Maisons-Alfort, 21 september 2006

LA DIRECTRICE GENERALE

OPINION

of the French Food Safety Agency (Afssa)
on a draft order amending the Order of 21 August 2001 laying down the technical and financial aspects of the animal health measures for bluetongue

Terms of the referral

The Agence française de sécurité sanitaire des aliments (Afssa) [French Food Safety Agency] received a mandate on 12 September 2006 by fax from the Direction générale de l'alimentation (DGAl) [Directorate General for Food] for an opinion on a draft order amending the Order of 21 August 2001 laying down the financial and technical aspects of the animal health measures for bluetongue, and on a draft protocol for the movement of week-old calves.

Opinion of the joint emergency expert group on *"Bluetongue"*

The joint emergency expert group on "Bluetongue", appointed in a decision dated 09 September 2006, met on 14 September 2006 using telematic facilities and has issued the following opinion:

"Context and previous referrals

In response to the mandate from the DGAl, received on the morning of 12 September 2006, concerning a draft order amending the Order of 21 August 2001 laying down the financial and technical aspects of the animal health measures for bluetongue, an initial opinion (2006-SA-0250) on Article 1 of the draft order amending Article 13 of the Order of 21 August 2001 was issued in the early evening of 13 September.

At the meeting of the joint emergency expert group (GECU) on Bluetongue on 13 September 2006, careful examination of the proposal identified an ambiguity in the wording of Article 2 of the draft order which was only resolved following direct questioning of the requester.

For this reason, the GECU met again on 14 September 2006 to examine Article 2 of the draft order following clarification of the wording by the requester. This should read, at the end of the proposed amendment to Article 19, "conditions applicable to movements FROM OR THROUGH bluetongue restricted zones", in accordance with the wording of Commission Decision 2005/393/EC covered by the draft order.

Questions

The request concernes an assessment of the options for derogation from the movement ban (on animals of susceptible species, their ova, sperm and embryos, from and between restricted zones and between restricted zones and bluetongue-free zones), based on the latest information on the epidemiological situation in the other European Union Member States where bluetongue has been reported and the regulations on these movements (existing or pending Community decisions).

Method

The joint review exercise was conducted on the basis of a draft opinion produced by the emergency unit supporting the joint emergency expert group on "Bluetongue" which was discussed and validated by telematic means on 14 September 2006.

The review was conducted based on the following documents:

- *the draft order for review;*
- *the Order of 21 August 2001 laying down the technical and financial aspects of the animal health measures for bluetongue, amended by the Order of 28 August 2006;*
- *Commission Decision 2005/393/EC of 23 May 2005 on protection and surveillance zones in relation to bluetongue and conditions applying to movements from or through these zones, in its consolidated form following the amendments resulting from successive decisions up to 1 September 2006;*
- *a new draft Commission decision amending Decision 2005/393/EC, following the assent of the Standing Committee on the Food Chain and Animal Health (SCFCAH) on 6 September 2006;*
- *the available data on the epidemiological situation in the Netherlands, Belgium, Germany and France as at 14 September 2006;*
- *OIE alerts up to 14 September 2006.*

Examination of the issues

- *Article 2 of the draft order considerably modifies the impact of Article 19 of the Order of 21 August 2001 which defined the derogations from the ban on the movement of animals in the restricted zones.*
- *In the Order of 21 August 2001, the derogations permitted were very limited and only concerned (i) animals of susceptible species (ii) intended for immediate slaughter (iii) within restricted zones. The draft order is proposing much wider derogations, in line with Commission Decision 2005/393/EC concerning the movement ban on animals of susceptible species, their ova, sperm and embryos. The derogations are defined in Articles 12 ("restricted zones" corresponding to a radius of 20 km around the infected holding(s), 16 (Paragraph 2, exit ban in the protection zone) and 17 (same ban as the surveillance zone) and cover:*
    - *(i) animals of susceptible species, their ova, sperm and embryos,*
    - *(ii) any type of movement of animals of susceptible species from holdings placed under surveillance in any of the 20 km zones identified in the European Union and in the entire F restricted zone),*
    - *(iii) exit from the restricted zones.*

  In fact, Decision 2005/393/EC defines the conditions for derogations from the exit ban from restricted zones provided for in Directive 2000/75/EC (Article 9 Para. 1c and Article 10 Para. 1) which establishes specific provisions for bluetongue control and eradication measures.

- *The derogations in the draft order may be granted "on the instruction of the Minister of Agriculture and subject to compliance with the technical provisions established by Commission Decision 2005/393/EC".*

- *In its most recent amendment of 1 September 2006, Commission Decision 2005/393/EC authorises, in addition (Articles 2 and 2a) movements within restricted zone F, which comprises zones (protection and surveillance zones) covering the whole of Belgium and Luxembourg and most of the Netherlands, a large part of certain regions in Germany (North Rhineland – Westphalia, Rhineland – Palatinat, Saar, Hesse) and all or part of seven French Departments (02, 08, 51, 54, 55, 57, 59).*
- *Moreover, Article 2a of the same Decision authorises (by way of derogation from Article 6 of Directive 2000/75/EC regulating movements within the 20 km zone) the movements of animals within the 20 km zone when these are destined for immediate*

slaughter or for a holding located within the restricted zone. This authorisation is subject to approval by the competent authority. Similarly, animals from outside the 20 km zone may be destined for a holding within that zone.

- *The subsequent articles (3, 4 and 5) of the same amended Decision 2005/393/EC, which have not been amended since 09 June 2005, establish the criteria for exemptions from the ban on movements from within the restricted zones (protection and surveillance) to non-restricted zones within the same Member State (Articles 3 and 4 of the Decision concern domestic movements) and in another Member State (Article 5 on intra-Community trade). The conditions for intra-Community transit through restricted zones are defined in Article 6.*

- *And yet, examination of the current epidemiological situation shows that the level of risk is heterogeneous within zone F as defined in Decision 2005/393/EC (amendment of 1 September 2006), with the situation in northern France being very different and apparently more favourable than that identified around the epicentre of the epizootic (Maastricht zone).*

- *To take into account this heterogeneity in the level of risk in the protection zones (already reflected in the requirement to obtain "the approval of the competent veterinary authority" in the above-mentioned Article 2a for the 20 km zone and for the surveillance zone in the new draft decision amending Commission Decision 2005/393/EC, Paragraph 4, Article 1.1), the proposal states that derogations from the ban on movements between protection zones within restricted zone F should be submitted to the same conditions as those proposed for the 20 km zones and therefore subject to the approval of the competent authority in the destination zone.*

- *To further clarify the reading of Article 2 of the draft order and in view of the above analysis, the following wording is proposed: "Derogations may be granted by the Prefect (Department Director of Veterinary Services), following an instruction from the Ministry for Agriculture, from the ban on movements WITHIN, FROM OR THROUGH restricted zones of animals of susceptible species, their ova, sperm and embryos, as defined in Article 12, Article 16, (Paragraph 2) and Article 17 of the current Order; these derogations must comply with the provisions in the Commission Decision concerning bluetongue surveillance zones and the conditions applicable to movements from or through these zones".*

Conclusions and recommendations

The joint emergency expert group on "Bluetongue" which met on 14 September 2006 using telematic facilities, expressed a favourable opinion on Article 2 of the draft order amending the Order of 21 August 2001 laying down the technical and financial aspects of the animal health measures for bluetongue. The group proposed an amendment to the wording of this article and suggested that the provisions for movements within the 20 km zone in Commission Decision 2005/393/EC (Article 2a, latest amendment dated 1 September 2006) should be extended to cover the protection zones.

Key words:
bluetongue, cattle, sheep, movements, regulations"

Opinion of the Agence française de sécurité sanitaire des aliments

These are the points of analysis which Afssa is in a position to provide in response to the mandate from the Direction générale de l'alimentation regarding a draft order amending the Order of 21 August 2001 laying down the technical and financial aspects of the animal health measures for bluetongue.

However, owing to the apparent diversity of the epidemiological situations in the infected zones and countries, Afssa considers that derogations from the ban on the movements of live animals of susceptible species from the restricted zones, and specifically the 20 km zones and the protection zones, should only be authorised in the light of an assessment of the health status of the animals concerned, based on favourable laboratory test results.

Due to insufficient time to address all the issues in the mandate referred on 12 September 2006, it has not been possible to respond to all the questions therein. The examination of the more general questions in the request will be covered in an additional opinion.

The Director General of the Agence française
de sécurité sanitaire des aliments

Pascale BRIAND