

Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC

CHAPTER I

SUBJECT MATTER, SCOPE AND DEFINITIONS

Article 1

Subject matter and scope

- 1 This Directive sets out:
 - a certain preventive measures relating to the surveillance and the early detection of avian influenza and increasing the level of the competent authorities' and the farming community's awareness of, and preparation for, the risks of that disease;
 - b the minimum control measures to be applied in the event of an outbreak of avian influenza in poultry or other captive birds and the early detection of possible spread of avian influenza viruses to mammals;
 - c other subsidiary measures to avoid the spread of influenza viruses of avian origin to other species.
- 2 Member States shall remain free to take more stringent measures in the field covered by this Directive.

Article 2

Definitions

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

1. 'avian influenza' means any of the influenza infections so described in Annex I(1);
2. 'highly pathogenic avian influenza (HPAI)' means any of the avian influenza infections so described in Annex I(2);
3. 'low pathogenic avian influenza (LPAI)' means any of the avian influenza infections so described in Annex I(3);
4. 'poultry' means all birds that are reared or kept in captivity for the production of meat or eggs for consumption, the production of other products, for restocking supplies of game birds or for the purposes of any breeding programme for the production of these categories of birds;
5. 'wild bird' means a free-living bird which is not kept on any holding as defined in point 8;
6. 'other captive bird' means any bird other than poultry that is kept in captivity for any reason other than those referred to in point 4 including those that are kept for shows, races, exhibitions, competitions, breeding or selling;

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7. 'officially registered rare breeds of poultry or other captive birds' means any poultry or other captive birds that the competent authority has officially recognised as a rare breed within their contingency plan provided for in Article 62;
8. 'holding' means any agricultural or other premises, including hatcheries, circuses, zoos, pet bird shops, bird markets, and aviaries, where poultry or other captive birds are being bred or kept. However, this definition does not include slaughterhouses, means of transport, quarantine facilities and centres, border inspection posts and laboratories authorised by the competent authority to hold avian influenza virus;
9. 'commercial poultry holding' means a holding where poultry are kept for commercial purposes;
10. 'non-commercial holding' means a holding where poultry or other captive birds are kept by their owners:
 - (a) for their own consumption or use; or
 - (b) as pets;
11. 'poultry compartment' or 'other captive birds compartment' means a holding or holdings under a common biosecurity management system containing a poultry or other captive birds sub-population with a distinct health status with respect to avian influenza subjected to appropriate surveillance, control and biosecurity measures;
12. 'flock' means all poultry or other captive birds within a single production unit;
13. 'production unit' means a unit on a holding which the official veterinarian is satisfied is completely independent of any other unit in the same holding in terms of its location and day-to-day management of the poultry or other captive birds kept there;
14. 'day-old chicks' means all poultry less than 72 hours old, not yet fed, and muscovy ducks (*Cairina moschata*) or their crosses, less than 72 hours old, whether or not fed;
15. 'diagnostic manual' means the diagnostic manual provided for in Article 50(1);
16. 'poultry or other captive birds suspected of being infected' means any poultry or other captive birds exhibiting clinical signs or showing post-mortem lesions or reactions to laboratory tests which are such that the presence of avian influenza cannot be excluded;
17. 'owner' means any person or persons, either natural or legal having ownership of poultry or other captive birds, or charged with keeping such, whether or not for commercial purposes;
18. 'competent authority' means the authority of a Member State competent to carry out physical checks or administrative formalities in accordance with this Directive or any authority to which such competencies are delegated;
19. 'official veterinarian' means the veterinarian designated by the competent authority;
20. 'official surveillance' means the action of careful monitoring by the competent authority of the health status of poultry or other captive birds or mammals on a holding in relation to avian influenza;
21. 'official supervision' means the actions taken by the competent authority to verify that the requirements of this Directive and of any instructions from that authority as to how those requirements should be met are being, or have been, complied with;

22. 'killing' means any process other than slaughter causing the death of a mammal, poultry or other captive birds;
23. 'slaughter' means any process causing the death of a mammal or poultry by bleeding, for the purpose of human consumption;
24. 'disposing of' means the act of collecting, transporting, storing, handling, processing and using or disposing of animal by-products in accordance with:
 - (a) Regulation (EC) No 1774/2002; or
 - (b) rules to be adopted under the procedure referred to in Article 64(2);
25. 'Community vaccine bank' means appropriate premises designated in accordance with Article 58(1) for the storage of Community reserves of avian influenza vaccines;
26. 'contact holding' means a holding where avian influenza could have come from or have been introduced to as a result of its location, the movement of persons, poultry or other captive birds, vehicles or in any other way;
27. 'suspected outbreak' means a holding where the competent authority suspects the presence of avian influenza;
28. 'outbreak' means a holding where avian influenza has been confirmed by the competent authority;
29. 'primary outbreak' means an outbreak not epidemiologically linked with a previous outbreak in the same region of a Member State as defined in Article 2(2), point (p), of Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine⁽¹⁾ or the first outbreak in a different region of the same Member State;
30. 'Differentiating Infected from Vaccinated Animal (DIVA) strategy' means a vaccination strategy which enables a differentiation to be made between vaccinated/infected and vaccinated/non-infected animals through the application of a diagnostic test designed to detect antibodies against the field virus and the use of non-vaccinated sentinel birds;
31. 'mammal' means an animal of the class Mammalia, except humans;
32. 'carcase' means poultry or other captive birds which have died or have been killed and are unfit for human consumption, or parts thereof.

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- (1) [OJ 121, 29.7.1964, p. 1977](#). Directive as last amended by Regulation (EC) No 1/2005 ([OJ L 3, 5.1.2005, p. 1](#)).