II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 11 December 1991

amending Directive 80/217/EEC introducing Community measures for the control of classical swine-fever

(91/685/EEC)

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 Directive 80/217/EEC (4), as last amended by Directive 87/486/EEC (5), introduced Community measures for the control of classical swine-fever;

Whereas, during the period covered by Directive 80/217/EEC, this disease has, owing to the measures adopted to combat it, been eradicated in most Member States; whereas, however, certain serious difficulties have been experienced in eradicating the disease in areas with a high density of pigs and in areas containing wild boar;

Whereas, in view of the evolution of the disease, the availability of improved diagnostic methods and the completion of the internal market for 1 January 1993, it is necessary to amend the control measures already taken at Community level to control classical swine-fever;

Whereas these amendments relate to the cleaning and disinfection of infected farms, disease in wild boar, the use of crisis units, movement controls in protection and surveillance zones, emergency vaccination and diagnostic procedures,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 80/217/EEC is hereby amended as follows:

1. Article 2 shall be replaced by the following:

   'Article 2

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

   (a) 'pig': any animal of the Suidae family;

   (b) 'breeding pig': a pig intended or used for reproduction with a view to multiplication of the species;

   (c) 'fattening pig': a pig fattened and intended for slaughter at the end of the fattening period with a view to meat production;

(1) OJ No C 226, 31. 8. 1991, p. 6.
(2) OJ No C 326, 16. 12. 1991.
(3) Opinion delivered on 28 November 1991 (not yet published in the Official Journal).
(4) OJ No L 47, 21. 2. 1980, p. 11.
(5) OJ No L 280, 3. 10. 1987, p. 21.

(d) 'slaughter pig': a pig which is intended for slaughter without undue delay in a slaughterhouse;

(e) 'feral pig': a pig which is not kept or bred in a holding;

(f) 'holding': a holding within the meaning of Article 2 (4) of Directive 90/425/EEC (*), as last amended by Directive 91/174/EEC (**);

(g) 'pig suspected of being infected with classical swine-fever': any pig exhibiting clinical symptoms or showing post-mortem lesions or reactions to laboratory tests carried out according to Article 11, indicating the possible presence of classical swine-fever;

(h) 'pig infected with classical swine-fever': any pig

— in which clinical symptoms or post-mortem lesions of classical swine-fever have been officially confirmed, or

— in which the presence of this disease has been officially confirmed as the result of a laboratory examination carried out in accordance with Article 11;

(i) 'owner or keeper': 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;

(j) 'competent authority': the competent authority within the meaning of Article 2 (6) of Directive 90/425/EEC;

(k) 'official veterinarian': the veterinarian appointed by the competent authority;

(l) 'rendering': the processing of high-risk material in accordance with Directive 90/667/EEC (1)

(m) 'swill': waste from kitchens, restaurants or, as the case may be, from industries using meat.'

(*) OJ No L 224, 18. 8. 1990, p. 29.
(**) OJ No L 85, 5. 4. 1991, p. 37.
(1) OJ No L 363, 27. 12. 1990, p. 51.

2. in Article 5:

(a) the following shall be added to the seventh ident of paragraph 1:

'The reintroduction of pigs shall take account of the type of farming practised on the holding concerned and must conform to one of the following procedures:

1. as regards open-air pig holdings:

the reintroduction of pigs shall start with the introduction of sentinel piglets which have been checked and found negative for the presence of antibodies against classical swine-fever virus. The sentinel piglets shall be placed, in accordance with the requirements of the competent authority, throughout the infected holding and be rechecked, 21 and 42 days after having been placed on the holding, for the presence of antibodies.

If none of the piglets has developed antibodies against classical swine-fever virus and as soon as the results of the second test are available, with a negative result, full re-population may take place;

2. for all other forms of rearing, the reintroduction of pigs shall take place either in accordance with the measures provided for in paragraph 1 or with the following provisions:

— the reintroduction of piglets shall be based on total repopulation, provided that:

— all the pigs arrive within a period of eight days and come from holdings situated outside the restriction zone,

— no pig may leave the holding for a period of 60 days after the arrival of the last pigs,

— the repopulated herd is subjected to a serological examination in accordance with Annexes I and IV. That examination may be carried out at the earliest 30 days after the arrival of the last pigs.';

(b) paragraph 2 shall be replaced by the following text:

'2. The competent authority may apply the measures provided for in paragraph 1 to other holdings where pigs may have become infected as a result of their location and direct or indirect contact with the infected holding.';

3. the following Article shall be inserted:

'Article 6a

1. Immediately after the competent authority of a Member State has information that feral pigs are suspected of being infected, it shall take all appropriate measures to confirm the presence of the disease, by giving information to the owners or keepers of pigs and to hunters, and by investigations of all feral pigs shot or found dead, including laboratory testing.

2. As soon as confirmation of infection in feral pigs has taken place, the competent authority of a Member

State shall immediately place under official surveillance holdings in the defined infected area and shall in particular order that:

(a) an official census be carried out of all categories of pigs on all holdings; the census must be kept up to date by the owner or keeper; the information in the census must be produced on request and may be checked at each inspection.

However, as regards open-air pig holdings, the first census carried out may be done on the basis of an estimate;

(b) all pigs on the holding be kept in their living quarters or some other place where they can be isolated from feral pigs. The feral pigs must not have access to any material which may subsequently come in contact with the pigs on the holding;

(c) no pigs enter or leave the holding save where authorized by the competent authority having regard to the epidemiological situation;

(d) appropriate means of disinfection be used at the entrances and exits of buildings housing pigs and of the holding itself;

(e) all dead or diseased pigs with classical swine-fever symptoms on a holding be tested for the presence of classical swine-fever;

(f) no part of any feral pig (whether shot or found dead) shall be brought into a holding.

3. Without prejudice to the measures laid down in paragraph 2, Member States shall submit to the Commission at the earliest opportunity a written plan of the measures taken to eradicate the disease in an area defined as infected and the measures applied on the holdings in that area.

The Commission shall examine the plan in order to determine whether it permits the desired objective to be attained and shall approve the plan, if necessary with amendments, in accordance with the procedure laid down in Article 16.

The plan may subsequently be amended or supplemented, in accordance with the same procedure, to take account of developments in the siutation.

4. After the measures provided for in the plan mentioned in paragraph 3 have been approved, they shall replace the initial measures referred to in paragraph 2, on a date which shall be decided upon when approval is given.

5. The plan mentioned in paragraph 3 shall contain information on:

(a) a defined infected area within the territory of the Member State referred to in paragraph 2. When defining the infected area, the competent authority shall take into account:

(i) the geographical distribution of the disease;

(ii) the feral pig population in the area;

(iii) the existence of major natural or man-made obstacles to movements of feral pigs;

(b) the approximate number of groups of feral pigs and their size in the defined area;

(c) specific efforts made to determine the extent of the infection in the feral pig population, by investigation of feral pigs shot by hunters or found dead, and by laboratory testing;

(d) the organization of close cooperation between biologists, hunters, hunting organizations, the wildlife services and veterinary services (animal health and public health);

(e) the reduction of the feral pig population and the issuing of hunting permits; the requirements to be complied with by hunters in order to avoid any spread of the disease; the period adopted for reduction of the feral pig population shall consist of an initial eradication period to be followed by a surveillance period;

(f) the method of removal of feral pigs found dead or shot. In the first phase (eradication period) the removal shall be based on destruction under supervision of the competent authority. In the second phase (surveillance period) the removal shall be in accordance with the requirements laid down by the competent authority;

(g) the epizootiological enquiry which is carried out on each feral pig (shot or found dead). This enquiry must include the completion of a questionnaire which supplies information about:

— the geographical area where the animal was found dead or shot,

— the date on which the animal was found dead or shot,

— the person who found or shot the animal,

— the age and sex of the pig,

— if shot: symptoms before shooting,

— if found dead: the state of the carcase,

— laboratory findings;

(h) disease-prevention measures applicable to the holdings situated in the defined infected area, including the transport and movement of animals within, from and to the area;

(i) the criteria to be applied for lifting the measures taken to eradicate the disease in the defined area and the measures applied to holdings in the area.';

4. the following Article is inserted:

'Article 7a

In order to provide full coordination of all measures necessary to ensure eradication of clasiscal swine-fever as quickly as possible and for the purpose of carrying out the epizootiological enquiry, a crisis unit shall be established.

The general rules concerning national crisis units and the Community crisis unit shall be adopted by the Council acting on a proposal from the Commission.';

5. the second subparagraph of Article 8 (2) shall be replaced by the following:

'Where an authorization has been given to remove pigs for slaughter, the competent authority concerned shall ensure that the conditions for removal and slaughtering of pigs fulfil the requirements laid down in Article 9 (4) (f) (i) and that the meat of the said pigs complies with the conditions laid down in Article 9 (4) (g).';

6. Article 9 shall be replaced by the following:

'Article 9

1. Immediately after the diagnosis of classical swine-fever has been officially confirmed in pigs on a holding, the competent authority shall establish a protection zone with a radius of at least three kilometres around the outbreak site, which shall itself be included in a surveillance zone of a radius of at least 10 kilometres.

2. When establishing zones, the competent authority must take account of:

(a) the results of the epidemiological studies carried out in accordance with Article 7;

(b) the available serological evidence;

(c) the geographical situation, particularly natural boundaries;

(d) the location and proximity of holdings;

(e) patterns of trade in breeding and slaughter pigs and the availability of slaughterhouses;

(f) the facilities for checking and the nature of the checks employed, whether or not slaughter is carried out on the infected premises.

3. If a zone includes parts of the territory of several Member States, the competent authorities of the Member States concerned shall collaborate to establish the zone.

4. The following measures shall be applied in the protection zone:

(a) a census of all the holdings shall be made as soon as possible; after the establishment of the protection zone these holdings shall be visited by an official veterinarian within not more than seven days;

(b) the movement and transport of pigs on public or private roads shall be prohibited. This prohibition shall not apply to the transit of pigs by road or rail without unloading or stopping. However, in accordance with the procedure may be granted for slaughter pigs coming from outside the protection zone and on their way to a slaughterhouse situated in the said zone;

(c) trucks and other vehicles and equipment, which are used to transport pigs or other livestock or material which may be contaminated (e.g. feedingstuff, manure, slurry, etc.) and which are used within the protection zone, shall not leave:

(i) a holding situated within the protection zone,

(ii) the protection zone,

(iii) a slaughterhouse,

without having been cleaned and disinfected in accordance with the procedures laid down by the competent authority. Those procedures shall provide in particular that no truck or vehicle which has been used in the transport of pigs may leave the zone without being inspected by the competent authority;

(d) no other species of animal may enter or leave a holding without the authorization of the competent authority;

(e) all dead or diseased pigs on a holding shall be notified to the competent authority, which shall carry out any investigations necessary to establish the presence of classical swine-fever;

(f) pigs may not be removed from a holding in which they are kept for 21 days after the completion of the preliminary cleaning and disinfection of the infected holdings as provided for in Article 10; after 21 days, authorization may be given to remove pigs from the said holding:

(i) directly to a slaughterhouse designated by the competent authority, preferably within the protection or surveillance zone, provided that:

— an inspection of all the pigs on the holding has been carried out,

— a clinical examination of the pigs to be moved for slaughter, including the taking of the body temperature of a proportion thereof, has been carried out,

— each pig has been marked by ear marking,

— the pigs are transported in vehicles sealed by the competent authority.

The competent authority responsible for the slaughterhouse shall be informed of the intention to send pigs to it.

On arrival at the slaughterhouse these pigs shall be kept and slaughtered separately from other pigs. The vehicle and equipment which have been involved in the transport of the pigs shall immediately be cleaned and disinfected.

During ante and post-mortem inspection carried out at the designated slaughterhouse, the competent authority shall take into account any signs relating to the presence of the classical swine-fever virus,

(ii) under exceptional circumstances, directly to other premises located within the protection zone provided that:

— an inspection of all the pigs on the holdings has been carried out,

— a clinical examination of the pigs to be moved, including the taking of the body temperature of a proportion thereof, has been carried out,

— each pig has been marked by ear marking;

(g) fresh meat from the pigs referred to in paragraph 4 (f) shall be marked in accordance with the Annex to Council Directive 72/461/EEC of 12 December 1972 on health problems affecting intra-Community trade in fresh meat (*), and subsequently treated in accordance with the rules laid down in Article 4 (1) of Council Directive 80/215/EEC of 22 January 1980 on animal health problems affecting intra-Community trade in meat products (**). This must be done at an establishment designated by the competent authority.

The meat shall be sent to the said establishment on condition that the consignment is sealed before departure and remains sealed throughout the transport.

However, at the request of a Member State, accompanied by appropriate justification and in accordance with the procedure laid down in Article 16, specific solutions may be adopted, in particular with respect to the marking of meat and its subsequent use, and the destination of the processed products.

(*) OJ No L 302, 31. 12. 1972, p. 24. Directive last amended by Directive 89/662/EEC (OJ No L 395, 30. 12. 1989, p. 13).

(**) OJ No L 47, 21. 2. 1980, p. 4. Directive last amended by Directive 89/662/EEC.

5. The measures in the protection zone shall continue to be applied at least until:

(a) all measures laid down in Article 10 have been carried out;

(b) pigs on all holdings have undergone;

(i) a clinical examination which has revealed that they have no signs of disease suggesting classical swine-fever, and

(ii) a serological examination in accordance with Annexes I and IV without the detection of antibodies to the classical swine-fever virus.

The examination referred to in (i) and (ii) shall not take place before 30 days have elapsed after the completion of preliminary cleaning and disinfection measures on the infected holding.

6. The following measures shall be applied in the surveillance zone:

(a) a census shall be taken of all pig holdings;

(b) the movement and transport of pigs on public or private roads, excluding the service roads of holdings, shall be prohibited, unless approved by the competent authority. This prohibition shall not apply to the transit of pigs by road or rail, without unloading or stopping;

(c) trucks and other vehicles and equipment which are used to transport pigs or other livestock or material which may be contaminated (e.g. feedingstuff, manure, slurry, etc.) and which are used within the surveillance zone, shall not leave the zone without having been cleaned or disinfected in accordance with the procedures laid down by the competent authority;

(d) no other species of animal may enter or leave a holding during the first seven days after establishment of the zone without the authorization of the competent authority;

(e) all dead or diseased pigs on a holding shall be reported to the competent authority, which shall carry out any investigations necessary to establish the presence of classical swine-fever;

(f) pigs may not be removed from a holding on which they are kept for seven days after the completion of the preliminary cleaning and disinfection of the infected holding provided for in Article 10; after seven days authorization may be given to remove pigs from the said holding:

(i) directly to a slaughterhouse, designated by the competent authority, preferably within the protection or surveillance zone, provided that:

— an inspection of all the pigs on the holding has been carried out,