

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 VII

**DISEASE-FREE STATUS**

*Article 49*

**Disease-free Member State**

1 A Member State shall be declared free of one or more of the non-exotic diseases listed in Part II of Annex IV in accordance with the procedure referred to in Article 62(2), if paragraph 2 of this Article is complied with and:

- a none of the species susceptible to the disease(s) in question is present in its territory;
- or
- b the pathogen is known not to be able to survive in the Member State, and in its water source;
- or
- c the Member State meets the conditions laid down in Part I of Annex V.

2 Where neighbouring Member States, or water catchment areas shared with neighbouring Member States, are not declared disease-free, the Member State shall establish appropriate buffer zones in its territory. The demarcation of buffer zones shall be such that they protect the disease-free Member State from passive introduction of the disease.

[<sup>X13</sup> The specific requirements for surveillance, buffer zones, sampling and diagnostic methods that shall be used by Member States to declare disease-free status in accordance with this Article shall be adopted in accordance with the procedure referred to in Article 62(2).]

**Editorial Information**

- X1** Substituted by [Corrigendum to 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 \(Official Journal of the European Union L 328 of 24 November 2006\)](#).

*Article 50*

**Disease-free zone or compartment**

1 A Member State may declare a zone or a compartment within its territory free of one or more of the non-exotic diseases listed in Part II of Annex IV, where:

- a none of the species susceptible to the disease(s) in question is present in the zone or compartment, and where relevant in its water source;

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- or
- b the pathogen is known not to be able to survive in the zone or compartment, and where relevant in its water source;
- or
- c the zone or compartment complies with the conditions laid down in Part II of Annex V.
- 2 A Member State shall submit the declaration referred to in paragraph 1 to the Standing Committee on Food Chain and Animal Health in accordance with the following procedure:
- a the declaration shall be supported by evidence in a form to be determined in accordance with the procedure referred to in Article 62(2) and be accessible by electronic means to the Commission and Member States, in accordance with the requirements of Article 59;
- b the Commission shall add the notification of the declaration to the agenda of the next meeting of the Committee referred to in Article 62(1) as an information point. The declaration shall take effect 60 days after the date of the meeting;
- c within this period, the Commission or Member States may seek clarification or additional information on the supporting evidence from the Member State making the declaration;
- d where written comments are made by at least one Member State, or the Commission, within the period referred to in point (b) indicating significant objective concerns related to the supporting evidence, the Commission and the Member States concerned shall together examine the submitted evidence in order to resolve the concerns. In that case, the period referred to in point (b) may be prolonged for 30 days. Such comments shall be submitted to the declaring Member State and to the Commission;
- e if the arbitration referred to in point (d) fails, the Commission may decide to make an on-the-spot inspection in accordance with Article 58 to verify the compliance of the declaration submitted with the criteria set out in paragraph 1, unless the declaring Member State withdraws its declaration;
- f where necessary in the light of the results achieved, a decision in accordance with the procedure referred to in Article 62(2) shall be taken, to suspend the self-declaration of the disease-free status of the zone or compartment concerned.
- 3 Where the zone(s) or compartment(s) referred to in paragraph 1 comprise more than 75 % of the territory of the Member State, or if the zone or compartment consists of a water catchment area shared by another Member State or third country, the procedure referred to in paragraph 2 shall be replaced by the procedure referred to in Article 62(2).
- 4 The specific requirements of the surveillance, sampling and diagnostic methods used by Member States to obtain disease-free status in accordance with this Article shall be laid down in accordance with the procedure referred to in Article 62(2).

#### *Article 51*

#### **Lists of disease-free Member States, zones or compartments**

- 1 Each Member State shall establish and maintain an updated list of zones and compartments declared disease-free in accordance with Article 50(2). Such lists shall be made publicly available.
- 2 The Commission shall draw up and update a list of Member States, zones or compartments declared disease-free in accordance with Articles 49 or 50(3), and shall make the list publicly available.

## Article 52

### **Maintenance of disease-free status**

A Member State that is declared free from one or more non-exotic diseases listed in Part II of Annex IV in accordance with Article 49 may discontinue targeted surveillance and maintain its disease-free status provided that the conditions conducive to clinical expression of the disease in question exist, and the relevant provisions of this Directive are implemented.

However, for disease-free zones or compartments in Member States not declared disease-free, and in all cases where conditions are not conducive to clinical expression of the disease in question, targeted surveillance shall be continued in accordance with the methods provided for in Articles 49(3) or 50(4) as appropriate, but at a level commensurate with the degree of risk.

## Article 53

### **Suspension and restoration of disease-free status**

1 Where a Member State has reason to believe that any of the conditions for maintaining its status as a disease-free Member State, zone or compartment have been breached, that Member State shall immediately suspend trade in susceptible species and vector species to other Member States, zones or compartments with a higher health status for the disease in question as laid down in Part A of Annex III and apply the provisions of Sections 2 and 4 of Chapter V.

2 Where the epizootic investigation provided for in Article 29(1) confirms that the suspected breach has not taken place, the disease-free status of the Member State, zone or compartment shall be restored.

3 Where the epizootic investigation confirms a significant likelihood that infection has occurred, the disease-free status of the Member State, zone or compartment shall be withdrawn, in accordance with the procedure under which that status was declared. The requirements laid down in Annex V shall be complied with before the disease-free status is restored.