Council Directive 92/35/EEC of 29 April 1992 laying down control rules and measures to combat African horse sickness

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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 Council Directive 90/426/EEC of 26 June 1990 on animal health conditions governing the movement and import from third countries of equidae[(4)] seeks to liberalize the movement of equidae on Community territory; whereas, under Article 5 (4) thereof, Community measures must be introduced to harmonize rules for controlling and measures to combat African horse sickness;

Whereas such measures will make it possible to ensure rational development of the farming sector and contribute to the protection of animal health in the Community;

Whereas an outbreak of this disease can quickly assume epizootic proportions, causing mortality and disturbance which may severely reduce the profitability of livestock production;

Whereas control measures must be taken as soon as the presence of the disease is suspected and whereas immediate and effective action must be implemented as soon as it is confirmed in order to guarantee animal health protection in the Community;

Whereas the measures to be taken must aim at preventing the spread of African horse sickness; whereas the movement of animals liable to transmit the infection must be strictly controlled and insects must be eradicated from infected holdings;

Whereas the conditions under which vaccination against African horse sickness may be carried out and the rules governing such vaccination must be specified;

Whereas, in order to ensure more effective control of the disease, action should be taken to establish protection and surveillance zones, taking into account geographical, administrative, ecological and epizootiological factors;

Whereas a thorough epizootiological inquiry is essential in order to prevent any spread of the disease;

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Whereas Article 3 of Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field[5] applies in the event of the occurrence of African horse sickness,

HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive lays down control rules and measures to combat African horse sickness.

Article 2

For the purposes of this Directive, the definitions given in Article 2 of Directive 90/426/EEC shall apply as and where necessary.

However, *holding* means holding within the meaning of Directive 90/426/EEC and nature reserves in which equidae live in freedom.

Furthermore:

(a) *owner or keeper* means any natural or legal person(s) having ownership of the equidae or charged with their keep, whether or not for finanical reward;

(b) *vector* means an insect of the *imicola Culicoides* species or any other Culicoides insect liable to transmit African horse sickness, identifiable under the procedure provided for in Article 19, following the opinion of the Scientific Veterinary Committee;

(c) *confirmation* means the declaration, by the competent authority, of the presence of African horse sickness, based on laboratory results; however, in the event of an epidemic the competent authority may also confirm the disease on the basis of clinical and/or epidemiological results;

(d) *competent authority* means the central authority of a Member State responsible for carrying out veterinary checks or any veterinary authority to which it has delegated that responsibility;

(e) *official veterinarian* means the veterinarian appointed by the competent authority.

Article 3

Member States shall ensure that the occurrence or suspicion of African horse sickness is subject to compulsory and immediate notification to the competent authority.

Article 4

1 Where a holding contains one or more equidae suspected of being infected with African horse sickness, Member States shall ensure that the official veterinarian immediately sets in motion official means of investigation to confirm or rule out the presence of the said sickness.

2 From the moment when the suspected infection is notified, the official veterinarian shall:

a have the suspect holding(s) placed under official surveillance;

b initiate:

(i) an official census of the species of equidae, stating in the case of each species the number of equidae already dead, infected or liable to be infected, and the updating of that census to take account of equidae born or dying during the

period of suspicion; the information in the census must be produced on request and may be checked at each inspection;

(ii) a census of places likely to facilitate the survival of the vector or to accommodate it and the use of appropriate means of eradicating insects in such places;

(iii) an epizootiological inquiry in accordance with Article 7;

c regularly visit the holding(s), when he shall:

(i) examine each equid kept there;

(ii) carry out a detailed clinical examination or an autopsy on the suspect or dead animals and take the samples necessary for laboratory examinations;

d ensure that:

(i) all equidae on the holding(s) are kept in their living quarters or in other places protected against the vector;

(ii) all movement of equidae to or from the holding(s) is prohibited;

(iii) appropriate means of eradicating insects are employed in and around the buildings housing the equidae;

(iv) the carcases of equidae which have died on the holding are destroyed, disposed of, burnt or buried in accordance with Council Directive 90/667/EEC of 27 November 1990 laying down the veterinary rules for the disposal and processing of animal waste, for its placing on the market and for the prevention of pathogens in feedstuffs of animal or fish origin and amending Directive 90/425/EEC[(6)].

3 Pending the introduction of the official measures referred to in paragraph 2, the owner or keeper of any animals suspected of having the disease shall take all the necessary precautionary action to ensure compliance with paragraph 2 (d).

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

5 Apart from the provisions of paragraph 2, specific provisions may be laid down in accordance with the procedure referred to in Article 19 for nature reserves in which equidae live in freedom.

6 The measures covered by this Article shall be officially discontinued only when the competent authority no longer suspects the presence of African horse sickness.

Article 5

Vaccination against African horse sickness may be practised solely in accordance with the provisions laid down in this Directive.

Article 6

1 Where the presence of African horse sickness is officially confirmed, the official veterinarian:

a shall proceed immediately with the killing under official control of any equidae on the infected holding which are infected with or present clinical symptoms of African horse sickness;

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b shall arrange for the destruction, disposal, burning or burial of the carcases of the aforesaid equidae in accordance with Directive 90/667/EEC and/or;

c shall extend the measures laid down in Article 4 to holdings situated within a 20 km radius (included in the protection zone) around the infected holding(s);

d shall proceed, in the zone laid down in (c), with the systematic vaccination of all equidae using a vaccine authorized by the competent authority, and shall identify them by a clear, indelible mark applied by an approved method in accordance with the procedure laid down in Article 19. However, on the basis of the epizootiological, meteorological, geographical or climatological circumstances, the vaccination requirements may be waived by the competent authority. The competent authority shall inform the Commission thereof;

e carry out an epizootiological enquiry in accordance with Article 7.

2 The competent authority may extend the measures provided for in paragraph 1 beyond the zone referred to in point (c) thereof if, on account of the geographical, ecological or meteorological situation or of movements to or from the holding where the disease has been confirmed, there are grounds for suspecting an extension of African horse sickness. It shall inform the Commission accordingly.

3 Where the zone referred to in paragraph 1 is situated in the territory of more than one Member State the competent authorities of the Member States concerned shall collaborate in defining this zone. If necessary, the latter shall be defined under the procedure laid down in Article 19.

Article 7

1 The epizootiological inquiry shall cover:

— the length of time during which African horse sickness may have existed on the holding,

— the possible origin of the African horse sickness on the holding and the identification of other holdings on which there are equidae which may have become infected or contaminated from the same source,

— the presence and distribution of disease vectors,

— the movement of equidae to or from the holdings concerned or any carcases of equidae removed from them.

2 In order to provide full coordination of all measures necessary to ensure eradication of African horse sickness 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 shall be adopted by the Council, acting on a proposal from the Commission.

Article 8

1 The Member States shall ensure that, in addition to the measures referred to in Article 6, the competent authority establishes a protection zone and a surveillance zone. The establishment of the zones shall take account of the geographical, administrative, ecological and epziootiological factors connected with African horse sickness and of the control structures.

2

a The protection zone shall consist of a part of Community territory with a radius of at least 100 km around the entire infected holding.

b The surveillance zone shall consist of a part of Community territory extending at least 50 km beyond the protection zone, in which no systematic vaccination has been carried out in the last 12 months.

c Where such zones are situated on the territory of several Member States, the competent authorities of the Member States concerned shall collaborate in order to define the zones referred to in (a) and (b). However, if necessary, the protection zone and the surveillance zone shall be defined in accordance with the procedure laid down in Article 19.

3 At the duly substantiated request of a Member State a decision may be taken in accordance with the procedure laid down in Article 19, with a view to amending the demarcation of the zones defined in paragraph 2, taking into account:

— their geographical situation and ecological factors,
— the meteorological conditions,
— the presence and distribution of the vector,
— the results of the epizootiological studies carried out in accordance with Article 7,
— the results of the laboratory examinations,
— the application of the control measures, in particular the insect eradication measures.

Article 9

1 Member States shall ensure that the following measures are applied in the protection zone:

a all holdings containing equidae within the zone are identified;

b the official veterinarian conducts:
— periodic visits to all holdings containing equidae,
— a clinical examination of the said equidae including, if necessary, the collection of samples for laboratory examination; a record of visits and findings must be kept;

c equidae leave the holding on which they are kept only for transport directly under official supervision for emergency slaughter to a slaughterhouse located in that zone or, if that zone has no slaughterhouse, to a slaughterhouse in the surveillance zone designated by the competent authority.

2 In addition to the measures provided for in paragraph 1, a decision to carry out systematic vaccination of equidae against African horse sickness and to identify them in the protection zone may be taken under the procedure laid down in Article 19.

Article 10

Member States shall ensure that:

1. the measures provided for in Article 9 (1) apply in the surveillance zone. However, if the surveillance zone has no slaughterhouse, the equidae may be slaughtered in the protection zone in a slaughterhouse designated by the competent authority;

2. all vaccination against African horse sickness is prohibited in the surveillance zone.

Article 11

The period of application and maintenance of the measures provided for in Articles 6, 8, 9 and 10 shall be determined by the procedure laid down in Article 19. The period may in no case be less than 12 months where vaccination has been carried out in accordance with Articles 6 (1) and 9 (2).