

**COMMISSION IMPLEMENTING REGULATION (EU) 2021/1937****of 9 November 2021****amending Implementing Regulation (EU) 2021/404 as regards the entry into the Union of consignments of molluscs and crustaceans intended to be kept for ornamental purposes in closed facilities and laying down the list of third countries or territories, or the zones or compartments thereof from which the entry into the Union of such consignments is authorised****(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') <sup>(1)</sup>, and in particular Article 230(1) thereof,

Whereas:

- (1) Regulation (EU) 2016/429 lays down, inter alia, the animal health requirements for the entry into the Union of consignments of animals, germinal products and products of animal origin, and it applies from 21 April 2021. One of those animal health requirements is that those consignments must come from a third country or territory, or a zone or compartment thereof, listed in accordance with Article 230(1) of that Regulation.
- (2) Commission Delegated Regulation (EU) 2020/692 <sup>(2)</sup> supplements Regulation (EU) 2016/429 as regards the animal health requirements for the entry into the Union of, inter alia, consignments of certain species and categories of aquatic animals from third countries or territories, or the zones or, in the case of aquaculture animals, compartments thereof. Delegated Regulation (EU) 2020/692 provides that consignments of aquatic animals falling within its scope may only be permitted to enter into the Union, if they come from a third country or territory, or a zone or, in the case of aquaculture animals, a compartment thereof, listed for the particular species and categories of those aquatic animals in accordance with the animal health requirements laid down in that Delegated Regulation.
- (3) Commission Implementing Regulation (EU) 2021/404 <sup>(3)</sup> establishes a list of third countries or territories, or the zones or compartments thereof from which the entry into the Union of, inter alia, species and categories of those aquatic animals that fall within the scope of Delegated Regulation (EU) 2020/692 is permitted.
- (4) For many years, molluscs and crustaceans intended to be kept for ornamental purposes in closed facilities have entered the Union from third countries or territories, which were listed by the World Organisation for Animal Health (OIE), in accordance with Chapter IV of Council Directive 2006/88/EC <sup>(4)</sup>, now repealed by Regulation (EU) 2016/429, and Article 11 of Commission Regulation (EC) No 1251/2008 <sup>(5)</sup>, now repealed by Implementing

<sup>(1)</sup> OJ L 84, 31.3.2016, p. 1.

<sup>(2)</sup> Commission Delegated Regulation (EU) 2020/692 of 30 January 2020 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for entry into the Union, and the movement and handling after entry of consignments of certain animals, germinal products and products of animal origin (OJ L 174, 3.6.2020, p. 379).

<sup>(3)</sup> Commission Implementing Regulation (EU) 2021/404 of 24 March 2021 laying down the lists of third countries, territories or zones thereof from which the entry into the Union of animals, germinal products and products of animal origin is permitted in accordance with Regulation (EU) 2016/429 of the European Parliament and the Council (OJ L 114, 31.3.2021, p. 1).

<sup>(4)</sup> 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 (OJ L 328, 24.11.2006, p. 14).

<sup>(5)</sup> 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 (OJ L 337, 16.12.2008, p. 41).

Regulation (EU) 2020/2236 <sup>(6)</sup>. The importation of these aquatic animals has not been associated with outbreaks of listed diseases of molluscs or crustaceans, and during that time, experience has been gathered from official controls carried out on such consignments at points of entry into the Union, and in certain cases, by official controls carried out by the Commission in the third country or territory concerned.

- (5) Under Article 230(1), point (i), of Regulation (EU) 2016/429 the Commission may, by means of implementing acts, draw up a list of third countries and territories from which the entry into the Union of specific species and categories of animals may be permitted, based on any experience gathered from previous entries of animals from the third country or territory concerned, and from the results of official controls carried out at the point of entry into the Union of such animals.
- (6) It is appropriate to amend Implementing Regulation (EU) 2021/404 to take account of the experience gathered with the previous trade in those molluscs or crustaceans of listed species, thereby ensuring a smooth transition from the previous legislative framework, under Directive 2006/88/EC and Regulation (EC) No 1251/2008, to the new legislative framework, under Regulation (EU) 2016/429.
- (7) Article 3(1), point (t), of Implementing Regulation (EU) 2021/404 should therefore be amended to take account of the new list, laid down by this Regulation, of third countries or territories or the zones or compartments thereof, from which the entry into the Union of consignments of molluscs and crustaceans of listed species intended to be kept for ornamental purposes in closed facilities is authorised.
- (8) Annex XXI to Implementing Regulation (EU) 2021/404, laying down the list of third countries or territories, or the zones or compartments thereof from which the entry into the Union of consignments of certain aquatic animals is authorised, should be amended to include that new list and the existing list should therefore be updated accordingly. To ensure clarity, the version of Annex XXI to Implementing Regulation (EU) 2021/404 in force should be replaced by a new one.
- (9) Implementing Regulation (EU) 2021/404 should therefore be amended accordingly.
- (10) As Implementing Regulation (EU) 2021/404 applies from 21 April 2021, in the interest of legal certainty, the amendments to be made to Implementing Regulation (EU) 2021/404 by this Regulation should take effect as a matter of urgency.
- (11) The measures provided for in this Regulation are in accordance with the opinion the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

Implementing Regulation (EU) 2021/404 is amended as follows:

- (1) in Article 3(1), point (t) is replaced by the following:

‘(t) Annex XXI for aquatic animals of listed species, as follows:

- (i) Part 1, Section A, for aquatic animals of listed species intended for certain aquaculture establishments, release into the wild or other purposes, other than human consumption, as well as certain aquatic animals of listed species and products of animal origin from those listed species which are intended for human consumption;
- (ii) Part 1, Section B, for molluscs and crustaceans intended to be kept for ornamental purposes in closed facilities.’;

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<sup>(6)</sup> 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 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).

(2) Annex XXI is replaced by the text set out in the Annex to this Regulation.

*Article 2*

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

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

Done at Brussels, 9 November 2021.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

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## ANNEX

Annex XXI to Implementing Regulation (EU) 2021/404 is replaced by the following:

‘ANNEX XXI

## AQUATIC ANIMALS

## PART 1

## SECTION A

**List of third countries or territories, or the zones or compartments thereof from which the entry into the Union of consignments of live aquatic animals of listed species for the purposes referred to in Article 3(1), point (t)(i), is authorised**

ISO code and name of the third country or territory	Code of the zone or compartment as set out in Part 2	Species and categories permitted to enter the Union			Animal health certificates	Specific conditions as set out in Part 3	Animal health guarantees as set out in Part 4	Closing date	Opening date
		Fish	Molluscs	Crustaceans					
1	2	3	4	5	6	7	8	9	10
AU Australia	AU-0	All listed species			AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
BR Brazil	BR-0	Listed species of Cyprinidae			AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
CA Canada	CA-0	All listed species except those susceptible to or regarded as vectors of viral haemorrhagic septicaemia in accordance with Annex XXX to Regulation (EU) 2020/692			AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
	CA-1	All listed species			AQUA-ENTRY-ESTAB/RELEASE/OTHER				

					FISH-CRUST-HC	A			
	CA-2				AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
	CA-3				AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
	CA-4				AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
	CA-5				AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
	CA-6				AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
	CA-7				AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
	CA-8				AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
	CA-9				AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
	CA-10				AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
	CA-11				AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
	CA-12				AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
<b>CG</b> Congo	CG-0	All listed species of <i>Cyprinidae</i>			AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
<b>CH</b> Switzerland	CH-0	Subject to the Agreement referred to in point 7 of Annex I							
<b>CL</b> Chile	CL-0	All listed species			AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			

<b>CN</b> China	CN-0	All listed species of <i>Cyprinidae</i>			AQUA-ENTRY-ESTAB/RELEASE/OTHER			
					FISH-CRUST-HC	A		
<b>CO</b> Colombia	CO-0	All listed species of <i>Cyprinidae</i>			AQUA-ENTRY-ESTAB/RELEASE/OTHER			
					FISH-CRUST-HC	A		
<b>GB</b> United Kingdom	GB-0	All listed species	All listed species	All listed species	AQUA-ENTRY-ESTAB/RELEASE/OTHER			
					FISH-CRUST-HC	A		
					MOL-HC	B		
<b>GG</b> Guernsey	GG-0	All listed species	All listed species	All listed species	AQUA-ENTRY-ESTAB/RELEASE/OTHER			
					FISH-CRUST-HC	A		
					MOL-HC	B		
<b>HK</b> Hong Kong	HK-0	All listed species of <i>Cyprinidae</i>			AQUA-ENTRY-ESTAB/RELEASE/OTHER			
					FISH-CRUST-HC	A		
<b>ID</b> Indonesia	ID-0	All listed species			AQUA-ENTRY-ESTAB/RELEASE/OTHER			
					FISH-CRUST-HC	A		
<b>IL</b> Israel	IL-0	All listed species			AQUA-ENTRY-ESTAB/RELEASE/OTHER			
					FISH-CRUST-HC	A		
<b>IM</b> Isle of Man	IM-0	All listed species			AQUA-ENTRY-ESTAB/RELEASE/OTHER			
					FISH-CRUST-HC	A		
<b>JE</b> Jersey	JE-0	All listed species	All listed species	All listed species	AQUA-ENTRY-ESTAB/RELEASE/OTHER			
					FISH-CRUST-HC	A		
					MOL-HC	B		
<b>JM</b> Jamaica	JM-0	All listed species of <i>Cyprinidae</i>			AQUA-ENTRY-ESTAB/RELEASE/OTHER			
					FISH-CRUST-HC	A		
<b>JP</b> Japan	JP-0	All listed species of <i>Cyprinidae</i>			AQUA-ENTRY-ESTAB/RELEASE/OTHER			
					FISH-CRUST-HC	A		
<b>LK</b> Sri Lanka	LK-0	All listed species of <i>Cyprinidae</i>			AQUA-ENTRY-ESTAB/RELEASE/OTHER			
					FISH-CRUST-HC	A		
<b>MK</b> North Macedonia	MK-0	All listed species of <i>Cyprinidae</i>			AQUA-ENTRY-ESTAB/RELEASE/OTHER			
					FISH-CRUST-HC	A		

<b>MY</b> Malaysia	MY-1	All listed species of <i>Cyprinidae</i>			AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
<b>NZ</b> New Zealand	NZ-0	All listed species			AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
<b>RU</b> Russia	RU-0	All listed species			AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
<b>SG</b> Singapore	SG-0	All listed species of <i>Cyprinidae</i>			AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
<b>TH</b> Thailand	TH-0	All listed species			AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
<b>TR</b> Turkey	TR-0	All listed species			AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
<b>TW</b> Taiwan	TW-0	All listed species of <i>Cyprinidae</i>			AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
<b>US</b> United States <sup>(1)</sup>	US-0	All listed species except those susceptible to or regarded as vectors of viral haemorrhagic septicaemia in accordance with Annex XXX to Regulation (EU) 2020/692		All listed species	AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			
	US-1	All listed species				AQUA-ENTRY-ESTAB/RELEASE/OTHER			
						FISH-CRUST-HC	A		
	US-2		All listed species			MOL-HC	B		
	US-3		All listed species			MOL-HC	B		
US-4		All listed species			MOL-HC	B			
US-5		All listed species			MOL-HC	B			
<b>ZA</b> South Africa	ZA-0	All listed species			AQUA-ENTRY-ESTAB/RELEASE/OTHER				
					FISH-CRUST-HC	A			

<sup>(1)</sup> Including Puerto Rico, US Virgin Islands, American Samoa, Guam and Northern Mariana Islands.

## SECTION B

**List of third countries or territories, or the zones or compartments thereof from which the entry into the Union of consignments of molluscs and crustaceans of listed species intended to be kept for ornamental purposes in closed facilities as referred to in Article 3(1), point (t)(ii), is authorised**

<b>ISO code and name of the third country or territory</b>	<b>Code of the zone or compartment as set out in Part 2</b>	<b>Animal health certificates</b>	<b>Specific conditions as set out in Part 3</b>	<b>Animal health guarantees as set out in Part 4</b>	<b>Closing date</b>	<b>Opening date</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
<b>AU</b> Australia	AU-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>BZ</b> Belize	BZ-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>CA</b> Canada	CA-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>CG</b> Congo	CG-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>CK</b> Cook Islands	CK-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>CN</b> China	CN-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>CM</b> Cameroon	CM-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>CO</b> Colombia	CO-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>CR</b> Costa Rica	CR-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>CU</b> Cuba	CU-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>DJ</b> Djibouti	DJ-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>DO</b> Dominican Republic	DO-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>EC</b> Ecuador	EC-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>EG</b> Egypt	EG-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				



<b>ET</b> Ethiopia	ET-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>FJ</b> Fiji	FJ-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>FM</b> Micronesia	FM-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>GB</b> United Kingdom	GB-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>GG</b> Guernsey	GG-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>GH</b> Ghana	GH-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>HK</b> Hong Kong	HK-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>ID</b> Indonesia	ID-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>IL</b> Israel	IL-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>IN</b> India	IN-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>IM</b> Isle of Man	IM-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>JE</b> Jersey	JE-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>JP</b> Japan	JP-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>KE</b> Kenya	KE-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>KI</b> Kiribati	KI-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>KN</b> Saint Kitts and Nevis	KN-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>LK</b> Sri Lanka	LK-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>MG</b> Madagascar	MG-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>MH</b> Marshall Islands	MH-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				

<b>MV</b> Maldives	MV-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>MW</b> Malawi	MW-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>MX</b> Mexico	MX-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>MY</b> Malaysia	MY-1	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>NC</b> New Caledonia	NC-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>NE</b> Niger	NE-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>NG</b> Nigeria	NG-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>NI</b> Nicaragua	NI-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>NR</b> Nauru	NR-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>NU</b> Niue	NU-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>PA</b> Panama	PA-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>PE</b> Peru	PE-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>PF</b> French Polynesia	PF-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>PG</b> Papua New Guinea	PG-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>PH</b> Philippines	PH-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>PN</b> Pitcairn Islands	PN-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>PW</b> Palau	PW-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>PY</b> Paraguay	PY-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>SB</b> Solomon Islands	SB-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				

<b>SG</b> Singapore	SG-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>SL</b> Sierra Leone	SL-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>SO</b> Somalia	SO-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>TG</b> Togo	TG-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>TH</b> Thailand	TH-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>TK</b> Tokelau	TK-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>TO</b> Tonga	TO-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>TT</b> Trinidad and Tobago	TT-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>TV</b> Tuvalu	TV-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>TW</b> Taiwan	TW-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>TZ</b> Tanzania	TZ-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>US</b> United States <sup>(1)</sup>	US-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>VN</b> Vietnam	VN-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>WF</b> Wallis and Futuna	WF-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>WS</b> Samoa	WS-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>ZA</b> South Africa	ZA-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER				
<b>ZM</b> Zambia	ZM-0	AQUA-ENTRY-ESTAB/ RELEASE/OTHER'				

<sup>(1)</sup> Including Puerto Rico, US Virgin Islands, American Samoa, Guam and Northern Mariana Islands.