COUNCIL DIRECTIVE

of 22 January 1980

introducing Community measures for the control of classical swine fever

(80/217/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 and 100 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (1),

Having regard to the opinion of the Economic and Social Committee (2),

Whereas one of the Community's tasks in the veterinary field is to improve the state of health of livestock, thereby increasing the profitability of stock farming;

Whereas, moreover, such action should help to remove those remaining barriers to trade between Member States in live animals and fresh meat which are caused by differences in their respective animal health situations;

Whereas an outbreak of classical swine fever can take on epizootic proportions, causing mortality and disturbances on a scale which threatens the profitability of pig farming as a whole;

Whereas provisions must 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;

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

Whereas the methods of diagnosing the disease in all its forms under the auspices of the laboratories responsible and the preparation of vaccine must be harmonized;

Whereas common measures for the control of classical swine fever form a basis for maintaining a uniform standard of animal health; whereas to that end a procedure should be laid down to establish close cooperation between the Member States and the Commission,

HAS ADOPTED THIS DIRECTIVE:

Article 1

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

Article 2

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

(a) 'holding' means any establishment (agricultural or other), situated in the territory of a Member State, in which animals of the porcine species are kept or bred;

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

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

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

(e) 'pig suspected of being infected with swine fever' means 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 swine fever;

(f) 'pig infected with swine fever' means any pig:

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

(1) OJ No C 127, 21. 5. 1979, p. 90.
(2) OJ No C 227, 10. 9. 1979, p. 19.

— 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;

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

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

Article 3

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

Article 4

1. Where a holding contains one or more pigs suspected of being infected with swine fever, 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 disease.

From the moment when the suspected presence is notified, the competent authority shall have the holding placed under official surveillance and shall in particular order that:

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

— all the pigs on the holding must be restricted to their living quarters or be confined in some other place where they can be isolated,

— no pigs may enter or leave the holding.

The competent authority may, if necessary:

(i) extend the ban on leaving the holding to cover other species of animals,

(ii) if the disease has not been confirmed within 15 days, authorize the departure of animals intended for slaughter without delay under official supervision, provided that the meat from such animals is not permitted to enter intra-Community trade as fresh meat,

— no pigmeat may leave the holding without an authorization issued by the competent authority,

— no pig carcases may leave the holding without an authorization issued by the competent authority,

— no animal feed, utensils, materials or waste likely to transmit the epizootic disease may leave the holding without an authorization issued by the competent authority,

— the movement of persons to or from the holding must be subject to authorization by the competent authority,

— the movement of vehicles to or from the holding must be subject to authorization by the competent authority,

— appropriate means of disinfection must be used at the entrances and exits of buildings housing pigs and of the holding itself,

— an epizootiological enquiry must be carried out in accordance with Articles 7 and 8.

2. The measures provided for in paragraph 1 shall not be lifted until the suspicion of swine fever has been officially ruled out.

Article 5

1. In cases where the presence of swine fever is officially confirmed, Member States shall ensure that, in addition to the measures listed in Article 4 (1), the competent authority prescribes that:

— all pigs on the holding must be slaughtered without delay under official supervision and in such a way as to avoid the risk of the swine fever virus spreading during transport or slaughter,

— after slaughter of the pigs mentioned above, all carcases must be destroyed under official supervision in such a way that there is no risk of the swine fever virus spreading,

— meat of pigs slaughtered during the period between the probable introduction of disease to the holding and the taking of official measures must wherever possible be traced and destroyed under official supervision in such a way as to avoid the risk of the swine fever virus spreading,

— the carcases of pigs which have died on the holding must be destroyed under official supervision in such a way as to avoid the risk of the swine fever virus spreading,

— all substances and waste likely to be contaminated, such as feedingstuffs, must be subjected to a treatment ensuring the destruction of any swine fever virus present; this treatment must be carried out in accordance with the instructions of the official veterinarian,

— after the pigs have been eliminated, the buildings used for housing the pigs, the vehicles used for transporting them and all equipment likely to be contaminated must be cleaned and disinfected in accordance with Article 10,

— the reintroduction of pigs to the holding may not take place until at least 15 days after completion of the cleaning and disinfection operations carried out in accordance with Article 10,

— an epizootiological enquiry shall be carried out in accordance with Articles 7 and 8.

2. In the case of pigs which are not infected or suspected of being infected, and notwithstanding the first and second indents of paragraph 1, Member States may authorize transport of such pigs under permanent veterinary supervision from the holding in question directly to specialized establishments on condition that:

— the pigs are slaughtered without delay,

— the meat from such animals undergoes heat-treatment to ensure that the swine fever virus is destroyed, and that every precaution is taken to prevent recontamination of the products thus obtained, always provided that these products are not permitted to enter intra-Community trade.

Article 6

1. In the case of holdings which consist of two or more separate production units and in order that fattening of pigs may be completed, the competent authority may derogate from the first and second indents of Article 5 as regards healthy pig production units on a holding which is infected provided that the official veterinarian has confirmed that the structure and size of these production units and the operations carried out there are such that the production units provide completely separate facilities for housing, keeping and feeding, so that the virus cannot spread from one production unit to another.

2. If use is made of the derogation in paragraph 1, the Member States shall draw up detailed rules for applying it in the light of the animal health guarantees which can be given.

Member States which make use of paragraph 1 shall notify the Commission thereof.

3. A decision may be taken, in accordance with the procedure laid down in Article 16, that these measures are to be modified in order to ensure that they coordinate with those adopted by the Member States.

Article 7

The epizootiological enquiry shall deal with:

— the length of time during which swine fever may have existed on the holding before the disease was notified,

— the possible origin of the swine fever on the holding and the identification of other holdings on which there are pigs which may have become infected from the same source,

— the movement of persons, vehicles, pigs, carcases, meat or material likely to have transported the virus to and from the holdings.

Article 8

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

(b) Where the official veterinarian finds, or considers on the basis of confirmed data, that swine fever could have been introduced on to the holding referred to in Article 5 from other holdings as a result of the movement of persons, pigs or vehicles or in any other way, those other holdings shall be placed under official surveillance in accordance with paragraph (c).

Where the official veterinarian finds, or considers on the basis of confirmed data, that

swine fever could have been introduced from the holding referred to in Article 5 on to other holdings as a result of the movement of persons, pigs or vehicles or in any other way, those other holdings shall become subject to the provisions of Article 4.

(c) The purpose of the official surveillance shall be to detect immediately any suspicion of swine fever, count the pigs and monitor their movements and, where appropriate, implement some or all of the measures provided for in Article 4 (1).

2. When a holding has been subject to the provisions of paragraph 1 (a) and the first subparagraph of paragraph 1 (b), the competent authority may authorize removal from the holding of pigs other than those on account of which the said measures were imposed, for transport directly to a slaughterhouse under official supervision for the purpose of immediate slaughter.

Prior to granting such authorization, the official veterinarian must have carried out an examination of the pig herd and confirmed that none of the pigs is suspected of being infected with swine fever.

3. The competent authority may, where it considers that conditions permit, limit the measures provided for in paragraph 1 (a) and the first subparagraph of paragraph 1 (b) to a part of the holding and the pigs contained therein, provided that the pig units there have been housed, kept and fed completely separately.

Article 9

1. Once the diagnosis of swine fever has been officially confirmed, the competent authority shall establish a protection zone with a minimum radius of 2 km around the infected holding.

2. (a) The following measures shall be applied in the protection zone:

— the movement of pigs on public or private roads shall be prohibited other than for transport in transit,

— the pigs may not be removed from the holding on which they are kept except to be transported directly to a slaughterhouse under official supervision for the purpose of immediate slaughter. Such transport may be authorized by the competent authority only after the official veterinarian has carried out an examination of all pigs on the holding and confirmed that none of the pigs is suspected of being infected with swine fever,

— itinerant boar service shall be prohibited,

— fairs, markets, shows or other gatherings of pigs, including collection and distribution of pigs by dealers, shall be prohibited.

(b) The measures applied in the protection zone shall be maintained until at least 15 days after all pigs on the holdings or in the production units to which Article 6 (1) applies and where there were pigs infected with swine fever have been destroyed, and the cleaning and disinfection operations carried out on such holdings or in such units in accordance with Article 10 have been completed.

3. Where the prohibitions provided for in paragraph 2 (a) are maintained beyond the 15 days prescribed because of the occurrence of further cases of the disease and as a result problems arise in housing the pigs, for the purposes of animal welfare the competent authority may, following an application by the owner explaining the grounds for such application, authorize the removal of fattening pigs from a holding within the protection zone, provided that:

(a) the official veterinarian has verified the facts;

(b) the pigs have been examined and declared sound and are transported directly to the holding of destination without coming into contact with other animals, the means of transport used being cleaned and disinfected before and after use;

(c) the holding of destination is located either in the protection zone or within 20 km of that zone and has adequate housing facilities;

(d) the holding of destination is placed under official surveillance upon the pigs' arrival, so that any suspicion of swine fever can be detected immediately, animals can be counted and their movements monitored.

The competent authority may also, under the conditions laid down in (a) and (b), authorize the transport of breeding pigs between two holdings situated within the protection zone.

The official surveillance measures provided for in (d) shall be maintained for as long as are the measures provided for in accordance with paragraph 2 (b) in the protection zone surrounding the holding from which the pigs have been sent.

Article 10

Member States shall ensure that:

— the disinfectants to be used and their concentrations are officially approved by the competent authority,

— the cleaning and disinfection operations are carried out under official supervision, in accordance with the instructions given by the official veterinarian.

Article 11

1. Member States shall ensure that:

— sampling and laboratory testing to detect the presence of classical swine fever are carried out in accordance with Annex I. The provisions of Annex I may be supplemented or amended in accordance with the procedure laid down in Article 16,

— a national laboratory is responsible for coordinating standards and methods of diagnosis in each Member State in accordance with the provisions of Annex II,

— a laboratory designated by the Community liaises between the national laboratories referred to in the second indent.

2. The Council, acting on a proposal from the Commission, shall designate the laboratory referred to in the third indent of paragraph 1 and shall determine its powers and the conditions of its operation before the date on which this Directive is implemented.

Article 12

1. Without prejudice to existing Community provisions in this field, Member States shall inform the Commission and the other Member States about the epizootiology and development of the disease in accordance with Annex III.

2. The provisions of Annex III may be supplemented or amended in accordance with the procedure laid down in Article 16.

Article 13

Member States shall ensure that:

— when pigs are moved out of the holding on which they are kept, they are marked such that the holding from which they come or their holding of origin, and the animals' movements, may be readily identified; the competent authority may, however, in the case of certain categories of pig and in certain circumstances, having regard to the health situation, authorize other ways of rapidly indentifying the holding from which they come, or their holding of origin, and the animals' movements. The arrangements for marking the animals or for identifying the holdings referred to above shall be determined by the competent authorities,

— all persons engaged in the transport or marketing of pigs are able to supply the competent authority with information concerning the movements of pigs which they have transported or marketed, and to furnish proof of such movements; the same obligation shall be incumbent on all persons keeping pigs in respect of the pigs entering or leaving their holding.

Article 14

Member States shall ensure that:

(a) in general:

— the use of specific immune-serum or sero vaccination is prohibited,

— requirements relating to swine fever vaccine established in accordance with the procedure laid down in Article 16 are observed,

— swine fever vaccines imported into a Member State from third countries fulfil the same conditions as those produced in the Member States and are authorized and checked by the competent central authority in the importing Member State;

(b) where swine fever is detected on a holding or in a production unit:

(i) the measures to control the disease may be supplemented by the vaccination of pigs in the other production units or on holdings threatened with contamination in a territorial area demarcated by the competent authority.

Without prejudice to national provisions where they provide for preventive vaccination of pigs against swine fever, whether in all or part of the national territory, where all categories of pigs are vaccinated pursuant to the preceding subparagraph, sows of breeding age vaccinated may leave the vaccinated area only to be taken to a slaughterhouse for slaughter,

(ii) the pigs vaccinated are permanently marked in accordance with the instructions of the competent authority.