

Proposal for a Council Directive amending Directive 91/67/EEC concerning the animal health conditions governing the placing on the market of aquaculture animals and products

(92/C 324/13)

COM(92) 458 final

(Submitted by the Commission on 17 November 1992)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas, in accordance with Article 28 of Council Directive 91/67/EEC⁽¹⁾ concerning the animal health conditions governing the placing on the market of aquaculture animals and products, it is necessary to review the list of diseases set out in Annex A to the said Directive; whereas this review must take into account the opinion of the Scientific Veterinary Committee;

Whereas the list of diseases, following the opinion of the Scientific Veterinary Committee, must be amended in order to take account of new epidemiological findings and of the experience gained;

Whereas there is evidence that the situation concerning diseases which are exotic to the Community must be reviewed, and that epidemiological data available at present indicate that certain diseases which are endemic to the Community must be reconsidered as regards the susceptibility of certain species to these diseases, and as regards their classification in list II or III of Annex A to Directive 91/67/EEC;

Whereas it is necessary to clarify certain requirements laid down in Directive 91/67/EEC, in particular those concerning the procedure for the approval of zones and concerning the conditions governing the placing on the market of aquaculture animals not belonging to the susceptible species,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 91/67/EEC is hereby amended as follows:

1. in Article 3, paragraph 1 (c) is replaced by the following:

‘(c) they must not come from a farm which is subject to a prohibition for animal health reasons and must not have been in contact with animals from such a farm, and in particular from a farm which is subject to control measures in the context of Council Directive . . . introducing Community measures for the control of certain fish diseases⁽¹⁾. The placing on the market of aquaculture animals and products in the event of a suspected or confirmed outbreak of a disease referred to in Annex A, column 1, list I, is subject to the conditions laid down in the said Directive.

(¹) OJ No L . . .’;

2. in Article 5, paragraph 1, the introductory sentence is replaced by the following:

‘1. In order to obtain, for one or more of the diseases referred to in Annex A, column 1, list II, the status of approved zone, Member States shall submit to the Commission:’;

3. in Article 5, paragraph 2 is replaced by the following:

‘2. The Commission shall scrutinize the information referred to in paragraph 1. The Commission, in accordance with the procedure laid down in Article 26, shall approve zones, having regard to that information.

If, in accordance with Annex B, under I.D.5, II.D or III.D.5, the approval of a zone is withdrawn by the official service, the Commission shall revoke the decision concerning its approval.

The re-approval of the zone concerned shall occur in accordance with the procedure laid down in Article 26.’;

4. in Article 6, paragraph 1, the introductory sentence is replaced by the following:

‘1. In order to obtain, for one or more of the diseases referred to in Annex A, column 1, list II, the status of approved farm situated in a non-approved zone, Member States shall submit to the Commission:’;

5. in Article 7, paragraph 1, the introductory sentence is replaced by the following:

(¹) OJ No L 46, 19. 2. 1991, p. 1.

'1. The placing on the market of live fish belonging to the susceptible species referred to in Annex A, column 2, list II, their eggs or gametes, shall be subject to the following additional guarantees:';

6. in Article 8, paragraph 1, the introductory sentence is replaced by the following:

'1. The placing on the market of live molluscs referred to in Annex A, column 2, list II, shall be subject to the following additional guarantees:';

7. in Article 9 (1), the first sentence is replaced by the following:

'1. Fish susceptible to the diseases referred to in Annex A, column 1, list II, must be slaughtered and eviscerated prior to dispatch.';

8. in Article 9 (2), the first sentence is replaced by the following:

'2. Live molluscs susceptible to the diseases referred to in Annex A, column 1, list II must be delivered either for direct human consumption or to the preserving industry and shall not be relaid unless:';

9. Article 14 is replaced by the following Article:

Article 14

1. Without prejudice to the requirements for diseases referred to in Annex A, column 1, list III, established in accordance with Articles 12 and 13, the placing on the market of live farmed fish not belonging to the susceptible species referred to in Annex A, column 2, list II as well as their eggs and gametes shall be subject to the following additional requirements:

- (a) where they are to be introduced into an approved zone, they must be accompanied in accordance with Article 11 by a movement document corresponding to the model to be drawn up in accordance with the procedure laid down in Article 26, certifying that they come from a zone of the same health status, from an approved farm in a non-approved zone or from a farm which may be situated in a non-approved zone on condition that such a farm contains no fish belonging to the susceptible species referred to in Annex A, column 2, list II and is not connected with a watercourse or with coastal or estuarial waters.

However, pending the outcome of the review provided for in Article 28, Member States may, under the procedure laid down in Article 26, request a derogation from the preceding subparagraph, in particular so as to prohibit the introduction into an approved zone of fish, referred to in this paragraph, originating from an

approved farm in a non-approved zone or from a farm which may be situated in a non-approved zone on condition that such a farm contains no fish belonging to the susceptible species referred to in Annex A, column 2, list II and is not connected with a watercourse or with coastal or estuarial waters. In order to ensure uniform compliance with that provision, appropriate conditions and measures shall be fixed under the same procedure. Pending those decisions, national rules shall continue to apply subject to compliance with the general provisions of the Treaty;

- (b) where they are to be introduced into a farm which, although situated in a non-approved zone, fulfils the conditions of Annex C, they must be accompanied in accordance with Article 11 by a movement document corresponding to the model to be drawn up in accordance with the procedure laid down in Article 26, certifying that they come from an approved zone, from a farm of the same health status or from a farm which may be situated in a non-approved zone, on condition that such a farm contains no fish belonging to the susceptible species referred to in Annex A, column 2, list II and is not connected with a watercourse or with coastal or estuarial waters.

2. The requirements laid down in paragraph 1 shall apply to the placing on the market of molluscs not belonging to the susceptible species referred to in Annex A, column 2, list II.

3. Without prejudice to the requirements for diseases referred to in Annex A, column 1, list III established in accordance with Articles 12 and 13, the placing on the market of wild fish, molluscs or crustaceans, their eggs or gametes, shall be subject to the following additional requirements:

- (a) where they are to be introduced into an approved zone, they must be accompanied in accordance with Article 11 by a movement document corresponding to the model to be drawn up in accordance with the procedure laid down in Article 26, certifying that they come from a zone of the same health status;
- (b) where they are to be introduced into a farm which, although situated in a non-approved zone, fulfils the conditions of Annex C, they must be accompanied in accordance with Article 11 by a movement document corresponding to the model to be drawn up in accordance with the procedure laid down in Article 26, certifying that they come from an approved zone.

4. The requirements laid down in paragraphs 1, 2 and 3 shall not apply where practical experience and/or scientific evidence has shown that passive

transfers of disease do not occur by the movement of aquaculture animals their eggs and gametes, not belonging to the susceptible species referred to in Annex A, column 2, list II from a non-approved zone towards an approved zone.

The Commission, in accordance with the procedure laid down in Article 26, establishes the list of aquaculture animals to which the derogation referred to above shall apply, and lays down the special conditions for their placing on the market.;

10. in the last subparagraph of Article 26 (2) (b), 'save where the Council has decided against the said measures by a simple majority' is deleted;

11. in the last subparagraph of Article 27 (2) (b), 'save where the Council has decided against the said measures by a simple majority' is deleted;

12. Annex A is replaced by the following Annex:

'ANNEX A

LISTED DISEASES/PATHOGENS OF FISH, MOLLUSCS AND CRUSTACEA

1	2
Disease/pathogen	Susceptible species
LIST I	
Fish	
Infectious salmon anaemia (ISA)	Atlantic salmon (<i>Salmo salar</i>)
LIST II	
Fish	
Viral haemorrhagic septicaemia (VHS) virus	Salmonid species, including grayling (<i>Thymallus thymallus</i>) and whitefish (<i>Coregonus</i> spp.) Pike (<i>Esox lucius</i>) Sea bass (<i>Dicentrarchus labrax</i>) Turbot (<i>Scophthalmus Maximus</i>)
Infectious haematopoietic necrosis (IHN) virus	Salmonid species Pike fry (<i>Esox Pucius</i>)
Molluscan shellfish	
<i>Bonamia ostreae</i>	Flat oyster (<i>Ostrea edulis</i>)
<i>Marteilia refringens</i>	Flat oyster (<i>Ostrea edulis</i>)
LIST III	
Fish	
Infectious pancreatic necrosis (IPN)	To be specified in the programme referred to in Articles 12 and 13
Spring viraemia of carp (SVC) virus	
Bacterial kidney disease (BKD) (<i>Renibacterium salmoninarum</i>)	
Furunculosis (<i>Aeromonas salmonicida</i>)	
Enteric redmouth disease (ERM) (<i>Yersinia ruckeri</i>)	
<i>Gyrodactylus salaris</i>	
Crustaceans	
Crayfish plague (<i>Aphanomyces astaci</i>)	

Article 2

The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 1 January 1994. They shall notify the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accom-

panied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

Article 3

This Directive is addressed to the Member States.