

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 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;

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- (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.