COMMISSION IMPLEMENTING DECISION (EU) 2022/181

of 9 February 2022

amending Implementing Decision (EU) 2021/260 as regards certain movements between Member States or parts thereof of aquatic animals subject to national measures and Annex I thereto as regards the disease status of Ireland in respect of Ostreid herpesvirus-1µvar (OsHV-1µvar)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') ([1]), and in particular Article 226(3) thereof,

Whereas:

(1) Commission Implementing Decision (EU) 2021/260 ([2]) establishes lists of Member States and parts thereof which are considered free from certain diseases of aquatic animals, not listed under Article 9(1), point (d) of Regulation (EU) 2016/429, or which are subject to an eradication programme for those diseases.

(2) More particularly, Article 4 of Implementing Decision (EU) 2021/260 lays down the conditions under which aquatic animals of species susceptible to such diseases may be moved between Member States or parts thereof, including the requirement that such animals originate from a Member State or part thereof, which is listed as being free from those diseases.

(3) However, the standards of the World Organisation for Animal Health (OIE) ([3]) and practical experience, indicate that it is not always necessary, from an animal health perspective, for live aquatic animals and gametes thereof to originate from a disease-free area if they are destined for an area, which is already disease–free or subject to an eradication programme. In certain cases and concerning certain diseases, the quarantine of aquatic animals in an aquaculture establishment, which has been approved in accordance with Commission Delegated Regulation (EU) 2020/691 ([4]), the disinfection of eggs, or keeping aquatic animals in water of a certain salinity under prescribed conditions, may be adequate to mitigate the disease risk.

(4) It is therefore appropriate to amend Implementing Decision (EU) 2021/260, to take account of such risk-mitigating measures, in order to facilitate the safe trade of such commodities.

(5) In addition, Ireland has requested the Commission to delete 'Compartment 5: Bertraghboy and Galway Bays', from the list of compartments which are free from Ostreid herpesvirus-1µvar (OsHV-1µvar) in Ireland and to amend Annex I to Implementing Decision (EU) 2021/260 accordingly. Such request has been made for commercial reasons, rather than as a result of a disease outbreak.

(6) Implementing Decision (EU) 2021/260 should therefore, be amended accordingly.

(7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

([1]) OJ L 84, 31.3.2016, p. 1.

([2]) Commission Implementing Decision (EU) 2021/260 of 11 February 2021 approving national measures designed to limit the impact of certain diseases of aquatic animals in accordance with Article 226(3) of Regulation (EU) 2016/429 of the European Parliament and of the Council and repealing Commission Decision 2010/221/EU (OJ L 59, 19.2.2021, p. 1).

([3]) OIE Aquatic Animal Health Code, 2021, 23rd Edition.

([4]) Commission Delegated Regulation (EU) 2020/691 of 30 January 2020 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for aquaculture establishments and transporters of aquatic animals (OJ L 174, 3.6.2020, p. 345).

HAS ADOPTED THIS DECISION:

Article 1

Implementing Decision (EU) 2021/260 is amended as follows:

(1) Article 4 is replaced by the following:

'*Article 4*

Movements between Member States or parts thereof, of aquatic animals of susceptible species which are subject to national measures including eradication programmes

1. Aquatic animals of susceptible species for a particular disease which are listed in the second column of Annex III shall only be moved to Member States or parts thereof which are listed in the second and fourth columns of the tables in Annexes I or II if they:

(a) originate from a Member State or part thereof, which is listed in the second and fourth columns of the table in Annex I as being free from the disease in question;

(b) are accompanied by an official certificate issued by the competent authority of the Member State of origin, drawn up in accordance with an appropriate model animal health certificate set out in Chapters 1, 2, 3 or 5 of Annex I to Commission Implementing Regulation (EU) 2020/2236 ([5]), specifying the guarantees relevant for the specific national measures in question.

2. By way of derogation from paragraph 1, point (a), aquatic animals of susceptible species for a particular disease which are listed in the second column of Annex III, may be moved to Member States or parts thereof which are listed in the second and fourth columns of the tables in Annexes I or II if:

(a) in the case of wild aquatic animals, they have undergone quarantine in an aquaculture establishment which has been approved in accordance with Article 15 of Delegated Regulation (EU) 2020/691 (*);

(b) in the case of Member States or parts thereof subject to national measures for infection with *Gyrodactylus salaris*:

(i) immediately prior to the movement, the aquatic animals have been held under the conditions, set out in Chapter 10.3, Article 10.3.8, point (2) of the World Organisation for Animal Health (OIE) Aquatic Animal Health Code (**);

(ii) the fish eggs have been disinfected and subsequently kept under the conditions, set out in Chapter 10.3, Article 10.3.8, point (3) of the OIE Aquatic Animal Health Code.

(*) Commission Delegated Regulation (EU) 2020/691 of 30 January 2020 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for aquaculture establishments and transporters of aquatic animals (OJ L 174, 3.6.2020, p. 345).
(**) OIE Aquatic Animal Health Code, 2021, 23rd Edition.';

(2) in Annex I, in the row referring to Ostreid herpesvirus-1µvar (OsHV-1µvar), the entry for Ireland is replaced by the text set out in the Annex to this Decision.

([5]) Commission Implementing Regulation (EU) 2020/2236 of 16 December 2020 laying down rules for the application of Regulations (EU) 2016/429 and (EU) 2017/625 of the European Parliament and of the Council as regards model animal health certificates for the entry into the Union and the movements within the Union of consignments of aquatic animals and of certain products of animal origin from aquatic animals, official certification regarding such certificates and repealing Regulation (EC) No 1251/2008 (OJ L 442, 30.12.2020, p. 410).

Article 2

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

Done at Brussels, 9 February 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

'Ostreid herpesvirus -1µvar (OsHV-1 µvar)	Ireland	IE	Compartment 1: Sheephaven Bay Compartment 3: Killala, Broadhaven and Blacksod Bays Compartment 4: Streamstown Bay Compartment A: Tralee Bay Hatchery'