

Council Directive 2003/85/EC of 29 September 2003 on Community measures for the control of foot-and-mouth disease repealing Directive 85/511/EEC and Decisions 89/531/EEC and 91/665/EEC and amending Directive 92/46/EEC (Text with EEA relevance)

CHAPTER I

SUBJECT MATTER, SCOPE AND DEFINITIONS

Article 1

Subject matter and scope

- 1 This Directive sets out:
 - a the minimum control measures to be applied in the event of an outbreak of foot-and-mouth disease of whatever type of virus;
 - b certain preventative measures aimed at increasing awareness and preparedness of the competent authorities and the farming community for foot-and-mouth disease.
- 2 Member States shall remain free to take more stringent action in the field covered by this Directive.

Article 2

Definitions

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

- (a) ‘animal of a susceptible species’ means any domestic or wild animal of the suborders *Ruminantia*, *Suina*, and *Tylopoda* of the order *Artiodactyla*;

For specific measures, notably in application of Article 1(2), Article 15 and Article 85(2), other animals, such as for example of the order *Rodentia* or *Proboscidae*, may be considered susceptible to foot-and-mouth disease in accordance with scientific evidence.

- (b) ‘holding’ means any agricultural or other premises, including circuses, located in the national territory of a Member State where animals of susceptible species are being bred or kept on a permanent or temporary basis.

However, for the purpose of Article 10(1) this definition does not include living areas for humans on such premises, unless animals of susceptible species, including those referred to in Article 85(2), are kept on a permanent or temporary basis therein, slaughterhouses, means of transport, border inspection posts or fenced areas where animals of susceptible species are kept and may be hunted, if such fenced areas are of a size which makes the measures provided for in Article 10 inapplicable;

- (c) ‘herd’ means an animal or group of animals kept on a holding as an epidemiological unit; if more than one herd is kept on a holding, each of these herds shall form a distinct unit and shall have the same health status;

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- (d) ‘owner’ means any person or persons, either natural or legal, having ownership of an animal of a susceptible species, or charged with keeping such animals, whether or not for financial reward;
- (e) ‘competent authority’ means the authority of a Member State competent to carry out veterinary or zootechnical checks or any authority to which it has delegated that competence;
- (f) ‘official veterinarian’ means the veterinarian designated by the competent authority of the Member State;
- (g) ‘authorisation’ means a written authorisation given by the competent authorities, of which the necessary copies must be available for subsequent inspections in accordance with the appropriate legislation in the Member State concerned;
- (h) ‘incubation period’ means the length of the time between infection and the occurrence of clinical signs of foot-and-mouth disease. Namely, for the purposes of this Directive, 14 days for bovine and porcine animals, and 21 days for ovine and caprine animals and any other animal of susceptible species;
- (i) ‘animal suspected of being infected’ means any animal of a susceptible species exhibiting clinical symptoms or showing post-mortem lesions or reactions to laboratory tests which are such that the presence of foot-and-mouth disease may reasonably be suspected;
- (j) ‘animal suspected of being contaminated’ means any animal of a susceptible species which, according to the epidemiological information collected, may have been directly or indirectly exposed to the foot-and-mouth disease virus;
- (k) ‘case of foot-and-mouth disease’ or ‘animal infected with foot-and-mouth disease’ means any animal of a susceptible species or carcass of such animal in which foot-and-mouth disease has been officially confirmed, taking into account the definitions in Annex I:
 - either on clinical symptoms or post-mortem lesions consistent with foot-and-mouth disease have been officially confirmed, or
 - as the result of a laboratory examination carried out in accordance with Annex XIII;
- (l) ‘outbreak of foot-and-mouth disease’ means a holding where animals of susceptible species are kept, which meets one or more of the criteria set out in Annex I;
- (m) ‘primary outbreak’ means the outbreak within the meaning of Article 2(d) of Directive 82/894/EEC;
- (n) ‘killing’ means the killing of animals within the meaning of Article 2(6) of Directive 93/119/EEC;
- (o) ‘emergency slaughter’ means the slaughter in emergency cases within the meaning of Article 2(7) of Directive 93/119/EEC of animals which on the basis of epidemiological data or clinical diagnosis or results of laboratory testing are not considered infected or contaminated with foot-and-mouth disease virus, including slaughter for reasons of animal welfare;
- (p) ‘processing’ means one of the treatments for high risk material laid down in Regulation (EC) No 1774/2002, and any implementing legislation thereof, applied in such a way as to avoid the risk of spread of foot-and-mouth disease virus;

- (q) ‘regionalisation’ means the delimitation of a restricted zone in which restrictions are applied on the movements of or trade in certain animals or animal products as provided for in Article 45 in order to prevent the spread of foot-and-mouth disease into the free zone where no restrictions are applied in accordance with this Directive;
- (r) ‘region’ means an area as defined in Article 2(2) (p) of Directive 64/432/EEC;
- (s) ‘sub-region’ means an area specified in the Annex to Decision 2000/807/EC;
- (t) ‘Community antigen and vaccine bank’ means appropriate premises designated in accordance with this Directive for the storage of Community reserves of both concentrated inactivated antigen of the foot-and-mouth disease virus for the production of foot-and-mouth disease vaccines and veterinary immunological products (vaccines) reconstituted from such antigens and authorised in accordance with Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products⁽¹⁾;
- (u) ‘emergency vaccination’ means vaccination in accordance with Article 50(1);
- (v) ‘protective vaccination’ means emergency vaccination carried out on holdings in a designated area in order to protect animals of susceptible species within this area against airborne spread or spread through fomites of foot-and-mouth disease virus and where the animals are intended to be kept alive following vaccination;
- (w) ‘suppressive vaccination’ means emergency vaccination which is carried out exclusively in conjunction with a stamping-out policy in a holding or area where there is an urgent need to reduce the amount of foot-and-mouth disease virus circulating and to reduce the risk of it spreading beyond the perimeters of the holding or the area and where the animals are intended to be destroyed following vaccination;
- (x) ‘wild animal’ means an animal of a susceptible species living outside holdings as defined in Article 2(b) or premises referred to in Articles 15 and 16;
- (y) ‘primary case of foot-and-mouth disease in wild animals’ means any case of foot-and-mouth disease which is detected in a wild animal in an area in which no measures are in place in accordance with Article 85(3) or (4).

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- (1) [OJ L 311, 28.11.2001, p. 1.](#)