

**COMMISSION REGULATION (EC) No 719/2009****of 6 August 2009****amending Regulation (EC) No 1251/2008 as regards the list of third countries and territories from which certain crustaceans and ornamental aquatic animals may be imported into the Community****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to 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<sup>(1)</sup>, and in particular Article 22 thereof,

Whereas:

- (1) Directive 2006/88/EC lays down the animal health requirements to be applied for the placing on the market, the importation into and the transit through the Community of aquaculture animals and products thereof. That Directive provides that aquaculture animals and products thereof are to be introduced into the Community only from third countries or parts of third countries that appear on a list drawn up and updated in accordance with the procedure referred to therein.
- (2) Article 11 of 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<sup>(2)</sup> lays down the rules applicable to the import of ornamental aquatic animals intended for closed ornamental facilities.
- (3) Pursuant to Article 11(2) of that Regulation, Member States are to authorise the imports of ornamental fish which are not of susceptible species to any of the diseases listed in Part II of Annex IV to Directive 2006/88/EC, and ornamental mollusc and ornamental crustaceans intended for closed ornamental facilities only from third countries or territories that are members of the World Organisation for Animal Health (OIE). That provision ensures that relevant epidemiological data related to those animals is made available to all OIE members.
- (4) Annex III to Regulation (EC) No 1251/2008 lays down a list of third countries, territories, zones or compartments from which imports are permitted of aquaculture animals intended for farming, put and take fisheries and open ornamental facilities, and of ornamental fish susceptible

to one or more of the diseases listed in Part II of Annex IV to Directive 2006/88/EC and intended for closed ornamental facilities.

- (5) The Secretariat of the Pacific Community (SPC) is an international organisation that provides technical assistance, policy advice, training and research services to 22 Pacific Island countries and territories in areas such as health, human development, agriculture, forestry and fisheries. Certain SPC members are not members of the OIE.
- (6) The OIE and the SPC concluded an Agreement in September 1999. Pursuant to that Agreement, the SPC is to encourage those of its members that are not members of the OIE to participate in the OIE information network for animal health and aquatic animal health.
- (7) The Annex to that Agreement, concluded by the SPC and the OIE on 10 April 2003, lays down the terms of collaboration between both parties for the development, maintenance and distribution of a Regional Animal Health Information System for the Pacific Island Countries and its Territories.
- (8) By letters of 31 March 2009 and 30 April 2009, the SPC informed the Commission that SPC members that are not members of the OIE are able to upload relevant disease information in the OIE World Animal Health Information System in accordance with OIE criteria, as from May 2009.
- (9) It is therefore appropriate to amend Article 11(2) of Regulation (EC) No 1251/2008, in order to authorise imports of ornamental fish which are not of susceptible species to any of the diseases listed in Part II of Annex IV to Directive 2006/88/EC, and ornamental molluscs and ornamental crustaceans, intended for closed ornamental facilities also from third countries and territories that are not members of the OIE but have an official agreement with that organisation in order to participate in its information network for animal health and aquatic animal health.
- (10) The United States have confirmed that Puerto Rico, US Virgin Island, American Samoa, Guam and Northern Mariana Islands are considered territories of the United States and the competent authority of the United States is responsible for notification of animal diseases to the OIE.

<sup>(1)</sup> OJ L 328, 24.11.2006, p. 14.

<sup>(2)</sup> OJ L 337, 16.12.2008, p. 41.

- (11) Annex III to that Regulation should also be amended accordingly, to include the relevant SPC members.
- (12) Pursuant 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>, Member States were to ensure that imports of aquaculture animals and products from third countries were subject to conditions at least equivalent to those applying to the production and placing on the market of Community products.
- (13) While Directive 91/67/EEC was in force, imports from the United States of crustaceans for farming, put and take fisheries, and open ornamental facilities were permitted in the Member States. That Directive was repealed and replaced by Directive 2006/88/EC, which harmonised the animal health requirements for such imports.
- (14) Article 20(3)(b) of Regulation (EC) No 1251/2008 lays down a transitional period during which consignments of crustaceans for farming, put and take fisheries, and open ornamental facilities may continue to be imported in accordance with the regime in place before the entry into force of Directive 2006/88/EC. That transitional period expires on 30 June 2009.
- (15) Therefore, the United States should be included in Annex III to Regulation (EC) No 1251/2008, pending the completion of on-the-spot inspections carried out in accordance with Directive 2006/88/EC in order to verify conformity with Community aquatic animal health rules.
- (16) Annex III to Regulation (EC) No 1251/2008 should therefore be amended accordingly.
- (17) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 1251/2008 is amended as follows:

1. In Article 11, paragraph 2 is replaced by the following:

‘2. Ornamental fish which are not of susceptible species to any of the diseases listed in Part II of Annex IV to Directive 2006/88/EC, and ornamental molluscs and ornamental crustaceans, intended for closed ornamental facilities, shall only be imported into the Community from third countries or territories that:

- (a) are members of the World Organisation for Animal Health (OIE); or
- (b) are listed in Annex III and have a formal agreement with the OIE to regularly submit information concerning their animal health status to the members of that organisation.’

2. Annex III is replaced by the text in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 October 2009.

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

Done at Brussels, 6 August 2009.

For the Commission  
Androulla VASSILIOU  
Member of the Commission

<sup>(1)</sup> OJ L 46, 19.2.1991, p. 1.

## ANNEX

## 'ANNEX III

LIST OF THIRD COUNTRIES, TERRITORIES, ZONES OR COMPARTMENTS <sup>(1)</sup>

(referred to in Article 10(1) and Article 11)

Country/territory		Aquaculture Species			Zone/Compartment	
ISO-code	Name	Fish	Molluscs	Crustaceans	Code	Description
AU	Australia	X <sup>(A)</sup>				
BR	Brazil	X <sup>(B)</sup>				
CA	Canada	X			CA 0 <sup>(B)</sup>	Whole territory
					CA 1 <sup>(B)</sup>	British Columbia
					CA 2 <sup>(B)</sup>	Alberta
					CA 3 <sup>(B)</sup>	Saskatchewan
					CA 4 <sup>(B)</sup>	Manitoba
					CA 5 <sup>(B)</sup>	New Brunswick
					CA 6 <sup>(B)</sup>	Nova Scotia
					CA 7 <sup>(B)</sup>	Prince Edward Island
					CA 8 <sup>(B)</sup>	Newfoundland and Labrador
					CA 9 <sup>(B)</sup>	Yukon
					CA 10 <sup>(B)</sup>	Northwest Territories
CA 11 <sup>(B)</sup>	Nunavut					
CL	Chile	X <sup>(A)</sup>				Whole country
CN	China	X <sup>(B)</sup>				Whole country
CO	Colombia	X <sup>(B)</sup>				Whole country
CG	Congo	X <sup>(B)</sup>				Whole country
CK	Cook Islands	X <sup>(C)</sup>	X <sup>(C)</sup>	X <sup>(C)</sup>		Whole country
HR	Croatia	X <sup>(A)</sup>				Whole country
HK	Hong Kong	X <sup>(B)</sup>				Whole country
IN	India	X <sup>(C)</sup>				Whole country
ID	Indonesia	X <sup>(A)</sup>				Whole country

<sup>(1)</sup> According to Article 11 ornamental fish which are not of species susceptible to any of the diseases listed in Part II of Annex IV to Directive 2006/88/EC, and ornamental molluscs and ornamental crustaceans, intended for closed ornamental facilities, may also be imported into the Community from third countries or territories that are members of the World Organisation for Animal Health (OIE).

Country/territory		Aquaculture Species			Zone/Compartment	
ISO-code	Name	Fish	Molluscs	Crustaceans	Code	Description
IL	Israel	X <sup>(A)</sup>				Whole country
JM	Jamaica	X <sup>(B)</sup>				Whole country
JP	Japan	X <sup>(B)</sup>				Whole country
KI	Kiribati	X <sup>(C)</sup>	X <sup>(C)</sup>	X <sup>(C)</sup>		Whole country
LK	Sri Lanka	X <sup>(B)</sup>				Whole country
MH	Marshall Islands	X <sup>(C)</sup>	X <sup>(C)</sup>	X <sup>(C)</sup>		Whole country
MK <sup>(F)</sup>	the former Yugoslav Republic of Macedonia	X <sup>(B)</sup>				Whole country
MY	Malaysia	X <sup>(B)</sup>				Peninsular, Western Malaysia
NR	Nauru	X <sup>(C)</sup>	X <sup>(C)</sup>	X <sup>(C)</sup>		Whole country
NU	Niue	X <sup>(C)</sup>	X <sup>(C)</sup>	X <sup>(C)</sup>		Whole country
NZ	New Zealand	X <sup>(A)</sup>				Whole country
PF	French Polynesia	X <sup>(C)</sup>	X <sup>(C)</sup>	X <sup>(C)</sup>		Whole country
PG	Papua New Guinea	X <sup>(C)</sup>	X <sup>(C)</sup>	X <sup>(C)</sup>		Whole country
PN	Pitcairn Islands	X <sup>(C)</sup>	X <sup>(C)</sup>	X <sup>(C)</sup>		Whole country
PW	Palau	X <sup>(C)</sup>	X <sup>(C)</sup>	X <sup>(C)</sup>		Whole country
RU	Russia	X <sup>(A)</sup>				Whole country
SB	Solomon Islands	X <sup>(C)</sup>	X <sup>(C)</sup>	X <sup>(C)</sup>		Whole country
SG	Singapore	X <sup>(B)</sup>				Whole country
ZA	South Africa	X <sup>(A)</sup>				Whole country
TW	Taiwan	X <sup>(B)</sup>				Whole country
TH	Thailand	X <sup>(B)</sup>				Whole country
TR	Turkey	X <sup>(A)</sup>				Whole country
TK	Tokelau	X <sup>(C)</sup>	X <sup>(C)</sup>	X <sup>(C)</sup>		Whole country
TO	Tonga	X <sup>(C)</sup>	X <sup>(C)</sup>	X <sup>(C)</sup>		Whole country
TV	Tuvalu	X <sup>(C)</sup>	X <sup>(C)</sup>	X <sup>(C)</sup>		Whole country

Country/territory		Aquaculture Species			Zone/Compartment	
ISO-code	Name	Fish	Molluscs	Crustaceans	Code	Description
US	United States <sup>(1)</sup>	X		X	US 0 <sup>(2)</sup>	Whole country
		X			US 1 <sup>(3)</sup>	Whole country, except the following states: New York, Ohio, Illinois, Michigan, Indiana, Wisconsin, Minnesota and Pennsylvania
			X		US 2	Humboldt Bay (California)
			X		US 3	Netarts Bay (Oregon)
			X		US 4	Wilapa Bay, Totten Inlet, Oakland Bay, Quilcense Bay and Dabob Bay (Washington)
				US 5	NELHA (Hawaii)	
VN	Vietnam	X <sup>(4)</sup>				
WF	Wallis and Futuna	X <sup>(5)</sup>	X <sup>(5)</sup>	X <sup>(5)</sup>		Whole country
WS	Samoa	X <sup>(5)</sup>	X <sup>(5)</sup>	X <sup>(5)</sup>		Whole country

<sup>(1)</sup> Apply to all fish species.

<sup>(2)</sup> Apply only to fish species susceptible to Epizootic ulcerative syndrome according to Part II of Annex IV to Directive 2006/88/EC intended for closed ornamental facilities and *Cyprinidae*.

<sup>(3)</sup> Apply only to fish species susceptible to Epizootic ulcerative syndrome according to Part II of Annex IV to Directive 2006/88/EC intended for closed ornamental facilities.

<sup>(4)</sup> Apply not to fish species susceptible to or vector species for viral haemorrhagic septicaemia according to Part II of Annex IV to Directive 2006/88/EC.

<sup>(5)</sup> Apply only to fish species susceptible to or vector species for viral haemorrhagic septicaemia according to Part II of Annex IV to Directive 2006/88/EC.

<sup>(6)</sup> Provisional code that does not prejudice in any way the definitive denomination for this country, which will be agreed following the conclusion of the negotiations currently taking place on this subject at the United Nations.

<sup>(7)</sup> Apply only to imports of ornamental fish which are not of susceptible species to any of the diseases listed in Part II of Annex IV to Directive 2006/88/EC, and ornamental molluscs and ornamental crustaceans, intended for closed ornamental facilities.

<sup>(8)</sup> For the purposes of this Regulation United States includes Puerto Rico, U.S. Virgin Islands, American Samoa, Guam and Northern Mariana Islands.