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COMMISSION DECISION

of 24 February 2006

on introducing preventive vaccination against highly pathogenic avian influenza H5N1 and related provisions for movements in France

(notified under document number C(2006) 632)

(Only the French text is authentic)

(2006/148/EC)

(OJ L 55, 25.2.2006, p. 51)

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of 24 February 2006

on introducing preventive vaccination against highly pathogenic avian influenza H5N1 and related provisions for movements in France

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(2006/148/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC ⁽¹⁾, and in particular, Article 57(2) thereof;

Whereas:

- (1) Avian influenza is an infectious viral disease in poultry and birds, causing mortality and disturbances which can quickly take epizootic proportions liable to present a serious threat to animal health and under certain circumstances to human health. There is a risk that the disease agent might be spread to other holdings thus reducing sharply the profitability of poultry farming, to wild birds and from one Member State to other Member States and third countries through the international trade in live birds or their products.
- (2) Highly pathogenic avian influenza A virus of subtype H5N1 has been isolated from wild birds in certain parts of the Community and in third countries adjacent to the Community or populated by migratory birds during winter. The likelihood of virus introduction with wild birds is increasing during the forthcoming migratory season.
- (3) Early detection systems and biosecurity measures to reduce the risk of transmission of avian influenza to poultry flocks are in place in France.
- (4) In its opinion on 'Animal health and welfare aspects of avian influenza' of 20 September 2005 the Animal Health and Welfare Panel of the European Food Safety Authority (EFSA) recommends that preventive vaccination can be considered if a high risk of virus introduction is identified in densely populated poultry areas. However, such a practice should not jeopardise the strict biosecurity and other measures that should be in force in such areas aimed at eradicating any introduction of virus.
- (5) On 21 February 2006, France has submitted to the Commission for approval a plan for preventive vaccination in the light of the particular risk of introduction of avian influenza in certain areas of its territory. The Commission has immediately examined this plan in collaboration with France and deems that after certain adaptations it is in conformity with the relevant Community provisions. It appears therefore appropriate to approve this plan.
- (6) According to this plan France intends to vaccinate ducks and geese against highly pathogenic avian influenza H5N1. This should be considered as a 'pilot project' since there is limited experience with preventive vaccination in these species.
- (7) Only vaccines authorised in accordance with Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products ⁽²⁾ or Regulation No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying

⁽¹⁾ OJ L 10, 14.1.2006, p. 16.

⁽²⁾ OJ L 311, 28.11.2001, p. 1. Directive as last amended by Directive 2004/28/EC (OJ L 136, 30.4.2004, p. 58).

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down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency ⁽¹⁾ should be used.

- (8) Where preventive vaccination is carried out in France monitoring on vaccinated and unvaccinated poultry flocks and movement restrictions for vaccinated birds have to be implemented.
- (9) 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***Subject matter, scope and definitions**

1. This Decision lays down certain measures to be applied in France where preventive vaccination is carried out in certain poultry holdings in defined areas at particular risk for introduction of highly pathogenic avian influenza H5N1 including provisions for movements of vaccinated poultry and certain products derived thereof.
2. For the purpose of this Decision the definitions in Article 2 of Council Directive 2005/94/EC shall apply as appropriate.

*Article 2***Approval of the vaccination programme****▼M1**

1. The plan for preventive vaccination, providing for vaccination until 30 June 2006, against highly pathogenic avian influenza H5N1, submitted by France to the Commission on 21 February 2006, and its amendment of 20 April 2006, is approved (the preventive vaccination plan).

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The preventive vaccination shall be carried out with inactivated heterologous vaccine of avian influenza subtypes H5 authorised by France in ducks and geese in the areas listed in the Annex ('the preventive vaccination areas').

2. Intensive monitoring and surveillance, as set out in the preventive vaccination plan shall be carried out in the preventive vaccination areas.
3. The preventive vaccination plan shall be implemented efficiently.
4. The Commission shall publish the preventive vaccination plan.

*Article 3***Provisions for movements of live poultry, hatching eggs, day-old chicks, fresh poultry meat, minced meat, meat preparations, mechanically separated meat and meat products**

Provisions for movements of live poultry and hatching eggs coming from and/or originating from holdings in which preventive vaccination is carried out and on movement of day-old chicks and fresh poultry meat, minced meat, meat preparations, mechanically separated meat and meat products derived from poultry vaccinated in accordance with the preventive vaccination plan shall meet the requirements laid down in Article 4 to 9 of this Decision.

⁽¹⁾ OJ L 136, 30.4.2004, p. 1.



Article 4

Provisions for movements and dispatch of live poultry, hatching eggs and day-old chicks

1. The competent authority shall ensure that vaccinated poultry may only be moved from its holding to:
 - (a) other holdings where vaccination is carried out; or
 - (b) other holdings where only vaccinated poultry are kept; or
 - (c) other holdings where complete separation between vaccinated and non vaccinated poultry can be ensured; or
 - (d) a slaughterhouse for immediate slaughter, within France.
2. No vaccinated live poultry, hatching eggs and day-old chicks originating from such poultry shall be dispatched from France.
3. No live poultry, hatching eggs and day-old chicks originating from holdings where vaccination has been carried out or from the holdings referred to in paragraph 1(a), 1(b) or 1(c) shall be dispatched from France.

Article 5

Health certification for intra-Community trade for consignments of live poultry, day-old chicks and hatching eggs

Health certificates for intra-Community trade in live poultry, day-old chicks and hatching eggs from France shall include the words:

‘The consignment consists of live poultry/day-old chicks/hatching eggs originating from holdings where no vaccination against avian influenza has been carried out’.

Article 6

Provisions for dispatch of fresh meat of poultry, minced meat, meat preparations, mechanically separated meat and meat products

1. The competent authority shall ensure that fresh meat derived from vaccinated poultry in France is only placed on the market provided that the meat comes from poultry which:
 - (a) originate from holdings which have been regularly inspected and tested with negative results for highly pathogenic avian influenza H5N1 in accordance with ‘the preventive vaccination plan’, 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) are kept separated from other flocks which do not comply with Article 4 and with this Article; and
 - (d) that the meat has been produced in accordance with Annex II and Sections II and III of Annex III to Regulation (EC) No 853/2004 ⁽¹⁾ and controlled in accordance with Sections I, II, III, and Chapters V and VII of Section IV of Annex I to Regulation (EC) No 854/2004 ⁽²⁾;
2. The competent authority shall ensure that minced meat, meat preparations, mechanically separated meat and meat products containing meat derived from vaccinated ducks and geese flocks is only dispatched from France if the meat complies with paragraph (1) and are produced in accordance with Sections V and VI of Annex III to Regulation (EC) No 853/2004.

⁽¹⁾ OJ L 139, 30.4.2004, p. 55. Corrected version in OJ L 226, 25.6.2004, p. 22. Regulation as last amended by Commission Regulation (EC) No 2076/2005 (OJ L 338, 22.12.2005, p. 83).

⁽²⁾ OJ L 139, 30.4.2004, p. 206. Corrected version in OJ L 226, 25.6.2004, p. 83. Regulation as last amended by Commission Regulation (EC) No 2076/2005 (OJ L 338, 22.12.2005, p. 83).

▼B*Article 7***Commercial documents for fresh meat of poultry, minced meat, meat preparations, mechanically separated meat and meat products**

France shall ensure that fresh meat of poultry, minced meat, meat preparations, mechanically separated meat and meat products complying with the conditions set out in Article 6 is accompanied by commercial documents stating:

‘The consignment complies with the animal health conditions laid down in Commission Decision 2006/148/EC.’

*Article 8***Information to Member States**

France shall inform in advance the central veterinary authority in the Member State of destination on movements of consignments referred to in Article 7.

*Article 9***Washing and disinfection of packaging and means of transport**

France shall ensure that the following measures are taken on holdings, located in areas as listed in the Annex, where preventive vaccination is carried out:

- (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 poultry, fresh poultry meat, minced meat, meat preparations, mechanically separated meat and meat products 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 10***Penalties**

France shall lay down the rules on penalties applicable to infringements of provisions of this Decision and shall take all the measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. France shall notify those provisions to the Commission by 7 March 2006 at the latest and shall notify the Commission of any subsequent amendments thereof.

*Article 11***Reports**

France shall submit a report containing information on the effectiveness of the preventive vaccination plan to the Commission within one month from the date of application of this Decision and give monthly reports at the Standing Committee on the Food Chain and Animal Health starting as from 7 March 2006.

*Article 12***Review of measures**

The measures shall be reviewed in the light of the development of the epidemiological situation and new information becoming available.

*Article 13***Addressee**

This Decision is addressed to the French Republic.



ANNEX

**AREAS WHERE PREVENTIVE VACCINATION AGAINST AVIAN INFLUENZA IS
CARRIED OUT IN CERTAIN DUCK AND GEESE HOLDINGS****List of communes****DÉPARTEMENT DES LANDES**

AIRE-SUR-L'ADOUR
ANGRESSE
ARBOUCAVE
ARTASSENX
ARTHEZ-D'ARMAGNAC
AUBAGNAN
AUDIGNON
BAHUS-SOUBIRAN
BASCONS
BAS-MAUCO
BATS
BÉNESSE-MAREMNE
BENQUET
BETBEZER-D'ARMAGNAC
BIARROTTE
BIAUDOS
BISCARROSSE
BORDÈRES-ET-LAMENSANS
BOSTENS
BOUGUE
BOURDALAT
BRETAGNE-DE-MARSAN
BUANES
CAPBRETON
CASTANDET
CASTELNAU-TURSAN
CAZÈRES-SUR-L'ADOUR
CLASSUN
CLÈDES
COUDURES
CRÉON-D'ARMAGNAC
DUHORT-BACHEN
DUMES
ESCALANS
ESTIGARDE
EUGÉNIE-LES-BAINS
EYRES-MONCUBE
FARGUES
FRÈCHE (LE)
GABARRET
GAILLÈRES
GEAUNE
GRENADE-SUR-L'ADOUR

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HAGETMAU
HAUT-MAUCO
HERRÉ
HONTANX
HORSARRIEU
LABASTIDE-CHALOSSE
LABASTIDE-D'ARMAGNAC
LABENNE
LACAJUNTE
LACQUY
LACRABE
LAGLORIEUSE
LAGRANGE
LARRIVIÈRE
LATRILLE
LAURET
LOSSE
LUSSAGNET
MANT
MAURIES
MAURRIN
MAUVEZIN-D'ARMAGNAC
MAZEROLLES
MIRAMONT-SENSACQ
MOMUY
MONGET
MONSÉGUR
MONT-DE-MARSAN
MONTÉGUT
MONTGAILLARD
MONTSOUÉ
MORGANX
ONDRES
ORX
PARLEBOSCQ
PAYROS-CAZAUTETS
PÉCORADE
PERQUIE
PEYRE
PHILONDENX
PIMBO
PORT-DE-LANNE
POUDENX
POUYDESSEAUX
PUJO-LE-PLAN
PUYOL-CAZALET
RENUNG
RIMBEZ-ET-BAUDIETS
SAINT-AGNET

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SAINT-ANDRÉ-DE-SEIGNANX
SAINT-BARTHÉLEMY
SAINTE-COLOMBE
SAINT-CRICQ-VILLENEUVE
SAINT-ÉTIENNE-D'ORTHE
SAINTE-FOY
SAINT-GEIN
SAINT-JEAN-DE-MARSACQ
SAINT-JULIEN-D'ARMAGNAC
SAINT-JUSTIN
SAINT-LAURENT-DE-GOSSE
SAINT-LOUBOUER
SAINTE-MARIE-DE-GOSSE
SAINT-MARTIN-DE-HINX
SAINT-MARTIN-DE-SEIGNANX
SAINT-AURICE-SUR-L'ADOUR
SAINT-PIERRE-DU-MONT
SAINT-SEVER
SAINT-VINCENT-DE-TYROSSE
SAMADET
SANGUINET
SARRAZIET
SARRON
SAUBION
SAUBRIGUES
SERRES-GASTON
SOORTS-HOSSEGOR
SORBETS
TARNOS
URGONS
VIELLE-TURSAN
VIGNAU (LE)
VILLENEUVE-DE-MARSAN

DÉPARTEMENT DE LA LOIRE-ATLANTIQUE

ARTHON-EN-RETZ
ASSÉRAC
AVESSAC
BASSE-GOULAIN
BAULE-ESCOUBLAC (LA)
BATZ-SUR-MER
BERNERIE-EN-RETZ (LA)
BESNÉ
BIGNON (LE)
BLAIN
BOUAYE
BOUÉE
BOUGUENNAIS
BOURGNEUF-EN-RETZ
BOUVRON

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BRAINS
CAMPBON
CARQUEFOU
CHAPELLE-DES-MARAIS (LA)
CHAPELLE-GLAIN (LA)
CHAPELLE-LAUNAY (LA)
CHAPELLE-SUR-ERDRE (LA)
CHAUVÉ
CHEIX-EN-RETZ
CHÉMÉRÉ
CHEVROLIÈRE (LA)
CONQUÉREUIL
CORDEMAIS
CORSEPT
COUËRON
CROISIC (LE)
CROSSAC
DONGES
DREFFÉAC
FAY-DE-BRETAGNE
FÉGRÉAC
FRESNAY-EN-RETZ
FROSSAY
GÂVRE (LE)
GENESTON
GRIGONNAIS (LA)
GUÉMÉNÉ-PENFAO
GUENROUET
GUÉRANDE
HERBIGNAC
INDRE
JUIGNÉ-DES-MOUTIERS
LIMOUZINIÈRE (LA)
LAVAU-SUR-LOIRE
MACHECOUL
MALVILLE
MARNE (LA)
MARSAC-SUR-DON
MASSÉRAC
MESQUER
MISSILLAC
MONTAGNE (LA)
MONTAIR-DE-BRETAGNE
MOUTIERS-EN-RETZ (LES)
NANTES
NOTRE-DAME-DES-LANDES
ORVAULT
PAIMBOEUF
PELLERIN (LE)

▼**B**

PIERRIC
PIRIAC-SUR-MER
PLAINE-SUR-MER (LA)
PLESSÉ
PONT-CHÂTEAU
PONT-SAINT-MARTIN
PORNIC
PORNICHET
PORT-SAINT-PÈRE
POULIGUEN (LE)
PRÉFAILLES
PRINQUIAU
QUILLY
REZÉ
ROUANS
SAINT-AIGNAN-GRANDLIEU
SAINT-ANDRÉ-DES-EAUX
SAINTE-ANNE-SUR-BRIVET
SAINT-BRÉVIN-LES-PINS
SAINT-COLOMBAN
SAINT-ÉTIENNE-DE-MONTLUC
SAINT-GILDAS-DES-BOIS
SAINT-HERBLAIN
SAINT-HILAIRE-DE-CHALÉONS
SAINT-JEAN-DE-BOISEAU
SAINT-JOACHIM
SAINT-JULIEN-DE-VOUVANTES
SAINT-LÉGER-LES-VIGNES
SAINTE-LUCE-SUR-LOIRE
SAINT-LUMINE-DE-COUTAIS
SAINT-LYPHARD
SAINT-MALO-DE-GUERSAC
SAINT-MARS-DE-COUTAIS
SAINT-MÊME-LE-TENU
SAINT-MICHEL-CHEF-CHEF
SAINT-MOLF
SAINT-NAZAIRE
SAINT-NICOLAS-DE-REDON
SAINTE-PAZANNE
SAINT-PÈRE-EN-RETZ
SAINT-PHILBERT-DE-GRAND-LIEU
SAINTE-REINE-DE-BRETAGNE
SAINT-SÉBASTIEN-SUR-LOIRE
SAINT-VIAUD
SAUTRON
SAVENAY
SÉVERAC
SORINIÈRES (LES)
TEMPLE-DE-BRETAGNE (LE)

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TREILLIÈRES
TRIGNAC
TURBALLE (LA)
VAY
VERTOU
VIGNEUX-DE-BRETAGNE
VUE

DÉPARTEMENT DE LA VENDÉE

AIGUILLON-SUR-MER (L')
AIGUILLON-SUR-VIE (L')
ANGLES
AUZAY
AVRILLÉ
BARBÂTRE
BARRE-DE-MONTS (LA)
BEAUVOIR-SUR-MER
BENET
BERNARD (LE)
BESSAY
BOIS-DE-CÉNÉ
BOISSIÈRE-DES-LANDES (LA)
BOUILLÉ-COURDAULT
BOUIN
BREM-SUR-MER
BRÉTIGNOLLES-SUR-MER
BRETONNIÈRE (LA)
CHAILLÉ-LES-MARAIS
CHAILLÉ-SOUS-LES-ORMEAUX
CHAIX
CHAIZE-GIRAUD (LA)
CHAPELLE-ACHARD (LA)
CHAMPAGNÉ-LES-MARAIS
CHAMP-SAINT-PÈRE (LE)
CHASNAIS
CHÂTEAU-D'OLONNE
CHÂTEAU-GUIBERT
CHÂTEAUNEUF
CLAYE (LA)
CORPE
COUTURE (LA)
CURZON
DAMVIX
DOIX
ÉPINE (L')
FAUTE-SUR-MER (LA)
FENOILLER (LE)
FONTAINES
FONTENAY-LE-COMTE
GIROUARD (LE)

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GIVRAND
GIVRE (LE)
GROSBREUIL
GRUES
GUÉ-DE-VELLUIRE (LE)
GUÉRINIÈRE (LA)
ÎLE-D'ELLE (L')
ÎLE-D'OLONNE (L')
JARD-SUR-MER
JONCHÈRE (LA)
LAIROUX
LANDEVIEILLE
LANGON (LE)
LIEZ
LONGÈVES
LONGEVILLE-SUR-MER
LUÇON
MAGNILS-REIGNIERS (LES)
MAILLÉ
MAILLEZAIS
MAREUIL-SUR-LAY-DISSAIS
MAZEAU (LE)
MONTREUIL
MOREILLES
MOTHE-ACHARD (LA)
MOUTIERS-LES-MAUXFAITS
MOUTIERS-SUR-LE-LAY
MOUZEUIL-SAINT-MARTIN
NALLIERS
NIEUL-LE-DOLENT
NIEUL-SUR-L'AUTISE
NOIRMOUTIER-EN-L'ÎLE
NOTRE-DAME-DE-MONTS
OLONNE-SUR-MER
ORBRIE (L')
OULMES
PÉAULT
PERRIER (LE)
PETOSSE
PISSOTTE
POIRÉ-SUR-VELLUIRE (LE)
POIROUX
POUILLÉ
PUYRAVAULT
ROSNAY
SABLES-D'OLONNE (LES)
SAINT-AUBIN-LA-PLAINE
SAINT-AVAUGOURD-DES-LANDES
SAINT-BENOIST-SUR-MER

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SAINT-CYR-EN-TALMONDAIS
SAINT-DENIS-DU-PAYRÉ
SAINT-ÉTIENNE-DE-BRILLOUET
SAINTE-FOY
SAINTE-GEMME-LA-PLAINE
SAINT-GERVAIS
SAINT-GILLES-CROIX-DE-VIE
SAINTE-HERMINE
SAINT-HILAIRE-DE-RIEZ
SAINT-HILAIRE-DES-LOGES
SAINT-HILAIRE-LA-FORÊT
SAINT-JEAN-DE-BEUGNÉ
SAINT-JEAN-DE-MONTS
SAINT-JULIEN-DES-LANDES
SAINT-MARTIN-DE-FRAIGNEAU
SAINT-MATHURIN
SAINT-MICHEL-EN-L'HERM
SAINT-MICHEL-LE-CLOUCQ
SAINTE-PEXINE
SAINT-PIERRE-LE-VIEUX
SAINTE-RADEGONDE-DES-NOYERS
SAINT-RÉVÉREND
SAINT-SIGISMOND
SAINT-URBAIN
SAINT-VINCENT-SUR-GRAON
SAINT-VINCENT-SUR-JARD
SALLERTAINÉ
SÉRIGNÉ
TABLIER (LE)
TAILLÉE (LA)
TALMONT-SAINT-HILAIRE
TRANCHE-SUR-MER (LA)
TRIAIZE
VAIRÉ
VELLUIRE
VIX
VOUILLÉ-LES-MARAIS
XANTON-CHASSENON