

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 IV

HIGHLY PATHOGENIC AVIAN INFLUENZA (HPAI)

SECTION 2

Protection, surveillance and further restricted zones

Article 16

Establishment of protection, surveillance and further restricted zones in cases of outbreaks of HPAI

- 1 Immediately following an outbreak of HPAI, the competent authority shall establish:
 - a a protection zone with a radius of at least three kilometres around the holding;
 - b a surveillance zone with a radius of at least 10 kilometres around the holding, including the protection zone.
- 2 If the outbreak of HPAI is confirmed in other captive birds in a non-commercial holding, circus, zoo, pet bird shop, wildlife park, a fenced area where other captive birds are kept for scientific purposes or purposes related to the conservation of endangered species or officially registered rare breeds of other captive birds that do not contain poultry, the competent authority may, following a risk assessment, derogate to the extent necessary from the provisions of Sections 2 to 4 concerning the establishment of the protection and surveillance zones and the measures to be applied therein, provided that such derogations do not endanger disease control.
- 3 When establishing protection and surveillance zones, as provided for in paragraph 1, the competent authority shall take account of the following criteria at least:
 - a the epidemiological inquiry;
 - b the geographical situation, particularly natural boundaries;
 - c the location and proximity of holdings and the estimated number of poultry;
 - d patterns of movements and trade in poultry, other captive birds;
 - e the facilities and personnel available to control any movement within the protection and surveillance zones of poultry or other captive birds, their carcasses, manure, bedding or used litter, in particular if the poultry or other captive birds to be killed and disposed of have to be moved from their holding of origin.
- 4 The competent authority may establish further restricted zones around or adjacent to the protection and surveillance zones, taking account of the criteria provided for in paragraph 3.
- 5 If a protection, surveillance or further restricted zone covers the territories of different Member States, the competent authorities of the Member States concerned shall collaborate to establish the zone.

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Article 17

Measures to be applied both in the protection and in the surveillance zones

1 The competent authority shall ensure that the following measures are applied within the protection and surveillance zones:

- a arrangements are put in place which permit the tracing of anything likely to spread the avian influenza virus including poultry, other captive birds, meat, eggs, carcasses, feed, litter, people who have been in contact with the infected poultry or other captive birds or vehicles with a link to the poultry industry;
- b owners are to provide the competent authority, on request, with any relevant information concerning the poultry or other captive birds and eggs entering or leaving the holding.

2 The competent authority shall take all reasonable steps to ensure that all persons in the protection and surveillance zones affected by the restrictions concerned are fully aware of the restrictions in place.

That information may be conveyed through warning notices, media resources such as the press and television or any other appropriate means.

3 The competent authority may, where epidemiological information or other evidence indicates, implement a preventive eradication programme, including preventive slaughtering or killing of poultry or other captive birds, in holdings and areas at risk.

4 Member States applying the measures provided for in paragraph 3 shall immediately inform the Commission thereof, and the Commission shall review the situation with the Member States concerned and in the Committee as soon as possible.