Council Directive 92/119/EEC of 17 December 1992 introducing general Community measures for the control of certain animal diseases and specific measures relating to swine vesicular disease

COUNCIL DIRECTIVE 92/119/EEC

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introducing general Community measures for the control of certain animal diseases and specific measures relating to swine vesicular disease

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 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)],

Whereas live animals are listed in Annex II to the Treaty; whereas the marketing of live animals constitutes an important source of revenue for the agricultural population;

Whereas it is necessary to establish at Community level the control measures to be taken in the event of outbreaks of disease, in order to ensure rational development of the farming sector and to contribute to the protection of animal health in the Community;

Whereas an outbreak of disease can quickly take on epizootic proportions, causing mortality and disturbances which may severely compromise the profitability of stock farming;

Whereas control measures must be taken as soon as the presence of a disease is suspected so that immediate and effective action can be implemented as soon as its presence is confirmed;

Whereas the measures to be taken must allow the spread of the disease to be prevented, in particular by carefully controlling movements of animals and products liable to spread the infection;

Whereas the prevention of diseases in the Community should normally be based on a non-vaccination policy; whereas, however, it is important to make provision for vaccination where a serious situation demands such action;

Whereas in order to ensure that all vaccinated animals are recognizable, it is necessary for these animals to be identified; whereas in order to give the necessary guarantees, the potency of the vaccine must be approved by a reference laboratory designated by the Community;

Whereas a thorough epidemiological enquiry is essential to prevent any spread of diseases; whereas the Member States must establish special units for this purpose;

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Whereas in order to ensure the effectiveness of the system of control, diagnosis of the diseases must be harmonized and must be carried out under the auspices of responsible laboratories, the coordination of which may be carried out by a reference laboratory designated by the Community;

Whereas Article 3 of Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field[(4)] applies in the event of an outbreak of one of the diseases listed in Annex I;

Whereas common measures for the control of these diseases form a basis for maintaining a uniform standard of animal health;

Whereas specific provisions should also be laid down for each individual disease and, initially, for swine vesicular disease,

HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive defines the general Community control measures to be applied in the event of an outbreak of one of the diseases listed in Annex I.

Article 2

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

1. *holding:* any establishment (agricultural or other), situated in the territory of a Member State, in which animals are kept or bred;

2. *animal:* any domestic animal of a species liable to be directly affected by the disease in question, or any wild vertebrate animal likely to participate in the epidemiology of the disease, by acting as a carrier or reservoir of infection;

3. **[**[XI] *vector:* any vertebrate or invertebrate animal which, by mechanical or biological means, is liable to transmit and spread the agent of the disease in question;**]**

4. *owner or keeper:* any person or persons, either natural or legal, having ownership of the animals, or charged with keeping the said animals, whether or not for financial reward;

5. *incubation period:* the period of time likely to elapse between exposure to the agent of the disease and the onset of clinical symptoms. The duration of this period shall be that indicated in Annex I for the disease in question;

6. *confirmation of infection:* the declaration by the competent authority of the presence of any of the diseases listed in Annex I based on laboratory results; however, in the event of an epidemic, the competent authority may also confirm the presence of the disease on the basis of clinical and/or epidemiological results;

7. *competent authority:* the central authority of a Member State responsible for carrying out veterinary checks or any veterinary authority to which it has delegated that responsibility;

8. *official veterinarian:* the veterinarian appointed by the competent authority.

Editorial Information

X1 Substituted by Corrigendum to Council Directive 92/119/EEC of 17 December 1992 introducing general Community measures for the control of certain animal diseases and specific measures relating to swine vesicular disease (Official Journal of the European Communities L 62 of 15 March 1993).

Article 3

Member States shall ensure that it is compulsory for the suspected presence of any of the diseases referred to in Annex I to be notified immediately to the competent authority.

Article 4

1 When animals on a holding are suspected of being infected or contaminated with one of the diseases listed in Annex I, Member States shall ensure that the official veterinarian immediately activates official investigation arrangements to confirm or rule out the presence of the disease in question and, in particular, must take or have taken the samples necessary for laboratory examination. To that end the animals in question may be transported to the laboratories under the supervision of the competent authority, which shall take appropriate steps to prevent the disease from spreading.

2 As soon as the suspected presence of the disease is notified, the competent authority shall have the holding placed under official surveillance and shall in particular require that:

a a census be made of all categories of animals of susceptible species and that, in respect of each of these categories, the number of animals already dead, infected or liable to be infected or contaminated be recorded; the census must be kept up to date to take account of animals born or dying during the period of suspicion; the information in the census must be kept up to date and produced on request and may be checked at each visit;

b all animals of susceptible species on the holding be kept in their living quarters or confined in some other place where they can be isolated taking into account the possible role of vectors, where appropriate;

c no animals of susceptible species enter or leave the holding;

d all movement:

— of persons, animals of other species not susceptible to the disease and vehicles to or from the holding,

— of meat or animal carcases, or of animal feed, equipment, waste, droppings, litter, manure, or anything liable to transmit the disease in question

e be subject to authorization by the competent authority, which shall lay down the conditions for preventing any risk of the disease spreeding; appropriate means of disinfection be installed at the entrances and exits of buildings or places housing animals of susceptible species and of the holding itself;

f an epizootiological inquiry be carried out in accordance with Article 8.

3 Until such time as the official measures laid down in paragraph 2 are enforced, the owner or keeper of any animal in which disease is suspected shall take every appropriate measure to ensure compliance with paragraph 2, except for subparagraph (f) thereof.

4 The competent authority may apply any of the measures provided for in paragraph 2 to other holdings should their location, their configuration or contacts with the holding where the disease is suspected give reason to suspect possible contamination.

5 The measures referred to in paragraphs 1 and 2 shall not be withdrawn until the suspicion of the presence of the disease has been ruled out by the official veterinarian.

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Article 5

1 Once it has been officially confirmed that one of the diseases listed in Annex I is present on a holding, Member States shall ensure that, in addition to the measures laid down in Article 4 (2), the competent authority requires application of the following measures:

a all animals of susceptible species on the holding shall be killed on the spot, without delay. The animals which have died or been killed shall either be burnt or buried on the spot, if possible, or destroyed in a carcase disposal plant. These operations shall be carried out in such a way as to minimize the risk of disseminating the agent of the disease;

b any substance or waste, such as animal feed, litter, manure or slurry, which is liable to be contaminated, shall be destroyed or treated appropriately. This treatment, carried out in accordance with the instructions of the official veterinarian, must ensure that any agent or vector of the agent of the disease is destroyed;

c after carrying out operations listed in subparagraphs (a) and (b), the buildings used for housing animals of susceptible species, their surroundings, the vehicles used for transport and all equipment liable to be contaminated shall be cleaned and disinfected in accordance with Article 16;

d an epizootiological inquiry shall be carried out in accordance with Article 8.

2 When recourse is had to burial, it must be deep enough to prevent carnivorous animals from digging up the carcases or waste referred to in paragraph 1 (a) and (b) above and must be in suitable ground so as to prevent contamination of water tables or any environmental nuisance.

3 The competent authority may extend the measures provided for in paragraph 1 to other neighbouring holdings should their location, their configuration or contacts with the holding where the presence of the disease has been confirmed give reason to suspect possible contamination.

4 The restocking of the holding shall be authorized by the competent authority, following the satisfactory inspection by the official veterinarian of the cleaning and disinfection operations carried out in accordance with Article 16.

Article 6

Where animals living in the wild are infected or suspected of being infected, Member States shall ensure that appropriate action is taken. Member States shall inform the Commission and the other Member States, in the Standing Veterinary Committee set up by Decision 68/361/EEC[(5)], of the measures they have taken.

Article 7

1 In the case of holdings which consist of two or more separate production units, the competent authority may derogate from the requirements of Article 5 (1) (a) as regards healthy production units of a holding which is infected, provided that the official veterinarian has confirmed that the structure and size of these units and the operations carried out therein are such that they are completely separate as regards housing, keeping, staff, equipment and feeding, so as to prevent the spread of the agent of the disease from one unit to another.

2 Where recourse is had to paragraph 1, the rules laid down in Commission Decision 88/397/EEC[(6)] shall apply *mutatis mutandis*. These rules may be amended for the disease in question under the procedure laid down in Article 25 in order to take account of the specific nature of the disease.

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Article 8

1 The epizootiological enquiry shall deal with:

a the length of time during which the disease may have existed on the holding before being notified or suspected;

b the possible origin of the disease on the holding and the identification of other holdings on which there are animals of susceptible species which may have become infected or contaminated;

c the movement of persons, animals, carcases, vehicles, equipment or any other substances likely to have carried the agent of the disease to or from the holdings in question;

d the presence and distribution of disease vectors as appropriate.

2 A crisis unit shall be established in order to provide full coordination of all measures necessary to ensure eradication of the disease as quickly as possible and for the purpose of carrying out the epizootiological enquiry.

The general rules concerning national crisis units and the Community crisis unit shall be laid down by the Council, acting by a qualified majority on a proposal from the Commission.

Article 9

1 Where the official veterinarian finds, or considers on the basis of confirmed data, that disease could have been introduced from other holdings onto the holding referred to in Article 4 or from the latter onto other holdings as a result of the movement of persons, animals or vehicles or in any other way, those other holdings shall be placed under official surveillance in accordance with Article 4; this surveillance shall not be lifted until the suspected presence of disease on the holding has been officially ruled out.

2 Where the official veterinarian finds, or considers on the basis of confirmed data, that disease could have been introduced from other holdings on to the holding referred to in Article 5 or from the latter onto other holdings as a result of the movement of persons, animals or vehicles or in any other way, those other holdings shall be placed under official surveillance in accordance with Article 4; this surveillance shall not be lifted until the suspected presence of disease on the holding has been officially ruled out.

3 When a holding has been subject to the provisions of paragraph 2, the competent authority shall keep the provisions of Article 4 in force on the holding for at least the maximum incubation period pertaining to each disease following the likely time of introduction of infection as established by the epizootiological enquiry carried out in accordance with Article 8.

4 Where it considers that conditions permit, the competent authority may limit the measures provided for in paragraphs 1 and 2 to a part of the holding and the animals contained therein provided that the holding can satisfy the conditions set out in Article 7, or to animals of susceptible species only.

Article 10

1 Once the diagnosis of one of the diseases in question has been officially confirmed, Member States shall ensure that the competent authority establishes around the infected holding a protection zone with a minimum radius of three kilometres, itself contained in a surveillance zone with a minimum radius of 10 kilometres. The establishment of the zones must take account of geographical, administrative, ecological and epizootiological factors relating to the disease in question, and of monitoring facilities.