

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

CHAPTER III

ANIMAL HEALTH REQUIREMENTS FOR PLACING ON THE MARKET OF AQUACULTURE ANIMALS AND PRODUCTS THEREOF

SECTION 1

General Provisions

Article 11

Scope

1 Unless otherwise provided, this Chapter shall apply only to the diseases and the species susceptible thereto listed in Part II of Annex IV.

2 Member States may allow the placing on the market for scientific purposes of aquaculture animals and products thereof, which do not comply with this Chapter under the strict supervision of the competent authority.

The competent authority shall ensure that such placing on the market does not jeopardise the health status with regard to the diseases listed in Part II of Annex IV of aquatic animals at the place of destination or at places of transit.

Any such movements between Member States shall not take place without prior notification of the competent authorities of the Member States concerned.

Article 12

General requirements for the placing of aquaculture animals on the market

1 Member States shall ensure that the placing on the market of aquaculture animals and products thereof does not jeopardise the health status of aquatic animals at the place of destination with regard to the diseases listed in Part II of Annex IV.

2 Detailed rules on the movement of aquaculture animals are laid down in this Chapter, in particular relating to movements between Member States, zones and compartments with different health statuses, as referred to in Part A of Annex III.

Article 13

Disease prevention requirements in relation to transport

1 Member States shall ensure that:

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- a the necessary disease prevention measures are applied during the transport of aquaculture animals in order not to alter the health status of those animals during transport, and to reduce the risk of spreading diseases;
- and
- b aquaculture animals are transported under conditions which neither alter their health status nor jeopardise the health status of the place of destination, and where appropriate, of places of transit.

This paragraph shall also apply to diseases and the species susceptible thereto not listed in Part II of Annex IV.

2 Member States shall ensure that any water exchanges during transport are carried out at places and under conditions which do not jeopardise the health status of:

- a the aquaculture animals being transported;
- b any aquatic animals at the place of water exchange;
- and
- c aquatic animals at the place of destination.

Article 14

Animal health certification

1 Member States shall ensure that the placing on the market of aquaculture animals is subject to animal health certification when the animals are introduced into a Member State, zone or compartment declared disease-free in accordance with Articles 49 and 50 or subject to surveillance, or eradication programme in accordance with Article 44(1) or (2) for:

- a farming and restocking purposes;
- or
- b further processing before human consumption, unless:
 - (i) as regards fish, they are slaughtered and eviscerated before dispatch;
 - (ii) as regards molluscs and crustaceans, they are dispatched as unprocessed or processed products.

2 Member States shall also ensure that the placing on the market of aquaculture animals is subject to animal health certification when the animals are allowed to leave an area subject to the control provisions provided for in Sections 3, 4, 5 and 6 of Chapter V.

This paragraph shall also apply to diseases and the species susceptible thereto not listed in Part II of Annex IV.

3 The following movements shall be subject to notification under the computerised system provided for in Article 20(1) of Directive 90/425/EEC:

- a movements of aquaculture animals between Member States where animal health certification is required in accordance with paragraphs 1 or 2 of this Article;
- and
- b all other movements of live aquaculture animals for farming or restocking purposes between Member States where no animal health certification is required under this Directive.

4 Member States may decide to use the computerised system provided for in paragraph 3 to trace movements taking place entirely within their territory.

SECTION 2

Aquaculture animals intended for farming and restocking

Article 15

General requirements for the placing of aquaculture animals on the market for farming and restocking

1 Without prejudice to the provisions laid down in Chapter V, Member States shall ensure that aquaculture animals placed on the market for farming are:

a clinically healthy;

and

b do not come from a farm or mollusc farming area where there is any unresolved increased mortality.

This paragraph shall also apply in relation to diseases and the species susceptible thereto not listed in Part II of Annex IV.

2 By way of derogation from paragraph 1(b), Member States may allow such placing on the market, based on an assessment of risk, provided that the animals originate from a part of the farm or mollusc farming area independent of the epidemiological unit where the increased mortality has occurred.

3 Member States shall ensure that aquaculture animals intended for destruction or slaughter in accordance with the disease control measures provided for in Chapter V are not placed on the market for farming and restocking purposes.

4 Aquaculture animals may only be released into the wild for restocking purposes or into put and take fisheries if they:

a comply with the requirements in paragraph 1;

and

b come from a farm or mollusc farming area with a health status as referred to in Part A of Annex III, at least equivalent to the health status of the waters in which they are to be released.

However, Member States may decide that the aquaculture animals shall come from a zone or compartment declared disease-free in accordance with Articles 49 or 50. Member States may also decide to apply this paragraph to programmes drawn up and applied in accordance with Article 43.

Article 16

Introduction of aquaculture animals of species susceptible to a specific disease into areas free of that disease

1 In order to be introduced for farming or restocking into a Member State, zone or compartment declared free of a specific disease in accordance with Articles 49 or 50,

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aquaculture animals of species susceptible thereto shall originate from another Member State, zone or compartment also declared free of that disease.

2 Where it can be scientifically justified that species susceptible to the specific disease at certain life stages do not transmit that disease, paragraph 1 shall not apply to those life stages.

A list of species and life stages to which the first subparagraph may apply shall be adopted and when necessary amended to take account of scientific and technological developments in accordance with the procedure referred to in Article 62(2).

Article 17

Introduction of live aquaculture animals of vector species into disease-free areas

1 Where scientific data or practical experience substantiates that species other than those referred to in Part II of Annex IV may be responsible for the transmission of a specific disease by acting as vector species, Member States shall ensure that where introduced for farming or restocking purposes into a Member State, zone or compartment declared free of that specific disease in accordance with Articles 49 or 50, such vector species shall:

- a originate from another Member State, zone or compartment declared free of that specific disease;
- or
- b be held in quarantine facilities in water free of the pathogen in question, for an appropriate period of time, where, in the light of the scientific data or practical experience provided, this proves to be sufficient to reduce the risk of transmission of the specific disease to a level acceptable for preventing the transmission of the disease concerned.

2 A list of vector species and life stages of such species to which this Article applies and, where appropriate, the conditions under which those species can transmit a disease shall be adopted, and when necessary amended taking into account scientific and technological developments in accordance with the procedure referred to in Article 62(2).

3 Pending the possible inclusion of a species on the list referred to in paragraph 2, the Commission may decide in accordance with the procedure referred to in Article 62(3), to allow Member States to apply the provisions provided for in paragraph 1.

SECTION 3

Aquaculture animals and products thereof intended for human consumption

Article 18

Aquaculture animals and products thereof placed on the market for further processing before human consumption

1 Member States shall ensure that aquaculture animals of species susceptible to one or more of the non-exotic diseases listed in Part II of Annex IV, and products thereof, may only be placed on the market for further processing in a Member State, zone or compartment declared free of those diseases in accordance with Articles 49 or 50, if they comply with one of the following conditions:

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- a they originate from another Member State, zone or compartment declared free of the disease in question;
 - b they are processed in an authorised processing establishment under conditions which prevent the spreading of diseases;
 - c as regards fish, they are slaughtered and eviscerated before dispatch;
- or
- d as regards molluscs and crustaceans, they are dispatched as unprocessed or processed products.

2 Member States shall ensure that live aquaculture animals of species susceptible to one or more of the non-exotic diseases listed in Part II of Annex IV which are placed on the market for further processing in a Member State, zone or compartment declared free of those diseases in accordance with Articles 49 or 50, may only be temporarily stored at the place of processing if:

- a they originate from another Member State, zone, or compartment declared free of the disease in question;
- or
- b they are temporarily kept in 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.

Article 19

Aquaculture animals and products thereof placed on the market for human consumption without further processing

1 This section shall not apply where aquaculture animals of species susceptible to one or more of the diseases listed in Part II of Annex IV, or products thereof, 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 packaging and labelling provided for in Regulation (EC) No 853/2004.

2 Where live molluscs and crustaceans of species susceptible to one or more of the diseases listed in Part II of Annex IV are temporarily relayed in Community waters, or introduced into dispatch centres, purification centres or similar businesses, they shall comply with Article 18(2).

SECTION 4

Wild aquatic animals

Article 20

Release of wild aquatic animals in Member States, zones or compartments declared disease-free

1 Wild aquatic animals of species susceptible to one or more of the diseases listed in Part II of Annex IV caught in a Member State or zone or compartment not declared disease-free in accordance with Articles 49 or 50 shall be placed in quarantine under the supervision

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of the competent authority in suitable facilities, for a period of time sufficient to reduce to an acceptable level the risk of transmission of the disease, before they may be released into a farm or mollusc farming area situated in a Member State, zone, or compartment declared free from that disease in accordance with Articles 49 or 50.

2 The Member States may allow traditional extensive lagoon aquaculture practice, without the quarantine provided for in paragraph 1, provided a risk assessment is undertaken and that the risk is considered not higher than what is expected from the application of paragraph 1.

SECTION 5

Ornamental aquatic animals

Article 21

Placing on the market of ornamental aquatic animals

1 Member States shall ensure that the placing on the market of ornamental aquatic animals does not jeopardise the health status of aquatic animals with regard to the diseases listed in Part II of Annex IV.

2 This Article shall apply also in relation to diseases not listed in Part II of Annex IV.