COMMISSION DECISION

of 18 July 2003

concerning protection measures relating to classical swine fever in Belgium, France, Germany and Luxembourg

(notified under document number C(2003) 2535)

(Text with EEA relevance)

(2003/526/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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 [1], as last amended by Directive 2002/33/EC of the European Parliament and of the Council [2], and in particular Article 10(4) thereof,

Whereas:

(1) In response to classical swine fever in certain bordering parts of France, Germany and Luxembourg, the Commission has adopted: Decision 2002/626/EC of 25 July 2002 approving the plan submitted by France for the eradication of classical swine fever from feral pigs in Moselle and Meurthe-et-Moselle [3]; Decision 2002/1009/EC of 27 December 2002 concerning protection measures relating to classical swine fever in Belgium, France, Germany and Luxembourg [4]; Decision 2003/135/EC of 27 February 2003 on the approval of the plans for the eradication of classical swine fever and the emergency vaccination of feral pigs against classical swine fever in Germany, in the federal states of Lower Saxony, North Rhine-Westphalia, Rhineland-Palatinate and Saarland [5]; Decision 2003/136/EC of 27 February 2003 on the approval of the plans for the eradication of classical swine fever in feral pigs and emergency vaccination of feral pigs against classical swine fever in Luxembourg [6]; Decision 2003/363/EC of 14 May 2003 approving the plan for the eradication of classical swine fever in feral pigs in certain areas of Belgium [7].

(2) In the light of the current epidemiological situation and location of the most recent cases of disease in the feral pigs it is appropriate to apply the measures which had been established by Decision 2002/1009/EC, and to amend the areas of France and Germany where these measures shall apply.

(3) 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

This Decision shall apply without prejudice to the plans submitted by the Member States and approved by the Commission by Decisions 2002/626/EC, 2003/135/EC, 2003/136/EC and 2003/363/EC.

Article 2

1. Belgium, France, Luxembourg and Germany (hereinafter: 'the Member States concerned') shall ensure that no pigs are dispatched from those Member States unless the pigs:

(a) come from an area outside the areas described in the Annex; and

(b) come from a holding where no live pigs proceeding from the areas listed in the Annex have been introduced during the 30-day period immediately prior to the dispatch of the pigs in question.

2. The Member States concerned shall ensure that the transit of pigs through the areas described in the Annex only takes place on major roads or railways, without any stops by the vehicle transporting the pigs.

[1] OJ L 224, 18.8.1990, p. 29.
[2] OJ L 315, 19.11.2002, p. 14.
[3] OJ L 200, 30.7.2002, p. 37.
[4] OJ L 126, 20.5.1999, p. 21.
[5] OJ L 53, 28.2.2003, p. 47.
[6] OJ L 53, 28.2.2003, p. 52.
[7] OJ L 124, 20.5.2003, p. 43.

Article 3

1. The Member States concerned shall ensure that no consignments of porcine semen are dispatched unless the semen originates from boars kept at a collection centre referred to in point (a) of Article 3 of Council Directive 90/429/EEC [1] and situated outside the areas listed in the Annex.

2. The Member States concerned shall ensure that no consignments of ova and embryos of swine are dispatched from those Member States unless the ova and embryos originate from swine kept at a holding situated outside the areas described in the Annex.

Article 4

1. The health certificate provided for in Article 5(1) of Council Directive 64/432/EEC [2] accompanying pigs dispatched from the Member States concerned shall be completed by the following:

'Animals in accordance with Commission Decision 2003/526/EC of 18 July 2003 concerning certain protection measures relating to classical swine fever in Belgium, France, Germany and Luxembourg'.

2. The health certificate provided for in Article 6(1) of Directive 90/429/EEC accompanying boar semen dispatched from the Member States concerned shall be completed by the following:

'Semen in accordance with Commission Decision 2003/526/EC of 18 July 2003 concerning certain protection measures relating to classical swine fever in Belgium, France, Germany and Luxembourg'.

3. The health certificate provided for in Article 1 of Commission Decision 95/483/EEC [3] accompanying embryos and ova of swine dispatched from Belgium, France, Germany and Luxembourg shall be completed by the following:

'Embryos/ova (*) in accordance with Commission Decision 2003/526/EC of 18 July 2003 concerning certain protection measures relating to classical swine fever in Belgium, France, Germany and Luxembourg

(*) delete as appropriate'.

Article 5

1. The Member States concerned shall ensure that the provisions laid down in the second, fourth, fifth, sixth and seventh indents of Article 15(2)(b) of Directive 2001/89/EC [4] are applied in the pig holdings located within the areas listed in the Annex.

2. The Member States concerned shall ensure that vehicles which have been used for the transport of pigs proceeding from holdings located within the areas listed in the Annex are cleaned and disinfected after each operation and that the transporter shall provide proof of such disinfection.

Article 6

1. By way of derogation from Article 1(1) and subject to the approval of the Member State of destination, the Member States concerned may authorise the dispatch of pigs proceeding from holdings located within the areas listed in the Annex in one of the Member States concerned, to other holdings or to slaughterhouses located within the areas listed in the Annex of another Member State concerned, provided that the pigs come from a holding where:

(a) no live pigs have been introduced during the 30-day period immediately prior to the dispatch of the pigs in question;

(b) a clinical examination for classical swine fever has been carried out by an official veterinarian in accordance with the checking procedure laid down in Part A of Chapter IV of the Annex to Commission Decision 2002/106/EC [5] and in points 1, 2 and 3 of Part D of Chapter IV of that Annex; and

(c) serological tests for classical swine fever have been carried out with negative results on samples collected from the group of pigs to be moved, during the seven-day period immediately prior to their dispatch. The minimum number of pigs to be sampled must be sufficient to allow for the detection of 10 % seroprevalence with 95 % confidence in the group of pigs to be moved.

However, (c) shall not apply to pigs to be moved directly to slaughterhouses for the purpose of immediate slaughter.

2. When dispatching the pigs referred to in paragraph 1, the Member States concerned shall ensure that the health certificate referred to in Article 4(1) includes additional information concerning the dates of the clinical examination, sampling and testing, the number of samples tested, the type of test used and the results of the test.

Article 7

The Member States concerned may allow the movements of pigs proceeding from holdings located within the areas listed in the Annex and dispatched to other areas in the same Member State, only from holdings of dispatch where a clinical examination and serological tests for classical swine fever have been carried out with negative results, in accordance with Article 6(1)(b) and (c).

[1] OJ L 224, 18.8.1990, p. 62.
[2] OJ 121, 29.7.1964, p. 1977/64.
[3] OJ L 275, 18.11.1995, p. 30.
[4] OJ L 316, 1.12.2001, p. 5.
[5] OJ L 39, 9.2.2002, p. 71.

Article 8

The Member States concerned shall inform the Commission and the Member States in the framework of the Standing Committee on the Food Chain and Animal Health on the results of the serosurveillance for classical swine fever carried out in the areas listed in the Annex.

Article 9

The Member States shall amend the measures they apply to trade so as to bring them into compliance with this Decision and they shall give immediate appropriate publicity to the measures adopted. They shall immediately inform the Commission thereof.

Article 10

This Decision shall be reviewed before 20 October 2003.

Article 11

This Decision shall apply until 30 October 2003.

Article 12

This Decision is addressed to the Member States.

Done at Brussels, 18 July 2003.

For the Commission

David BYRNE

Member of the Commission

ANNEX

Areas of the Member States concernend referred to in Articles 1, 2, 3, 5, 6, 7 and 8

1. Belgium

the territory of Belgium located in between:

— the motorway E40 (A3) from the border with Germany until the cross with road N68;

— then, the road N68 in southern direction, at Eupen continuing into the Aachenerstraße until the cross with the Paveestraße;

— then, the Paveestraße until the cross with the Kirchstraße;

— then, the Kirchstraße, continuing into the Bergstraße and the Neustraße until the cross with the road Olengraben;

— then, the road Olengraben, continuing into the Haasstraße until the cross with the Malmedystraße;

— then, the Malmedystraße, continuing into the road N68 in southern direction until the cross with the road N62;

— then, the road N62 in eastern and southern direction until the cross with motorway E42 (A27);

— then, the motorway E42 (A27) until the border with Germany.

2. France

— the territory of the department Moselle located: (i) north of the river Moselle from the town of Thionville until the border of Luxembourg; and (ii) east of the motorway A31 from the city of Thionville until the border with Luxembourg.

— the territory of the department Bas-Rhine located: (i) west of the road D 264 from Wissembourg to Soultz-sous-Forêts, (ii) north of the road D 28 from Soultz-sous-Forêts to Woerth, (iii) east of the road D 27 from Woerth to Lembach, (iv) east of the road D 3 from Lembach to the junction with the road D 925, (v) east of the road D 925 from the junction with the road D 3 to the border with Germany (Hirschthal), (vi) south of the border with Germany from Hirschthal to Wissembourg.

3. Germany

A. North Rhine-Westphalia

— In the *Kreis* Euskirchen: the *Gemeinde* Schleiden, Dahlem, Blankenheim, Bad Muenstereifel, Euskirchen, Hellenthal, Kall; Mechernich, Nettersheim and Zuelpich;

— In the *Kreis* Rhein-Sieg: the *Gemeinde* Rheinbach, Swisttal and Meckenheim;

— City of Aachen;

— In the *Kreis* Aachen: Monschau, Stollberg, Simmerath and Roetgen;

— In the *Kreis* Dueren: Heimbach, Nideggen, Huertgenwald and Langerwehe.

B. Rhineland-Palatinate:

— The *Kreise*: Ahrweiler, Bad Dürkheim, Bernkastel-Wittlich, Bitburg-Prüm, Cochem-Zell, Daun, Donnersbergkreis and Südliche Weinstraße;

— In the *Kreis* Trier-Saarburg: the area east of the river Saar;

— In the *Kreis* Mayen-Koblenz: the area west of the river Rhein;

— The Cities of: Alzey, Landau, Kaiserslautern, Neustadt an der Weinstraße, Pirmasens, Speyer and Trier;

— In the City of Koblenz: the area west of the river Rhein;

— In the *Kreis* Birkenfeld: the *Gemeinde* Baumholder and Truppenübungsplatz Baumholder, Birkenfeld, Rhaunen; in the *Gemeinde* Herrstein: the municipalities Allenbach, Bruchweiler, Kempfeld, Langweiler, Sensweiler and Wirschweiler;

— In the *Kreis* Rhein-Hunsrück-*Kreis*: the *Gemeinde* Boppard, *Verbandsgemeinde* Emmelshausen, Kastellaun, Kirchberg; in the *Gemeinde* Rheinböllen: the municipalities Benzweiler, Kisselbach, Liebshausen and Steinbach; the *Gemeinde* Simmern and St. Goar-Oberwesel;

— In the *Kreis* Alzey-Worms: the municipalities Stein-Bockenheim, Wonsheim, Siefersheim, Wöllstein, Gumbsheim, Eckelsheim, Wendelsheim, Nieder-Wiesen, Nack, Erbes-Büdesheim, Flonheim, Bornheim, Lonsheim, Bermersheim vor der Höhe, Albig, Bechenheim, Offenheim, Mauchenheim, Freimersheim, Wahlheim, Kettenheim, Esselborn, Dintesheim, Flomborn, Eppelsheim, Ober-Flörsheim, Hangen-Weisheim, Gundersheim, Bermersheim, Gundheim, Framersheim, Gau-Heppenheim the *Gemeinde* Monsheim and Alzey;

— In the *Kreis* Bad Kreuznach: the municipalities Becherbach, Reiffelbach, Schmittweiler, Callbach, Meisenheim, Breitenheim, Rehborn, Lettweiler, Odernheim a. Glan, Oberhausen a. d. Nahe, Duchroth, Hallgarten, Feilbingert, Hochstätten, Niederhausen, Norheim, Bad Münster a. Stein-Ebernburg, Altenbamberg, Fürfeld, Tiefenthal, Neu-Bamberg and Frei-Laubersheim;

— In the *Kreis* Germersheim: the *Gemeinde* Lingenfeld, Bellheim and Germersheim;

— In the *Kreis* Kaiserslautern: the *Gemeinde* Weilerbach, Otterbach, Otterberg, Enkenbach-Alsenborn, Hochspeyer, Kaiserslautern-Süd, Landstuhl, Bruchmühlbach-Miesau; the municipalities Hütschenhausen, Ramstein-Miesenbach, Steinwenden and Kottweiler-Schwanden;

— In the *Kreis* Kusel: the municipalities Odenbach, Adenbach, Cronenberg, Ginsweiler, Hohenöllen, Lohnweiler, Heinzenhausen, Nussbach, Reipoltskirchen, Hefersweiler, Relsberg, Einöllen, Oberweiler-Tiefenbach, Wolfstein, Kreimbach-Kaulbach, Rutsweiler a.d. Lauter, Rothselberg, Jettenbach and Bosenbach;

— In the *Kreis* Ludwigshafen: the *Gemeinde* Dudenhofen, Waldsee, Böhl-Iggelheim, Schifferstadt, Römerberg and Altrip;

— In the *Kreis* Südwestpfalz: the *Gemeinde* Waldfischbach-Burgalben, Rodalben, Hauenstein, Dahner-Felsenland, Pirmasens-Land, Thaleischweiler-Fröschen; the municipalities Schmitshausen, Herschberg, Schauerberg, Weselberg, Obernheim-Kirchenarnbach, Hettenhausen, Saalstadt, Wallhalben and Knopp-Labach.

C. Saarland

— In the *Kreis* Merzig-Wadern: the *Gemeinde* Mettlach, Merzig, Beckingen, Losheim, Weiskirchen and Wadern;

— In the *Kreis* Saarlouis: the *Gemeinde* Dillingen, Bous, Ensdorf, Schwalbach, Saarwellingen, Nalbach, Lebach, Schmelz and Saarlouis;

— In the *Kreis* Sankt Wendel: the *Gemeinde* Nonnweiler, Nohfelden and Tholey.

4. Luxembourg: the whole territory of Luxembourg.