COMMISSION DECISION

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

(notified under document number C(2004) 3581)

(Text with EEA relevance)

(2004/666/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 animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption [4], and in particular Article 13(3) thereof,

Whereas:

(1) In October 2002, Italy reported to the Commission that infections with low pathogenic avian influenza virus of subtype H7N3 had occurred in the regions of Veneto and Lombardia and that the disease was spreading quickly.

(2) Italy took immediate action including stamping out of infected poultry flocks to control the propagation of the infection. As a supplementary measure the Italian authorities also requested approval for a vaccination programme against avian influenza for at least 18 months in order to avoid the further spread of infection.

(3) The vaccination programme was approved by Commission Decision 2002/975/EC, of 12 December 2002 introducing vaccination to supplement the measures to control infections with low pathogenic avian influenza in Italy and on specific movement control measures [5], which lays down the rules concerning vaccination against avian influenza in a defined geographical area. The Decision also includes specific control measures such as movement restrictions on live poultry, hatching and table eggs for intra-Community trade.

(4) The results of the vaccination programme reported at several meetings of the Standing Committee on the Food Chain and Animal Health were generally favourable concerning the control of the disease within the vaccination area. However, the infection had spread to some areas adjacent to the established vaccination area. Accordingly, Decision 2002/975/EC, as amended by Decision 2003/436/EC [6] extended the vaccination area to cover those adjacent areas.

(5) Since the end of September 2003, no further circulation of the avian influenza field virus subtype H7N3 has been detected during the intense monitoring carried out in the vaccination area. Consequently Italy requested to introduce some changes to the vaccination programme and the restrictions on intra-Community trade. Accordingly, Decision 2002/975/EC, as amended by Decision 2004/159/EC approved those changes and restrictions.

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[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).

[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 Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

[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 149, 17.6.2003, p. 33.

(6) In February 2004, a low pathogenic avian influenza virus strain of subtype H5N3 was isolated in one duck flock in the region of Lombardia within the vaccination area. Although the epidemiological investigations have not revealed any spread of the infection, the risk of introduction of avian influenza subtype H5 has been demonstrated. At present neither the poultry vaccinated against H7 subtype within the framework of the existing vaccination campaign nor the non-vaccinated poultry population is protected against disease possibly caused by avian influenza subtype H5. Therefore Italy has requested to amend the current vaccination programme in order to authorise the vaccination of poultry within the established vaccination area with a bivalent vaccine which protects against avian influenza virus infection of both H7 and H5 subtypes and to carry out this kind of vaccination until at least 31 December 2005.

(7) As Decision 2002/975/EC has already been amended twice, for reasons of clarity of Community legislation, it is appropriate to repeal that Decision 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

1. The amended vaccination programme against avian influenza presented by Italy to the Commission is approved and shall be carried out in the vaccination area described in Annex I.

2. Intensive monitoring and surveillance as set out in the vaccination programme referred to in paragraph 1 shall be carried out in the vaccination area described in Annex I and in the bordering area described in Annex II.

Article 2

The restrictions on movements of live poultry, hatching eggs and fresh poultry meat into, out of and within the area described in Annex I shall apply as laid down in the vaccination programme referred to in Article 1 and in the following articles.

Article 3

No live poultry and hatching eggs coming from and/or originating from poultry holdings from the area described in Annex I shall be dispatched from Italy.

Article 4

Animal health certificates accompanying consignments of live poultry and hatching eggs from Italy shall include the words: 'The animal health conditions of this consignment are in accordance with Decision 2004/666/EC'.

Article 5

1. Fresh meat of poultry shall be marked in accordance with Annex II of Council Directive 2002/99/EC and shall not be dispatched from Italy if it is derived from:

(a) poultry vaccinated against avian influenza.

(b) poultry from avian influenza sero-positive poultry flocks destined for slaughter under official control in accordance with the vaccination programme referred to in Article 1.

(c) poultry originating from holdings located in a restriction zone established in accordance with the provisions laid down in the vaccination programme referred to in Article 1.

2. By way of derogation from paragraph 1(a) fresh meat derived from turkeys and chickens vaccinated against avian influenza with a heterologous vaccine of subtype (H7N1) and (H5N9) shall not be marked in accordance with Annex II of Council Directive 2002/99/EC and may be dispatched to other Member States, provided that the meat comes from turkeys and chickens which:

(i) originate from flocks which have been regularly inspected and tested with negative results for avian influenza as laid down in the approved vaccination programme, with particular attention to be paid to the sentinel birds.For the testing of:

— vaccinated birds, the iIFA-test shall be used,

— sentinel birds, either the Haemagglutination-Inhibition Test (HI), the AGID-test or the ELISA-test shall be used. However, the iIFA-test shall also be used if necessary;

(ii) originate from flocks which have been clinically inspected by an official veterinarian within 48 hours before loading, with particular attention to be paid to the sentinel birds;

(iii) originate from flocks which have been tested serologically with negative results at the National Laboratory for avian influenza, by using the sampling and testing procedure laid down in Annex III to this Decision;

(iv) shall be sent directly to a slaughterhouse designated by the competent authority and shall be slaughtered immediately after arrival. The birds shall be kept separated from other flocks not complying with the present provisions.

3. Fresh turkey and chicken meat fulfilling the requirements as set out in paragraph 2 shall be accompanied by the health certificate laid down in Annex VI to Council Directive 71/118/EEC [1], which shall include under point IV(a) of the certificate the following attestation of the official veterinarian:

'The turkey meat/chicken meat (*) described above is in accordance with Decision 2004/666/EC.

(*) Delete as appropriate'.

Article 6

Italy shall ensure that in the vaccination area described 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 table eggs;

(b) all means of transport used for transporting live poultry, hatching eggs, fresh poultry meat, table eggs 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 7

1. Italy shall notify to the Commission and to other Member States the date of the commencement of the vaccination programme with the bivalent vaccine, at least one day in advance.

2. The provisions of Articles 2 to 6 shall be enforced from the date of the commencement of the vaccination.

Article 8

1. Italy shall, at six-month intervals, present a report to the Commission containing information on the effectiveness of the vaccination programme referred to in Article 1.

2. This Decision, and in particular the period of time during which the movement restrictions provided for in Articles 2 to 6 shall continue to apply after the completion of the vaccination programme, shall be reviewed accordingly.

Article 9

Decision 2002/975/EC is repealed.

Article 10

This Decision shall apply from 1 October 2004.

Article 11

This Decision is addressed to the Member States.

Done at Brussels, 29 September 2004.

For the Commission

David BYRNE

Member of the Commission

[1] OJ L 55, 8.3.1971, p. 23. Directive as last amended by Directive 2004/41/EC.

ANNEX I

VACCINATION AREA

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	area to the south of the A4 motorway
VERONELLA	
VIGASIO	
VILLAFRANCA DI VERONA	
ZEVIO	
ZIMELLA	

Lombardia Region

Brescia Province

ACQUAFREDDA	
ALFIANELLO	
BAGNOLO MELLA	
BASSANO BRESCIANO	
BORGOSATOLLO	
BRESCIA	area to the south of the A4 motorway
CALCINATO	area to the south of the A4 motorway
CALVISANO	
CAPRIANO DEL COLLE	
CARPENEDOLO	
CASTENEDOLO	area to the south of the A4 motorway
CIGOLE	
DELLO	
DESENZANO DEL GARDA	area to the south of the A4 motorway
FIESSE	
FLERO	
GAMBARA	
GHEDI	
GOTTOLENGO	
ISORELLA	
LENO	
LONATO	area to the south of the A4 motorway
MANERBIO	
MILZANO	
MONTICHIARI	
MONTIRONE	
OFFLAGA	
PAVONE DEL MELLA	
PONCARALE	
PONTEVICO	
POZZOLENGO	area to the south of the A4 motorway
PRALBOINO	
QUINZANO D'OGLIO	
REMEDELLO	
REZZATO	area to the south of the A4 motorway
SAN GERVASIO BRESCIANO	
SAN ZENO NAVIGLIO	
SENIGA	

VEROLANUOVA
VEROLAVECCHIA
VISANO

Mantova Province

CASTIGLIONE DELLE STIVIERE
CAVRIANA
CERESARA
GOITO
GUIDIZZOLO
MARMIROLO
MEDOLE
MONZAMBANO
PONTI SUL MINCIO
ROVERBELLA
SOLFERINO
VOLTA MANTOVANA

ANNEX II

AREA BORDERING THE VACCINATION AREA WHERE INTENSIVE MONITORING 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	area to the north of the A4 motorway
SONA	area to the north of the A4 motorway

Vicenza province

AGUGLIARO	
ALBETTONE	
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	

ANNEX III

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 'DIVA' (Differentiating Infected from Vaccinated Animals) 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 to other Member States**

Meat originating from turkey and chicken flocks vaccinated against avian influenza may be dispatched to other Member States 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.