

COMMISSION DECISION

of 21 December 2005

on introducing supplementary measures to control infections with low pathogenic avian influenza in Italy and repealing Decision 2004/666/EC*(notified under document number C(2005) 5566)***(Text with EEA relevance)**

(2005/926/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, and in particular, Article 9(4) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-community trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular, Article 10(4) thereof,

Having regard to Council Directive 92/40/EEC of 19 May 1992 introducing Community measures for the control of avian influenza ⁽³⁾, and in particular Article 16 thereof,

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption ⁽⁴⁾, and in particular Articles 4(3) and 13(3) thereof,

Whereas:

- (1) Under Commission Decision 2002/975/EC of 12 December 2002 on introducing vaccination to supplement the measures to control infections with low pathogenic avian influenza in Italy and on specific movement control measures ⁽⁵⁾ a vaccination programme was carried out in parts of Northern Italy to control infections with low pathogenic avian influenza strain subtype H7N3. A differentiating

infected from vaccinated animals (DIVA) strategy was applied by using a heterologous vaccine of H7N1 subtype, which allows differentiation between infected and vaccinated poultry.

- (2) Under Commission Decision 2004/666/EC of 29 September 2004 on introducing vaccination to supplement the measures to control infections with low pathogenic avian influenza in Italy and on specific movement control measures and repealing Decision 2002/975/EC ⁽⁶⁾ a new vaccination programme was approved in a smaller area of Italy compared to the previous vaccination campaign under Decision 2002/975/EC. The new programme is carried out with a bivalent vaccine containing both avian influenza subtypes H5 and H7. This kind of vaccination is carried out until at least 31 December 2005. That Decision also provides for a prohibition on intra-Community trade in live poultry and hatching eggs coming from and/or originating from the vaccination area and conditions for intra-Community trade in fresh meat originating from vaccinated poultry in accordance with article 3 of Decision 2004/666/EC.

- (3) The results of the vaccination programme, as provided for in Decision 2004/666/EC and reported at several meetings of the Standing Committee on the Food Chain and Animal Health, were generally favourable.

- (4) As a result of the favourable situation within the vaccination area provided for in Decision 2004/666/EC and in the light of the increased experience on the application of vaccination, dispatch of slaughter poultry, hatching eggs and day-old chicks from Italy should be permitted if certain conditions are fulfilled.

- (5) In the light of the particular risk of introduction of avian influenza in the areas of Italy in question, and the submission by Italy of an amended vaccination programme by the letter dated 23 June 2005 for approval, it appears appropriate to continue vaccination in the areas at higher risk of disease introduction. Furthermore, an intensive monitoring and surveillance should be performed both in the vaccination area and in its surroundings.

⁽¹⁾ OJ L 395, 30.12.1989, p. 13. Directive as last amended by Directive 2004/41/EC of the European Parliament and of the Council (OJ L 157, 30.4.2004, p. 33); corrected version (OJ L 195, 2.6.2004, p. 12).

⁽²⁾ OJ L 224, 18.8.1990, p. 29. Directive as last amended by Directive 2002/33/EC of the European Parliament and of the Council (OJ L 315, 19.11.2002, p. 14).

⁽³⁾ OJ L 167, 22.6.1992, p. 1. Directive as last amended by 2003 Act of Accession.

⁽⁴⁾ OJ L 18, 23.1.2003, p. 11.

⁽⁵⁾ OJ L 337, 13.12.2002, p. 87. Decision as last amended by Decision 2004/159/EC (OJ L 50, 20.2.2004, p. 63).

⁽⁶⁾ OJ L 303, 30.9.2004, p. 35. Decision as amended by Decision 2005/10/EC (OJ L 4, 6.1.2005, p. 15).

- (6) Special sampling and testing procedures should also be applicable to slaughter poultry.
- (7) In the interests of clarity of Community legislation, it is appropriate to repeal Decision 2004/666/EC and replace it by this Decision.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Approval of the vaccination programme

1. The amended vaccination programme against avian influenza, submitted by Italy to the Commission on 23 June 2005, is approved ('the vaccination programme').

The vaccination programme shall be carried out with a bivalent vaccine in the areas listed in Annex I ('the vaccination area'). The vaccination programme shall be implemented efficiently.

2. Intensive monitoring and surveillance, as set out in the vaccination programme shall be carried out in the vaccination area and in the areas listed in Annex III.

Article 2

Restrictions on movements of live poultry, hatching eggs, day-old chicks and fresh meat of poultry

The restrictions on movements of live poultry, hatching eggs, day-old chicks and fresh meat of poultry into, out of and within the vaccination area and from holdings located in a restriction zone established in accordance with the provisions laid down in the vaccination programme shall apply in accordance with Article 3 to 9 of this Decision.

Article 3

Restrictions on dispatch of live poultry, hatching eggs and day-old chicks

No live poultry, hatching eggs and day-old chicks coming from and/or originating from holdings in the vaccination area and from holdings located in a restriction zone established in accordance with the provisions laid down in the vaccination programme shall be dispatched from Italy.

Article 4

Derogation from restrictions on dispatch of slaughter poultry

1. By way of derogation from Article 3, slaughter poultry that come from and/or originate from holdings in the vaccination area, may be dispatched from Italy if the poultry:

- (a) come from holdings that are not located in a restriction zone established in accordance with the provisions laid down in the vaccination programme;
 - (b) originate from flocks which have been regularly inspected and tested with negative results for avian influenza, with particular attention paid to sentinel birds;
 - (c) originate from flocks which have been clinically inspected by an official veterinarian within 48 hours before loading, with particular attention paid to sentinel birds;
 - (d) originate from flocks which have been tested serologically for avian influenza with negative results at the national laboratory for avian influenza, by using the sampling and testing procedure laid down in Annex II to this Decision;
 - (e) are sent directly to a slaughterhouse and slaughtered immediately upon arrival.
2. For the testing of flocks, as provided for in point (b) of paragraph 1, the following tests shall be used:
- (a) for vaccinated birds, the developed indirect Immunofluorescence Assay ('iIFA-test');
 - (b) for non-vaccinated birds:
 - (i) the Haemagglutination-Inhibition Test (HI);
 - (ii) the AGID-test;
 - (iii) the ELISA-test; or
 - (iv) the iIFA-test, if necessary.

Article 5

Derogation from restrictions on dispatch of hatching eggs

By way of derogation from Article 3, hatching eggs that come from and/or originate from holdings in the vaccination area, may be dispatched from Italy if:

- (a) they come from holdings that are not located in a restriction zone established in accordance with the provisions laid down in the vaccination programme;

- (b) they come from flocks which have been regularly inspected and tested with negative results for avian influenza using the tests as provided for in Article 4(2);
- (c) they are disinfected before departure from the holding;
- (d) they are transported directly to the hatchery of destination;
- (e) the hatchery of destination can ensure the traceability of the hatching eggs by means of the records of the holding of origin of the hatching eggs and of the destination of the day-old chicks hatched from such eggs.

Article 6

Derogation from restrictions on dispatch of day-old chicks

By way of derogation from Article 3, day-old chicks that come from and/or originate from holdings located in the vaccination area, may be dispatched from Italy if they originate from hatching eggs that comply with the conditions set out in Article 5.

Article 7

Animal health certificates for consignments of live poultry, hatching eggs and day-old chicks

Animal health certificates accompanying consignments of live poultry, hatching eggs and day-old chicks from Italy shall include the words: 'The animal health conditions of this consignment are in accordance with Commission Decision 2005/926/EC'.

Article 8

Restrictions on dispatch and special marking of fresh meat of poultry

1. Fresh meat of poultry as provided in Article 2 shall be marked in accordance with paragraph 2 and shall not be dispatched from Italy if it is derived from:

- (a) poultry originating from holdings located in a restriction zone established in accordance with the provisions laid down in the vaccination programme;
- (b) poultry vaccinated against avian influenza;
- (c) poultry from avian influenza sero-positive poultry flocks destined for slaughter under official control in accordance with the vaccination programme.

2. Fresh meat of poultry as provided in paragraph 1 shall be marked with a special health or identification mark which cannot be confused with the health mark as provided in Chapter XII, Annex I to Council Directive 71/118/EEC⁽¹⁾ and

shall, in particular, not be oval. That mark shall contain the approval number of the establishment but not the letters C.E.

Article 9

Derogation from restrictions on dispatch of fresh meat of poultry

By way of derogation from Article 8(1)(b) and paragraph 2, fresh meat derived from turkeys and chickens vaccinated against avian influenza with a heterologous vaccine of subtype (H7N1) and (H5N9) may be dispatched from Italy, provided that the meat comes from turkeys and chickens which:

- (a) originate from flocks which have been regularly inspected and tested with negative results for avian influenza, with particular attention paid to sentinel birds;
- (b) originate from flocks which have been clinically inspected by an official veterinarian within 48 hours before loading, with particular attention paid to sentinel birds;
- (c) originate from flocks which have been tested serologically for avian influenza with negative results at the national laboratory for avian influenza, by using the sampling and testing procedure laid down in Annex II to this Decision;
- (d) come from flocks which have been tested with negative results for avian influenza using the tests as provided for in Article 4(2);
- (e) are kept separated from other flocks which do not comply with this Article;
- (f) are sent directly to a slaughterhouse and slaughtered immediately upon arrival.

Article 10

Health certificate for fresh meat of turkey and chicken

Fresh meat of turkey and chicken complying with the conditions set out in Article 9 shall be accompanied by a health certificate in accordance with the model set out in Annex VI to Directive 71/118/EEC, which shall include under point IV (a) of that certificate the following attestation of the official veterinarian:

'The turkey meat/chicken meat (*) described above is in accordance with Commission Decision 2005/926/EC.

⁽¹⁾ OJ L 55, 8.3.1971, p. 23.

(*) Delete as appropriate.'

*Article 11***Washing and disinfection of packaging and means of transport**

Italy shall ensure that in the vaccination area listed in Annex I:

- (a) only disposable packaging material, or packaging material which can be effectively washed and disinfected, is used for the collection, storage and transport of hatching eggs and day-old chicks;
- (b) all means of transport used for transporting live poultry, hatching eggs, day-old chicks, fresh poultry meat and poultry feedstuff are cleaned and disinfected immediately before and after each transport with disinfectants and methods of use approved by the competent authority.

*Article 12***Reports**

Italy shall submit a report to the Commission containing information on the effectiveness of the vaccination programme within six months from the date of application of this Decision and thereafter at six-monthly intervals.

*Article 13***Repeals**

Decision 2004/666/EC is repealed.

*Article 14***Applicability**

This Decision shall apply from the tenth day following that of its publication in the *Official Journal of the European Union*.

*Article 15***Addresses**

This Decision is addressed to the Member States.

Done at Brussels, 21 December 2005.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX I

VACCINATION AREA WHERE VACCINATION IS CARRIED OUT WITH A BIVALENT VACCINE

Veneto Region

Verona Province

ALBAREDO D'ADIGE

ANGIARI

ARCOLE

BELFIORE

BONAVIGO

BOVOLONE

BUTTAPIETRA

CALDIERO

area to the south of the A4 motorway

CASALEONE

CASTEL D'AZZANO

CASTELNUOVO DEL GARDA

area to the south of the A4 motorway

CEREA

COLOGNA VENETA

COLOGNOLA AI COLLI

area to the south of the A4 motorway

CONCAMARISE

ERBÈ

GAZZO VERONESE

ISOLA DELLA SCALA

ISOLA RIZZA

LAVAGNO

area to the south of the A4 motorway

MINERBE

MONTEFORTE D'ALPONE

area to the south of the A4 motorway

MOZZECANE

NOGARA

NOGAROLE ROCCA

OPPEANO

PALÙ

PESCHIERA DEL GARDA

area to the south of the A4 motorway

POVEGLIANO VERONESE

PRESSANA

RONCO ALL'ADIGE

ROVERCHIARA

ROVEREDO DI GUÀ

SALIZZOLE

SAN BONIFACIO

area to the south of the A4 motorway

SAN GIOVANNI LUPATOTO

area to the south of the A4 motorway

SANGUINETTO

SAN MARTINO BUON ALBERGO

area to the south of the A4 motorway

SAN PIETRO DI MORUBIO

SOAVE

area to the south of the A4 motorway

SOMMACAMPAGNA

area to the south of the A4 motorway

SONA

area to the south of the A4 motorway

SORGÀ

TREVENZUOLO

VALEGGIO SUL MINCIO
VERONA
VERONELLA
VIGASIO
VILLAFRANCA DI VERONA
ZEVIO
ZIMELLA

area to the south of the A4 motorway

Lombardia Region

Brescia Province

ACQUAFREDDA
ALFIANELLO
BAGNOLO MELLA
BASSANO BRESCIANO
BORGOSATOLLO
BRESCIA
CALCINATO
CALVISANO
CAPRIANO DEL COLLE
CARPENEDOLO
CASTENEDOLO
CIGOLE
DELLO
DESENZANO DEL GARDA
FIESSE
FLERO
GAMBARA
GHEDI
GOTTOLENGO
ISORELLA
LENO
LONATO
MANERBIO
MILZANO
MONTICHIARI
MONTIRONE
OFFLAGA
PAVONE DEL MELLA
PONCARALE
PONTEVICO
POZZOLENGO
PRALBOINO
QUINZANO D'OGGIO
REMEDELLO
REZZATO
SAN GERVASIO BRESCIANO
SAN ZENO NAVIGLIO
SENIGA
VEROLANUOVA
VEROLAVECCHIA
VISANO

area to the south of the A4 motorway

area to the south of the A4 motorway

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area to the south of the A4 motorway

area to the south of the A4 motorway

Mantova Province

CASTIGLIONE DELLE STIVIERE

CAVRIANA

CERESARA

GOITO

GUIDIZZOLO

MARMIROLO

MEDOLE

MONZAMBANO

PONTI SUL MINCIO

ROVERBELLA

SOLFERINO

VOLTA MANTOVANA

ANNEX II

SAMPLING AND TESTING PROCEDURE**1. Introduction and general use**

The developed indirect Immunofluorescence Assay (iIFA-test) is aimed at the differentiation between vaccinated/field exposed and vaccinated/non field exposed turkeys and chickens in the framework of a Differentiating Infected from Vaccinated Animals (DIVA) vaccination strategy using a heterologous subtype vaccine from the field virus subtype.

2. Use of the test for the purpose of dispatching fresh turkey and chicken meat from the vaccination area in Italy

Meat originating from turkey and chicken flocks vaccinated against avian influenza may be dispatched from Italy provided that, where all the birds are kept in one building, blood samples have been taken by the official veterinarian within seven days prior to slaughter from at least 10 vaccinated turkeys or chickens destined for slaughter.

However, where the poultry are kept in more than one group or shed, at least 20 vaccinated birds selected randomly from all the groups or sheds on the farm shall be sampled.

3. Use of the test for the purpose of dispatching slaughter poultry from the vaccination area in Italy

Slaughter poultry originating from the vaccination area may be dispatched from Italy provided that, where all the birds have been kept in one building, blood samples from at least 10 birds destined for slaughter have been taken by the official veterinarian within seven days prior dispatch. However, where the poultry are kept in more than one group or shed, at least 20 birds selected randomly from all the groups or sheds on the farm shall be sampled.

ANNEX III

AREAS BORDERING THE VACCINATION AREA WHERE INTENSIVE MONITORING AND SURVEILLANCE IS CARRIED OUT**Lombardia Region***Bergamo province*

ANTEGNATE

BAGNATICA

area to the south of the A4 motorway

BARBATA

BARIANO

BOLGARE

area to the south of the A4 motorway

CALCINATE

CALCIO

CASTELLI CALEPIO

area to the south of the A4 motorway

CAVERNAGO

CIVIDATE AL PIANO

COLOGNO AL SERIO

CORTENUOVA

COSTA DI MEZZATE

area to the south of the A4 motorway

COVO

FARA OLIVANA CON SOLA

FONTANELLA

GHISALBA

GRUMELLO DEL MONTE

area to the south of the A4 motorway

ISSO

MARTINENGO

MORENGO

MORNICO AL SERIO

PAGAZZANO

PALOSCO

PUMENENGO

ROMANO DI LOMBARDIA

SERIATE

area to the south of the A4 motorway

TELGATE

area to the south of the A4 motorway

TORRE PALLAVICINA

Brescia province

AZZANO MELLA

BARBARIGA

BASSANO BRESCIANO

BERLINGO

BORGO SAN GIACOMO

BRANDICO

CASTEGNATO

area to the south of the A4 motorway

CASTEL MELLA

CASTELCOVATI

CASTREZZATO

CAZZAGO SAN MARTINO

area to the south of the A4 motorway

CHIARI

COCCAGLIO
COLOGNE
COMEZZANO-CIZZAGO
CORZANO
ERBUSCO area to the south of the A4 motorway
LOGRATO
LONGHENA
MACLODIO
MAIRANO
ORZINUOVI
ORZIVECCHI
OSPITALETTO area to the south of the A4 motorway
PALAZZOLO SULL'OGLIO area to the south of the A4 motorway
POMPIANO
PONTOGLIO
ROCCAFRANCA
RONCADELLE area to the south of the A4 motorway
ROVATO area to the south of the A4 motorway
RUDIANO
SAN PAOLO
TORBOLE CASAGLIA
TRAVAGLIATO
TRENZANO
URAGO D'OGLIO
VILLACHIARA

Cremona province

CAMISANO
CASALE CREMASCO-VIDOLASCO
CASALETTO DI SOPRA
CASTEL GABBIANO
SONCINO

Mantova province

ACQUANEGRA SUL CHIESE
ASOLA
BIGARELLO
CANNETO SULL'OGLIO
CASALMORO
CASALOLDO
CASALROMANO
CASTEL D'ARIO
CASTEL GOFFREDO
CASTELBELFORTE
GAZOLDO DEGLI IPPOLITI
MARIANA MANTOVANA
PIUBEGA
PORTO MANTOVANO
REDONDESCO
RODIGO

RONCOFERRARO
SAN GIORGIO DI MANTOVA
VILLIMPENTA

Veneto Region

Padua province

CARCERI
CASALE DI SCODOSIA
ESTE
LOZZO ATESTINO
MEGLIADINO SAN FIDENZIO
MEGLIADINO SAN VITALE
MONTAGNANA
OSPEDALETTO EUGANEO
PONSO
SALETTO
SANTA MARGHERITA D'ADIGE
URBANA

Verona province

BEVILACQUA
BOSCHI SANT'ANNA
BUSSOLENGO
PESCANTINA
SOMMACAMPAGNA
SONA

area to the north of the A4 motorway
area to the north of the A4 motorway

Vicenza province

AGUGLIARO
ALBETTONI
ALONTE
ASIGLIANO VENETO
BARBARANO VICENTINO
CAMPIGLIA DEI BERICI
CASTEGNERO
LONIGO
MONTEGALDA
MONTEGALDELLA
MOSSANO
NANTO
NOVENTA VICENTINA
ORGIANO
POIANA MAGGIORE
SAN GERMANO DEI BERICI
SOSSANO
VILLAGA