Commission Implementing Regulation (EU) No 1012/2012 of 5 November 2012 amending Regulation (EC) No 2074/2005 and Regulation (EC) No 1251/2008 as regards the list of vector species, the health requirements and the certification requirements concerning epizootic ulcerative syndrome and as regards the entry for Thailand in the list of third countries from which imports of certain fish and fishery products into the Union are permitted (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) No 1012/2012

of 5 November 2012

amending Regulation (EC) No 2074/2005 and Regulation (EC) No 1251/2008 as regards the list of vector species, the health requirements and the certification requirements concerning epizootic ulcerative syndrome and as regards the entry for Thailand in the list of third countries from which imports of certain fish and fishery products into the Union are permitted

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin[(1)], and in particular the second paragraph of Article 9 thereof,

Having regard to Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption[(2)], and in particular the second paragraph of Article 16 thereof,

Having regard to 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[(3)], and in particular Article 17(2), Articles 22 and 25 and Article 61(3) thereof,

Whereas:

(1) 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[(4)] lays down model animal health certificates for the introduction into the Union of certain aquatic animals and products of animal origin intended for human consumption.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) No 1012/2012. (See end of Document for details)*

(2) The model health certificate for imports of fishery products intended for human consumption, set out in Appendix IV of Annex VI to Regulation (EC) No 2074/2005, contains an animal health attestation with regard to the requirements for susceptible species to certain diseases listed in Part II of Annex IV to Directive 2006/88/EC, including epizootic ulcerative syndrome.

(3) 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[(5)] lays down animal health conditions and certification requirements for imports into the Union of certain aquaculture animals and of certain products thereof.

(4) Annex I to Regulation (EC) No 1251/2008 sets out a list of vector species for the diseases listed in Part II of Annex IV to Directive 2006/88/EC. The vector species for epizootic ulcerative syndrome are currently included in that list.

(5) Annex III to Regulation (EC) No 1251/2008 sets out, *inter alia*, the list of third countries, territories, zones or compartments from which the import into the Union of ornamental fish susceptible to one or more of the diseases listed in Annex IV to Directive 2006/88/EC and intended for closed ornamental facilities is permitted.

(6) India and Vietnam are listed in that Annex to make the import of fish species susceptible to epizootic ulcerative syndrome subject to specific animal health provisions eliminating the risks of that disease.

(7) In addition, the model animal health certificates set out in Parts A and B of Annex IV to Regulation (EC) No 1251/2008 contain animal health attestations with regard to the requirements for susceptible species and vector species to certain diseases listed in Part II of Annex IV to Directive 2006/88/EC, including epizootic ulcerative syndrome.

(8) Directive 2006/88/EC, as amended by Commission Implementing Directive 2012/31/EU[(6)], no longer lists epiizootic ulcerative syndrome (EUS) as an exotic disease in Part II of Annex IV thereto.

(9) For reasons of consistency and clarity of Union law, Regulation (EC) No 2074/2005 and Regulation (EC) No 1251/2008 should be amended in order to remove the provisions therein making references to epizootic ulcerative syndrome.

(10) Following the removal of epizootic ulcerative syndrome from the list in Part II of Annex IV to Directive 2006/88/EC the corresponding animal health provisions applicable to India and Vietnam have become redundant and therefore those countries should be removed from the list of countries that are to apply disease specific animal health measures to aquatic animals intended for export to the Union.

(11) Thailand is listed in Annex III to Regulation (EC) No 1251/2008, as a third county from which imports of cyprinidae intended for farming, relaying areas, put and take fisheries and open and closed ornamental facilities into the Union is permitted. Thailand has request to be listed in Annex III for the purposes of permitting exports of also other fish species from that third country into the Union.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) No 1012/2012. (See end of Document for details)*

(12) An inspection by the Food and Veterinary Office (FVO) concerning aquatic animal health was carried out in Thailand in November 2009. The FVO recommendations following that inspection have been satisfactorily implemented by the competent authority in Thailand. It is therefore appropriate to permit imports into the Union from that third country also of other fish species. The entry for Thailand in Annex III to Regulation (EC) No 1251/2008 should therefore be amended accordingly.

(13) Regulation (EC) No 2074/2005 and Regulation (EC) No 1251/2008 should therefore be amended accordingly.

(14) It is appropriate to provide for transitional measures to allow Member States and the industry to take the necessary measures to comply with the requirements laid down in this Regulation.

(15) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Appendix IV of Annex VI to Regulation (EC) No 2074/2005 is replaced by the text in Annex I to this Regulation.

Article 2

Annexes I, III and IV to Regulation (EC) No 1251/2008 are amended in accordance with Annex II to this Regulation.

Article 3

For a transitional period until 1 March 2013, consignments of aquatic animals accompanied by animal health certificates issued in accordance with the models set out in Part A or B of Annex IV to Regulation (EC) No 1251/2008, and fishery products accompanied by animal health certificates issued in accordance with the model set out in Appendix IV of Annex VI to Regulation (EC) No 2074/2005, in their version prior to the amendments introduced by this Regulation, may be placed on the market or introduced into the Union provided that they reach their place of final destination before that date.

Article 4

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) No 1012/2012. (See end of Document for details)*

ANNEX I

Appendix IV to Annex VI

Model health certificate for imports of fishery products intended for human consumption

Veterinary certificate to EU

Part I: Details of dispatched consignment

I.1. Consignor Name Address Tel.		I.2. Certificate reference No	I.2.a.
		I.3. Central competent authority	
		I.4. Local competent authority	
I.5. Consignee Name Address Postcode Tel.		I.6.	
I.7. Country of origin ISO code	I.8. Region of origin Code	I.9. Country of destination ISO code	I.10
I.11. Place of origin Name Approval number Address		I.12.	
I.13. Place of loading		I.14. Date of departure	
I.15. Means of transport Aeroplane ☐ Ship ☐ Railway wagon ☐ Road vehicle ☐ Other ☐ Identification Documentation references		I.16. Entry BIP in EU	
		I.17.	
I.18. Description of commodity		I.19. Commodity code (HS code)	
		I.20. Quantity	
I.21. Temperature of product Ambient ☐ Chilled ☐ Frozen ☐		I.22. Number of packages	
I.23. Seal/Container No		I.24. Type of packaging	
I.25. Commodities certified for: Human consumption ☐			
I.26.		I.27. For import or admission into EU ☐	

I.28. Identification of the commodities

Species (scientific name)	Nature of commodity	Treatment type of establishement	Approval number	Manufacturing plant	Number of packages	Net weight

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) No 1012/2012. (See end of Document for details)*

COUNTRY **Fishery products**

Part II: Certification

II.	Health information	II.a. Certificate reference number	II.b.

II.1. (1) **Public health attestation**

I, the undersigned, declare that I am aware of the relevant provisions of Regulations (EC) No 178/2002, (EC) 852/2004, (EC) 853/2004 and (EC) 854/2004 and certify that the fishery products described above were produced in accordance with those requirements, in particular that they:

— come from (an) establishment(s) implementing a programme based on the HACCP principles in accordance with Regulation (EC) No 852/2004;

— have been caught and handled on board vessels, landed, handled and where appropriate prepared, processed, frozen and thawed hygienically in compliance with the requirements laid down in Section VIII, Chapters I to IV of Annex III to Regulation (EC) No 853/2004;

— satisfy the health standards laid down in Section VIII, Chapter V of Annex III to Regulation (EC) No 853/2004 and the criteria laid down in Regulation (EC) No 2073/2005 on microbiological criteria for foodstuffs;

— have been packaged, stored and transported in compliance with Section VIII, Chapters VI to VIII of Annex III to Regulation (EC) No 853/2004;

— have been marked in accordance with Section I of Annex II to Regulation (EC) No 853/2004;

— the guarantees covering live animals and products thereof, if from aquaculture origin, provided by the residue plans submitted in accordance with Directive 96/23/EC, and in particular Article 29 thereof, are fulfilled; and

— have satisfactorily undergone the official controls laid down in Annex III to Regulation (EC) No 854/2004.

II.2. (2) (4) **Animal health attestation for fish and crustaceans of aquaculture origin**

II.2.1. (3) (4) **[Requirements for susceptible species to Epizootic haematopoietic necrosis (EHN), Taura syndrome and Yellowhead disease**

I, the undersigned official inspector, hereby certify that the aquaculture animals or products thereof referred to in Part I of this certificate:

(5) originate from a country/territory, zone or compartment declared free from (4) [EHN (4) [Taura syndrome] (4) [Yellowhead disease] in accordance with Chapter VII of Directive 2006/88/EC or the relevant OIE Standard by the competent authority of my country,

(i) where the relevant diseases are notifiable to the competent authority and reports of suspicion of infection of the relevant disease must be immediately investigated by the competent authority,

(ii) all introduction of species susceptible to the relevant diseases come from an area declared free of the disease, and

(iii) species susceptible to the relevant diseases are not vaccinated against the relevant diseases]

II.2.2. (3) (4) **[Requirements for species susceptible to Viral haemorrhagic septicaemia (VHS), Infectious haematopoietic necrosis (IHN), Infectious salmon anaemia (ISA), Koi herpes virus (KHV) and White spot disease intended for a Member State, zone or compartment declared disease free or subject to a surveillance or eradication programme for the relevant disease**

I, the undersigned official inspector, hereby certify that the aquaculture animals or products thereof referred to in Part I of this certificate:

(6) originate from a country/territory, zone or compartment declared free from (4) [VHS] (4) [IHN] (4) [ISA] (4) [KHV] (4) [White spot disease] in accordance with Chapter VII of Directive 2006/88/EC or the relevant OIE Standard by the competent authority of my country,

(i) where the relevant diseases are notifiable to the competent authority and reports of suspicion of infection of the relevant disease must be immediately investigated by the competent authority,

(ii) all introduction of species susceptible to the relevant diseases come from an area declared free of the disease, and

(iii) species susceptible to the relevant diseases are not vaccinated against the relevant diseases]

II.2.3. **Transport and labelling requirements**

I, the undersigned official inspector, hereby certify that:

II.2.3.1. the aquaculture animals referred to above are placed under conditions, including with a water quality, that do not alter their health status;

II.2.3.2. the transport container or well boat prior to loading is clean and disinfected or previously unused; and