

STATUTORY INSTRUMENTS.

**S.I. No. 377 of 2000.**

**EUROPEAN COMMUNITIES (AQUACULTURE ANIMALS AND FISH) (PLACING ON THE MARKET AND CONTROL OF CERTAIN DISEASES) REGULATIONS, 2000.**

I, FRANK FAHEY, Minister for the Marine and Natural Resources, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972), and for the purpose of giving effect to Council Directive 98/45/EC of 24 June 1998<sup>1</sup>, hereby make the following regulations:

<sup>1</sup> OJ L 189, 3.7.98. p. 12.

1. These Regulations may be cited as the European Communities (Aquaculture Animals and Fish) (Placing on the Market and Control of Certain Diseases) Regulations.

2. The European Communities (Aquaculture Animals and Fish) (Placing on the Market and Control of Certain Diseases) Regulations, 1996 (S.I. No. 253 of 1996) are hereby amended—

(a) in Regulation 2(1):

(i) by the substitution for the definition of "approved zone" of the following:

"'approved zone' means a zone complying, as the case may be, with the provisions of Annex B, I, II or III of Directive 91/67/EEC<sup>2</sup> and approved in accordance with Article 5 of that Directive;"

<sup>2</sup> OJ L 46, 19.2.91. p. 1.

(ii) by the insertion of the following:

"'Decision 1999/567/EC' means Commission Decision 1999/567/EC of 27 July 1999 laying down the model of the certificate referred to in Article 16(1) of Council Directive 91/67/EEC<sup>3</sup>."

<sup>3</sup> OJ L 216, 14.8.99. p. 13.

(iii) by the substitution for the definition of "Directive 91/67/EEC" of the following:

"Directive 91/67/EEC' means 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, as amended by Council Directive 93/54/EEC of 24 June 1993<sup>1</sup>, Council Directive 95/22/EC of 22 June 1995<sup>2</sup> and Council Directive 98/45/EC of 24 June 1998<sup>3</sup>, and read with the decisions made under that Directive referred to in Schedule 6 of these Regulations, as amended or replaced by any regulation or directive of the European Community";

<sup>3</sup> OJ L 189, 3.7.98, p. 12.

<sup>2</sup> OJ L 243, 11.10.95, p. 1.

<sup>1</sup> OJ L 175, 19.7.93, p. 34.

(iv) by the insertion of the following definitions after the definition of "Form I":

"Form J' means a movement document for consignments of live farmed fish, eggs and gametes which are susceptible to List II diseases, in intra-Community trade between non-approved zones in the form set out in Annex I to Decision 1999/567/EC;

'Form K' means a movement document for the intra-Community transport of consignments of live farmed fish, eggs and gametes from a farm infected with a List II disease to another farm so infected, in the form set out in Annex II to Decision 1999/567/EC";

and

(v) by the substitution for the definition of "movement document" of the following:

"movement document' means a document duly completed and—

(a) in the case of Form A, Form B, Form C, Form D, Form E and Form F, corresponding to the relevant form set out in Directive 91/67/EEC,

(b) in the case of Form G, Form H, and Form I, complying with these Regulations,

(c) in the case of Form J, and Form K, corresponding to the forms set out in Annex I and Annex II respectively to Decision 1999/567/EC";

(b) by the substitution for Schedule 2 of those Regulations of the matter in Schedule A to these Regulations,

and

(c) by the substitution for Schedule 3 of those Regulations of the matter in Schedule B to these Regulations.

*SCHEDULE A*

*Regulation 8.*

"SCHEDULE 2

Note 1: Reference should be made to the table at the end of this Schedule for the common name of the species of fish referred to in column (3) of this Schedule.

Note 2: Where the full names of the diseases are not set out in Column (5) they are set out in Schedule 1.

Zones in Ireland — Live fish, eggs and gametes

Item

Zone

Live fish, eggs and gametes

Form of movement document

Diseases

(1)

(2)

(3)

(4)

(5)

1

Ireland approved zone

Live farmed fish of the species—

Form A

IHN

*Oncorhynchus nerka*

*Oncorhynchus tshawytscha*

*Oncorhynchus rhodurus*

Form E

VHS

1A

Ireland non approved zone

Live farmed fish of the species—

*Oncorhynchus nerka*

Form J or Form K

IHN

*Oncorhynchus tshawytscha*

Form J or Form K

VHS

*Oncorhynchus rhodurus*

2

Ireland approved zone

Live wild fish of the species—

Form A

IHN

*Oncorhynchus nerka*

*Oncorhynchus tshawytscha*

Form F

VHS

*Oncorhynchus rhodurus*

2A

Ireland non approved zone

Live wild fish of the species—

Form A

IHN

*Oncorhynchus nerka*

*Oncorhynchus tshawytscha*

Form F

VHS

*Oncorhynchus rhodurus*

3

Ireland approved zone

Eggs and gametes of farmed fish of the species—

*Oncorhynchus nerka*

*Oncorhynchus tshawytscha*

*Oncorhynchus rhodurus*

Form A or Form B

IHN

Form E

VHS

3A

Ireland non approved zone

Eggs and gametes of farmed fish of the species—

*Oncorhynchus nerka*

*Oncorhynchus tshawytscha*

*Oncorhynchus rhodurus*

Form J or Form K

IHN

Form J or Form K

VHS

4

Ireland approved zone

Eggs and gametes of wild fish of the species—

Form A

IHN

*Oncorhynchus nerka*

*Oncorhynchus tshawytscha*

Form F

VHS

*Oncorhynchus rhodurus*

4A

Ireland non approved zone

Eggs and gametes of wild fish of the species—

Form A

IHN

*Oncorhynchus nerka*

*Oncorhynchus tshawytscha*

Form F

VHS

*Oncorhynchus rhodurus*

5

Ireland approved zone

Live farmed fish of the species—

Form A

VHS

*Salmo trutta*

Form E

IHN

5A

Ireland non approved zone

Live farmed fish of the species—

*Salmo trutta*

Form J or Form K

VHS

Form J or Form K

IHN

6

Ireland approved zone

Live fish of the species—

Form A

VHS



*Salmo trutta*

Form E

IHN

6A

Ireland non approved zone

Live fish of the species—

*Salmo trutta*

Form J or Form K

VHS

Form J or Form K

IHN

7

Ireland approved zone

Eggs and gametes of farmed fish of the species—

Form A or Form B

VHS

*Salmo trutta*

7A

Ireland non approved zone

Eggs and gametes of farmed fish of the species—

Form E

IHN

*Salmo trutta*

Form J or Form K

IHN

8

Ireland approved zone

Eggs and gametes of wild fish of the species—

Form A

VHS

*Salmo trutta*

Form F

IHN

8a

Ireland non approved zone

Eggs and gametes of wild fish of the species—

Form J or Form K

VHS

*Salmo trutta*

Form J or Form K

IHN

9

Ireland approved zone

Live farmed fish of the species—

Form A

VHS

*Thymallus thymallus*

*Coregonus sp*

Form E

IHN

*Esox lucius* (fry only)

9A

Ireland non approved zone

Live farmed fish of the species—

*Thymallus thymallus*

Form J or Form K

VHS

*Coregonus sp*

Form J or Form K

IHN

*Esox lucius* (fry only)

10

Ireland approved zone

Live wild fish of the species—

Form A

VHS

*Thymallus thymallus*

*Coregonus sp*

Form F

IHN

*Esox lucius* (fry only)

10A

Ireland non approved zone

Live wild fish of the species—

*Thymallus thymallus*

Form A

VHS

*Coregonus sp*

Form F

IHN

*Esox lucius* (fry only)

11

Ireland approved zone

Eggs and gametes of farmed fish of the species—

Form A or Form B

VHS

IHN

*Thymallus thymallus*

Form E

IHN

*Coregonus sp*

11A

Ireland non approved zone

Eggs and gametes of farmed fish of the species—

Form J

Form K

VHS

*Thymallus thymallus*

Form J or Form K

IHN

*Coregonus sp*

12

Ireland approved zone

Eggs and gametes of wild fish of the species—

Form A

VHS

*Thymallus thymallus*

Form F

IHN

*Coregonus sp*

12A

Ireland non approved zone

Eggs and gametes of wild fish of the species—

Form A

VHS

*Thymallus thymallus*

Form F

IHN

*Coregonus sp*

13

Ireland approved zone

Live farmed and wild fish of the species—

Form A or Form B

IHN and VHS

*Thymallus thymallus*

*Coregonus sp*

*Oncorhynchus mykiss*

*Salmo salar*

13A

Ireland non approved zone

Live farmed and wild fish of the species—

Form A or Form B

IHN or VHS

*Thymallus thymallus*

*Coregonus sp*

*Oncorhynchus mykiss*

*Salmo salar*

14

Ireland approved zone

Eggs and gametes of farmed and wild fish of the species—

Form A or Form B

IHN and VHS

*Oncorhynchus mykiss*

*Salmo salar*

14A

Ireland non approved zone

Eggs and gametes of farmed and wild fish of the species—

Form J or Form K

IHN and VHS



*Oncorhynchus mykiss*

*Salmo salar*

15

Ireland approved zone

Live farmed fish, their eggs and gametes of the following species—

Form E

IHN and VHS

*Cyprinus carpio*

*Ctenopharyngodon idella*

Form I

Spring viraemia of carp

*Hypophthalmichthys nobilis*

*Hypophthalmichthys molitrix*

15A

Ireland non approved zone

Live farmed fish, their eggs and gametes of the following species—

Form J or Form K

IHN or VHS

*Cyprinus carpio*

*Ctenopharyngodon idella*

Form I

Spring viraemia of carp

*Hypophthalmichthys nobilis*

*Hypophthalmichthys molitrix*

16

Ireland approved zone

Live wild fish, their eggs and gametes of the following species—

Form F

IHN and VHS

*Cyprinus carpio*

*Ctenopharyngodon idella*

Form I

Spring viraemia of carp

*Hypophthalmichthys nobilis*

*Hypophthalmichthys molitrix*

16A

Ireland non approved zone

Live farmed fish, their eggs and gametes of the following species—

Form F

IHN and VHS

*Cyprinus carpio*

*Ctenopharyngodon idella*

Form I

Spring viraemia of carp

*Hypophthalmichthys nobilis*

*Hypophthalmichthys molitrix*

17

Ireland approved zone

Live farmed fish, their eggs and gametes other than fish of the following species—

Form E

IHN and VHS

*Oncorhynchus nerka*

*Oncorhynchus tshawytscha*

*Oncorhynchus rhodurus*

*Salmo trutta*

*Thymallus thymallus*

*Coregonus sp*

*Esox lucius* (fry only)

*Oncorhynchus mykiss*

*Salmo salar*

*Cyprinus carpio*

*Ctenopharyngodon idella*

*Hypophthalmichthys nobilis*

*Hypophthalmichthys molitrix*

their eggs and gametes

17A

Ireland non approved zone

Live farmed fish, their eggs and gametes other than fish of the following species—

Form J or Form K

IHN and VHS

*Oncorhynchus nerka*

*Oncorhynchus tshawytscha*

*Oncorhynchus rhodurus*

*Salmo trutta*

*Thymallus thymallus*

*Coregonus sp*

*Esox lucius* (fry only)

*Oncorhynchus mykiss*

*Salmo salar*

*Cyprinus carpio*

*Ctenopharyngodon idella*

*Hypophthalmichthys nobilis*

*Hypophthalmichthys molitrix*

their eggs and gametes

18

Ireland approved zone

Live wild fish, their eggs and gametes other than fish of the following species—

Form F

IHN and VHS

*Oncorhynchus nerka*

*Oncorhynchus tshawytscha*

*Oncorhynchus rhodurus*

*Salmo trutta*

*Thymallus thymallus*

*Coregonus sp*

*Esox lucius* (fry only)

*Oncorhynchus mykiss*

*Salmo salar*

*Cyprinus carpio*

*Ctenopharyngodon idella*

*Hypophthalmichthys nobilis*

*Hypophthalmichthys molitrix*

their eggs and gametes

18A

Ireland non approved zone

Live wild fish, their eggs and gametes other than fish of the following species—

Form J or Form K

IHN and VHS

*Oncorhynchus nerka*

*Oncorhynchus tshawytscha*

*Oncorhynchus rhodurus*

*Salmo trutta*

*Thymallus thymallus*

*Coregonus sp*

*Esox lucius* (fry only)

*Oncorhynchus mykiss*

*Salmo salar*

*Cyprinus carpio*

*Ctenopharyngodon idella*

*Hypophthalmichthys nobilis*



*Hypophthalmichthys molitrix*

their eggs and gametes

The common names of the fish referred to in this Schedule are as follows:

Name	Common name
<i>Oncorhynchus nerka</i>	Sockeye salmon
<i>Oncorhynchus tshawytscha</i>	Chinook salmon
<i>Oncorhynchus rhodurus</i>	Amago salmon
<i>Salmo trutta</i>	Brown trout or sea trout
<i>Thymallus thymallus</i>	Grayling

*Coregonus sp*

Whitefishes

*Esox lucius* (fry only)

Pike

*Oncorhynchus mykiss* (formerly known as *Salmo gairdneri*)

Rainbow trout

*Salmo salar*

Atlantic salmon

*Cyprinus carpio*

Common carp and all variants such as mirror carp, leather carp, koi carp and hygoi carp.

*Ctenopharyngodon idella*

Grass carp

*Hypophthalmichthys nobilis*

Bighead carp

*Hypophthalmichthys molitrix*

Silver carp

*SCHEDULE B*

*Regulation 9.*

"SCHEDULE 3

Note 1. Reference should be made to the table at the end of this Schedule for the common name of the species of fish referred to in column (3) of this Schedule.

Note 2. The full names of the diseases IHN and VHS referred to in Column (4) are set out in Schedule 1.

Zones in Ireland — Dead Fish

Item

Zone

Dead Fish

Conditions

(1)

(2)

(3)

(4)

1

Ireland approved zone

Dead fish of the species—

*Oncorhynchus nerka*

*Oncorhynchus tshawytscha*

*Oncorhynchus rhodurus*

*Salmo trutta*

*Thymallus thymallus*

*Coregonus sp*

*Esox lucius* (fry only)

*Oncorhynchus mykiss*

*Salmo salar*

The fish was slaughtered and eviscerated prior to dispatch

2

Ireland non approved zone

Dead fish of the species—

*Oncorhynchus nerka*  
*Oncorhynchus tshawytscha*  
*Oncorhynchus rhodurus*  
*Salmo trutta*  
*Thymallus thymallus*  
*Coregonus sp*  
*Esox lucius* (fry only)  
*Oncorhynchus mykiss*  
*Salmo salar*

The fish was slaughtered and eviscerated prior to dispatch

3

Ireland approved zone

Dead uneviscerated fish of the species—

*Oncorhynchus nerka*  
*Oncorhynchus tshawytscha*  
*Oncorhynchus rhodurus*

The fish is from an approved zone or an approved farm free of IHN and was slaughtered prior to dispatch

4

Ireland non approved zone

Dead uneviscerated fish of the species—

*Oncorhynchus nerka*  
*Oncorhynchus tshawytscha*  
*Oncorhynchus rhodurus*

The fish is from an approved zone or a farm free of IHN and was slaughtered prior to dispatch

5

Ireland approved zone

Dead uneviscerated fish of the species—

*Salmo trutta*

*Thymallus thymallus*

*Coregonus sp*

*Esox lucius* (fry only)

The fish is from an approved zone or an approved farm free of VHS and was slaughtered prior to dispatch

6

Ireland non approved zone

Dead uneviscerated fish of the species—

*Salmo trutta*

*Thymallus thymallus*

*Coregonus sp*

*Esox lucius* (fry only)

The fish is from an approved zone or an approved farm free of IHN and VHS and was slaughtered prior to dispatch

7

Ireland approved zone

Dead uneviscerated fish of the species—

*Oncorhynchus mykiss*

*Salmo salar*

The fish is from an approved zone or an approved farm free of VHN and VHS and was slaughtered prior to dispatch

Ireland non approved zone

Dead uneviscerated fish of the species—

*Oncorhynchus mykiss*

*Salmo salar*

The fish is from an approved zone or an approved farm free of IHN and VHS and was slaughtered prior to dispatch

The common names of the fish referred to in this Schedule are as follows:

Name

Common name

*Oncorhynchus nerka*

Sockeye salmon

*Oncorhynchus tshawytscha*

Chinook salmon

*Oncorhynchus rhodurus*

Amago salmon

*Salmo trutta*

Brown trout or sea trout

*Thymallus thymallus*

Grayling

*Coregonus sp*

Whitefishes

*Esox lucius*

Pike

*Oncorhynchus mykiss* (formerly known as *Salmo gairdneri*)

Rainbow trout

*Salmo salar*

Atlantic salmon



GIVEN under my Official Seal, this 21st day of November, 2000.

FRANK FAHEY,

Minister for the Marine and Natural Resources.

EXPLANATORY NOTE.

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

This order implements Council Directive 98/45/EC, amending Directive 91/67/EEC, concerning the animal health conditions governing the placing on the market of aquaculture animals and products. It also implements Commission Decision 1999/567/EC, laying down model certificates for movement of fish susceptible to IHN and VHS between non-approved zones and into infected farms. It takes account of the fact that there may be zones in Ireland which do not have approved zone status for IHN and VHS