Council Directive 92/66/EEC of 14 July 1992 introducing Community measures for the control of Newcastle disease

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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 poultry is listed in Annex II of the Treaty and whereas the marketing of poultry 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 an outbreak of Newcastle disease in order to ensure development of the poultry sector and contribute to the protection of animal health in the Community;

Whereas minimum Community control measures should furthermore be provided for against Newcastle disease to apply to certain other species;

Whereas an outbreak of Newcastle disease can quickly take on epizootic proportions, causing mortality and disturbances on a scale liable to reduce sharply the profitability of farming or poultry as a whole;

Whereas action must be taken as soon as the presence of the disease is suspected so that immediate and effective control measures can be implemented when its presence is confirmed; whereas such measures must be modulated by the competent authorities to take account of whether or not a country carries out a prophylactic vaccination programme in all or part of its territory;

Whereas it is necessary to prevent any spread of the disease as soon as an outbreak occurs, by carefully monitoring movements of animals and the use of products liable to be contaminated, and, where appropriate, by vaccination;

Whereas diagnosis of the disease must be carried out under the auspices of responsible national laboratories, the coordination of which must be ensured by a Community reference laboratory;

Whereas it is necessary to make provision for the Member States which vaccinate to draw up vaccination plans and to inform the Commission and other Member States about those plans;

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Whereas Article 4 of Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field[4] applies in the event of the occurrence of Newcastle disease;

Whereas it is appropriate to confer upon the Commission the task of taking the necessary applicatory measures,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Without prejudice to the Community provisions governing intra-Community trade, this Directive defines the Community control measures to be applied in the event of an outbreak of Newcastle disease in:

(a) poultry;

(b) racing pigeons and other birds kept in captivity.

This Directive shall not apply where Newcastle disease is detected in wild birds living freely; however, in that case, the Member State concerned shall inform the Commission of any measure it takes.

Article 2

For the purpose of this Directive, the definitions given in Article 2 of Council Directive 90/539/EEC of 15 October 1990 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs[5] shall apply as appropriate.

The following definitions shall also apply:

(a) 'infected poultry' means any poultry:
- — in which the presence of Newcastle disease has been officially confirmed following an examination by an approved laboratory, or
- — in the case of second and subsequent outbreaks in which clinical symptoms or post-mortem lesions consistent with Newcastle disease are present;

(b) 'poultry suspected of being infected' means any poultry showing clinical signs or post-mortem lesions which are such that the presence of Newcastle disease may reasonably be suspected;

(c) 'poultry suspected of being contaminated' means any poultry which may have been directly or indirectly exposed to the Newcastle-disease virus;

(d) 'swill' means waste from kitchens, restaurants or, where appropriate, from industries using meat;

(e) 'competent authority' means the competent authority within the meaning of Article 2 (6) of Directive 90/425/EEC[6];

(f) 'official veterinarian' means the veterinarian designated by the competent authority;

(g) 'racing pigeon' means any pigeon transported or intended for transport from its pigeon house to be released so that it may freely fly back to its pigeon house or to any other destination;

(h) 'pigeon house' means any installation used for keeping or breeding racing pigeons.

Article 3

Member States shall ensure that there is compulsory and immediate notification of the suspected presence of Newcastle disease to the competent authority.

Article 4

1 When poultry in a holding are suspected of being infected or contaminated with Newcastle disease, Member States shall ensure that the official veterinarian immediately activates official investigation arrangements to confirm or rule out the presence of the disease and, in particular, must take or have taken the samples necessary for laboratory examination.

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

a a record be made of all categories of poultry on the holding showing in respect of each of the categories the numbers of poultry which have died, which show clinical signs, and which show no signs. The record shall be kept up-to-date to include birds born or dying during the period in which there is a suspicion. The data in the record shall be kept up-to-date and be produced on request, and may be checked at each visit;

b all poultry on the holding are kept in their living quarters or confined in some other place where they can be isolated and without contact with other poultry;

c no poultry enter or leave the holding;

d all movement

— of persons, other animals and vehicles to or from the holding,

— of poultry meat or carcasses, or of animal feed, implements, waste, droppings, manure litter or anything liable to transmit Newcastle disease be subject to authorization by the competent authority;

e no eggs shall leave the holding with the exception of eggs sent directly to an establishment approved for the manufacture and/or processing of egg products under Article 6 (1) of Directive 89/437/EEC[7], and transported under an authorization which has been granted by the competent authority. Such authorization must meet the requirements laid down in Annex 1;

f appropriate means of disinfection be installed at the entrances and exits of buildings housing poultry and of the holding itself;

g an epizootiological inquiry be carried out in accordance with Article 7.

3 Until such time as the official measures laid down in paragraph 2 are enforced, the owner or keeper of any poultry in which disease is suspected shall take all reasonable action to ensure compliance with paragraph 2, except for (g) 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 Newcastle disease has been ruled out by the official veterinarian.

Article 5

1 Once the presence of Newcastle disease in poultry has been officially confirmed on a holding, the Member States shall ensure that the competent authority requires, in addition to the measures listed in Article 4 (2), the following measures to be untertaken:

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a all poultry on the holding shall without delay be killed on the spot. The poultry which have died or been killed and all eggs shall be destroyed. These operations shall be carried out in a way which minimizes the risk of spreading disease;

b any substance or waste, such as animal feed, litter or manures liable to be contaminated, shall be destroyed or treated appropriately. This treatment, carried out in accordance with the instructions of the official veterinarian, shall ensure the destruction of any Newcastle-disease virus present;

c where poultry from the holding have been slaughtered during the presumed incubation period of disease the meat from those poultry shall wherever possible be traced and destroyed;

d hatching eggs laid during the presumed incubation period which have been moved from the holding shall be traced and destroyed; but poultry which have already hatched from the eggs shall be placed under official surveillance; table eggs laid during the presumed incubation period which have been moved from the holding shall wherever possible be traced and destroyed, unless they have previously been properly disinfected;

e after carrying out operations listed under (a) and (b), the buildings used for housing poultry, their surroundings, the vehicles used for transport and all equipment likely to be contaminated shall be cleaned and disinfected in accordance with the provisions of Article 11;

f no poultry shall be reintroduced to the holding until at least 21 days after completion of operations provided for under (e);

g an epizootiological inquiry shall be carried out in accordance with Article 7.

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

3 Where a strain of Newcastle-disease virus with an ICPI (intracerebral pathogenicity index) greater than 0,7 and lower than 1,2 is isolated in a flock of poultry that presents no clinical signs of Newcastle disease and it has been demonstrated by the Community reference laboratory referred to in Article 15 that the virus isolate in question derives from an atenuated live Newcastle-disease vaccine, the competent authority may grant a derogation from the requirements under (a) to (f), of paragraph 1, provided that the holding concerned is placed under official surveillance for 30 days and must require in particular that:

— the provisions of Article 4 (2) (a), (b), (d), (e) and (f) are applied,

— no poultry may leave the holding except to be taken directly to a slaughterhouse designated by the competent authority.

The competent authority responsible for this slaughterhouse must be informed of the intention to send poultry there for slaughter and as soon as the poultry arrive at the slaughterhouse they shall be kept and slaughtered separately from other poultry.

4 Fresh meat from the poultry referred to in paragraph (3) of this Article must carry the health mark provided for in Article 5 (1) of Directive 91/494/EEC.

5 The provisions laid down in paragraph 3 shall be subject to a review taking into account developments in scientific research with a view to adopting harmonized rules for the use of Newcastle-disease vaccines in the Community.

Article 6

In the case of holdings which consist of two or more separate flocks, the competent authority may, in accordance with criteria set by the Commission under the procedure laid down in Article 25, grant a derogation from the requirements of Article 5 (1), for

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healthy flocks of a holding which is infected, provided that the official veterinarian has confirmed that the operations carried out there are such that the flocks are completely separate as regards housing, keeping and feeding, so that the virus cannot spread from one flock to another.

Article 7

1 The epizootiological inquiry shall deal with:

— the length of time during which Newcastle disease may have existed on the holding or in the pigeon house;

— the possible origin of the Newcastle disease on the holding or in the pigeon house and the identification of other holdings or pigeon houses in which there are poultry, pigeons or other birds kept in captivity which may have become infected or contaminated from the same source;

— the movement of persons, poultry, pigeons or other birds kept in captivity or other animals, vehicles, eggs, meat and carcases and any implement or substance likely to have carried Newcastle-disease virus to or from the holding or pigeon house in question.

2 In order to provide full coordination of all measures necessary to ensure eradication of Newcastle disease as quickly as possible and for the purpose of carrying out the epizootiological inquiry, a crisis unit shall be established.

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

Article 8

1 Where the official veterinarian has reason to suspect that poultry on any holding may have been contaminated as a result of the movement of persons, animals or vehicles or in any other way, that holdings shall be placed under official control in accordance with paragraph 2.

2 The purpose of the official control shall be to detect immediately any suspicion of Newcastle disease, count the poultry and monitor their movements and, where appropriate, to take the action provided for in paragraph 3.

3 When a holding is subject to official control under paragraphs 1 and 2, the competent authority shall prohibit removal of poultry from the holding other than for transport directly to a slaughterhouse under official supervision for the purpose of immediate slaughter. Before granting such authorization, the official veterinarian must have carried out a clinical examination of all the poultry to exclude presence of Newcastle disease on the holding. The movement restrictions referred to in this Article shall be imposed for a period of 21 days from the latest date of potential contamination; however, such restrictions must apply for a period of at least seven days.

4 Where it considers that conditions permit, the competent authority may limit the measures provided for in this Article to a part of the holding and to the poultry contained therein, provided that the poultry there have been housed, kept and fed completely separately be separate staff.

5 Where the official veterinarian has reason to suspect racing pigeons or any pigeon house of being contaminated by the Newcastle-disease virus, he shall take all appropriate steps to ensure that the pigeon house is subject to restrictions, including a ban on all movement of racing pigeons outside the pigeon house for 21 days.