

Order of the State Council
(No. 450)

The Regulation on Handling Major Animal Epidemic Emergencies, which was adopted at the 113th executive meeting of the State Council on November 16, 2005, is hereby promulgated and shall come into force as of the day of promulgation.

Premier Wen Jiabao
November 18, 2005

Regulation on Handling Major Animal Epidemic Emergencies

Chapter I General Provisions

Article 1 The present Regulation is formulated according to the Law of the People's Republic of China on Animal Epidemic Prevention for the purpose of rapidly controlling and eradicating any major animal epidemic emergency, guaranteeing the work safety of the animal breeding industry, protecting the health and life safety of the general public and preserving the normal social order.

Article 2 The term "major animal epidemic emergency" as mentioned in the present Regulation refers to the circumstance where an animal epidemic with a high frequency of incidence of disease or mortality, such as high pathogenic bird flu, happens, spreads quickly and poses great threat or harm to the work safety of the animal breeding industry or may do any harm to the health or life safety of the general public, including any particularly serious animal epidemic emergency.

Article 3 The guideline of intensifying the leadership, close coordination, reliance on science, prevention and cure according to law, massive prophylaxis and treatment and decisive handling shall be upheld in the work of handling any major animal epidemic emergency so as to discover in time any major animal epidemic emergency, react quickly thereto, strictly handle it and thus reduce the relevant loss.

Article 4 The work of handling major animal epidemic emergencies shall, according to the principle of territorial administration, be put under a uniform leadership of the government and divided responsibility of departments and thereby a responsibility system shall be established on a level-by-level basis. The administrative department of veterinary of the people's government at or above the county level shall take charge of monitoring, investigating, controlling, and eradicating any major animal epidemic emergency.

The administrative departments of forestry and veterinary of the people's government at or above the county level shall, according to their functions and duties as well as work division, intensify the monitoring of epidemic source and epidemic disease of terrestrial wild animals.

The other relevant departments of the people's government at or above the county level shall, within their respective power limits, do a good job in handling any major animal epidemic emergency.

Article 5 The entry and exit inspection and quarantine office shall collect the overseas information on any major animal epidemic emergency in a timely manner, intensify the inspection and quarantine of entry and exit animals as well as their products so as to prevent any inward or outward spread of animal epidemic disease. The administrative department of veterinary shall report any major animal epidemic emergency within the territory to the entry and exit inspection and quarantine office in a timely manner.

Article 6 The state encourages and supports the scientific research and international exchange and cooperation of relevant technologies concerning the monitoring, prevention and emergency disposal of major animal epidemic diseases.

Article 7 The people's government at or above the county level shall provide appropriate subsidies for those personnel who engage in the disposal of any major animal epidemic emergency and confer citation and rewards to those personnel who have made contribution.

Article 8 As to anyone who fails to perform his functions and duties of handling any major animal epidemic emergency or fails to conduct performance according to the relevant provisions, any entity or individual shall have the right to file an exposure or accusation.

Chapter II Preparation for Handling Emergencies

Article 9 The administrative department of veterinary of the State Council shall formulate a reserve plan for any major animal epidemic emergency throughout the country, report it to the State Council for approval and shall, according to the different categories of animal epidemic diseases as well as the epidemic features and harmful degrees thereof, respectively formulate the implementation plan and report it to the State Council for archival filing.

The local people's government at or above the county level shall, according to the real situation of the region, formulate a reserve plan for any major animal epidemic emergency within its administrative division and report it to the administrative department of veterinary of the people's government at a higher level for archival filing. The administrative department of veterinary of the local people's government at or above the county level shall, according to the different categories of animal epidemic diseases as well as the epidemic features and harmful degrees thereof, respectively formulate the implementation plans.

The reserve plan for any major animal epidemic emergency as well as the implementation plan thereof shall be revised and improved in a timely manner according to the development and change of the relevant epidemic situation, and the implementation process thereof.

Article 10 A reserve plan for any major animal epidemic emergency shall include the following contents:

- (1) The functions and duties and organization of the emergency headquarters as well as the work division of its member entities;
- (2) The monitoring, information collection, report and circulation of information of any major animal epidemic emergency;
- (3) The confirmation of animal epidemic diseases, classification of major animal epidemic emergencies as well as the relevant work plan for handling emergencies;
- (4) The follow-up procedure to trace any animal epidemic source in a major animal epidemic emergency as well as the investigation and analysis of epidemiology;
- (5) The funding source as well as reservation and allocation of materials and technologies for preventing, controlling and eradicating any major animal epidemic emergency; and
- (6) The facilities for handling any major animal epidemic disease as well as the construction of special contingent therefor.

Article 11 The relevant departments of the State Council and the local people's government at or above the county level as well as the relevant departments thereof shall, according to the requirements of the reserve plan for major animal epidemic emergencies, guarantee the storage of such materials as vaccine, medicine, facilities and equipment as well as protection articles as required therein.

Article 12 The people's government at or above the county level shall establish and improve the monitoring network as well as the prevention and control system of major animal epidemic emergencies,

intensify the construction of basic facilities for animal epidemic prevention and animal epidemic prevention institutions in villages and towns and guarantee the normal operation thereof so as to enhance the capability to handle any major animal epidemic emergency.

Article 13 The local people's government at or above the county level shall, according to the requirements of any major animal epidemic emergency, establish a contingency team to handle any emergency, which shall take charge of controlling and eradicating any emergency under the leadership of the headquarters of major animal epidemic emergencies.

The contingency team shall be composed of local administrative personnel of veterinary, personnel who engage in animal epidemic prevention, the relevant experts and veterinary practitioners. Where necessary, the people's government at or above the county level may organize and mobilize the personnel with certain special knowledge to join the contingency team. The organ of public security and the Chinese People's Armed Police Force Troops shall assist the contingency team in its performance according to law.

The contingency team shall carry out technical training and emergency rehearsal on a periodic base.

Article 14 The people's government at or above the county level as well as the administrative department of veterinary thereof shall intensify the publicity of the reserve knowledge to handle any major animal epidemic emergency as well as the popularization of science concerning major animal epidemic emergencies so as to intensify the consciousness of all social walks to prevent any major animal epidemic emergency.

Chapter III Monitoring, Report and Publicity

Article 15 The supervisory institution of animal epidemic prevention shall take charge of monitoring major animal epidemic emergencies. Any entity or individual who engages in the breeding or operation of animals or in the production or operation of animal products shall provide assistance and shall not refuse or hinder the supervision.

Article 16 Where any entity or individual that engages in the separation of animals, epidemic monitoring, epidemic research and diagnosis, inspection and quarantine as well as in such activities as breeding, slaughter and processing, transportation and operation of animals finds that any animal disease happens in groups or that any animal group dies from disease, it/he shall report it to the local supervisory institution of animal epidemic prevention at the county (municipality) level in a timely manner.

Article 17 The supervisory institution of animal epidemic prevention at the county (municipality) level shall, after receiving a report, immediately go to the spot where the disease has happened to make investigation and verification. Where it is preliminarily confirmed as major animal epidemic disease, the supervisory institution shall report it to the supervisory institutions of animal epidemic prevention of province, autonomous region and municipality directly under the Central Government on a level-by-level basis within 2 hours and shall, at the same time, report it to the administrative department of veterinary of the local people's government. The administrative department of veterinary shall inform the administrative department of public health at the same level in a timely manner.

The supervisory institution of animal epidemic prevention of a province, autonomous region or municipality directly under the Central Government shall, within 1 hour after receiving a report, report it to the administrative department of veterinary of the people's government of the province, autonomous region or municipality directly under the Central Government as well as the supervisory institution of animal epidemic prevention subject to the administrative department of veterinary of the State Council. The administrative department of veterinary of the people's government of a province, autonomous region or municipality directly under the Central Government shall, within 1 hour after receiving a report, report it to the people's government at the same level as well as to the administrative department of veterinary of the State Council.

Where any major animal epidemic emergency happens, the people's government of a province, autonomous region or municipality directly under the Central Government and the administrative department of veterinary of the State Council shall report it to the State Council within 4 hours therefrom.

Article 18 A report on major animal epidemic disease shall include the following contents:

- (1) The time and place where an epidemic emergency happens;
- (2) The type and number of infected animal or suspected ones, the number, immunity, death, clinical symptom, pathological change and diagnosis of animals in the same group;
- (3) The follow-up procedure of epidemiology and epidemic source;
- (4) The controlling measures as adopted; and
- (5) The entity, person-in-charge or the person that reports any epidemic emergency and the contact way thereof.

Article 19 Any major animal epidemic emergency shall be recognized by the administrative department of veterinary of the people's government of a province, autonomous region or municipality directly under the Central Government and shall, when necessary, be recognized by the administrative department of veterinary of the State Council.

Article 20 Any major animal epidemic emergency shall be publicized by the administrative department of veterinary of the State Council in a timely and accurate manner according to the procedures as prescribed by the state. No other entity or individual may publicize any major animal epidemic emergency.

Article 21 For any major animal epidemic emergency, the epidemic material of disease-infected animals shall be collected by the supervisory institution of animal epidemic prevention. Without the approval of the administrative department of veterinary of the State Council or the administrative department of veterinary of the people's government of a province, autonomous region or municipality directly under the Central Government, no other entity or individual may unlawfully collect any epidemic material. Any entity or individual that engages in the separation of major animal epidemic pathogen shall prevent any spread of epidemic pathogen according to the relevant provisions of the state on the administration of biological security.

Article 22 The administrative department of the State Council shall circulate the situation of any major animal epidemic emergency and the disposal thereof to the relevant departments of the State Council, the relevant departments of the army as well as the administrative departments of veterinary of the people's governments of all provinces, autonomous regions and municipalities directly under the Central Government in a timely manner.

Article 23 Where any ongoing major animal epidemic emergency may infect any human group, the administrative department of public health shall monitor the vulnerable human group within the epidemic zone and adopt the relevant measures for prevention and control. The administrative departments of public health and veterinary shall inform each other of the relevant information in a timely manner.

Article 24 The relevant entities and individuals shall not conceal, deceive, delay any report on any major animal epidemic emergency or instigate any other person to do so. Nor may they hinder any person from making a report thereon.

Article 25 During the reporting period of any major animal epidemic emergency, the relevant supervisory institution of animal epidemic prevention shall immediately adopt the controlling measures for temporary separation. When necessary, the local people's government at or above the county level may make a decision on blockade and adopt such measures as eradication and destruction. The relevant entities and individual shall implement the aforesaid decisions.

Chapter IV Emergency Handling

Article 26 Where any major animal epidemic emergency happens, the emergency headquarters established by the State Council and by the relevant local people's government shall uniformly lead and command the work of handling the major animal epidemic emergency.

Article 27 Where any major animal epidemic emergency happens, the administrative department of veterinary of local people's government at or above the county level shall immediately define the epidemic place, epidemic zone as well as vulnerable area, investigate into the epidemic source, set forth suggestion to the people's government at the same level on initiating the reserve commanding system for

major animal epidemic emergencies and the relevant reserve plans for handling the emergency as well as on blockading the epidemic zone. The relevant people's government shall immediately make a decision thereon.

The scope of an epidemic place, epidemic zone or vulnerable area shall be defined according to the different categories of animal epidemic diseases as well as the epidemic features and harmful degrees thereof. The specific standards for defining such places and zones shall be formulated by the administrative department of veterinary of the State Council.

Article 28 The state adopts a classified administration on the disposal of major animal epidemic emergencies. According to the epidemic grades as prescribed in the reserve plan for handling emergencies, the relevant measures for controlling any emergency shall be adopted by the relevant people's governments.

Article 29 The following measures shall be adopted to an epidemic place:

- (1) Eradicating and destroying the infected animals and vulnerable animals as well as their products;
- (2) Giving harmless treatment to animals that die from epidemic disease, animal feces, contaminated feed, matting material and contaminated water; and
- (3) Carrying out strict disinfection on any contaminated article, tool, animal pen or place;

Article 30 The following measures shall be adopted to an epidemic zone:

- (1) Setting up warning signs around an epidemic zone, establishing temporary animal quarantine and disinfection stations on the intersections of the passages to the epidemic zone and disinfecting the personnel and vehicles into or out of the epidemic zone;
- (2) Wiping out and destroying infected animals and suspected ones as well as any other animals in the same group, destroying the products of infected animals and suspected ones, raising any other vulnerable animals in fold or breeding them in designated places and restricting the employment of the relevant work animals within an epidemic zone;
- (3) Monitoring vulnerable animals, implementing emergency immunity inoculation according to the provisions of the administrative department of veterinary of the State Council and when necessary, wiping out vulnerable animals;
- (4) Closing the trading market of relevant animals and animal products and prohibiting any entry or exit of animals or animal products into and out of the epidemic zone; and
- (5) Carrying out disinfection on and giving harmless treatment to animal pens, animal feces, matting materials, contaminated water and any other article or place that may be contaminated.

Article 31 The following measures shall be adopted to a vulnerable area:

- (1) Monitoring vulnerable animals; and
- (2) Implementing emergency immunity inoculation to vulnerable animals according to the relevant requirements.

Article 32 The decision on establishing a temporary animal quarantine and disinfection station in the disposal of any major animal epidemic emergency or on adopting the controlling and eradicating measures for separation, wiping out, destruction, disinfection and emergency immunity inoculation shall be decided by the relevant headquarters for handling animal epidemic emergencies. The relevant entities and individuals shall obey. Where any entity or anyone refuses to obey, the organ of public security shall provide assistance in the implementation of the decision.

Article 33 The state implements free emergency immunity inoculation of vulnerable animals within epidemic zones and vulnerable areas. Where any measures, such as wiping out and destroying, cause any loss to the parties concerned, the state shall grant reasonable compensation after the loss has been confirmed. The expense as required by emergency immunity inoculation and compensation shall be jointly borne by the state treasury and local fiscal departments.

Article 34 The headquarters in charge of handling major animal epidemic emergencies shall, according to the requirements of the real situation, be empowered to assemble personnel, materials, transportation means as well as the relevant facilities and equipment for handling any emergency.

Where any material, transportation means as well as the relevant facility or equipment of an entity or

individual is collected for use, the relevant people's government shall return it in a timely manner and shall make reasonable compensation.

Article 35 Where any major animal epidemic emergency happens, the administrative department of veterinary of the people's government at or above the county level shall set forth the disposal plan for epidemic places, epidemic zones as well as vulnerable areas in a timely manner, intensify the monitoring of epidemic situation, investigation of epidemiology, tracing of epidemic source, offer technical guidance for eradication and destruction of infected animals, suspected ones, other animals in the same group and any other vulnerable animals and organize and implement the relevant inspection, quarantine, disinfection, harmless treatment and emergency immunity inoculation.

Article 36 Where any major animal epidemic emergency is under emergency disposal, the relevant departments of the people's government at or above the county level shall, within their respective powers and functions, do a good job in the emergency deployment and transport of the materials as required in the disposal of major animal epidemic emergencies, the arrangement for contingency funds, the relief of the people trapped in the epidemic zones, the prevention and cure of any human epidemic disease, the supply of meat, the market supervision of animals and the products thereof, the entry and exit inspection and quarantine as well as the maintenance of social security.

The People's Liberation Army and the Chinese People's Armed Police Troops shall support and assist the local people's government at the place where they are stationed in doing a good job of handling any major animal epidemic emergency.

Article 37 Where any major animal epidemic emergency is under emergency disposal, the people's government at the village or town level, the villagers' committee and the urban residents' committee shall organize the relevant support and publicize the relevant knowledge on the prevention and cure of animal epidemic disease to villagers and residents, assist in the collection and report of epidemic information as well as the effective enforcement of the measures for handling the emergency.

Article 38 The people's government where any major animal epidemic emergency happens and its those in the relevant adjacent regions shall make concerted effort and coordinate with each other so as to do a good job in controlling and eradicating any major animal epidemic emergency.

Article 39 The relevant people's government and the relevant departments thereof shall take necessary measures such as sanitary prevention and technical guidance to those personnel who engage in the disposal of any major animal epidemic emergency.

Article 40 Where after the last head of disease-attacked animal in an epidemic zone or any animal in the same group is disposed of, and if there is no new case after the monitoring on one or more incubation periods of the disease, the people's government that has issued the order of blockade may, upon thorough disinfection and the inspection and acceptance of the supervisory institution of animal epidemic prevention at a higher level, announce the removal of blockade and of the division of the epidemic zone. Any temporary animal quarantine and disinfection station within the epidemic zone shall be removed by the organ that has granted the approval for establishment of the station.

Article 41 The people's government at or above the county level shall incorporate the contingency expenses for confirmation, blockade of the epidemic zone, eradication and the relevant compensation thereof, disinfection, harmless treatment, tracing of epidemic source and monitoring of any epidemic emergency as well as the reserve of materials for emergencies into the fiscal budget of its level.

Chapter V Legal Liabilities

Article 42 Where the administrative department of veterinary as well as the supervisory institution of animal epidemic prevention subject to it violates the provisions of the present Regulation by having any of the following acts, the people's government at the same level or the relevant department of the people's government at a higher level shall order it to correct immediately, circulate a notice of criticism and give it a warning, and impose upon the person-in-charge, the responsible principal as well as any other liable personnel an administrative sanction such as record of a serious demerit, degradation,

removal from his office and dismissal according to law. Where a crime is constituted, the violator shall be subject to criminal liabilities according to law:

- (1) Failing to perform the duty of reporting the epidemic situation, making any concealed, deceived or delayed report or instigating any other person to do so or hindering any other person from reporting any major animal epidemic emergency;
- (2) During the reporting period of any major animal epidemic emergency, failing to adopt the controlling measures of temporary separation and thus incurring the spread of animal epidemic disease;
- (3) Failing to define epidemic places, epidemic zones or vulnerable areas in a timely manner, failing to set forth any suggestion on handling the emergency to the people's government at the same level or failing to adopt the measures of prevention, control or eradication to epidemic places, epidemic zones or vulnerable areas in accordance with the provisions;
- (4) Failing to set forth to the people's government at the same level any suggestion on initiating the emergency commanding system and reserve plan for emergencies and on blockading the epidemic zone;
- (5) Failing to offer technical guidance for the eradication and destruction of animals or failing to offer effective guidance therefor, or failing to organize the implementation of inspection and quarantine, disinfection, harmless treatment or emergency immunity inoculation; or
- (6) Failing to perform any other function and duty as prescribed in the present Regulation and thus incurring the spread and prevalence of any animal epidemic disease or leading to the disease's serious threat to the work safety of the breeding industry or to the health and life safety of the general public.

Article 43 Where the relevant department of the people's government at or above the county level violates the provisions of the present Regulation by failing to perform its functions and duties of handling any emergency, failing to adopt the relevant measures to epidemic places, epidemic zones or vulnerable areas, or failing to coordinate in any investigation conducted by the relevant departments of the people's government at a higher level into the epidemic situation, or hindering or refusing any investigation, the people's government at the same level or the relevant department of the people's government at a higher level shall order it to correct immediately, circulate a notice of criticism and give it a warning; impose upon the person-in-charge, the responsible principal as well as any other liable person an administrative sanction such as record of a serious demerit, degradation, removal from his office and dismissal according to law. Where a crime is constituted, the violator shall be subject to criminal liabilities according to law.

Article 44 Where the relevant people's government violates the provisions of the present Regulation by hindering any report on major animal epidemic situation, failing to perform its duties and functions of handling any emergency, failing to adopt the measures of prevention, control and eradication in epidemic places or epidemic zones or vulnerable areas according to the relevant provisions, or failing to provide coordination in or hindering or refusing the investigation conducted by the relevant departments of the people's government at a higher level into the epidemic situation, the people's government at a higher level shall order it to correct immediately, circulate a notice of criticism and impose upon it a warning; and impose upon the governmental principal an administrative sanction such as record of a serious demerit, degradation, removal from his office and dismissal according to law. Where a crime is constituted, the violator shall be subject to criminal liabilities according to law.

Article 45 Anyone who detains or embezzles the contingency expense for handling major animal epidemic emergencies or seizes or misappropriates any reserve material for handling emergencies shall be punished according to the provisions of the Regulation on Punishments and Sanctions against Illegal Fiscal Actions. Where a crime is constituted, the violator shall be subject to criminal liabilities according to law.

Article 46 Where anyone violates the present Regulation by refusing or hindering any supervisory institution of animal epidemic prevention from monitoring any major animal epidemic situation or failing to make the relevant report on morbidity or mortality of animals in groups to the supervisory institution of animal epidemic prevention, the supervisory institution of animal epidemic prevention shall give it a warning and impose upon it a fine of 2, 000 yuan up to 5, 000 yuan. Where a crime is constituted, the violator shall be subject to criminal liabilities according to law.

Article 47 Where anyone violates the present Regulation by unlawfully collecting any epidemic material

of disease-infected animals in any major animal epidemic emergency or failing to conduct the separation of epidemic source of major animal epidemic disease according to the relevant provisions of the state on the administration of biological safety, the supervisory institution of animal epidemic prevention shall give it a warning and impose upon it a fine of less than 5, 000 yuan. Where a crime is constituted, the violator shall be subject to criminal liabilities according to law.

Article 48 During a period when any major epidemic emergency happens, where anyone drives up the price, cheats the customers, disseminates any rumor or disturbs the social order or market order, the administrative department of price, industry and commerce or public security shall impose upon him an administrative sanction according to law. Where a crime is constituted, the violator shall be subject to criminal liabilities according to law.

Chapter VI Supplementary Provisions

Article 49 The present Regulation shall come into force as of the day of promulgation.