Commission Regulation (EU) No 346/2010 of 15 April 2010 amending Regulation (EC) No 1251/2008 as regards the placing on the market and import requirements for consignments of aquaculture animals intended for Member States or parts thereof with national measures approved by Decision 2010/221/EU (Text with EEA relevance)

COMMISSION REGULATION (EU) No 346/2010

of 15 April 2010

amending Regulation (EC) No 1251/2008 as regards the placing on the market and import requirements for consignments of aquaculture animals intended for Member States or parts thereof with national measures approved by Decision 2010/221/EU

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

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[(1)], and in particular Article 25 and Article 61(3) thereof,

Whereas:

(1) Commission Decision 2010/221/EU approving national measures for limiting the impact of certain diseases in aquaculture animals and wild aquatic animals in accordance with Article 43 of Council Directive 2006/88/EC[(2)] allows certain Member States to impose requirements on the introduction into their territories or parts thereof of consignments of certain aquaculture animals in order to prevent the introduction of or to control spring viraemia of carp (SVC), bacterial kidney disease (BKD), infectious pancreatic necrosis virus (IPN) and infection with *Gyrodactylus salaris* (GS). That Decision replaces Commission Decision 2004/453/EC of 29 April 2004 implementing Council Directive 91/67/EEC as regards measures against certain diseases in aquaculture animals[(3)].

(2) To prevent the introduction of or to control the spread of those diseases, consignments of aquaculture animals intended for farming, relaying areas, put and take fisheries, open ornamental facilities, or restocking introduced into a Member State or part thereof listed in Annexes I and II to Decision 2010/221/EU of species susceptible to the diseases for which the Member State or part thereof is regarded as disease-free or for which it has an eradication programme, should originate from an area with an equivalent health status.

(3) To ensure that those requirements are complied with, such consignments should be accompanied by an animal health certificate providing the necessary attestations.

(4) For movements of aquaculture animals within the European Union (placing on the market), specific animal health certificates are laid down in Decision 2004/453/EC. In the interest of simplification of Union legislation, the necessary animal health

conditions as regards the diseases covered by the approved national measures should now be included in the animal health certificates for placing on the market laid down 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[(4)]. Annex II to that Regulation should therefore be amended accordingly.

(5) The relevant model animal health certificates for imports of aquaculture animals into the Union, laid down in Regulation (EC) No 1251/2008 already include attestations as regards those diseases. However, those attestations should be amended to take account of the principles for imports of aquaculture animals laid down in Directive 2006/88/EC and the Aquatic Animal Health Code of the World Organisation for Animal Health (OIE). Annex IV to that Regulation should therefore be amended accordingly.

(6) The placing on the market and import requirements for consignments of aquaculture animals intended for Member States and parts thereof with national measures approved by Decision 2010/221/EU should only apply to species susceptible to the relevant diseases. Consequently, a list of species susceptible to those diseases should be set out in Annex II to Regulation (EC) No 1251/2008.

(7) However, as fish of any species that are present in waters where fish of species infected with GS are present, may spread that disease, the placing on the market and import requirements related to GS should also apply to consignments of fish of any species introduced into Member States or parts thereof listed in Decision 2010/221/EU as free of that disease.

(8) As the model animal health certificates laid down in Regulation (EC) No 1251/2008, as amended by this Regulation, cover all the national measures approved in accordance with Article 43 of Directive 2006/88/EC and Decision 2004/453/EC is repealed by Decision 2010/221/EU, Article 18 of Regulation (EC) No 1251/2008 should be deleted.

(9) 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.

(10) To ensure that animal health certificates are correctly issued in those cases where certain statements of the model animal health certificates set out in Regulation (EC) No 1251/2008 are not relevant and in those cases where they consist of more than one sheet of paper, further clarification should be provided for in the explanatory notes. Annex V to that Regulation should therefore be amended accordingly.

(11) Regulation (EC) No 1251/2008 should therefore be amended accordingly.

(12) 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

Regulation (EC) No 1251/2008 is amended as follows:

1. In Article 1, point (b) is replaced by the following:

(b) animal health conditions for the placing on the market of:

(i) ornamental aquatic animals either originating from or intended for closed ornamental facilities; and

(ii) aquaculture animals intended for farming, relaying areas, put and take fisheries, open ornamental facilities and restocking in Member States and parts thereof with national measures approved by Commision Decision 2010/221/EU[(5)];

2. The following Article 8a is inserted:

Article 8a

Aquaculture animals intended for farming, relaying areas, put and take fisheries, open ornamental facilities and restocking in Member States and parts thereof with national measures approved by Decision 2010/221/EU

1 Consignments of aquaculture animals intended for farming, relaying areas, put and take fisheries, open ornamental facilities, or restocking shall be accompanied by an animal health certificate completed in accordance with the model set out in Part A of Annex II and the explanatory notes set out in Annex V, where the animals:

a are introduced into Member States or parts thereof listed in the second and fourth column of the table set out in:

(i) Annex I to Decision 2010/221/EU as free of one or more of the diseases listed in the first column of that table; or

(ii) Annex II to Decision 2010/221/EU as subject to an eradication programme for one or more of the diseases listed in the first column of that table;

b are of species which are listed in Part C of Annex II as species susceptible to the diseases, for which the Member State concerned or part thereof is regarded as disease-free, or for which an eradication programme applies in accordance with Decision 2010/221/EU, as referred to in point (a).

2 Consignments of animals referred to in paragraph 1 shall comply with the animal health requirements set out in the model animal health certificate and explanatory notes as referred to in paragraph 1.

3 Paragraph 1 and 2 shall apply to consignments of fish of any species originating from waters where species listed in Part C of Annex II as species susceptible to infection with *Gyrodactylus salaris*, are present, where those consignments are intended for a Member State or part thereof listed in Annex I to Decision 2010/221/EU as free of *Gyrodactylus salaris* (GS).

3. Article 18 is deleted.

4. Annexes II, IV and V are amended in accordance with the Annex to this Regulation.

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) No 346/2010. (See end of Document for details)*

Article 2

Transitional provisions

1 For a transitional period until 31 July 2010, consignments of aquaculture animals accompanied by animal health certificates issued in accordance with Parts A or B of Annex IV to Regulation (EC) No 1251/2008 before the amendments introduced by the present Regulation, may continue to be imported into or transited through the Union.

2 For a transitional period until 31 July 2011, consignments of aquaculture animals accompanied by animal health certificates issued in accordance with Part A or B of Annex IV to Regulation (EC) No 1251/2008 before the amendments introduced by the present Regulation, may continue to be imported into or transited through the Union provided that the animal health attestations as regards spring viraemia of carp (SVC), bacterial kidney disease (BKD), infectious pancreatic necrosis virus (IPN) and Infection with *Gyrodactylus salaris* (GS) set out in Part II of those certificates are not applicable.

Article 3

Entry into force and applicability

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

It shall apply from 15 May 2010.

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

Done at Brussels, 15 April 2010.

For the Commission

The President

José Manuel BARROSO

ANNEX

Annexes II, IV and V are amended as follows:

(1) Annex II is amended as follows:

(a) Part A is replaced by the following: