

Commission Decision of 16 December 2004 amending Decision 2003/858/EC as regards imports of live fish of aquaculture origin and products thereof for further processing or immediate human consumption (notified under document number C(2004) 4560) (Text with EEA relevance) (2004/914/EC)

## COMMISSION DECISION

of 16 December 2004

amending Decision 2003/858/EC as regards imports of live fish of aquaculture origin and products thereof for further processing or immediate human consumption

(notified under document number C(2004) 4560)

(Text with EEA relevance)

(2004/914/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products<sup>(1)</sup>, and in particular Article 20(1) and Article 21(2) thereof,

Whereas:

- (1) Commission Decision 2003/858/EC of 21 November 2003 laying down the animal health conditions and certification requirements for imports of live fish, their eggs and gametes intended for farming, and live fish of aquaculture origin and products thereof intended for human consumption<sup>(2)</sup>, sets out the specific animal health conditions for imports of live fish and certain products of aquaculture origin into the Community from third countries.
- (2) The definition of ‘farming’ in Decision 2003/858/EC has led to different interpretations concerning the scope of the Decision. For the sake of clarity, this definition should therefore be made more precise.
- (3) The requirements laid down in Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products<sup>(3)</sup>, apply also to live fish imported for the purpose of human consumption. For the sake of clarity, Article 4 of Decision 2003/858/EC should be amended accordingly.
- (4) The import requirements for fish products to be further processed in Decision 2003/858/EC should apply only to species susceptible to diseases referred to in List II of Annex A to Directive 91/67/EEC or diseases that are considered exotic to the Community. Experience has shown that these requirements are not clearly described by the wording of Article 5(2), and therefore that article should be amended for the sake of clarification.

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**Changes to legislation:** There are currently no known outstanding effects for the Commission Decision of 16 December 2004 amending Decision 2003/858/EC as regards imports of live fish of aquaculture origin and products thereof for further processing or immediate human consumption (notified under document number C(2004) 4560) (Text with EEA relevance) (2004/914/EC). (See end of Document for details)

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- (5) Commission Regulation (EC) No 282/2004 of 18 February 2004 introducing a document for the declaration of, and veterinary checks on, animals from third countries entering the Community<sup>(4)</sup>, has replaced Decision 92/527/EEC<sup>(5)</sup>. Where live fish are destined for farming or restocking purposes, the control procedure in Article 8 of Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC<sup>(6)</sup>, should be used and the common veterinary entry document in Regulation (EC) No 282/2004 completed accordingly by the official veterinarian.
- (6) Commission Regulation (EC) No 136/2004 of 22 January 2004 laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries<sup>(7)</sup> has replaced Decision 93/13/EEC<sup>(8)</sup>. Where certain products of aquaculture origin are destined for further processing in the Community, the control procedure in Article 8 of Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries<sup>(9)</sup> should be used and the common veterinary entry document in Regulation (EC) No 136/2004 completed accordingly by the official veterinarian.
- (7) The certification procedures laid down in Article 7 of Decision 2003/858/EC should be amended accordingly, and its Annex VI deleted.
- (8) It is necessary, for the sake of simplification and clarification, to harmonise statements on the model certificates laid down in the Annexes to Decision 2003/858/EC, with those on the model certificates laid down pursuant to Directive 91/493/EEC. Annexes II, III, IV and V to Decision 2003/858/EC should be amended accordingly.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

#### *Article 1*

Decision 2003/858/EC is amended as follows.

- 1. Article 2(2)(g) is replaced by:
  - (g) “farming” means the keeping of aquatic animals on a farm.
- 2. Article 4 is replaced by the following:

#### *Article 4*

#### **Conditions related to importation of live fish of aquaculture origin for human consumption**

Member States shall authorise the importation into their territory of live fish of aquaculture origin intended for immediate human consumption or for further processing before human consumption, only if:

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- (a) the fish originate in third countries authorised under Article 11 of Directive 91/493/EEC, and comply with the public health certification requirements laid down under that Directive; and
  - (b) the consignment complies with the conditions laid down in Article 3(1); or
  - (c) the fish is sent directly to an approved import centre to be slaughtered and eviscerated.
3. Article 5(2) is replaced by:
2. Member States shall ensure that the processing of fish products of aquaculture origin from species susceptible to EHN, ISA, VHS and IHN takes place in approved import centres unless:
- a the fish have been eviscerated before dispatch to the European Community; or
  - b the place of origin in the third country has a health status as regards EHN, ISA, VHS and IHN, equivalent to the place where they are to be processed.
4. Article 6 is replaced by the following:

#### *Article 6*

#### **Conditions related to importation of fish products of aquaculture origin for immediate human consumption**

Member States shall authorise the importation into their territory of fish products of aquaculture origin intended for immediate human consumption only if:

- (a) the fish originate in third countries and establishments authorised under Article 11 of Directive 91/493/EEC, and comply with the public health certification requirements laid down under that Directive; and
  - (b) the consignment consists of fish products suitable for retail sale to restaurants or directly to the consumer without further processing; and labelled in accordance with the provisions of Directive 91/493/EEC; and
  - (c) the consignment complies with the guarantees laid down in the animal health certificate drawn up in conformity with the model in Annex V, taking into account the explanatory notes in Annex III.
5. Article 7 is replaced by the following:

#### *Article 7*

#### **Control procedures**

- 1 Live fish, their eggs and gametes imported for the purpose of farming, and live fish of aquaculture origin imported for the purposes of restocking of put and take fisheries shall be subject to veterinary checks at the border inspection post in the Member State of arrival according to Article 8 of Directive 91/496/EEC, and the common veterinary entry document provided for in Regulation (EC) No 282/2004 shall be completed accordingly.

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- 2                    Live fish of aquaculture origin and products thereof imported for immediate human consumption or for further processing before human consumption, shall be subject to veterinary checks at the border inspection post in the Member State of arrival according to Article 8 of Directive 97/78/EC, and the common veterinary entry document provided for in Regulation (EC) No 136/2004 shall be completed accordingly.
6.                Article 8 is replaced by the following:

*Article 8*

**Preventing contamination of natural waters**

- 1                    Member States shall ensure that imported live fish of aquaculture origin intended for human consumption are not released into natural waters within their territory.
- 2                    Member States shall ensure that imported products of aquaculture origin intended for human consumption do not contaminate any natural waters within their territory.
- 3                    Member States shall ensure that transport water from imported consignments does not lead to contamination of natural waters within their territory.
7.                Annex II is replaced by Annex I to this Decision.
8.                Annex III is replaced by Annex II to this Decision.
9.                Annex IV is replaced by Annex III to this Decision.
10.              Annex V is replaced by Annex IV to this Decision.
11.              Annex VI is deleted.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 16 December 2004.

*For the Commission*

Markos KYPRIANOU

*Member of the Commission*

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## ANNEX I

### ANNEX II Model animal health certificate for the importation of<sup>(1)</sup> [live fish, eggs and gametes for farming]<sup>(1)</sup> [live fish of aquaculture origin for the purpose of<sup>(1)</sup> [human consumption]<sup>(1)</sup> [restocking of put and take fisheries]] into the European Community (EC)

Reference code No ORIGINAL  
Reference code No of  
public health certificate (where appropriate)

Note for the importer: This certificate is only for veterinary purposes and has — in its original — to accompany the consignment until it reaches the border inspection post.

Where the live fish, eggs or gametes are intended for farming or restocking of put and take fisheries in the Community, the consignment should be subjected to veterinary controls according to Council Directive 91/496/EEC, at a border inspection post approved for live animals.

Where the live fish are intended human consumption in the Community, the consignment should be subjected to veterinary controls according to Council Directive 97/78/EC, at a border inspection post approved for animal products. In the last case, this certificate must be attached to the certificate issued pursuant to Council Directive 91/493/EEC.

<b>1. Exporting country and authorities involved</b> 1.1. Exporting country: ..... ..... 1.2. Competent authority: ..... ..... 1.3. Competent issuing authority: ..... .....	<b>3. Destination of the consignment</b> 3.1. Member State: ..... ..... ( <sup>1</sup> )3.2. Zone or part <sup>(3)</sup> of the Member State: ..... ..... ] ( <sup>1</sup> )3.3. Farm, name: ..... ..... ] 3.4. Address: ..... ..... 3.5. Name, address and phone number of the consignee: ..... ..... ..... .....
<b>2. Place of origin of the consignment</b> 2.1. Code of territory of origin <sup>(2)</sup> : ..... ..... ( <sup>1</sup> )2.2. Farm of origin, name: ..... ..... ] ( <sup>1</sup> )2.3. Address or location of farm: ..... ..... ..... ] 2.4. Name, address and phone number of the consignor: ..... ..... ..... ..... ..... .....	<b>4. Means of transport and consignment identification<sup>(4)</sup></b> 4.1. Means of transport: ( <sup>1</sup> ) [Lorry] ( <sup>1</sup> ) [Rail-wagon] ( <sup>1</sup> ) [Ship] ( <sup>1</sup> ) [Aircraft] 4.2. ( <sup>1</sup> ) [Registration number(s)] ( <sup>1</sup> ) [Ship name] ( <sup>1</sup> ) [Flight number]: ..... ..... 4.3. Consignment identification details: ..... .....

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<b>5. Description of the consignment</b>				
<input type="checkbox"/> Farmed stocks <input type="checkbox"/> Wild stocks <input type="checkbox"/> Live fish <input type="checkbox"/> Gametes <input type="checkbox"/> Fertilised eggs <input type="checkbox"/> Unfertilised eggs <input type="checkbox"/> Larvae/fry				
Fish species		Total weight of fish (kg)	( <sup>1</sup> )[Volume of eggs]	Age of live fish
Scientific name:	Common name:	( <sup>1</sup> )[Number of fish]	( <sup>1</sup> )[Volume of gametes]	
				<input type="checkbox"/> >24 months <input type="checkbox"/> 12-24 months <input type="checkbox"/> 0-11 months <input type="checkbox"/> unknown
<b>6. Animal health attestation for importation of (<sup>1</sup>) [<sup>1</sup>][live fish] (<sup>1</sup>)[and] (<sup>1</sup>)[eggs] (<sup>1</sup>)[and] (<sup>1</sup>)[gametes] for farming] (<sup>1</sup>)[live fish of aquaculture origin intended for (<sup>1</sup>)[human consumption] (<sup>1</sup>)[for farming or restocking of put and take fisheries]]</b>				
I, the undersigned official inspector, hereby certify that the ( <sup>1</sup> )[live fish] ( <sup>1</sup> )[and] ( <sup>1</sup> )[eggs] ( <sup>1</sup> )[and] ( <sup>1</sup> )[gametes], referred to at point 5 of this certificate fulfils the following requirements:				
<b>6.1. either:</b>				
( <sup>5</sup> )[They originate from the territory ( <sup>2</sup> ) with the code: ..... ( <sup>2</sup> ) in which all farms rearing or keeping live fish, their eggs or gametes, of any species considered as susceptible ( <sup>6</sup> ) to the following diseases: infectious salmon anaemia (ISA), epizootic haematopoietic necrosis (EHN), viral haemorrhagic septicaemia (VHS), and infectious haematopoietic necrosis (IHN):				
— are officially registered by the competent authority,				
— keep an updated record of live fish, eggs and gametes entering and leaving the farm and all information relating to their delivery and dispatch, their number or weight, their size, their source, their suppliers and observed mortality ( <sup>7</sup> ),				
— have to notify as soon as possible to the competent authority any suspicion of the following diseases: ISA, EHN, VHS and IHN, and any clinical signs giving reason to suspect the presence of a disease capable of causing significant impact on the fish stock,				
— are subject to appropriate disease control measures as necessary at least equivalent to those required in Council Directives 91/67/EEC and 93/53/EEC including prohibition as regards vaccination against ISA, and as regards sampling and testing also Commission Decisions 2001/183/EC and 2003/466/EC; in cases where sampling and testing methods are not established in the Community legislation, the methods are those laid down in the relevant chapters of the OIE ( <sup>8</sup> ) <i>Manual of Diagnostic Tests for Aquatic Animals</i> , fourth edition, 2003,				
— have had no disease, that has caused significant impact to the stock during the last six months prior to dispatch, and during the last two years, no cases of the diseases ISA and EHN,				
— have, during the last two years prior to dispatch, not introduced live fish, eggs or gametes with a lower health status,				
— there are, on the day of loading, no clinical signs of disease and there is no suspicion of the presence of any of the following diseases: ISA, EHN, VHS and IHN.]				
or				
( <sup>5</sup> )[They originate from the territory ( <sup>2</sup> ) with the code: ..... ( <sup>2</sup> ) which:				
— is a designated farm, or a farm that is not connected with a watercourse, or with coastal or estuarial waters, and that does not contain fish of the species considered as susceptible ( <sup>6</sup> ) to the diseases: infectious salmon anaemia (ISA), epizootic haematopoietic necrosis (EHN), viral haemorrhagic septicaemia (VHS), and infectious haematopoietic necrosis (IHN),				
— keep an updated record of live fish, eggs and gametes entering and leaving the farm and all information relating to their delivery and dispatch, their number or weight, their size, their source, their suppliers and observed mortality ( <sup>7</sup> ).]				
or				
( <sup>9</sup> )[They originate from the territory ( <sup>2</sup> ) with the code: ..... ( <sup>2</sup> ) in which:				
— there are no farms rearing or keeping live fish, their eggs or gametes, of any species considered as susceptible ( <sup>6</sup> ) to the following diseases: infectious salmon anaemia (ISA), epizootic haematopoietic necrosis (EHN), viral haemorrhagic septicaemia (VHS), and infectious haematopoietic necrosis (IHN), and such species are not present in the natural waters,				
— there has been no disease that has caused significant impact on the stock during the last six months prior to dispatch.].				

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6.2. They:

- have not, since the time of collection, been in contact with live fish, eggs or gametes of a lower health status than referred to in point 6.1. of this certificate,
- are not intended for destruction or slaughter for the eradication of the following diseases: ISA, VHS, IHN, EHN, spring viraemia of carp (SVC), infectious pancreatic necrosis (IPN), bacterial kidney disease (BKD, *Renibacterium salmoninarum*), furunculosis (*Aeromonas salmonicida*), enteric redmouth disease (ERM, *Yersinia ruckeri*), *Gyrodactylus salaris*, or due to diseases caused by any other pathogen,
- are not subject to any prohibitions for animal health reasons,
- showed no clinical signs of disease on the day of loading,
- <sup>(10)</sup>[were subject to a visual check of a randomly selected representative part of the consignment, including each part having a different origin, and no fish species other than those specified in point 5 of this certificate were detected], and
- <sup>(11)</sup>[have been disinfected in accordance with OIE <sup>(8)</sup> *International Aquatic Animal Health Code*, edition 2003, Appendix 5.2.1.].

<sup>(12)</sup>[7. **Specific animal health requirements as regards VHS, IHN, SVC, IPN, BKD and *Gyrodactylus salaris***

<sup>(13)</sup>[7.1. I, the undersigned official inspector, hereby certify that the <sup>(1)</sup>[live fish] <sup>(1)</sup>[and] <sup>(1)</sup>[eggs] <sup>(1)</sup>[and] <sup>(1)</sup>[gametes], referred to at point 5 of this certificate, originate from a territory <sup>(2)</sup>that, in addition to the guarantees given in point 6 of this certificate, is approved by the competent authority as having an equivalent health status to those farms and zones within the Community, with approved status as regards <sup>(1)</sup>[VHS] <sup>(1)</sup>[and] <sup>(1)</sup>[IHN], as they:

*Either*

- <sup>(1)</sup>[either <sup>(1)</sup>[originate from a coastal zone in which all farms are under the supervision of the competent authority, and the fish]
- or <sup>(1)</sup> [<sup>(1)</sup>[originate from a continental zone in which all farms are under the supervision of the competent authority, and the fish]
- or <sup>(1)</sup> [<sup>(1)</sup>[originate from a designated farm which is under the supervision of the competent authority, and the fish]
- or <sup>(1)</sup> [<sup>(1)</sup>[originate from a farm which is under the supervision of the competent authority, and where the water is supplied by means of a system which ensures the complete inactivation of <sup>(1)</sup>[VHS] <sup>(1)</sup>[and] <sup>(1)</sup>[IHN], and the fish]
- or <sup>(1)</sup> [<sup>(1)</sup>[originate from a coastal zone in which there are no farms, and the wild fish:]
- or <sup>(1)</sup> [<sup>(1)</sup>[originate from a continental zone in which there are no farms, and the wild fish:]

- have been subject to health inspections, carried out at intervals adapted to the development of <sup>(1)</sup>[VHS] <sup>(1)</sup>[and] <sup>(1)</sup>[IHN] and samples are taken and examined for these pathogens with a negative result by an officially authorised laboratory and the sampling and testing methods are at least equivalent to those laid down in Directives 91/67/EEC, 93/53/EEC and Decision 2001/183/EC as the following surveillance scheme has been used:

<sup>(14)</sup>[‘EC Model A’ — at least four years documented freedom, including a two-year surveillance program] <sup>(14)</sup>[‘EC Model B’ — at least six years documented freedom, including a two-year surveillance program with reduced sample size] <sup>(15)</sup>[‘EC Special provisions’ — new farms] <sup>(15)</sup>[‘EC Special provisions’ — farms which recommence their activities] <sup>(1)</sup>[‘OIE’ — methods as described in the OIE <sup>(8)</sup> *Manual of Diagnostic Tests for Aquatic Animals*, fourth edition, 2003, Chapters: I.1.4. (General) and <sup>(1)</sup>[2.1.5. (VHS)] <sup>(1)</sup>[and] <sup>(1)</sup>[2.1.2. (IHN)]]],

- since at least two years have been free of clinical and other signs of <sup>(1)</sup>[VHS] <sup>(1)</sup>[and] <sup>(1)</sup>[IHN],
- originate from a territory <sup>(2)</sup> where all necessary measures <sup>(16)</sup> are taken to prevent the introduction of diseases.]

*Or*

- <sup>(1)</sup> [<sup>(1)</sup>[originate from a farm that is not connected with a watercourse, or with coastal or estuarial waters and does not contain any fish of the species considered as susceptible <sup>(8)</sup> to <sup>(1)</sup>[VHS] <sup>(1)</sup>[and] <sup>(1)</sup>[IHN].]

*Or*

- <sup>(1)</sup> [<sup>(1)</sup>[originate from a farm that is connected with a watercourse, or with coastal or estuarial waters but where the competent authority has recognised that neither the farm, nor the watercourse, or coastal or estuarial waters contain any fish of the species considered as susceptible <sup>(8)</sup> to <sup>(1)</sup>[VHS] <sup>(1)</sup>[and] <sup>(1)</sup>[IHN].]

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- (<sup>17</sup>) [7.2. I, the undersigned official inspector, hereby certify that the (<sup>1</sup>) [live fish] (<sup>1</sup>) [and] (<sup>1</sup>) [eggs] (<sup>1</sup>) [and] (<sup>1</sup>) [gametes], referred to at point 5 of this certificate, which is considered susceptible (<sup>6</sup>) to (<sup>1</sup>) [spring viraemia of carp] (<sup>1</sup>) [and] (<sup>1</sup>) [infectious pancreatic necrosis] (<sup>1</sup>) [and] (<sup>1</sup>) [bacterial kidney disease], originate from a territory (<sup>2</sup>)
- where (<sup>1</sup>) [SVC] (<sup>1</sup>) [and] (<sup>1</sup>) [IPN] (<sup>1</sup>) [and] (<sup>1</sup>) [BKD] is notifiable to the competent authority, and reports of suspicion of infections must be immediately investigated by the official services,
  - in which all introduction of species susceptible (<sup>6</sup>) to (<sup>1</sup>) [SVC] (<sup>1</sup>) [and] (<sup>1</sup>) [IPN] (<sup>1</sup>) [and] (<sup>1</sup>) [BKD] has come from a zone or farm having the same health status with respect to (<sup>1</sup>) [SVC] (<sup>1</sup>) [and] (<sup>1</sup>) [IPN] (<sup>1</sup>) [and] (<sup>1</sup>) [BKD],
  - (<sup>18</sup>) [in which the fish has not been vaccinated against (<sup>1</sup>) [SVC] (<sup>1</sup>) [and] (<sup>1</sup>) [IPN] (<sup>1</sup>) [and] (<sup>1</sup>) [BKD]],
  - where all farms raising species susceptible (<sup>6</sup>) to (<sup>1</sup>) [SVC] (<sup>1</sup>) [and] (<sup>1</sup>) [IPN] (<sup>1</sup>) [and] (<sup>1</sup>) [BKD] are under the supervision of the competent authority,
  - where all necessary measures (<sup>16</sup>) are taken to prevent the introduction of diseases,
  - that, in addition to the guarantees given in point 6 of this certificate, is approved by the competent authority as having an equivalent health status to zones within the Community, having additional guarantees with regard to (<sup>1</sup>) [SVC] (<sup>1</sup>) [and] (<sup>1</sup>) [IPN] (<sup>1</sup>) [and] (<sup>1</sup>) [BKD] as they:
- either (<sup>1</sup>) [originate from the following territory (<sup>2</sup>): .....], which is considered free from (<sup>1</sup>) [SVC] (<sup>1</sup>) [and] (<sup>1</sup>) [IPN] (<sup>1</sup>) [and] (<sup>1</sup>) [BKD] in accordance with Annex I to Decision 2003/858/EC.]
- or (<sup>1</sup>) [originate from the following farm: .....], which at the time of the year (<sup>1</sup>) [SVC] (<sup>1</sup>) [and] (<sup>1</sup>) [IPN] (<sup>1</sup>) [and] (<sup>1</sup>) [BKD] is expected to manifest itself, have been submitted for at least two years to inspections by the competent authorities, with sampling at least equivalent to those sampling programmes laid down by Decision 2001/183/EC (<sup>14</sup>) or surveillance methods as described in the OIE (<sup>8</sup>) *Manual of diagnostic tests for aquatic animals*, Chapter 1.1.4. and the relevant disease chapters, and as laboratory tests have been carried out in accordance with the relevant chapters in the most current edition of the OIE (<sup>8</sup>) *Manual of diagnostic tests for aquatic animals*, with all tests giving negative results.]
- or (<sup>19</sup>) [originate from the following continental farm: .....], where (<sup>1</sup>) [SVC] (<sup>1</sup>) [and] (<sup>1</sup>) [IPN] (<sup>1</sup>) [and] (<sup>1</sup>) [BKD] have occurred within in the previous two years, but where the whole fish population has been withdrawn, and all ponds, tanks or other installations and equipment disinfected under the supervision of the competent authority, and where restocking has taken place with fish from a source certified free by the competent authority after sampling at least equivalent to those sampling programmes laid down in Decision 2001/183/EC (<sup>12</sup>) (<sup>13</sup>) or surveillance methods as described in the OIE (<sup>8</sup>) *Manual of diagnostic tests for aquatic animals*, Chapter 1.1.4. and the relevant disease chapters and as laboratory tests have been carried out in accordance with the relevant chapters in the most current edition of the OIE *Manual of diagnostic tests for aquatic animals*, with all tests giving negative results.]
- (<sup>20</sup>) [7.3. I, the undersigned official inspector, hereby certify that the (<sup>1</sup>) [live fish] (<sup>1</sup>) [and] (<sup>1</sup>) [eggs] (<sup>1</sup>) [and] (<sup>1</sup>) [gametes], referred to at point 5 of this certificate, which is considered susceptible (<sup>6</sup>) to *Gyrodactylus salaris*, originate from a territory (<sup>2</sup>)
- where *G. salaris* is notifiable to the competent authority, and reports of suspicion of infections must be immediately investigated by the official services,
  - in which all introduction of species susceptible (<sup>6</sup>) to *G. salaris* has come from a zone or farm declared free from *G. salaris*,
  - where all farms raising species susceptible (<sup>6</sup>) to *G. salaris* are under the supervision of the competent authority,
  - where all necessary measures (<sup>16</sup>) are taken to prevent the introduction of diseases,
  - that, in addition to the guarantees given in point 6 of this certificate, is approved by the competent authority as having an equivalent health status to those zones within the Community, having additional guarantees with regard to *Gyrodactylus salaris*, as they:



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either <sup>(1)</sup>[originate from the following territory <sup>(2)</sup>: .....], which is considered free from *Gyrodactylus salaris* in accordance with Annex I to Decision 2003/858/EC.]

or <sup>(1)</sup>[originate from the following continental farm: ....., which at the time of the year *Gyrodactylus salaris* is expected to manifest itself, has been submitted for at least two years to inspections by the competent authorities, with sample size at least equivalent to those sampling programmes laid down in Decision 2001/183/EC <sup>(14)</sup> and sampling and laboratory tests have been carried out in accordance with the relevant chapters in the most current edition of the OIE <sup>(8)</sup> *Manual of diagnostic tests for aquatic animals*, with all tests giving negative results; and the farm is either situated in a part <sup>(21)</sup> of a water catchment area declared free <sup>(22)</sup> from *Gyrodactylus salaris*, or situated in a water catchment area declared free <sup>(22)</sup> from *G. salaris* and all other water catchment areas draining into the same estuary are declared free <sup>(22)</sup> <sup>(23)</sup> from *G. salaris*, and]

or <sup>(1)</sup>[originate from the following coastal farm: ....., which is situated in an coastal zone with a salinity below 25 parts per thousand, and where all water catchment areas draining into the estuary are declared free <sup>(22)</sup> <sup>(23)</sup> of *G. salaris*, and]

or <sup>(1)</sup>[originate from the following coastal farm: ....., which is situated in a coastal zone where the seawater has a salinity of more than 25 parts per thousand and no live fish of the susceptible species <sup>(6)</sup> have been introduced during the previous 14 days, and]

or <sup>(11)</sup>[originate from the following farm: ....., where the eggs have been disinfected according to the OIE *International Aquatic Animal Health Code*, sixth edition, 2003, Appendix 5.2.1., ensuring the elimination *G. salaris*.]

#### 8. Transport requirements

Furthermore, they:

— are placed under conditions that do not alter their health status, and

— have been placed in <sup>(1)</sup>[sealed watertight containers or boxes suitable for the purpose, which are new or have been cleaned and disinfected beforehand using an authorised disinfectant and which bear on the exterior a legible label] <sup>(1)</sup>[a well boat where the well and its pipe and pump systems were free of fish, cleaned and disinfected using an authorised disinfectant, and inspected before loading, carrying a manifest] with the relevant <sup>(24)</sup> information referred to in points 1, 2 and 3 of this certificate and with the following statement:

either

o[<sup>(1)</sup>Live fish] <sup>(1)</sup>[and] <sup>(1)</sup>[Eggs] <sup>(1)</sup>[and] <sup>(1)</sup>[Gametes] intended for farming in European Community zones and farms except those with a Community approved programme or status, and additional guarantees with regard to: viral haemorrhagic septicaemia (VHS), infectious haematopoietic necrosis (IHN), spring viraemia of carp (SVC), infectious pancreatic necrosis (IPN), bacterial kidney disease (BKD) and *Gyrodactylus salaris*.]

or

[<sup>(1)</sup>Live fish of aquaculture origin intended for <sup>(1)</sup>[restocking of put-and take fisheries] <sup>(1)</sup>[human consumption] in European Community zones and farms except those with a Community approved programme or status, additional guarantees or protective measures with regard to: viral haemorrhagic septicaemia (VHS), infectious haematopoietic necrosis (IHN), spring viraemia of carp (SVC), infectious pancreatic necrosis (IPN), bacterial kidney disease (BKD) and *Gyrodactylus salaris*.]

or

[<sup>(1)</sup>Live fish] <sup>(1)</sup>[and] <sup>(1)</sup>[Eggs] <sup>(1)</sup>[and] <sup>(1)</sup>[Gametes] intended for farming in European Community zones and farms including those with a Community approved programme or status, additional guarantees or protective measures with regard to: <sup>(1)</sup>[viral haemorrhagic septicaemia (VHS)] <sup>(1)</sup>[and] <sup>(1)</sup>[infectious haematopoietic necrosis (IHN)] <sup>(1)</sup>[and] <sup>(1)</sup>[spring viraemia of carp] <sup>(1)</sup>[and] <sup>(1)</sup>[infectious pancreatic necrosis] <sup>(1)</sup>[and] <sup>(1)</sup>[bacterial kidney disease] <sup>(1)</sup>[and] <sup>(1)</sup>[*Gyrodactylus salaris*].]

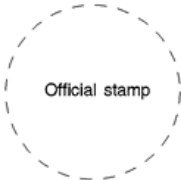
or

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or

[<sup>(1)</sup>Live fish of aquaculture origin intended for further processing in approved import centres before human consumption].

**Changes to legislation:** There are currently no known outstanding effects for the Commission Decision of 16 December 2004 amending Decision 2003/858/EC as regards imports of live fish of aquaculture origin and products thereof for further processing or immediate human consumption (notified under document number C(2004) 4560) (Text with EEA relevance) (2004/914/EC). (See end of Document for details)

Done at ..... <div style="text-align: center;">(Place)</div> <div style="text-align: center; margin-top: 50px;">  </div>	on ..... <div style="text-align: center;">(Date)</div> <div style="text-align: center; margin-top: 50px;">         .....          (Signature of official inspector)       </div> <div style="text-align: center; margin-top: 10px;">         .....          (Name in capital letters, qualifications and title)       </div>																		
<p><i>Indicative notes</i></p> <p>(<sup>1</sup>) Retain as appropriate.</p> <p>(<sup>2</sup>) Territory (a whole country, or a zone or a farm) and code of territory as appearing in Annex I to Commission Decision 2003/858/EC.</p> <p>(<sup>3</sup>) Specify as applicable: zone, farm, or in case of live fish for human consumption, establishment. If the zone is specified under point 3.2., then the name of the farm, or in case of live fish for human consumption, establishment, must be specified under point 3.3.</p> <p>(<sup>4</sup>) The registration number(s) of rail-wagon or lorry and the name of the ship should be given as appropriate. If known, the flight number of the aircraft shall be specified.</p> <p style="margin-left: 40px;">In case of transport in containers or boxes, the total number, their registration and seal numbers, if present, shall be indicated under point 4.3.</p> <p>(<sup>5</sup>) Retain where the third country keep species susceptible to EHN, ISA, VHS and/or IHN in fish farms, or if any of such species are present in the natural waters of the country.</p> <p>(<sup>6</sup>) Known susceptible species, see table below.</p>																			
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<p>(*) And any other species referred to in the most recent edition of the OIE International Aquatic Animal Health Code and/or the OIE <i>Manual of diagnostic tests for aquatic animals</i> as being susceptible for the pathogen/disease in question.</p>																			

**Changes to legislation:** There are currently no known outstanding effects for the Commission Decision of 16 December 2004 amending Decision 2003/858/EC as regards imports of live fish of aquaculture origin and products thereof for further processing or immediate human consumption (notified under document number C(2004) 4560) (Text with EEA relevance) (2004/914/EC). (See end of Document for details)

- (7) As applicable.
- (8) World Organisation for Animal Health.
- (9) Retain where the third country do not keep species susceptible to EHN, ISA, VHS and/or IHN in fish farms, and in addition any such species are not present in the natural waters of the country.
- (10) Only applicable for live fish; retain as appropriate.
- (11) Applicable to eggs only; retain as appropriate.
- (12) As laid down in Directive 91/67/EEC, specific animal health requirements are needed in the case of exports to farms or zones within the EC with a Community approved programme, status, or additional guarantees with regard to one or more of the diseases referred to in Lists II and III of Annex A to Directive 91/67/EEC.
- (13) Specific requirements needed in the case of exports to farms or zones within the EC with a Community approved programme or status for viral haemorrhagic septicaemia (VHS) and/or infectious haematopoietic necrosis (IHN) respectively.
- (14) 'Model A or B' as laid down in Decision 2001/183/EC, as well as the requirements in Directives 91/67/EEC and 93/53/EEC, retain as appropriate.
- (15) In accordance with Directives 91/67/EEC and 93/53/EEC, and Decision 2001/183/EC; new farms which commence activity with fish, eggs and gametes that have an equivalent health status according to the central competent authority of the exporting country to those farms and zones approved in the EC with regard to VHS and/or IHN respectively, and otherwise meet the requirements in Annex C, I.A, 6(a) to Directive 91/67/EEC; or farms which recommence their activities after officially supervised cleaning and disinfection and 15 days of fallowing, and which introduce only fish, eggs and gametes that have an equivalent health status according to the central competent authority of the exporting country to those farms and zones approved in the EC with regard to VHS and/or IHN respectively and otherwise meet the requirements in Annex C, I.A, 6(b) to Directive 91/67/EEC. Retain as appropriate.
- (16) Not applicable to coastal or continental zones with no farms. High bio-security level must be maintained. Fish from non-approved farms or zones must not be introduced into approved farms and zones. Ponds with susceptible species should be covered or be located at a safe distance from non-approved farms. Uncontrolled public access should be prevented. The site must not be used for angling purposes unless under conditions authorised and supervised by the local competent authority.
- (17) Specific additional requirements needed in the case of exports to Member States or parts of Member States within the EC with Community approved free status or control and eradication programmes (additional guarantees) as regards spring viraemia of carp (SVC), infectious pancreatic necrosis (IPN), and/or bacterial kidney disease (BKD), according to Commission Decision 2004/453/EC.
- (18) Applicable to species susceptible to SVC, IPN and/or BKD only, introduced into areas with additional guarantees for SVC, IPN and/or BKD. Retain as applicable.
- (19) Applicable only to continental farms where epizootiological investigations have shown that the disease has not spread to other farms or into the wild. Retain as applicable.
- (20) Specific additional requirements needed in the case of exports to Member States or parts of Member States within the EC with Community approved free status (additional guarantees) as regards *Gyrodactylus salaris* according to Decision 2004/453/EC.
- (21) According to Annex B, I.A to Directive 91/67/EEC a part of a water catchment area can only be declared free from a disease if it consists of the upper part of the catchment area from its sources of the waterways to a natural or artificial barrier preventing fish migrating from downstream of that barrier.
- (22) According to the requirements in Chapter 1.B of Annex I to Decision 2004/453/EC.
- (23) When declaring continental zones free of *Gyrodactylus salaris*, it must be taken into account that the disease may spread by migrating fish between different continental zones if the salinity between them is low or intermediate (below 25 ppt). Hence one individual continental zone can not be declared free if another continental zone draining into the same coastal zone is infected or has unknown status, unless they are separated by seawater with salinity above 25 ppt.
- (24) Country and territory of origin (code) and of destination; name and telephone number of the consignor and consignee. In case of a transport with well boat, the transport route from the place of loading to the place of destination should be given.

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## ANNEX II

## ANNEX III

### EXPLANATORY NOTES

- (a) The certificates shall be produced by the competent authorities of the exporting country, based on the appropriate model appearing in Annex II, IV or V to this Decision taking into account the destination and use of the fish or products after the arrival in the European Community (EC).
- (b) Considering the status of the place of destination as regards viral haemorrhagic septicaemia (VHS), infectious haematopoietic necrosis (IHN), spring viraemia of carp (SVC), bacterial kidney disease (BKD), infectious pancreatic necrosis (IPN) and *Gyrodactylus salaris* (*G. salaris*) in the EC Member State, the appropriate specific additional requirements shall be incorporated and completed in the certificate.
- (c) The original of each certificate shall consist of a single page, double-sided, or, where more than one page is required, it shall be in such a form that all pages form part of an integrated whole and are indivisible.

It shall, on the right hand side of the top of each page, be marked as 'original' and bear a specific code number issued by the competent authority. All pages of the certificate shall be numbered - (page number) of (total number of pages).

- (d) The original of the certificate and the labels referred to in the model certificate shall be drawn up in at least one official language of the EC Member State in which the inspection at the border post shall be carried out and of the EC Member State of destination. However, these Member States may allow other languages, if necessary, accompanied by an official translation.
- (e) The certificate issued for live fish, their eggs and gametes must be completed on the day of loading of the consignment for exportation to the EC. The original of the certificate must be completed with an official stamp and signed by an official inspector designated by the competent authority. In doing so, the competent authority of the exporting country shall ensure that the principles of certification equivalent to those laid down in Council Directive 96/93/EC are followed.

The stamp, unless embossed, and the signature shall be in a colour different to that of the printing.

- (f) If for reasons of identification of the items of the consignment, additional pages are attached to the certificate, these pages shall be considered as forming part of the original and be signed and stamped by the certifying official inspector on each page.
- (g) The original of the certificate must accompany the consignment until it reaches the EC border inspection post.
- (h) The certificate issued for live fish, their eggs and gametes shall be valid for 10 days from the date of issue. In the case of transport by ship, the time of validity is prolonged by the time of journey at sea.
- (i) The live fish, their eggs and gametes shall not be transported together with other fish, eggs or gametes that, either are not destined to EC, or are of a lower health status.

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Furthermore, they must not be transported under any other conditions that alter their health status.

- (j) The possible presence of pathogens in the water is relevant for considering the health status of live fish, eggs and gametes. The certifying officer should therefore consider the following:
- the 'Place of origin' should be the localisation of the farm where the fish, eggs or gametes was reared reaching their commercial size relevant for the consignment covered by this certificate.

**Changes to legislation:** There are currently no known outstanding effects for the Commission Decision of 16 December 2004 amending Decision 2003/858/EC as regards imports of live fish of aquaculture origin and products thereof for further processing or immediate human consumption (notified under document number C(2004) 4560) (Text with EEA relevance) (2004/914/EC). (See end of Document for details)

## ANNEX III

ANNEX IV **Model animal health certificate for the importation of fish products of aquaculture origin into the European Community (EC) for further processing before human consumption**

Reference code No

ORIGINAL

Reference code No of  
public health certificate**Note for the importer:**

*This certificate shall accompany slaughtered fish of aquaculture origin, which is intended for further processing operations affecting the anatomical wholeness of the fish in the Community before their placing on the market for human consumption.*

*Processing of fish products of aquaculture origin of species susceptible to EHN, ISA, VHS and IHN must take place in approved import centres unless eviscerated before dispatch, or the place of origin has a health status at least equivalent to the place where they are to be processed.*

*This certificate is only for veterinary purposes and has — in its original — to accompany the consignment until it reaches the border inspection post. This certificate must be attached to the certificate issued pursuant to Council Directive 91/493/EEC.*

**Animal health attestation for importation into the European Community of fish products of aquaculture origin for further processing before human consumption**

**1. General requirements**

I, the undersigned official inspector, hereby certify that the fish products of aquaculture origin referred to in the public health certificate to which this certificate is attached originate from fish which showed no clinical signs of disease at the time of [collection]<sup>(1)</sup> [slaughter]<sup>(1)</sup> [loading]<sup>(1)</sup>, and

<sup>(2)</sup> [Specific requirements for species susceptible<sup>(3)</sup> to EHN and/or ISA

either

<sup>(3)</sup> [originate from fish harvested from a farm or a zone which is approved by the central competent authority as being free from infectious salmon anaemia (ISA) or epizootic haematopoietic necrosis (EHN).]

or

<sup>(3)</sup> [have been slaughtered and eviscerated.]]

<sup>(4)</sup> [Specific requirements for species susceptible to VHS and/or IHN

either

<sup>(1)</sup> [originate from a designated farm.]

or

<sup>(1)</sup> [originate from fish harvested from a farm or a zone which is approved by the central competent authority as having an equivalent health status to those farms and zones with Community approved programmes or status as regards [VHS]<sup>(1)</sup> [and]<sup>(1)</sup> [IHN]<sup>(1)</sup>.]

or

<sup>(1)</sup> [have been slaughtered and eviscerated.]]

**Changes to legislation:** There are currently no known outstanding effects for the Commission Decision of 16 December 2004 amending Decision 2003/858/EC as regards imports of live fish of aquaculture origin and products thereof for further processing or immediate human consumption (notified under document number C(2004) 4560) (Text with EEA relevance) (2004/914/EC). (See end of Document for details)

## 2. Transport and labelling requirements

I, the undersigned official inspector, hereby certify that the fish products of aquaculture origin referred to in the public health certificate to which this certificate is attached

- are transported under conditions that does not alter the animal health status of the products,
- have been packed and identified in accordance with the provisions laid down pursuant to Directive 91/493/EC, with the following statement included:

'[Un-eviscerated fish]<sup>(1)</sup> [and]<sup>(1)</sup> [Eviscerated fish or fish products]<sup>(1)</sup> of aquaculture origin intended for export to the European Community [including to Community approved zones as regards [VHS]<sup>(1)</sup> [and]<sup>(1)</sup> [IHN]<sup>(1)</sup>]<sup>(1)</sup>, for further processing [in approved import centres ]<sup>(1)</sup> before human consumption.'

### General statement

I, the undersigned official inspector, hereby certify that I am aware of the provisions of Council Directives 91/67/EEC and 93/53/EEC and Commission Decision 2003/858/EC.

Done at ..... on .....  
(Place) (Date)



.....  
(Signature of official inspector)

.....  
(Name in capital letters, qualifications and title)

### Indicative notes

<sup>(1)</sup> Retain as appropriate.

<sup>(2)</sup> If the products originate from farms or zones not declared free from EHN and ISA according to the relevant OIE Guidelines, the fish should be eviscerated in the third country establishment before dispatch, or be processed in an approved import centre in the Community, regardless of destination in the EU. Applicable only to species susceptible (see indicative note 3) to EHN or ISA. Retain as appropriate.

<sup>(3)</sup> Known susceptible species, see table below.

Disease	Susceptible host species (*)
ISA	Atlantic salmon ( <i>Salmo salar</i> ), rainbow trout ( <i>Oncorhynchus mykiss</i> ), brown trout ( <i>Salmo trutta</i> )
EHN	Redfin perch ( <i>Perca fluviatilis</i> ), rainbow trout ( <i>Oncorhynchus mykiss</i> ), Macquarie perch ( <i>Macquaria australasica</i> ), silver perch ( <i>Bidyanus bidyanus</i> ), mountain galaxias ( <i>Galaxias olidus</i> ), sheatfish ( <i>Silurus glanis</i> ), catfish ( <i>Ictalurus melas</i> ) and mosquito fish ( <i>Gambusia affinis</i> ) and other species belonging to the family Poeciliidae
VHS	Fish belonging to the family Salmonidae, grayling ( <i>Thymallus thymallus</i> ), white fish ( <i>Coregonus</i> spp.), pike ( <i>Esox lucius</i> ), turbot ( <i>Scophthalmus maximus</i> ), herring and sprat ( <i>Clupea</i> spp.), Pacific salmon ( <i>Oncorhynchus</i> spp.), Atlantic cod ( <i>Gadus morhua</i> ), Pacific cod ( <i>G. macrocephalus</i> ), haddock ( <i>G. aeglefinus</i> ) and rockling ( <i>Onos mustelus</i> )
IHN	FFish belonging to the family Salmonidae, pike ( <i>Esox lucius</i> )

(\*) And any other species referred to in the most recent edition of the OIE *International Aquatic Animal Health Code* as being susceptible for the pathogen/disease in question.

<sup>(4)</sup> Specific requirements needed in the case the country and place of destination (Member State or part of Member State ) referred to in the public health certificate to which this certificate should be attached has Community approved programme or status for viral haemorrhagic septicaemia (VHS) and/or infectious haematopoietic necrosis (IHN) respectively. Only applicable to species susceptible to VHS and/or IHN. If none of the three options can be fulfilled, the place of destination must either be an approved import centre or a Member State or part thereof without Community approved status or programme as regards VHS and/or IHN. Retain as applicable.

**Changes to legislation:** There are currently no known outstanding effects for the Commission Decision of 16 December 2004 amending Decision 2003/858/EC as regards imports of live fish of aquaculture origin and products thereof for further processing or immediate human consumption (notified under document number C(2004) 4560) (Text with EEA relevance) (2004/914/EC). (See end of Document for details)

## ANNEX IV

ANNEX V **Animal health certificate for the importation of fish products of aquaculture origin into the European Community (EC) for immediate human consumption**

Reference code No

ORIGINAL

Reference code No of  
public health certificate*Note for the importer:*

*This certificate shall accompany slaughtered fish of aquaculture origin, which is not intended for further processing operations affecting the anatomical wholeness of the fish in the Community before their placing on the market for human consumption.*

*This certificate is only for veterinary purposes and has — in its original — to accompany the consignment until it reaches the border inspection post. The certificate must be attached to the certificate issued pursuant to Council Directive 91/493/EEC.*

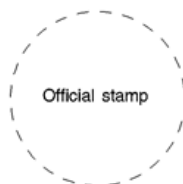
**1. Animal health attestation for importation into the European Community of fish products of aquaculture origin for immediate human consumption**

I, the undersigned official inspector, hereby certify that the fish products of aquaculture origin referred to in the public health certificate to which this certificate is attached, originate from fish which showed no clinical signs of disease at the time of [collection]<sup>(1)</sup> [slaughter]<sup>(1)</sup> [loading]<sup>(1)</sup>.

**General statement**

I, the undersigned official inspector, hereby certify that I am aware of the provisions of Council Directives 91/67/EEC and 93/53/EEC and Commission Decision 2003/858/EC.

Done at ....., on .....  
(Place) (Date)



.....  
(Signature of official inspector)

.....  
(Name in capital letters, qualifications and title)

*Indicative notes*

<sup>(1)</sup> Retain as appropriate.



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**Changes to legislation:** There are currently no known outstanding effects for the Commission Decision of 16 December 2004 amending Decision 2003/858/EC as regards imports of live fish of aquaculture origin and products thereof for further processing or immediate human consumption (notified under document number C(2004) 4560) (Text with EEA relevance) (2004/914/EC). (See end of Document for details)

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- (1) [OJ L 46, 19.2.1991, p. 1](#). Directive as last amended by Regulation (EC) No 806/2003 ([OJ L 122, 16.5.2003, p. 1](#)).
- (2) [OJ L 324, 11.12.2003, p. 37](#). Decision as last amended by Decision 2004/454/EC ([OJ L 156, 30.4.2004, p. 33](#)).
- (3) [OJ L 268, 24.9.1991, p. 15](#). Directive as last amended by Regulation (EC) No 806/2003.
- (4) [OJ L 49, 19.2.2004, p. 11](#). Regulation as amended by Regulation (EC) No 585/2004 ([OJ L 91, 30.3.2004, p. 17](#)).
- (5) [OJ L 332, 18.11.1992, p. 22](#).
- (6) [OJ L 268, 24.9.1991, p. 56](#). Directive as last amended by the Act concerning the conditions of accession ([OJ L 236, 23.9.2003, p. 381](#)).
- (7) [OJ L 21, 28.1.2004, p. 11](#).
- (8) [OJ L 9, 15.1.1993, p. 33](#).
- (9) [OJ L 24, 30.1.1998, p. 9](#). Directive as last amended by Regulation (EC) No 882/2004 of the European Parliament and of the Council ([OJ L 165, 30.4.2004, p. 1](#)).

**Changes to legislation:**

There are currently no known outstanding effects for the Commission Decision of 16 December 2004 amending Decision 2003/858/EC as regards imports of live fish of aquaculture origin and products thereof for further processing or immediate human consumption (notified under document number C(2004) 4560) (Text with EEA relevance) (2004/914/EC).