) and the carrying-out of disease control measures in accordance with Article 80(1), carry out the preliminary disease control measures provided for in Article 74(1) and (2).

3 The competent authority shall review and extend the preliminary disease control measures referred to in point (b) of paragraph 2, in accordance with Article 75.

4 Paragraphs 1, 2 and 3 of this Article shall also apply to Member States or zones which have obtained disease-free status, in order to maintain that status, in accordance with Article 36, or to compartments in accordance with Article 37(2).

5 The Commission shall be empowered to adopt delegated acts in accordance with Article 264 concerning detailed rules supplementing rules in respect of:

- a the disease control measures provided for in paragraph 1;

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- b the investigation provided for in point (a) of paragraph 2;
- c the preliminary disease control measures to be taken to prevent the spread of the listed disease, as provided for in point (b) of paragraph 2.

Section 2

Disease confirmation in kept animals

Article 77

Official confirmation of disease by the competent authority

- 1 The competent authority shall base an official confirmation of a listed disease as referred to in point (b) or (c) of Article 9(1) on the following information:
- a the results of the clinical and laboratory examinations provided for in Article 73(2);
 - b the epidemiological enquiry provided for in point (b) of Article 74(1), where relevant;
 - c other available epidemiological data.
- 2 The Commission shall adopt delegated acts in accordance with Article 264 concerning the requirements to be fulfilled for the official confirmation referred to in paragraph 1.

Article 78

Lifting preliminary disease control measures when the occurrence of a disease is ruled out

The competent authority shall continue to apply the preliminary disease control measures provided for in Article 74(1), Article 75 and point (b) of Article 76(2) until the presence of the listed disease in question has been ruled out in accordance with Article 77(1) and any rules adopted pursuant to Article 77(2).

Section 3

Disease control measures in the event of confirmation of disease in kept animals

Article 79

Disease control measures by the competent authority for listed diseases as referred to in point (b) of Article 9(1)

In the event of an official confirmation in accordance with Article 77(1) of an outbreak of a listed disease as referred to in point (b) of Article 9(1) in kept animals, the competent authority shall, in a Member State, zone or compartment, as relevant for that outbreak:

- (a) apply the disease control measures laid down in the compulsory eradication programme provided for in Article 31(1) for that listed disease; or
- (b) where the Member State or zone, or compartment, has obtained disease-free status in accordance with Article 36 or Article 37 respectively:

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- (i) take one or more of the measures laid down in Articles 53 to 69 proportionate to the risk posed by the listed disease in question, and
- (ii) where necessary, initiate the compulsory eradication programme for that listed disease.

Article 80

Disease control measures to be taken by the competent authority for listed diseases referred to in Article 9(1)(c)

1 In the event of an official confirmation in accordance with Article 77(1) of an outbreak of a listed disease as referred to in point (c) of Article 9(1) in kept animals in a Member State that has opted for an eradication programme covering the relevant parts of its territory or zones or compartments thereof, as provided for in Article 31(2), as relevant for that listed disease and that outbreak, the competent authority shall apply the disease control measures laid down in the optional eradication programme.

2 The competent authority may take disease control measures additional to those provided for in paragraph 1 which may include one or more of the measures laid down in Articles 53 to 69 and shall be proportionate to the risk posed by the listed disease in question and shall take into account:

- a the disease profile;
- b the kept animals affected;
- c economic and social impacts.

3 In the event of an official confirmation in accordance with Article 77(1) of an outbreak of a listed disease as referred to in point (c) of Article 9(1) in kept animals in a Member State, zone or compartment that has obtained disease-free status in accordance with Article 36 or Article 37, and in order to maintain that status, the competent authority shall take one or more of the measures laid down in Articles 53 to 69. Those measures shall be proportionate to the risk posed by the listed disease in question and shall take into account:

- a the disease profile;
- b the kept animals affected;
- c economic and social impacts.

Section 4

Wild animals

Article 81

Disease control measures for listed diseases as referred to in point (b) of Article 9(1) in wild animals

In the event that the competent authority of an affected Member State suspects or officially confirms the outbreak of a listed disease as referred to in point (b) of Article 9(1) in wild animals, it shall throughout its territory, or in the area or zone concerned, as relevant for that outbreak:

- (a) apply the disease control measures laid down in the compulsory eradication programme provided for in Article 30(1) for that listed disease; or
- (b) initiate a compulsory eradication programme, where the eradication programme provided for in Article 31(1) for that listed disease has not yet been applied due to the previous absence of that disease or freedom from it, and if measures for wild animals are necessary in order to control and prevent the spread of that disease.

Article 82

Disease control measures for listed diseases as referred to in point (c) of Article 9(1) in wild animals

1 In the event that a competent authority suspects or officially confirms a listed disease as referred to in point (c) of Article 9(1) in wild animals and the affected Member State has opted for the eradication of the disease in question, and provided that measures for wild animals are envisaged in the optional eradication programme provided for in Article 31(2) for that listed disease, the competent authority shall apply the disease control measures laid down in that optional eradication programme throughout the territory of the Member State, area or zone concerned, as relevant for that suspicion or official confirmation.

2 The competent authority may take disease control measures additional to those provided for in paragraph 1, which may include one or more of the measures laid down in Articles 53 to 69 and shall be proportionate to the risk posed by the listed disease in question and shall take into account:

- a the disease profile;
- b the affected wild animals and the risk of transmission of diseases to animals and humans; and
- c economic, social and environmental impacts.

3 In the event of an official confirmation of an outbreak of a listed disease as referred to in point (c) of Article 9(1) in wild animals in a Member State, zone or compartment that has obtained disease-free status in accordance with Article 36 or Article 37, and in order to maintain that status, the competent authority shall take one or more of the measures laid down in Articles 53 to 69. Those measures shall be proportionate to the risk posed by the listed disease in question and shall take into account:

- a the disease profile;
- b the affected wild animals and the risk of transmission of diseases to animals and humans;
- c the relevance of the presence of the disease in wild animals in relation to the health status of kept animals; and
- d economic, social and environmental impacts.

Section 5

Coordination by the Commission and temporary special disease control rules

Article 83

Coordination of measures by the Commission and temporary special rules concerning Sections 1 to 4

- 1 Member States shall inform the Commission of:
 - a disease control measures taken by their competent authorities in accordance with Articles 77(1), 78, 79 and 81 and with any delegated acts adopted pursuant to Article 77(2) in respect of a listed disease as referred to in point (b) of Article 9(1);
 - b disease control measures taken by their competent authorities in accordance with Articles 77(1), 78, 80(1) and 82 and with any delegated acts adopted pursuant to Article 77(2) in respect of a listed disease as referred to in point (c) of Article 9(1).
- 2 The Commission shall review the disease situation and the disease control measures taken by the competent authority in accordance with this Chapter and may, by means of implementing acts, lay down special rules for disease control measures for a limited period of time in respect of a listed disease as referred to in point (b) or point (c) of Article 9(1), under conditions appropriate to the epidemiological situation, where:
 - a those disease control measures taken by the competent authority in question are found not to be suited to the epidemiological situation;
 - b that listed disease appears to be spreading despite the disease control measures taken in accordance with this Chapter, where relevant.

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

- 3 On duly justified imperative grounds of urgency relating to a listed disease as referred to in point (b) or point (c) of Article 9(1) representing an emerging risk of a highly significant impact, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 266(3).