

**WORKING DOCUMENT**

**GUIDANCE DOCUMENT**

**on the animal health requirements for placing on the market, import and transit of aquaculture animals according to Council Directive 2006/88/EC and Commission Regulation (EC) No 1251/2008.**

**SANCO 4788/2009/rev 3**

*This document has been drawn up for information purposes only. It has not been adopted or in any way approved by the European Commission.*

*The European Commission does not guarantee the accuracy of the information provided, nor does it accept responsibility for any use made thereof. Users should therefore take all necessary precautions before using this information, which they use entirely at their own risk.*

**PURPOSE OF THIS DOCUMENT**

This document is mainly directed at competent authorities and aquaculture production businesses, exporters and importers of aquaculture animals and products thereof in the Member States and in third countries, and its aim is to provide an introduction to the animal health requirements for placing on the market and imports of aquaculture animals according to Council Directive 2006/88/EC and Commission Regulation (EC) No 1251/2008.

**NOTE**

This document is an evolving document and will be updated to take account of experiences and information from the Member States, from competent authorities and private operators in third countries, from importers and from the Commission's Food and Veterinary Office.

## 1. INTRODUCTION

The aim of this document is to provide an introduction to the animal health requirements for the placing on the market, imports and transit of aquaculture animals as laid down in Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals<sup>1</sup> and in Commission Regulation (EC) No 1251/2008 of 12 December 2008 implementing Council Directive 2006/88/EC as regards conditions and certification requirements for the placing on the market and the import into the Community of aquaculture animals and products thereof and laying down a list of vector species<sup>2</sup>.

The purpose of this document is to provide:

- guidance on the scope of the animal health requirements relating to the movement of aquaculture animals, e.g. which animals, which types of farms and which types of movements are covered (Chapter 2)
- guidance on where in the legislation the rules for different type of consignment can be found (Chapters 3 and 4)
- answers to some frequently asked questions (FAQ) (Chapter 5)

It is not the purpose of this document to present a complete description of the rules. This document should therefore not replace a reading of the legislation itself.

The document is directed mainly at competent authorities and aquaculture production businesses, exporters and importers of aquaculture animals and products thereof in the Member States and in third countries.

However, this document has no formal legal status and, in the event of a dispute, ultimate responsibility for the interpretation of the law lies with the European Court of Justice.

## 2. THE SCOPE OF DIRECTIVE 2006/88/EC

### 2.1. Introduction

The subject matter of Directive 2006/88/EC is set out in Article 1 thereof, which contains three elements/pillars:

- (a) the animal health requirements to be applied for the placing on the market, the importation and the transit of aquaculture animals and products thereof;

---

<sup>1</sup> OJ L 328, 24.11.2006, p. 14

<sup>2</sup> OJ L 337, 16.12.2008, p. 41

- (b) minimum preventive measures aimed at increasing the awareness and preparedness of the competent authorities, aquaculture production business operators and others related to this industry, for diseases in aquaculture animals; and
- (c) minimum control measures to be applied in the event of a suspicion, or an outbreak, of certain diseases in aquatic animals.

This guidance document is limited to giving an introduction to the provisions mentioned in Article 1(a) of the Directive.

Council Directive 2006/88/EC regulates the animal health requirements to be applied to the placing on the market and imports and transit of aquaculture animals. It applies without prejudice to provisions on public health, conservation of species, introduction of non-native species etc.

Rules for the hygiene and controls of foodstuffs, including aquaculture animals and their products intended for human consumption, are laid down in the following Regulations of the European Parliament and of the Council: (EC) No 852/2004 of 29 April 2004 on the hygiene of foodstuffs<sup>3</sup>, (EC) No 853/2004 of 29 April 2004 laying down specific hygiene rules for food of animal origin<sup>4</sup> and (EC) No 854/2004 of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption<sup>5</sup>.

General rules for the performance of official controls are laid down in Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules<sup>6</sup>.

## 2.2. "Aquaculture animals and products thereof" and their placing on the market

Directive 2006/88/EC lays down the animal health requirements to be applied for the placing on the market, the importation and the transit of "*aquaculture animals and products thereof*".

The term "*aquaculture animal*" is defined in Article 3(1)(b) of the Directive as

"any *aquatic animal* at all its life stages, including eggs and sperm/gametes, reared in a *farm* or *mollusc farming area*, including any aquatic animal from the wild intended for a farm or mollusc farming areas."

"*Aquatic animals*" includes (see Article 3(1)(e)):

- (i) fish belonging to the superclass *Agnatha* and to the classes *Chondrichthyes* and *Osteichthyes*,
- (ii) mollusc belonging to the Phylum *Mollusca*, and

---

<sup>3</sup> OJ No L139, 30.04.2004, p. 1. Corrected version in OJ L 226, 25.06.2004, p. 1

<sup>4</sup> OJ No L 139, 30.04.2004, p. 55. Corrected version in OJ L 226, 25.06.2004, p. 22

<sup>5</sup> OJ No L 155, 30.04.2004, p. 206. Corrected version in OJ L 226, 25.06.2004, p. 83

<sup>6</sup> OJ L 165, 30.04.2004, p. 1

(iii) crustacean belonging to the Subphylum *Crustacea*.

The Directive covers aquatic animals intended for human consumption, ornamental aquatic animals, except when kept in non-commercial aquaria, and aquatic animals kept for other purposes.

"*Farm*" means "any premises, enclosed area, or installation operated by an aquaculture production business in which aquaculture animals are reared with a view to their being placed on the market, with the exception of those where wild aquatic animals harvested or caught for the purpose of human consumption are temporarily kept awaiting slaughter without being fed" (Article 3(1)(h)).

The exception mentioned in the last part of this definition has to be seen in the light of Article 2(1)(b), which explicitly states that Directive 2006/88/EC does not apply to wild aquatic animals harvested or caught for direct entry into the food chain.

The term "*mollusc farming area*" is defined in Article 3(1)(j) of Directive 2006/88/EC as "a production area or relaying area in which all aquaculture production businesses operate under a common biosecurity system".

"*Production area*" is defined in Annex I to Regulation 853/2004/EC as "any sea, estuarine or lagoon area, containing either natural beds of bivalve molluscs or sites used for the cultivation of bivalve molluscs, and from which live bivalve molluscs are taken".

"*Relaying area*" is defined in Article 3(1)(o) of Directive 2006/88/EC as "any freshwater, sea, estuarine or lagoon area with boundaries clearly marked and indicated by buoys, posts or any other fixed means, and used exclusively for the natural purification of live molluscs".

"*Placing on the market*" is defined in Article 3(1)(l) of Directive 2006/88/EC as "the sale, including offering for sale or any other form of transfer, whether free of charge or not, and any form of movement of aquaculture animals".

Only movements of animals conducted by the aquaculture business operators are covered. Animals moving by their own means are not covered by the rules governing placing on the market. However, the general obligation of aquaculture business operators to ensure good hygiene practice would require that appropriate measures are taken to avoid unwanted movements/escapes of animals.

Table 1 gives an overview of the kind of placing on the market/movements of aquatic animals that are covered by the scope of the Directive. This overview is based on the provisions in Articles 1, 2 and 3 of Directive 2006/88/EC.

**Table 1**  
**Overview of the scope of Directive 2006/88/EC as regards animal movements**

	<i>Aquatic animals originating from</i>	<i>Aquatic animals intended for</i>
<i>Animal movements covered by the Directive</i>	Farm/mollusc farming area	Farm/mollusc farming area
	Wild	Farm/mollusc farming area
	Farm/mollusc farming area	Wild (restocking)
	Farm/mollusc farming area	Human consumption
	Wild/farm/mollusc farming area	Commercial aquaria
<i>Animal movements not covered by the Directive</i>	Wild <sup>(a)</sup>	Wild <sup>(a)</sup>
	Wild/farm/mollusc farming area	Non-commercial aquaria
	Wild	Human consumption (direct entry into the food chain)
	Wild	For the purpose of production of fish meal, fish feed, fish oil and similar products

<sup>(a)</sup> In general, movements of animals from the wild to the wild are not covered, but in cases where a listed disease is detected in the wild, Article 40 of Directive 2006/88/EC obliges Member States to monitor the situation and take appropriate measures, which may include movement restrictions.

### **2.3. Different types of farms and mollusc farming areas**

Directive 2006/88/EC distinguishes between several different types of farms. Some provisions apply to all farms and mollusc farming areas, whereas others apply only to a specific type of farm.

For instance, dispatch and purification centres and similar businesses are to be regarded as farms for the purpose of the scope of Directive 2006/88/EC, including the certification requirements in Article 14, but they are not covered by the general placing on the market requirements in Articles 15 to 17 of Directive 2006/88/EC, since special provisions are laid down for these types of farms in Articles 18 and 19.

Table 2 gives an overview of certain types of farms/mollusc farming areas referred to in the Directive and in the implementing legislation, with a reference to the relevant

placing on the market and import provisions applicable to the introduction of aquaculture animals into these types of farms and mollusc farming areas.

**Table 2**  
**Different types of farms within the meaning of Directive 2006/88/EC**

<i>Type of farm</i>	<i>Defined/described in which provision</i>	<i>Placing on the market requirements for introduction into the different types of farms</i>	<i>Import/transit requirements for introduction into the different types of farms</i>
<i>Farm (not falling within one of the categories below)</i>	Art. 3(1)(h) of Directive 2006/88/EC	Art. 15-17 of Directive 2006/88/EC	Art. 10 of Regulation (EC) No 1251/2008
<i>Mollusc farming area</i>	Art. 3(1)(j) of Directive 2006/88/EC		
<i>Relaying areas</i>	Art. 3(1)(o) of Directive 2006/88/EC		
<i>Open ornamental facilities</i>	Art. 2 of Regulation (EC) No 1251/2008		
<i>Closed ornamental facilities (Pet shops, garden centres, garden ponds, commercial aquaria)</i>	Art. 2(2) of Directive 2006/88/EC Art. 2 of Regulation (EC) No 1251/2008	Art. 21 of Directive 2006/88/EC Art. 4 of Regulation (EC) No 1251/2008	Art. 11 of Regulation (EC) No 1251/2008
<i>Dispatch centres, purification centres and similar businesses</i>	Annex I to Regulation (EC) No 853/2004: Point 2.7. "Dispatch centre" Point 2.8. "Purification centre"	Art.18(2)(b) and 19 (2) of Directive 2006/88/EC	Art. 12 of Regulation (EC) No 1251/2008
<i>Installations other than aquaculture production businesses, where aquatic animals are kept without the intention of being placed on the market (e.g. research farms)</i>	Art.4(4)(a) of Directive 2006/88/EC	* Art. 15-17 of Directive 2006/88/EC	Art. 10 of Regulation (EC) No 1251/2008
<i>Put and take fisheries</i>	Articles 3(1)(n) and 4(4)(b) of Directive 2006/88/EC		
<i>Aquaculture production businesses which place aquaculture animals on the market solely for human consumption in accordance with Article 1(3)(c) of Regulation (EC) No 853/2004.</i>	Article 4(4)(c) of Directive 2006/88/EC		
<i>Quarantine facilities</i>	Commission Decision 2008/946/EC implementing Council Directive 2006/88/EC as regards requirements for quarantine of aquaculture animals <sup>7</sup>	Article 17 and 20 of Directive 2006/88/EC	Commission Regulation (EC) No. 1251/2008 (model certificates set out in Part A and B of Annex IV)

<sup>7</sup>

OJ No L 337, 16.12.2008, p. 94

\* Please note that according to Article 4(4) of Directive 2006/88/EC, "the provisions of this Directive shall apply *mutatis mutandis* to these types of farms, taking into account the nature, characteristics and situations of the installation, put and take fishery or business concerned and the risk of spreading aquatic animal diseases to other populations of aquatic animals as a result of its operation".

### 3. PLACING ON THE MARKET OF AQUACULTURE ANIMALS

Chapter III of Directive 2006/88/EC lays down the animal health requirements for the placing on the market of aquaculture animals. These provisions are complemented by the provisions of Chapter III of Regulation (EC) No 1251/2008.

For certain movements, there are general requirements relating to the general health status of the animals being moved, such as a requirement that they shall be clinically healthy (Article 15 of Directive 2006/88/EC).

Article 13 of the Directive requires Member States to ensure that necessary disease prevention measures are taken in relation to transport of aquaculture animals.

Articles 15 to 21 of the Directive lay down requirements relating to placing on the market in order to prevent the spread of the non-exotic diseases listed in Part II of Annex IV to the Directive (see table 3).<sup>8</sup>

**Table 3 Diseases listed in Part II of Annex IV to Directive 2006/88/EC**

	<b>Exotic diseases</b>	<b>Non-exotic diseases</b>
<i>Fish diseases</i>	Epizootic haematopoietic necrosis Epizootic ulcerative syndrome	Viral haemorrhagic septicaemia (VHS) Infectious haematopoietic necrosis (IHN) Koi herpes virus (KHV) disease Infectious salmon anaemia (ISA)
<i>Mollusc diseases</i>	Infection with <i>Bonamia exitiosa</i> Infection with <i>Perkinsus marinus</i> Infection with <i>Microcytos mackini</i>	Infection with <i>Marteilia refringens</i> Infection with <i>Bonamia ostreae</i>
<i>Crustacean diseases</i>	Taura syndrome Yellowhead disease	White spot disease

The main principle of the placing on the market rules is that aquaculture animals which are intended for another Member State, zone or compartment declared free of a non-exotic disease or under a surveillance or an eradication programme as regards such a disease, must originate from a Member State, zone or compartment declared disease-free if the animals are susceptible to or may act as a vector for that disease. This again means that aquaculture animals of species which are neither susceptible to the disease in question nor to be regarded as vectors may freely be introduced into a disease-free area, regardless of the health status of the place of origin.

<sup>8</sup> In addition, Commission Decision 2004/453/EC of 29 April 2004 implementing Council Directive 91/67/EEC as regards measures against certain diseases in aquaculture animals (OJ L 156, 30.4.2004, p. 5) lays down placing on the market requirements in relation to Spring viraemia of carp (SVC), Bacterial kidney disease (BKD), Infectious pancreatic necrosis virus (IPN) and *Gyrodactylus salaricus* (GS).

Consequently, whether a planned movement is in compliance with the animal health rules governing placing on the market will mainly be determined by the following three factors:

- (1) The health status at the place of destination as regards the non-exotic diseases. The relevant question would be: Is the place of destination declared free of, or under surveillance or an eradication programme for, any of the listed non-exotic diseases?
- (2) The species in question. The relevant question would be: are the animals of the consignment of species that are susceptible to or are regarded as vector species to the non-exotic diseases listed in Part II of Annex IV to Directive 2006/88/EC, for which the place of destination is declared free or under an eradication or surveillance programme?

Susceptible species are listed in Part II of Annex IV to Directive 2006/88/EC.

Annex I to Regulation (EC) No 1251/2008 lays down a list of vector species and the conditions under which those species shall be regarded as vectors. According to Article 3 of Regulation (EC) No 1251/2008, the aquaculture animals of species listed in Column 2 of the table in Annex I to that Regulation shall only be regarded as vectors for the purpose of Article 17 of the Directive where those animals fulfil the conditions set out in Columns 3 and 4 of that table.

- (3) The health status at the place of origin as regards non-exotic diseases. If the answer to the questions mentioned in both (1) and (2) above is yes, the issue then is whether the place of origin is declared free from the relevant non-exotic diseases.

Part A of Annex III to Directive 2006/88/EC gives an overview of the possible movement options for aquaculture animals intended for farming and restocking, depending on the health status at the place of origin, including the circumstances in which certification is required.

However, there are a number of exceptions to the general principle described above. For instance, in cases of wild aquatic animals susceptible to the relevant diseases intended for farming, and and farmed vector species, animals may be introduced into farms in disease free areas and in areas with surveillance and eradication programmes if they go through quarantine, regardless of the health status of the place of origin. Commission Decision 2008/946/EC lays down detailed requirements for quarantine of aquaculture animals.

Furthermore, as regards aquaculture animals intended for human consumption, many types of consignments are exempted from the animal health requirement, e.g. eviscerated fish.

According to Article 14(1) and (2) of the Directive, the placing on the market of aquaculture animals is, in certain cases, subject to animal health certification. Regulation (EC) No. 1251/2008 lays down detailed rules on when a movement requires a certificate, and the Annexes to the Regulation set out the model certificates

to be used. As a general principle, certification is required in those cases where there are disease-specific movement requirements.

Furthermore, the following movements of aquaculture animals require notification through the TRACES network:

- a. Movements between Member States where animal health certification is required (Article 14(3)(a) of Directive 2006/88/EC).
- b. All movements between Member States of live aquaculture animals for farming or restocking purposes (Article 14(3)(b) of Directive 2006/88/EC).
- c. Movements between Member States of certain ornamental aquatic animals intended for closed ornamental facilities (See Article 4(1) of Regulation (EC) No. 1251/2008 for the specific requirements).

In those cases where the movement does not require a certificate, the notification in TRACES shall be made by completing part I of the model certificates.

The rules relating to placing on the market set out in Directive 2006/88/EC can be split into six groups, mainly based on the intended use of the animals of the consignment at the place of destination. These groups are listed in a. to f. below. Table 4 gives an overview of where in Directive 2006/88/EC and Regulation (EC) No 1251/2008 the specific requirements for each of these groups of consignments are laid down.

- a. Aquaculture animals intended for farming.<sup>9</sup>
- b. Aquaculture animals intended for restocking.
- c. Wild aquatic animals intended for farming.<sup>9</sup>
- d. Aquaculture animals intended for further processing before human consumption.
- e. Live molluscs and crustaceans intended for dispatch centres, purification centres and similar businesses.
- f. Ornamental aquatic animals originating from or intended for closed ornamental facilities.

---

<sup>9</sup> For educational reasons, Regulation (EC) No. 1251/2008 refers explicitly to relaying areas, put and take fisheries and open ornamental facilities. These are examples of what is to be regarded as farming according to Articles 15, 16 and 17.

**Table 4. Overview of the rules governing placing on the market**

	a.	b.	c.	d.	e.	f.
	<i>Aquaculture animals intended for farming, relaying areas, put and take fisheries and open ornamental facilities</i>	<i>Aquaculture animals intended for restocking</i>	<i>Wild aquatic animals intended for farming, relaying areas, put and take fisheries, open ornamental facilities</i>	<i>Aquaculture animals intended for further processing before human consumption</i>	<i>Live molluscs and crustaceans intended for dispatch centres/ purification centres</i>	<i>Ornamental aquatic animals from/to closed facilities</i>
1. Which movements require certification?	Art. 5 of Regulation (EC) No 1251/2008	Art. 5 of Regulation (EC) No 1251/2008	Art. 5 of Regulation (EC) No 1251/2008	Art. 6 of Regulation (EC) No 1251/2008	Art. 7 of Regulation (EC) No 1251/2008	None
2. Which model certificate to use?	Part A of Annex II to Regulation (EC) No 1251/2008			Part B of Annex II to Regulation (EC) No 1251/2008		None
3. General animal health requirements	Art. 15(1) and (2) of Directive 2006/88/EC  Part II.1 of model certificate	Art. 15(4) of Directive 2006/88/EC  Part II.1 of model certificate	Art. 15 of Directive 2006/88/EC  Part II.1 of model certificate	Part II.1 of model certificate		Art. 21 of Directive 2006/88/EC  Art. 4(2) of Regulation (EC) No 1251/2008
4. Transport requirements	Art. 13 of Directive 2006/88/EC  Part II.4 of model certificate			Art. 13 of Directive 2006/88/EC  Part II.3 of model certificate		Art. 13 of Directive 2006/88/EC
5. Requirements for species susceptible to the listed non-exotic diseases <sup>10</sup>	Art. 16 of Directive 2006/88/EC  Part II.2 of model certificate	Art. 15(4) and 16 of Directive 2006/88/EC  Part II.2 of model certificate	Art. 20 of Directive 2006/88/EC  Part II.2 of model certificate Decision 2008/946/EC	Art. 18 of Directive 2006/88/EC  Part II.2 of model certificate	Art. 19 of Directive 2006/88/EC  Part II.2 of model certificate	Art. 21 of Directive 2006/88/EC  Art. 4(1) of Regulation (EC) No 1251/2008
6. Requirements for vector species to the listed non-exotic diseases <sup>10</sup>	Art. 17 of Directive 2006/88/EC  Part II.3 of model certificate Decision 2008/946/EC	Art. 15(4) and 17 of Directive 2006/88/EC  Part II.3 of model certificate Decision 2008/946/EC	None	None	None	None
7. Additional guarantees	Model certificate laid down in Annex III of Commission Decision 2004/543/EC as regards SVC, BKD, IPN and GS (only when destined for Member States with additional guarantees) <sup>11</sup>			None	None	None
8. Requirements on aquaculture animals leaving areas subject to disease control measures, including eradication programmes	To be laid down by Competent authority of MS as a part of the control measures.  Art. 8(1) and (2) of Regulation (EC) No 1251/2008  Part II.5 of model certificate set out in Part A of Annex II to Regulation (EC) No 1251/2008			To be laid down by Competent authority of MS as a part of the control measures.  Art. 8(2), (3) and (4) of Regulation (EC) No 1251/2008  Part II.4 of model certificate set out in Part B of Annex II to Regulation (EC) No 1251/2008		None

<sup>10</sup> Only relevant when the consignment is destined for another Member State, zone or compartment, which is declared free of or under a surveillance or eradication programme as regards one or more of the non-exotic diseases. Data on the disease status of each farm and mollusc farming areas in the Community are accessible at [http://ec.europa.eu/food/animal/liveanimals/aquaculture/index\\_en.htm](http://ec.europa.eu/food/animal/liveanimals/aquaculture/index_en.htm).

<sup>11</sup> Currently, the following Member States have additional guarantees as regards one or more of the mentioned diseases: Denmark, Finland, Ireland, Sweden and United Kingdom.

#### 4. IMPORT AND TRANSIT OF AQUACULTURE ANIMALS

Chapter IV of Directive 2006/88/EC lays down the basic principles for the import and transit of aquaculture animals into the Community from third countries. Articles 22 and 23 lay down provisions in relation to the third countries that may be eligible for imports and transit into the Community. Article 24 states that all consignments of aquaculture animals and products thereof shall be accompanied by a document containing an animal health certificate upon their entry into the Community. Article 25 provides the legal basis to lay down more detailed rules on imports and transit.

Chapter IV of Regulation (EC) No 1251/2008 lays down more detailed rules for imports, whereas Chapter V lays down provisions on transit through the Community. Model animal health certificates are set out in Annex IV to Regulation (EC) No 1251/2008 as regards aquaculture animals intended for farming etc. and closed ornamental facilities. Model public health and animal health certificates for fishery products and bivalve molluscs, echinoderms, tunicates and marine gastropods, including aquaculture animals, intended for human consumption are set out in Annex VI to Commission Regulation (EC) No 2074/2005 of 5 December 2005 laying down implementing measures for certain products under Regulation (EC) No 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No 854/2004 of the European Parliament and of the Council and Regulation (EC) No 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) No 854/2004<sup>12</sup>.

Lists of third countries are set out in Annex III to Regulation (EC) No 1251/2008 (import for farming etc.) and in Commission Decision 2006/766/EC<sup>13</sup> of 6 November 2006 establishing the lists of third countries and territories from which imports of bivalve molluscs, echinoderms, tunicates, marine gastropods and fishery products are permitted (import for human consumption). Certain ornamental aquatic animals may originate from any third country which is a member of the World Organisation for Animal Health (OIE).

Certain transitional provisions are laid down in Article 20 of Regulation (EC) No 1251/2008 and Article 2 of Regulation (EC) No 1250/2008. See also the footnotes to table 5 below.

The import and transit rules distinguish between three different groups of consignments on the basis of their intended purpose and destination in the Community:

##### i. Aquaculture animals, including ornamental aquatic animals, intended for Farming, relaying areas, put and take fisheries and open ornamental facilities

There is no model import certificate laid down for restocking purposes. The reason for this is that according to Article 15 of Regulation (EC) No 1251/2008, the release

---

<sup>12</sup> OJ L 338, 22.12.2005, p. 27, as last amended by Commission Regulation (EC) No 1250/2008 (OJ L337, 16.12.2008, p. 31).

<sup>13</sup> OJ L 320, 18.11.2006, p. 53.

into the wild of imported aquaculture animals is forbidden, unless authorised by the competent authority of the place of destination.

#### ii. Ornamental aquatic animals intended for closed facilities

The term *closed ornamental facilities* is defined in Article 2 of the Regulation.

#### iii. Human consumption

Consignments of aquaculture animals intended for human consumption cover both consignments intended for further processing before human consumption and consignments intended for dispatch centres, purification centres and similar businesses.

However, if the aquaculture animals are intended for a relaying area or re-immersion into Community waters, the animals are to be regarded as intended for farming and the requirements for import for farming apply.

Some consignments of aquaculture animals imported for human consumption are not subject to specific animal health requirements according to note 2 to Part II of the model certificate laid down in Appendix IV to Annex VI of Regulation (EC) No 2074/2005/EC for fishery products, and Appendix V to Annex VI of the same Regulation for live bivalve molluscs, echinoderms, tunicates and marine gastropods. However, these consignments must originate from a third country listed under the public health legislation and be accompanied by the abovementioned certificate, in which only the public health attestations are kept. Consignments of aquaculture animals intended for human consumption that are not subject to specific animal health requirements are the following:

- fish which are slaughtered and eviscerated before dispatch,
- aquaculture animals and products thereof, which are placed on the market for human consumption without further processing, provided that they are packed in retail-sale packages which comply with the provisions for such packages set out in Regulation (EC) No 853/2004,
- non-viable molluscs and crustaceans, which means molluscs and crustaceans no longer able to survive as living animals if returned to the environment from which they were obtained,
- live bivalve molluscs and crustaceans destined for processing establishments authorised in accordance with Article 4(2) of Directive 2006/88/EC, or for dispatch centres, purification centres or similar businesses which are equipped with an effluent treatment system inactivating the pathogens in question, or where the effluent is subject to other types of treatment reducing the risk of transmitting diseases to the natural waters to an acceptable level,
- live bivalve molluscs and crustaceans which are intended for further processing before human consumption without temporary storage at the place of processing and packed and labelled for that purpose in accordance with Council Regulation (EC) No 853/2004.

Table 5 gives an overview of the legislation in which the requirements for each of these groups of consignments are laid down. The import and transit requirements are based on the same principles as the placing on the market requirements. Points 4 to 7 of that table refer to requirements as regards exotic and non-exotic diseases. These diseases are listed in Part II of Annex IV to Directive 2006/88/EC (see table 3 of this document).

**Table 5 Overview over the import and transit rules**

	<b>i. Intended for farming, relaying, put and take fisheries and open ornamental facilities (import and transit )</b>	<b>ii. Intended for closed ornamental facilities (import and transit)</b>	<b>iii. Intended for human consumption</b>	
			<b>import</b>	<b>transit</b>
<i>1. Which third countries may aquaculture animals be imported from?</i>	Countries/territories listed in Annex III to Regulation (EC) No 1251/2008	Fish of susceptible species <sup>(a)</sup> : countries/territories listed in Annex III to Regulation (EC) No 1251/2008  Fish of non-susceptible species, Molluscs and Crustaceans: Countries/territories being members of the World Organisation for Animal Health (OIE)	Countries/territories listed in list drawn up in accordance with Article 11(1) of Regulation (EC) No 854/2004. (Currently: Commission Decision 766/2006/EC and Commission Regulation (EC) No 2076/2005 <sup>(c)</sup> )	Countries/territories listed in list drawn up in accordance with Article 11(1) of Regulation (EC) No 854/2004. (Currently: Commission Decision 766/2006/EC and Commission Regulation (EC) No 2076/2005 <sup>(c)</sup> )
<i>2. Which model certificate?</i>	Part A of Annex IV to Regulation (EC) No 1251/2008	Part B of Annex IV to Regulation (EC) No 1251/2008	Regulation (EC) No 2074/2005: Appendix IV to Annex VI for fishery products, Appendix V to Annex VI for live bivalve molluscs, echinoderms, tunicates and marine gastropods <sup>(b)</sup>	Part C of Annex IV to Regulation (EC) No 1251/2008
<i>3. General animal health requirements</i>	Part II.1 of the model certificate	Part II.1 of the model certificate	None	None
<i>4. Requirements on species susceptible to the listed exotic diseases</i>	Part II.2 of the model certificate	Part II.2 of the model certificate <sup>(a)</sup>	Part II.2.1 of the model certificate	Part II.2.1 of the model certificate set out in Appendices IV and V to Annex VI to Regulation (EC) No 2074/2005

5. <i>Requirements on species susceptible to the listed non-exotic diseases</i>	Part II.4 of the model certificate	Part II.3 of the model certificate	Part II.2.2 of the model certificate	Part II.2.2 of the model certificate set out in Appendices IV and V to Annex VI to Regulation (EC) No 2074/2005
6. <i>Requirements on vector species to the listed exotic diseases</i>	Part II.3 of the model certificate	None	None	None
7. <i>Requirements on vector species to the listed non-exotic diseases</i>	Part II.5 of the model certificate	None	None	None
8. <i>Additional guarantees</i>	Part II.7 of the model certificate as regards SVC, BKD, IPN and GS (only when destined for Member States with additional guarantees)	Part II.5 of the model certificate as regards SVC, BKD, IPN and GS (only when destined for Member States with additional guarantees)	None	None
9. <i>Transport and labelling requirements</i>	Part II.6 of the model certificate	Part II.4 of the model certificate	Part II.2.3 of the model certificate	Part II.2.3 of the model certificate set out in Appendix IV and V to Annex VI to Regulation (EC) No 2074/2005

<sup>(a)</sup> For a transitional period until 31 December 2010, fish species susceptible to epizootic ulcerative syndrome (EUS) intended solely for closed ornamental facilities may originate from any country/territory, which is a member of the World Organisation for Animal Health (OIE). In this period, the requirements concerning EUS set out in the Part II.2 of the animal health certificate set out in Part B of Annex IV shall not apply to ornamental aquatic animals intended solely for closed ornamental facilities. See Article 20 of Regulation (EC) No 1251/2008.

<sup>(b)</sup> For a transitional period until 31 July 2010, the consignments for which the animal health attestation set out in the model certificate is not applicable and for which a health certificate has been issued in accordance with the model certificate laid down in Regulation (EC) No 2074/2005 as amended by Regulation (EC) No 1664/2006 may be imported into the Community. See Article 2 of Regulation (EC) No 1250/2008.

<sup>(c)</sup> The lists of third countries laid down in Commission Regulation (EC) No 2076/2005 of 5 December 2005 laying down transitional arrangements for the implementation of Regulations (EC) No 853/2004, (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) No 854/2004 (OJ L338, 22.12.2005, p. 83) only applies for a transitional period until 31 December 2009.

## **5. FREQUENTLY ASKED QUESTIONS**

### **5.1. Must a consignment of aquaculture animals moving within a disease-free Member State, zone or compartment be accompanied by a certificate?**

No. The certification requirements only apply to consignments which are introduced into disease-free areas. However, movements between two geographically separate disease-free zones or compartments require certification, regardless of whether they are located in the same Member State.

### **5.2. May ornamental aquatic animals intended for both closed and open facilities within the Community be put together in one consignment accompanied by the same import certificate?**

Yes. Part A of Annex IV to Regulation (EC) No 1251/2008 sets out the model animal health certificate to be used for animals (fish, molluscs and crustaceans) intended for farming, relaying, put and take fisheries and open ornamental facilities. Part B of Annex IV to that Regulation sets out the model certificate that is to be used for ornamental aquatic animals (fish, molluscs and crustaceans) intended for closed ornamental facilities.

One consignment may contain ornamental aquatic animals which are eventually intended for both open and closed facilities within the Community. In this case, the model certificate set out in Part A of Annex IV must be used. However, it should be noted that all the animals covered by a single certificate should have the same place of first destination within the Community and that, according to Article 4(2) of Regulation (EC) No 1251/2008, it is forbidden to release ornamental aquatic animals from closed facilities to open facilities unless authorised by the competent authority.

### **5.3. May a consignment of ornamental aquatic animals contain several species be accompanied by a single certificate?**

A consignment of ornamental aquatic animals may contain several species and may be accompanied by a single certificate provided that the following requirements are respected:

- The same model certificate applies to all the animals of the consignment.
- The attestations in Part I of the certificate must be applicable to all the animals of the consignment.
- It must be possible to include in the animal health attestations in Part II of the certificates the necessary attestations for all the animals of the consignment.
- The same HS codes apply to all the animals of the consignment (0301: live fish, 0301 10: ornamental fish, 0306: crustaceans, 0307: molluscs).