Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever (Text with EEA relevance)

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission[(1)],

Having regard to the opinion of the European Parliament[(2)],

Having regard to the opinion of the Economic and Social Committee[(3)],

Having regard to the opinion of the Committee of the Regions[(4)],

Whereas:

(1) Council Directive 80/217/EEC of 22 January 1980 introducing Community measures for the control of classical swine fever[(5)] has been frequently and substantially amended. Now that it is to be further amended, the Directive should, for the reasons of clarity and rationalisation, be recast as a single text.

(2) Since live animals are listed in Annex I of the Treaty, one of the Community's tasks in the veterinary field is to improve the state of health of pigs, thereby facilitating trade in pig and pig products to ensure the development of this sector.

(3) In the event of an outbreak of classical swine fever, it is necessary to establish at Community level control measures to eradicate the disease in order that the development of the pig sector is ensured and so as to contribute to the protection of animal health in the Community.

(4) An outbreak of classical swine fever can take on epizootic proportions, causing mortality and disturbances on a scale which threatens in particular the profitability of pig farming as a whole.

(5) Measures should be adopted as soon as the presence of the disease is suspected so that immediate and effective action can be taken as soon as its presence is confirmed, including depopulation of the infected holding.

(6) If an outbreak occurs it is also necessary to prevent any further spread of the disease by carefully monitoring movements of animals and the use of products liable to be contaminated, cleaning and disinfection of the infected premises, establishment of surveillance and protection zones around the outbreak and, if necessary, by vaccination.

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(7) In case of infection, vaccinated pigs may become apparently healthy virus carriers and further spread the disease. The use of vaccines may therefore be authorised only in emergencies.

(8) In accordance with the opinion of the Scientific Committee, marker vaccines capable of eliciting a protective immunity distinguishable from the immune response elicited by natural infection with the wild virus by means of appropriate laboratory tests may become a useful additional tool in the control of classical swine fever in areas with a high density of pigs, thereby avoiding massive slaughter of animals. It is therefore advisable to establish a Community procedure for approving such discriminatory tests, once the remaining limitations of these tests have been overcome, and to authorise Member States to introduce the use of marker vaccines when appropriate in an emergency.

(9) Special eradication measures should be applied in case of disease in feral pigs.

(10) Provisions should be established to guarantee that harmonised procedures and methods are used for the diagnosis of classical swine fever, including the establishment of a Community reference laboratory as well as reference laboratories in the Member States.

(11) Provisions should be established to ensure the necessary preparedness to effectively tackle the emergency situations related to one or more outbreaks of classical swine fever, in particular by drawing up plans to combat them and setting up control centres and expert groups.

(12) Some of the measures so far adopted in the Community in the event of an outbreak of classical swine fever in accordance with Directive 80/217/EEC should be changed to take into account scientific advances, development of new diagnostic tools and vaccines and the experiences gained following the outbreaks of classical swine fever which recently occurred in the Community.

(13) Experience shows that feeding catering waste to pigs can constitute a risk of spreading the classical swine fever virus as a result of lack of effectiveness of the treatment control measures. Pending Community measures with regard to the treatment of such waste, it is advisable to forbid from the present time its use for feeding to pigs. In addition, because of its particularly dangerous nature, catering waste from international means of transport should continue to have to be destroyed.

(14) In order to ensure the continuity of the coordination of the diagnostic work carried out under the auspices of the competent national laboratories, the 'Institut für Virologie der Tierärztlichen Hochschule, Hannover', designated by Council Decision 81/859/EEC[(6)], should be confirmed as the Community reference laboratory and for reasons of legal certainty, that Decision should be repealed.

(15) Provision should be made for the possibility of amending, by means of swift procedures, this Directive and its Annexes to take account of developments in scientific and technical knowledge.

(16) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission[(7)].

(17) This Directive should not affect the obligations of the Member States concerning the deadlines for transposition of the Directives set out in Part B of Annex VII,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Objectives

This Directive introduces the minimum Community measures for the control of classical swine fever.

Article 2

Definitions

For the purposes of this Directive the following definitions shall apply:

(a) 'pig' means any animal of the *Suidae* family, including feral pigs;

(b) 'feral pig' means a pig which is not kept or bred on a holding;

(c) 'holding' means any agricultural or other premises located in the territory of a Member State, where pigs are being bred or kept on a permanent or temporary basis. This definition does not include slaughterhouses, means of transport and fenced areas where feral pigs are kept and may be hunted; these fenced areas must be of a size and structure that makes the measures laid down in Article 5(1) inapplicable;

(d) 'diagnostic manual' means the classical swine fever diagnostic manual referred to in Article 17(3);

(e) 'pig suspected of being infected with classical swine fever virus' means any pig or pig carcase exhibiting clinical symptoms or showing post-mortem lesions or reactions to laboratory tests carried out in accordance with the diagnostic manual indicating the possible presence of classical swine fever;

(f) 'case of classical swine fever' or 'pig infected with classical swine fever' means any pig or pig carcase:
- in which clinical symptoms or post-mortem lesions of classical swine fever have been officially confirmed, or
- in which the presence of the disease has been officially confirmed as the result of a laboratory examination carried out in accordance with the diagnostic manual;

(g) 'outbreak of classical swine fever' means the holding where one or more cases of classical swine fever has or have been detected;

(h) 'primary outbreak' means the outbreak within the meaning of Article 2(d) of Council Directive 82/894/EEC of 21 December 1982 on the notification of animal diseases within the Community[8];

(i) 'infected area' means the area of a Member State where, following the confirmation of one or more cases of classical swine fever in feral pigs, disease eradication measures are in place in accordance with Article 15 or 16;

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(j) 'primary case of classical swine fever in feral pigs' means any case of classical swine fever which is detected in feral pigs in an area in which no measures are in place in accordance with Article 15 or 16;

(k) 'meta-population of feral pigs' means any group or subpopulation of feral pigs with limited contacts with other groups or subpopulations;

(l) 'susceptible feral pig population' means that part of a feral pig population which has not developed immunity against classical swine fever virus;

(m) 'owner' means any person or persons, either natural or legal, having ownership of the pigs, or charged with keeping the said animals, whether or not for financial reward;

(n) 'competent authority' means the competent authority within the meaning of Article 2(6) of 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[9];

(o) 'official veterinarian' means the veterinarian designated by the competent authority of the Member State;

(p) 'processing' means one of the treatments for high risk material laid down in Article 3 of Council Directive 90/667/EEC[10], applied in such a way as to avoid the risk of spread of classical swine fever virus;

(q) 'catering waste' means any waste from food intended for human consumption from restaurants, catering facilities or kitchens, including industrial kitchens, and the households of the farmer or of persons tending pigs;

(r) 'marker vaccine' means a vaccine that can elicit a protective immunity distinguishable from the immune response elicited by the natural infection with the wild type virus by means of laboratory tests carried out in accordance with the diagnostic manual;

(s) 'killing' means the killing of pigs within the meaning of Article 2(6) of Council Directive 93/119/EEC of 22 December 1993 on the protection of animals at the time of slaughter or killing[11];

(t) 'slaughter' means the slaughter of pigs within the meaning of Article 2(7) of Directive 93/119/EEC;

(u) 'area with a high density of pigs' means any geographical area with a radius of 10 km around a holding containing pigs suspected to be or known to be infected with classical swine fever virus, where there is a pig density higher than 800 pigs per km^2; the holding in question must be located either in a region, as defined in Article 2(2)(p) of Council Directive 64/432/EEC[12], where there is a density of pigs kept in holdings higher than 300 pigs per km^2, or at a distance of less than 20 km^2 from such a region;

(v) 'contact holding' means a holding where classical swine fever could have been introduced, whether as a result of the location, movement of persons, pigs or vehicles or in any other way.

Article 3

Classical swine fever notification

1 Member States shall ensure that the presence and suspected presence of classical swine fever are compulsorily and immediately notifiable to the competent authority.

2 Without prejudice to existing Community provisions on notification of outbreaks of animal diseases, the Member State in whose territory classical swine fever is confirmed shall:

a give notification of the disease and provide information to the Commission and the other Member States in accordance with Annex I on:
- — the outbreaks of classical swine fever which are confirmed in holdings,
- — the cases of classical swine fever which are confirmed in a slaughterhouse or in means of transport,
- — the primary cases of classical swine fever which are confirmed in feral pigs,
- — the results of the epidemiological enquiry carried out in accordance with Article 8;

b provide information to the Commission and the other Member States on the further cases confirmed in feral pigs in a classical swine fever infected area in accordance with Article 16(3)(a) and (4).

3 The provisions of Annex I may be supplemented or amended in accordance with the procedure referred to in Article 26(2).

Article 4

Measures in case of suspicion of the presence of classical swine fever in pigs on a holding

1 Where a holding contains one or more pigs suspected of being infected with classical swine fever virus, Member States shall ensure that the competent authority immediately sets in motion official means of investigation to confirm or rule out the presence of the said disease in accordance with the procedures laid down in the diagnostic manual.

When the holding is visited by an official veterinarian, a check of the register and of the pig identification marks referred to in Articles 4 and 5 of Council Directive 92/102/EEC of 27 November 1992 on the identification and registration of animals[(13)] shall also be carried out.

2 When the competent authority considers that the suspected presence of classical swine fever in a holding cannot be ruled out, it shall have the holding placed under official surveillance and shall in particular order that:

a all the pigs in the various categories on the holding are to be counted and a list compiled of the number of pigs already sick, dead or likely to be infected in each category; the list shall be updated to take account of pig births and deaths during the period of suspicion; the information on the list shall be produced upon request and may be checked at each visit;

b all the pigs on the holding shall be restricted to their living quarters or be confined in some other place where they can be isolated;

c no pigs may enter or leave the holding. The competent authority may, if necessary, extend the ban on leaving the holding to cover other species of animals and require the application of appropriate measures to destroy rodents or insects;