

Animal diseases and public health: measures for the control of avian influenza (repeal. Directive 92/40/EEC)

2005/0062(CNS) - 20/12/2005 - Final act

PURPOSE: to introduce new measures for the control of avian influenza and to repeal Directive 92/40/EEC.

LEGISLATIVE ACT: Council Directive 2005/94/EC on Community measures for the control of avian influenza and repealing Directive 92/40/EC.

CONTENT: influenza is a highly contagious disease of poultry and other captive birds caused by different types of influenza viruses, which can spread to other mammals, in particular pigs and humans. Certain influenza viruses of avian origin may in certain circumstances affect humans which in turn may pose a serious risk to public health. The purpose of this Directive, however, is to focus on fighting the disease in farmed animals only. At a Community level, the human health risks posed by influenza viruses are primarily dealt with through other Community initiatives such as the European Centre of Disease Prevention and Control, (ECDC) and through the European Union Early Warning Response Mechanism. In light of the inter-linking nature of the avian virus the provisions in this legislative act specify that any public health or workers' health, which complement the animal provisions of this Directive, will be assessed by the Commission together with the ECDC.

The rapidly evolving nature of the avian influenza has resulted in the need to repeal Directive 92/40, which has hitherto regulated the control of avian influenza in the EU. In repealing outdated legislation the new Directive has developed provisions capable of countering the threat to animals and humans, which avian influenza can pose. Provisions in the Directive take account of the most recent opinions delivered by the Scientific Committee on Animal Health and Animal Welfare and the European Food Safety Authority. It also takes account of changes in the "Terrestrial Animals of International Office of Epizootics" (OIE).

The Directive marks a departure from previous provisions by making a distinction between, on the one hand, "Low pathogenic avian influenza (LPAI)" and, "Highly pathogenic avian influenza (HPAI)" on the other. In the case of detecting a virus of a low pathogenic nature, control measures may differ from those which should apply in the case of detecting a virus of a highly pathogenic nature. Disease control measures and in particular the establishment of restriction zones have been modulated to take account of the density of the poultry population as well as other risk factors in the area in which it has been detected. Such an approach allows for the enactment of measures that are both proportionate and flexible, taking account of the various levels of risk posed by the different virus strains. Given the potential of low pathogenic avian influenza to mutate rapidly into a more pathogenically dangerous variety, the new provisions have an in-built mechanism for active and early surveillance, which are based on general guidelines.

A further feature of the new Directive is its vaccination provisions. The Directive recognises that vaccination can be an effective tool to supplement disease control measures and to avoid mass killings of poultry or other captive birds. At the same time vaccinated poultry, although protected against any clinical signs of the disease, may become infected thereby contributing to the further spread of the disease. Hence the need to provide appropriate surveillance and vaccination restrictions established at a Community level through provisions listed in the Directive.

In other measures the Directive:

- Establishes a reserve of vaccines against avian influenza to be used in poultry or other captive birds.
- Outlines harmonised procedures and methods to be used for the diagnosis of avian influenza. This includes the use of both the Community's and Member States' reference laboratories.
- Requests Member States to draw up contingency plans.
- Sets out procedures for cleansing and disinfection.
- Requests Member States to lay down penalties applicable to infringements of the Directive's provisions.
- Allows for the possibility to amend the Annexes of the Directive without delay in case of an emergency.
- Lays down the possibility to adopt swift Community measures to control any infection of poultry and other animal species.
- Sets out the minimum control measures to be applied in the event of an outbreak of avian influenza in poultry or other captive birds. Member States are free to take more stringent measures should they wish to do so.

TRANSITIONAL PROVISIONS: contingency plans for the control of avian influenza based on Directive 92/40 and in force at 1 July 2007 shall continue to apply for the purpose of this Directive. However, by 30 September 2007 Member States must submit amendments to the Commission to those contingency plans in order to bring them into line with the new Directive's provisions.

TRANSPOSITION: at the latest by 1 July 2007 Member States must make sure that their laws, regulations and administrative provisions comply with this Decision.

ENTRY INTO FORCE: 3 February 2006.