L.N. 294 of 2005

VETERINARY SERVICES ACT
(CAP. 437)

Control and Eradication of the Blue Tongue Disease rules, 2005

By virtue of the powers conferred by Article 5 of the Veterinary Services Act, 2002, the Minister for Rural Affairs and the Environment has made the following rules:-

Title, commencement and scope.

1. (1) The title of these rules is the Control and Eradication of the Blue Tongue Disease Rules, 2005.

(2) These rules transpose Directive 2000/75/EC and in accordance with such Directive lay down rules and measures for the control and eradication of the swine vesicular disease and the blue tongue disease. These rules shall lay down improvisions on the movement of susceptible species and their semen, ova and embryos from areas subject to restrictions arising from an outbreak of the disease therein.

Definitions.

2. For the purposes of these regulations, the following definitions shall apply:-

"animal" means any animal belonging to a susceptible species, excluding wild animals with regard to which specific provisions may be adopted in accordance with the procedure laid down in rule 20(2) of these regulations;

"the competent authority" means the Veterinary Services responsible for conducting veterinary checks, or any other veterinary authority to which it has delegated this competence;

"confirmation" means the declaration by the competent authority, based on laboratory results, that the bluetongue virus is circulating in a specific area; however, in the event of an epidemic, the competent authority, may also confirm the presence of the disease on the basis of clinical and, or epidemiological results;

"holding" means any agricultural or other establishment where animals of species susceptible to bluetongue are permanently or temporarily reared or kept;

"official veterinarian" means the veterinarian designated by the competent authority;

"owner" or "holder" means any natural or legal person owning the animals or responsible for their upkeep, whether in return for payment or not;

"susceptible species" means all ruminants;

"suspicion" means the appearance of any clinical sign suggesting bluetongue in a susceptible species, together with a set of epidemiological data enabling such a possibility to be reasonably envisaged;

"vector" means an insect of the species *Culicoides imicola* or any other insect of the genus *Culicoides* capable of transmitting bluetongue, to be identified according to the procedure laid down in rule 20(2),on the advice of the Scientific Veterinary Committee;

Notification of bluetongue virus.

3. Any person shall ensure the immediate, compulsory notification to the competent authority if circulation of the bluetongue virus is suspected or confirmed.

Suspected bluetongue.

4. (1) The competent authority shall ensure that if a holding located in a region not subject to restrictions within the meaning of these rules, has one or more animals suspected of being infected with bluetongue, the competent authority shall ensure that the official veterinarian immediately implements official methods of investigation to confirm or rule out the presence of the disease.

(2) The official veterinarian shall, as soon as notification is given of suspected presence:-

(a) place the suspect holding or holdings under official surveillance;

(b) (i) compile an inventory of the animals, indicating for each species the number of animals already dead, infected, or likely to be infected and update this inventory to take account of the animals which are born or die during the period in which the disease is suspected, provided that the data from this inventory must be produced on request and may be checked during each visit;

(ii) compile an inventory of places likely to facilitate the survival of, or the harbouring of the vector and in particular of the sites conducive to its reproduction;

(iii) carry out an epidemiological survey in accordance with rule 7 of these rules;

(c) make regular visits to such holdings and on each occasion, conduct a detailed clinical examination or an autopsy of animals that are dead or suspected of infection and confirm the disease, if necessary, by means of laboratory tests; and

(d) ensure that:-

(i) any movement of animals from or to such holdings is prohibited;

(ii) the animals are confined at times when the vectors are active,where he considers that the means required for implementing these measures are available;

(iii) the animals, the buildings used to house them and their surroundings, in particular habitats in which the *Culicoides* populations thrive, are regularly treated with authorised insecticides; provided that to prevent infestations by the vectors as far as possible ,the rate of treatment shall be fixed by the competent authority, taking account of the persistence of the insecticide used and the climatic conditions;

(iv) the carcases of the dead animals at the holding are destroyed, eliminated, incinerated or buried in accordance with Council Directive 90/667/EEC of the 27th November, 1990 laying down the veterinary rules for the disposal and processing of animal waste ,for its placing on the market and for the prevention of pathogens in feeding stuffs of animal or fish origin, and amending Directive 90/425/EEC.

(3) The owner or the holder of any animal suspected of being infected with the disease, shall take all precautionary measures to comply with pending implementation of the measures referred to in sub-rule (2)(d)(i)and (ii):

Provided that the competent authority may apply the measures referred to in sub-rule (2) to other holdings in the event that their location, geographical situation or contacts with the holding where the disease is suspected provides grounds for suspecting the possibility of contamination.

(4) In addition to the provisions of sub-rule (2), specific provisions may be laid down, according to the procedure provided for in rule 20(2) of these rules for nature reserves in which animals live freely.

(5) The official veterinarian shall not lift the measures referred to in this rule until the suspected presence of bluetongue has been ruled out by the competent authority.

Vaccination procedure.

5. No person may carry out vaccination against the bluetongue disease unless it is carried out only in accordance with the provisions laid down in these rules.

Confirmation of the disease.

6. (1) When the presence of bluetongue is officially confirmed, the official veterinarian shall:-

(a) proceed with informing the competent authority, which shall inform the Commission thereof, with the slaughter deemed necessary to prevent extension of the epidemic;

(b) order the destruction, elimination, incineration or burial of the carcasses of those animals, in accordance with Directive 90/667/EEC;

(c) extend the measures provided for in rule 4 to holdings located within a radius of 20 kilometers (including the protection zone defined in rule 8) around any such infected holding;

(d) implement the measures adopted in accordance with the procedure laid down in rule 20(2), in particular with regard to the introduction of any vaccination programme or other alternative measure; provided that if need be, the competent authority may, after informing the Commission thereof, take the initiative of starting a vaccination programme;

(e) carry out an epidemiological survey in accordance with rule 7. So however that by way of derogation from paragraph (c), provisions applicable to movements of animals in the zone may be adopted in accordance with the procedure laid down in rule 20(2).

(2) The competent authority may extend or reduce the zone referred to in sub-rule (1) (c), on the basis of epidemiological,

geographical, ecological or meteorological circumstances established by the competent authority which shall notify the Commission thereof.

Epidemiological survey.

7. (1) The epidemiological survey shall concern:-

(a) the duration of the period for which bluetongue may have been present at the holding;

(b) the possible origin of bluetongue at the holding and the identification of other holdings, which have animals that may have been infected or contaminated from the same source;

(c) the presence and distribution of vectors of the disease;

(d) movements of animals from or to the holdings in question, or any departure of animal carcasses from those holdings.

(2) The competent authority shall establish a national crisis unit, to carry out the overall coordination of all the measures necessary for ensuring the eradication of bluetongue as soon as possible and to conduct the epidemiological survey:

Provided that general rules concerning the national crisis unit and the Community crisis unit shall be laid down according to the procedure provided for in rule 20(2).

Demarcation of protection and surveillance zones.

8. (1) The competent authority shall ensure that, in addition to the measures referred to in rule 6, it shall demarcate a protection zone and a surveillance zone. Demarcation of the zones must take into account the geographical, administrative, ecological and epizootiological actors, connected with bluetongue and the control arrangements.

(2) (a) The protection zone shall consist of a part of the Community territory having a radius of at least 100 kilometers around the infected holding.

(b) The surveillance zone shall consist of a part of the Community territory with a depth of at least 50 kilometers extending beyond the limits of the protection zone and in which no vaccination has been carried out during the previous twelve months.

(c) Where the zones are located on the territory of more than one Member State, the competent authorities of the Member States concerned shall cooperate for the purpose of demarcating the zones referred to in paragraphs (a) and (b) hereof.

(d) However, the protection and surveillance zones shall if necessary, be demarcated according to the procedure laid down in rule 20(2).

(3) On receipt of a duly substantiated request from a Member State, a decision may be taken, in accordance with the procedure laid down in rule 20(2), to change the demarcation of the zones defined in sub-rule (2),in the light of:-

(a) their geographical location and ecological factors;

(b) meteorological conditions;

(c) the presence and distribution of the vector;

(d) the results of epizootiological studies carried out pursuant to rule 7;

(e) the results of laboratory tests;

(f) the application of counter measures, in particular disinsectisation.

Measures applied in protection zone.

9. (1) the competent authority shall ensure that the following measures are applied in the protection zone:

(a) the identification of all holdings with animals inside the zone;

(b) the implementation by the competent authority of an epidemio surveillance programme based on the monitoring of sentinel groups of bovine animals, or, in their absence, of other species of ruminant and vector populations; provided that this programme may be laid down according to the procedure provided for in rule 20(2);

(c) a ban on animals leaving the zone, so however, under the procedure laid down in rule 20(2), exemptions from the exit ban may be decided upon, in particular for animals situated in part of the zone where there is a proven absence of viral circulation or of vectors.

(2) The competent authority may in addition to the measures laid down in sub-rule (1), carry out the vaccination of animals against bluetongue and their identification in the protection zone which may be

decided upon, according to the procedure laid down in rule 20, or upon its initiative after informing the Commission.

Measures applied in surveillance zone.

10. (1) The competent authority shall ensure that the measures provided for in Article 9(1) apply in the surveillance zone;

(2) The competent authority shall prohibit any vaccination against bluetongue in the surveillance zone.

Amendments subject to procedure in rule 20 (2).

11. The measures taken pursuant to rules 6,8,9 and 10 of these rules shall be amended or repealed in accordance with the procedure laid down in rule 20(2).

Derogation from rules 9 and 10.

12. By way of derogation from rules 9 and 10 of these rules, the provisions applicable to movements of animals in and from the protection and surveillance zones shall be determined in accordance with the procedure laid down in rule 20(2):

Provided that when such decision is adopted, the rules applicable to trade shall be determined in accordance with the same procedure.

Exceptionally serious epidemic.

13. The competent authority shall, if the bluetongue epidemic is of an exceptionally serious nature, take any additional measures in accordance with the procedure laid down in rule 20(2).

Persons in restricted zone to be informed.

14. The competent authority shall take all the necessary measures so that all persons in the protection and surveillance zones are fully informed of the restrictions in force and shall make any arrangements that are required for the proper implementation of the measures in question.

Laboratory tests.

15. (1) The competent authority shall designate a national laboratory responsible for carrying out the laboratory tests provided for in these rules. This national laboratory, the other national laboratories of Member States, including their powers and obligations, shall be listed in Annex I.

(2) The national laboratories listed in Annex I shall cooperate with the Community reference laboratory referred to in rule 16.

Tasks of the laboratory.

16. The Community reference laboratory for bluetongue is indicated in Annex II. Without prejudice to the provisions laid down in Decision 90/424/EEC,in particular Article 28 thereof, the tasks of this laboratory are set out in Annex II(B).

17. (1) Experts from the Commission may, where necessary in order to ensure the uniform application of the Directive 2000/75/EC transposed by these rules, and in collaboration with the competent authority, carry out on-the-spot checks. For this purpose, they may inspect a representative percentage of holdings in order to verify whether the competent authorities monitor compliance with the provisions of this Directive. On-spot checks.

(2) If the Commission carries out a check in accordance with rule 16 of these rules, the competent authority shall provide the experts with all the necessary assistance in the performance of their task. The general implementing rules for this article shall be laid down in accordance with the procedure provided for in rule 20(2).

18. (1) The competent authority shall draw up a contingency plan indicating the means by which it applies the measures laid down in these rules: Contingency plan.

Provided that this plan must provide for access to plant, equipment, personnel and any other appropriate facility necessary for the swift and effective eradication of the disease.

(2) The criteria to be applied for drawing up the plans referred to in sub-rule (1) are set out in Annex III:

Provided that plans drawn up pursuant to these criteria shall be submitted to the Commission no later than three months after the entry into force of this Directive.

(3) The Commission shall examine the plans, in order to determine whether they enable the desired objective to be attained and shall if necessary, suggest to the competent authority to carry out any modification required, *inter alia*, in order to guarantee that the plans are compatible with those of the other Member States:

Provided that the Commission shall approve the plans, if necessary with modifications, in accordance with the procedure laid down in rule 20(2) and the competent authority may subsequently modify or supplement the plans, in accordance with the same procedure, to take account of developments in the situation.

19. Any detailed provisions necessary for the implementation of these rules shall be adopted in accordance with the procedure laid down in rule 20(2). Detailed provisions.

Standing Veterinary Committee.

20. (1) The Commission shall be assisted by the Standing Veterinary Committee.

(2) Wherever in these rules reference is made to this rule, Articles 5 and 7 of Decision 1999/468/EC shall apply. The period laid down in Article 5(6)of Decision 1999/468/EC shall be set at 15 days.

(3) The Committee shall adopt its Rules of Procedure.

ANNEX I

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A.LIST OF THE NATIONAL BLUETONGUE LABORATORIES

Belgium:Centrum voor Onderzoek in Diergeneeskunde en
Agrochemie (CODA)—Centre d'études et de
recherches vétérinaires et agrochimiques
(CERVA)
Groeselenbergstraat 99 —Rue Groeselenberg 99
B-1180
Brussel —Bruxelles
Tel.(32-2)375 44 55
Fax (32-2)375 09 79
E-mail:piker@var.fgov.be

Czech Republic:Institute for Animal Health
Pirbright Laboratory
Ash Road,Pirbright
Woking
Surrey GU24 ONF
United Kingdom

Denmark:Statens Veterinære Institut for Virusforskning
Lindholm
DK-4771
Kalvehave
Tlf.(45)55 86 02 00
Fax (45)55 86 03 00
E-post:sviv@vetvirus.dk

Germany:Bundesforschungsanstalt für Viruskrankheiten der
Tiere
Anstaltsteil Tübingen
Postfach 11 49
D-72001
Tübingen
Tel.(49)70 71 96 72 55
Fax (49)70 71 96 73 03

Estonia:Veterinaar-ja Toidulaboratoorium
Kreutzwaldi 3051006
Tartu

Greece:Ministry of Agriculture
Centre of Athens Veterinary Institutions
Virus Department
Neapoleos Str.25
GR-15310
Ag.Paraskevi
Athens
Tel.(30-1)601 14 99/601 09 03
Fax (30-1)639 94 77

Spain:Centro de Investigación en Sanidad Animal INIA-
CISA
D.José Manuel Sánchez Vizcaíno

Carretera de Algete-El Casar,km 8,Valdeolmos
E-20180
Madrid
Tel.(34)916 20 22 16
Fax (34)916 20 22 47
e-mail:vizcaino@inia.es

France:CIRAD-EMVT
Campus international de Baillarguet
BP 5035
F-34032
Montpellier Cedex 1
Tel.(33-4)67 59 37 24
Fax (33-4)67 59 37 98
E-mail:bastron@cirad.fr

Ireland:Central Veterinary Research Laboratory
Abbotstown
Castleknock
Dublin 15
Ireland
Tel.(353-1)607 26 79
Fax (353-1)822 03 63
E-mail:reillypj@indigo.ie

Italy:CESME presso IZS
Via Campo Boario
I-64100
Teramo
Tel.(39)0861 33 22 16
Fax (39)0861 33 22 51
E-mail:Cesme@IZS.it

Cyprus:Εργαστήριο Αναφοράς για τις Ασθένειες των
Ζώων ,
Κτηνιατρικές Υπηρεσίες 1417
Λευκωσία
(National Reference Laboratory for Animal Health
Veterinary Services
CY-1417
Nicosia)

Latvia:Valsts veterin a rmedic i nas diagnostikas centrs
Lejupes iela 3
LV-1076
R i ga
Lithuania:Nacionalin veterinarijos laboratorija
J.Kairi u kš è io g.10
LT-2021
Vilnius

Luxembourg:Centre d'études et de recherches vétérinaires et
agrochimiques (CERVA)
Rue Groeselenberg 99
B-1180
Bruxelles

Tel.(32-2)375 44 55
Fax (32-2)375 09 79
E-mail:piker@var.fgov.be

Hungary:Országos Állategészségügyi Intézet (OÁI)
Pf.2.
Tábornok u.2.
HU-1581
Budapest

Malta:Istituto Zooprofilatico dell'Abruzzo e Molise
Via Campo Boario
IT-64100
Teramo

Netherlands:ID-DLO
Edelhertweg 158219 PH
Lelystad
Nederland
Tel.(0031-0320)23 82 38
Fax (0031-0320)23 80 50
E-mail:postkamer@id.dlo.nl

Austria:Bundesanstalt für Virusseuchenbekämpfung bei Haustieren
Robert Kochgasse 17
A-2340
Mödling
Tel.(43-2)236 466 40-0
Fax (43-2)236 466 40-941
E-mail:BATSB VetMoedling@compuserve.com

Poland:Laboratorium Zak³adu Wirusologii Pa ñ stwowego Instytutu Weterynaryjnego
Al.Partyzantów 57
PL-24-100
Pu³awy

Portugal:Laboratório Nacional de Investigação Veterinária
Estrada de Benfica,701
P-1549-011
Lisboa
Tel.(351)21 711 52 00
Fax (351)21 711 53 836
E-mail:dir.Inlv@mail.telepac.pt

Slovenia:Nacionalni veterinarski inštitut,
Gerbi è eva 60
SI-1000
Ljubljana

Slovakia:Institute for Animal Health Pirbright Laboratory
Ash Road,Pirbright,
Woking,
Surrey GU24 ONF
United Kingdom

Finland:Danish Institute for Virus Research
Lindholm
DK-4771
Kalvehave
Tlf.(45)55 86 02 00
Fax (45)55 86 03 00
E-mail:sviv@vetvirus.dk

Sweden:Statens veterinärmedicinska anstalt,SVA
S-751 89
Uppsala
Tfn (00-46)18 67 40 00
Fax (00-46)18 30 91 62
E-post:sva@sva.se

United Kingdom:Institute for Animal Health
Pirbright Laboratory
Ash Road
Pirbright
Woking
Surrey GU24 ONF
United Kingdom
Tel.(44-1483)23 24 41
Fax (44-1483)23 24 48
E-mail:philip-mellor@bbsrc.ac.uk

B.TASKS OF THE NATIONAL LABORATORIES FOR BLUETONGUE

The national laboratories for bluetongue are responsible for the co-ordination of the standards and diagnostic methods laid down by each diagnostic laboratory in the Member State, the use of reagents and the testing of vaccines.

To this end:

(a)They may supply diagnostic reagents to diagnostic laboratories which request them;

(b)They check the quality of all the diagnostic reagents used in the Member State;

(c)They organize comparative tests at regular intervals;

(d)They preserve isolates of the bluetongue virus taken from confirmed cases in the Member State;

(e)They ensure confirmation of positive results obtained in regional diagnostic laboratories.

ANNEX II

A.COMMUNITY REFERENCE LABORATORY FOR BLUETONGUE

AFRC Institute for Animal Health
Pirbright Laboratory
Ash Road
Pirbright Woking
Surrey GU24 ONF
United Kingdom
Tel.(44-1483)23 24 41
Fax (44-1483)23 24 48
E-mail:philip-mellor@bbsrc.ac.uk

B.TASKS OF THE COMMUNITY REFERENCE LABORATORY FOR BLUETONGUE

The Community reference laboratory has the following tasks:
1.Coordinating, in consultation with the Commission, diagnostic methods for bluetongue in the Member States, in particular by:

(a)Specifying, holding and supplying strains of the bluetongue virus for the purpose of serological tests and the preparation of antiserum;

(b)The provision of reference sera and other reference reagents to the national reference laboratories for the purpose of standardizing the tests and the reagents used in each Member State;

(c)The establishment and conservation of a collection of strains and isolates of the bluetongue virus;

(d)The regular organization of Community comparative testing of diagnostic procedures;
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(e)The collection and collation of data and information concerning the diagnostic methods used and the results of the tests carried out in the Community;

(f)The classification of isolates of the bluetongue virus,using the most advanced methods,in order to provide a better understanding of the epizootiology of bluetongue;

(g)Monitoring developments worldwide in the area of surveillance, epizootiology and prevention of bluetongue;

2.Actively assisting in the identification of centres of bluetongue infection in the Member States by studying viral isolates sent to it for confirmation of diagnosis,classification and epizootiological studies;

3.Facilitating the provision of training and refresher courses for experts in laboratory diagnostics with a view to harmonising diagnostic techniques throughout the Community;

4.Mutual and reciprocal information exchange with the World Bluetongue

Laboratory designated by the International Office for Epizootics (OIE),
in particular concerning global developments with regard to bluetongue.

ANNEX III

MINIMUM CRITERIA APPLICABLE TO CONTINGENCY PLANS

The contingency plans must provide for at least the following:

1.The establishment at national level of a crisis unit to coordinate all emergency measures in the Member State concerned;

2.A list of local emergency centres adequately equipped for the purpose of coordinating control measures at local level;

3.Detailed information on the personnel responsible for emergency measures, their qualifications and their responsibilities;

4.The possibility, for each local centre, of swiftly contacting persons or organisations directly or indirectly affected by an outbreak;

5.The availability of the equipment and materials necessary for the proper implementation of emergency measures;

6.Precise instructions regarding the steps to be taken, including means of destroying carcasses, when cases of infection or contamination are suspected and confirmed;

7.Training programmes for updating and enhancing knowledge of procedures on the ground and administrative procedures;

8.For the diagnostic laboratories, an autopsy function, the capability required for conducting serological and histological tests, etc. and the updating of rapid diagnostic techniques (provisions on the swift transportation of samples should be laid down for this purpose);

9.Information concerning the quantity of vaccines against bluetongue deemed necessary in case emergency vaccination needs to be reintroduced;

10.Regulatory provisions for implementing the contingency plans.

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