

Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals

CHAPTER V

**NOTIFICATION AND MINIMUM MEASURES FOR  
CONTROL OF DISEASES OF AQUATIC ANIMALS**

SECTION 1

**Disease notification**

*Article 26*

**National notification**

- 1 Member States shall ensure that:
  - a when there are any reasons to suspect the presence of a disease listed in Part II of Annex IV, or the presence of such disease is confirmed in aquatic animals, the suspicion and/or the confirmation is immediately notified to the competent authority;
  - and
  - b when increased mortality occurs in aquaculture animals, the mortality is immediately notified to the competent authority or a private veterinarian for further investigations.
- 2 Member States shall ensure that the obligations to notify the matters referred to in paragraph 1 are imposed on:
  - a the owner and any person attending aquatic animals;
  - b any person accompanying aquaculture animals during transport;
  - c veterinary practitioners and other professionals involved in aquatic animal health services;
  - d official veterinarians, senior staff of veterinary or other official or private laboratories;
  - and
  - e any other person with an occupational relationship to aquatic animals of susceptible species or to products of such animals.

*Article 27*

**Notification of the other Member States, the Commission and EFTA Member States**

Member States shall notify the other Member States, the Commission and EFTA Member States within 24 hours in case of confirmation of:

- (a) an exotic disease listed in Part II of Annex IV;
- (b) a non-exotic disease listed in Part II of Annex IV where the Member State concerned, zone, or compartment has been declared free of that disease.

## SECTION 2

### Suspicion of a listed disease – Epizootic investigation

#### Article 28

##### Initial control measures

Member States shall ensure that, in the case of a suspicion of an exotic disease listed in Part II of Annex IV or, in the case of suspicion of a non-exotic disease listed in Part II of Annex IV in Member States, zones or compartments with a health status of either category I or III as referred to in Part A of Annex III, for that disease:

- (a) appropriate samples are taken and examined in a laboratory designated in accordance with Article 57;
- (b) pending the result of the examination provided for in point (a):
  - (i) the farm, or mollusc farming area, in which the disease is suspected, is placed under official surveillance and relevant control measures are implemented to prevent the spreading of the disease to other aquatic animals;
  - (ii) no aquaculture animals are allowed to leave or enter the affected farm or mollusc farming area in which the disease is suspected, unless authorised by the competent authority;
  - (iii) the epizootic investigation provided for in Article 29 is initiated.

#### Article 29

##### Epizootic investigation

1 Member States shall ensure that the epizootic investigation initiated in accordance with Article 28(b)(iii) is carried out where the examination provided for in Article 28(a) shows the presence of:

- a an exotic disease listed in Part II of Annex IV in any Member State;
- or
- b a non-exotic disease listed in Part II of Annex IV in Member States, zones or compartments with a health status of either category I or III, as referred to in Part A of Annex III, for the disease in question.

2 The epizootic investigation provided for in paragraph 1 shall be aimed at:

- a determining the possible origin and means of contamination;
- b investigating whether aquaculture animals have left the farm or mollusc farming area during the relevant period preceding the notification of the suspicion provided for in Article 26(1);
- c investigating whether other farms have been infected.

3 Where the epizootic investigation provided for in paragraph 1 shows that the disease may have been introduced into one or more farms, mollusc farming areas or unenclosed waters, the Member State concerned shall ensure that the measures provided for in Article 28 are applied in such farms, mollusc farming areas or unenclosed waters.

In the case of extensive water catchment areas or coastal areas, the competent authority may decide to limit the application of Article 28 to a less extensive area in the vicinity of the farm or the mollusc farming area suspected of being infected, where it considers that such less extensive area is sufficiently large to guarantee that the disease does not spread.

4 Where necessary, the competent authority of neighbouring Member States or third countries shall be informed of the suspected case of disease.

In that event, the competent authorities of the Member States involved shall take appropriate action to apply the measures provided for in this Article within their territory.

#### *Article 30*

#### **Lifting restrictions**

The competent authority shall lift the restrictions provided for in Article 28(b) where the examination provided for in point (a) of that Article fails to demonstrate the presence of the disease.

### SECTION 3

#### **Minimum control measures in the case of confirmation of exotic diseases in aquaculture animals**

#### *Article 31*

#### **Introductory provision**

This Section shall apply in the case of confirmation of an exotic disease listed in Part II of Annex IV in aquaculture animals.

#### *Article 32*

#### **General measures**

Member States shall ensure that:

- (a) the farm or mollusc farming area is officially declared infected;
- (b) a containment area appropriate to the disease in question is established, including a protection zone and surveillance zone, around the farm or mollusc farming area declared infected;
- (c) no restocking takes place and no aquaculture animals are moved into, within, and out of the containment area unless authorised by the competent authority;
- and
- (d) any additional measures necessary to prevent the further spread of the disease are implemented.

### *Article 33*

#### **Harvesting and further processing**

- 1 Aquaculture animals which have reached commercial size and show no clinical sign of disease may be harvested under the supervision of the competent authority for human consumption, or for further processing.
- 2 Harvesting, introduction into dispatch centres or purification centres, further processing and any other related operations involved in the preparation of the aquaculture animals for entry into the food chain shall be carried out under conditions which prevent the spread of the pathogen responsible for causing the disease.
- 3 Dispatch centres, purification centres or similar businesses shall be equipped with an effluent treatment system inactivating the pathogen responsible for causing the disease, or the effluent shall be subject to other types of treatment reducing the risk of transmitting diseases to the natural waters to an acceptable level.
- 4 Further processing shall be performed in authorised processing establishments.

### *Article 34*

#### **Removal and disposal**

- 1 Member States shall ensure that dead fish and crustaceans, as well as live fish and crustaceans showing clinical signs of disease, are removed and disposed of under the supervision of the competent authority in accordance with Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption<sup>(1)</sup>, as soon as possible in accordance with the contingency plan provided for in Article 47 of this Directive.
- 2 Aquaculture animals which have not reached commercial size and do not show clinical signs of disease shall, in an appropriate timeframe taking into account the type of production and the risk such animals pose for further spread of the disease, be removed and disposed of under the supervision of the competent authority in accordance with Regulation (EC) No 1774/2002, and the contingency plan provided for in Article 47 of this Directive.

### *Article 35*

#### **Fallowing**

Where possible, infected farms or mollusc farming areas shall undergo an appropriate period of fallowing after being emptied and, where appropriate, cleansed and disinfected.

For farms or mollusc farming areas rearing aquaculture animals not susceptible to the disease in question, decisions on fallowing shall be based on a risk assessment.

## *Article 36*

### **Protection of aquatic animals**

Member States shall take the necessary measures to prevent the spreading of diseases to other aquatic animals.

## *Article 37*

### **Lifting measures**

The measures provided for in this Section shall be maintained until:

- (a) the eradication measures provided for in this Section have been carried out;
- (b) sampling and surveillance as appropriate for the disease in question and the types of aquaculture production businesses affected has been carried out in the containment area with negative results.

## SECTION 4

### **Minimum control measures in the case of confirmation of non-exotic diseases in aquaculture animals**

## *Article 38*

### **General provisions**

1 In the case of confirmation of a non-exotic disease listed in Part II of Annex IV in a Member State, zone or compartment declared free of that disease, the Member State concerned shall either:

- a apply the measures provided for in Section 3 in order to regain such disease-free status,
- or
- b draw up an eradication programme in accordance with Article 44(2).

2 By way of derogation from Article 34(2), where a Member State decides to apply the measures provided for in Section 3, it may allow clinically healthy animals to be raised to market size before slaughter for human consumption or to be moved to another infected zone or compartment. In such cases, measures shall be taken to reduce and as far as possible, prevent the further spreading of the disease.

3 Where the Member State concerned does not wish to regain disease-free status, Article 39 shall apply.

### *Article 39*

#### **Containment measures**

In the case of confirmation of a non-exotic disease listed in Part II of Annex IV in a Member State, zone or compartment not declared free of that disease, the Member State concerned shall take measures to contain the disease.

Those measures shall at least consist of:

- (a) declaring the farm or mollusc farming area to be infected;
- (b) establishing a containment area appropriate to the disease in question, including a protection zone and surveillance zone around the farm or mollusc farming area declared infected;
- (c) restricting the movement of aquaculture animals from the containment area to the effect that such animals may only be:
  - (i) introduced into farms or mollusc farming areas in accordance with Article 12(2);
  - or
  - (ii) harvested and slaughtered for human consumption in accordance with Article 33(1);
- (d) the removal and disposal of dead fish and crustaceans, under the supervision of the competent authority in accordance with Regulation (EC) No 1774/2002, in an appropriate timeframe taking into account the type of production and the risk such dead animals pose for further spread of the disease.

### SECTION 5

#### **Minimum control measures in the case of confirmation of diseases listed in Part II of Annex IV in wild aquatic animals**

### *Article 40*

#### **Control of diseases listed in Part II of Annex IV in wild aquatic animals**

1 Where wild aquatic animals are infected or suspected of being infected with exotic diseases listed in Part II of Annex IV, the Member State concerned shall monitor the situation, and take measures to reduce and, as far as possible, to prevent the further spreading of the disease.

2 Where wild aquatic animals are infected or suspected of being infected with non-exotic diseases listed in Part II of Annex IV in a Member State, zone or compartment declared free of that disease, the Member State shall also monitor the situation and take measures to reduce, and as far as possible, to prevent the further spreading of the disease.

3 Member States shall inform the Commission and the other Member States within the Committee referred to in Article 62(1) of the measures they have taken in accordance with paragraphs 1 and 2.

## SECTION 6

### **Control measures in case of emerging diseases**

#### *Article 41*

#### **Emerging diseases**

1 Member States shall take appropriate measures to control an emerging disease situation and prevent that disease from spreading, where the emerging disease in question has the potential to jeopardise the health situation of aquatic animals.

2 In the case of an emerging disease situation, the Member State concerned shall inform the Member States, the Commission and EFTA Member States without delay thereof, where the findings are of epidemiological significance to another Member State.

3 Within four weeks of informing the other Member States, the Commission and EFTA Member States as required in paragraph 2, the matter shall be brought to the attention of the Committee referred to in Article 62(1). The measures taken by the Member State concerned pursuant to paragraph 1 of this Article may be extended, amended or repealed in accordance with the procedure referred to in Article 62(2).

4 Where appropriate, the list set out in Part II of Annex IV shall be amended in accordance with the procedure referred to in Article 62(2) to include the emerging disease in question or a new susceptible host species to a disease already listed in that Annex.

## SECTION 7

### **Alternative measures and national provisions**

#### *Article 42*

#### **Procedure for adoption of ad hoc epidemiological measures for diseases listed in Part II of Annex IV**

A decision may be adopted in accordance with the procedure referred to in Article 62(2) to authorise the implementation of ad hoc measures for a limited period of time, under conditions appropriate to the epidemiological situation where:

- (a) the measures provided for in this chapter are found not to be suited to the epidemiological situation;
- or
- (b) the disease appears to be spreading despite the measures taken in accordance with this chapter.

### *Article 43*

#### **Provisions for limiting the impact of diseases not listed in Part II of Annex IV**

1 Where a disease not listed in Part II of Annex IV constitutes a significant risk for the animal health situation of aquaculture or wild aquatic animals in a Member State, the Member State concerned may take measures to prevent the introduction of or to control that disease.

Member States shall ensure that these measures do not exceed the limits of what is appropriate and necessary to prevent the introduction of or to control the disease.

2 Member States shall notify to the Commission any measures referred to in paragraph 1 that may affect trade between Member States. Those measures shall be subject to approval in accordance with the procedure referred to in Article 62(2).

3 Approval referred to in paragraph 2 shall only be granted where the establishment of intra-Community trade restrictions is necessary to prevent the introduction of or to control the disease, and shall take into account the provisions laid down in Chapters II, III, IV and V.



- (1) [OJ L 273, 10.10.2002, p. 1](#). Regulation as last amended by Commission Regulation (EC) No 208/2006 ([OJ L 36, 8.2.2006, p. 25](#)).