

COMMISSION

COMMISSION DECISION

of 20 September 2006

laying down the animal health conditions and certification requirements for imports of fish for ornamental purpose

(notified under document number C(2006) 4149)

(Text with EEA relevance)

(2006/656/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

the application of Decision 2003/858/EC with respect to ornamental fish.

Having regard to the Treaty establishing the European Community,

(4) Certain third countries were included in Annex I to Decision 2003/858/EC for the purpose of export of cold-water ornamentals only. These countries should therefore appear in Annex I to this Decision.

Having regard 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 ⁽¹⁾, and in particular Article 19(3), Article 20(3) and Article 21(1) thereof,

(5) Currently, 14 Member States have drawn up national animal health certificates with different animal health conditions for ornamental fish. For the sake of simplification, for the Community Border inspection posts, for European ornamental fish industry, as well as for third country trading partners, those animal health conditions and model certificates should be harmonised.

Whereas:

(1) A list of third countries or parts thereof from which Member States are authorised to import live fish, their eggs and gametes for farming in the Community and the animal health conditions and certification requirements for such consignments are established by Commission Decision 2003/858/EC of 21 November 2003 laying down the animal health conditions and certification requirements for imports of live fish, their eggs and gametes intended for farming, and live fish of aquaculture origin and products thereof intended for human consumption ⁽²⁾.

(6) The specific animal health conditions and model certificates for ornamental fish, should be drawn up in line with the conditions and certificates laid down in Decision 2003/858/EC, taking into account the specific use of these animals in the Community, and animal health situation of the third country concerned, in order to prevent the introduction of disease that could cause significant impact to the farmed and wild fish stock in the Community if introduced and allowed to spread.

(2) Decision 2003/858/EC does not apply to tropical ornamental fish kept permanently in aquaria, and consequently the animal health conditions and certification requirements for tropical ornamental fish are not harmonised at Community level.

(7) Council Directive 96/93/EC of 17 December 1996 on the certification of animals and animal products ⁽³⁾ lays down standards of certification. The rules and principles applied by third-country certifying officers should provide guarantees which are equivalent to those laid down in that Directive.

(3) There is a significant trade in ornamental fish with third countries and concerns have been raised with regard to

(8) This Decision should apply without prejudice to Community or national provision on the conservation of species.

⁽¹⁾ OJ L 46, 19.2.1991, p. 1. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 324, 11.12.2003, p. 37. Decision as last amended by Decision 2005/742/EC (OJ L 279, 22.10.2005, p. 71).

⁽³⁾ OJ L 13, 16.1.1997, p. 28.

- (9) The Member States and Third countries need some time to adapt to the new import certification requirements. This Decision should therefore not be applicable immediately.
- (10) This Decision has been notified to Third countries for comments in accordance with the WTO agreement on sanitary and phytosanitary measures.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

pancreatic necrosis (IPN), Koi herpes virus (KHV) and infection with *Gyrodactylus salaris*;

- (c) 'tropical ornamental fish' means ornamental fish other than cold-water ornamental fish;
- (d) 'transshippers' means companies or persons which supply ornamental fish to a number of retailers or wholesalers, by importing the consignments on their behalf, and deliver the separate orders directly to the customers in the Community.

HAS ADOPTED THIS DECISION:

Article 1

Scope

1. This Decision establishes harmonised animal health rules for imports of ornamental fish into the Community.
2. This Decision shall apply to:
 - (a) fish caught in the wild, imported for the purpose of being used as ornamental fish,
 - (b) ornamental fish imported by transshippers and wholesalers,
 - (c) ornamental fish imported into pet shops, garden centres, garden ponds, exhibition aquaria and similar businesses without direct contact with Community waters.

Article 2

Definitions

For the purposes of this Decision, in addition to the definitions in Article 2 of Directive 91/67/EEC, the following definitions shall apply:

- (a) 'ornamental fish' means fish which are kept, reared, or placed on the market for ornamental purposes only;
- (b) 'cold-water ornamental fish' means ornamental fish of species susceptible to one or more of the following diseases: epizootic haematopoietic necrosis (EHN), infectious salmon anaemia (ISA), viral haemorrhagic septicaemia (VHS), infectious haematopoietic necrosis (IHN), spring viraemia of carp (SVC), bacterial kidney disease (BKD), infectious

Article 3

Conditions for imports of cold-water ornamental fish

Member States shall authorise imports of cold-water ornamental fish into their territory only if:

- (a) the fish originate from a country listed in:
 - (i) Annex I to Decision 2003/858/EC; or
 - (ii) Part I of Annex I to this Decision;
- (b) the consignment complies with the guarantees, including those for packaging and labelling and the appropriate specific additional requirements laid down in the animal health certificate, drawn up in conformity with the model in Annex II, taking into account the explanatory notes in Annex III; and
- (c) the fish have been transported under conditions that do not alter their health status.

Article 4

Conditions for imports of tropical ornamental fish

Member States shall authorise imports of tropical ornamental fish into their territory only if:

- (a) the fish originate from a country listed in Part II of Annex I to this Decision;
- (b) the consignment complies with the guarantees, including those for packaging and labelling and the appropriate specific additional requirements, as laid down in the animal health certificate, drawn up in conformity with the model in Annex IV, taking into account the explanatory notes in Annex III; and

(c) the fish have been transported under conditions that do not alter their health status.

Article 5

Control procedures

Ornamental fish imported from third countries shall be subject to veterinary checks at the border inspection post in the Member State of arrival in accordance with Article 8 of Council Directive 91/496/EEC ⁽¹⁾ and the common veterinary entry document provided for in Commission Regulation (EC) No 282/2004 ⁽²⁾ shall be completed accordingly.

Article 6

Preventing contamination of natural waters

1. Ornamental fish imported under this Decision shall not be released into fish farms, or other premises from which they could escape into, or otherwise contaminate, natural waters in the Community.

2. Transport water from imported consignments shall be handled in a way which ensures that it does not lead to contamination of natural waters within the Community.

Article 7

Date of application

This Decision shall apply six months after the date of publication.

Article 8

This Decision is addressed to the Member States.

Done at Brussels, 20 September 2006.

For the Commission

Markos KYPRIANOU

Member of the Commission

⁽¹⁾ OJ L 268, 24.9.1991, p. 58.

⁽²⁾ OJ L 49, 19.2.2004, p. 11.

ANNEX I

PART I

Territories from which imports of cold-water ornamental fish into the European Community is authorised

Country		Territory		Comments ⁽¹⁾
ISO-code	Name	Code	Description	
BR	Brazil			Cyprinidae only
CO	Colombia			Cyprinidae only
CG	Republic of the Congo			Cyprinidae only
MK ⁽²⁾	Former Yugoslav Republic of Macedonia			Cyprinidae only
JM	Jamaica			Cyprinidae only
SG	Singapore			Cyprinidae only
LK	Sri Lanka			Cyprinidae only
TH	Thailand			Cyprinidae only

⁽¹⁾ No limitations if left empty. If a country or territory is allowed to export only certain species and/or eggs or gametes, the species should be specified and/or a comment with for example 'eggs only' shall be inserted in this column.

⁽²⁾ Provisional code that does not affect the definitive denomination of the country to be attributed after the conclusion of the negotiations taking place in the United Nations.

PART II

Territories from which imports of tropical ornamental fish into the European Community is authorised

All countries being a member of the World Organisation for Animal health (OIE).

[List of countries is available on http://www.oie.int/eng/OIE/PM/en_PM.htm]

ANNEX II

MODEL ANIMAL HEALTH CERTIFICATE FOR THE IMPORTS OF COLD-WATER ORNAMENTAL FISH INTO THE EUROPEAN COMMUNITY

Note for the importer: This certificate is only for veterinary purposes and has — in its original — to accompany the consignment until it reaches the border inspection post

COUNTRY

Veterinary certificate to EU

Part I: Details of dispatched consignment	I.1. Consignor Name Address Tel.		I.2. Certificate reference number		I.2.a.			
			I.3. Central Competent Authority					
			I.4. Local Competent Authority					
	I.5. Consignee Name Address Postal code Tel.		I.6.					
	I.7. Country of origin	ISO code	I.8. Region of origin	Code	I.9. Country of destination	ISO code	I.10. Region of destination	Code
	I.11. Place of origin Name Address		I.12.					
	I.13. Place of loading Address		I.14. Date of departure				time of departure	
	I.15. Means of transport Aeroplane <input type="checkbox"/> Ship <input type="checkbox"/> Railway wagon <input type="checkbox"/> Road vehicle <input type="checkbox"/> Other <input type="checkbox"/> Identification: Documentary references:		I.16. Entry BIP in EU		I.17. No(s) of CITES			
	I.18. Description of commodity			I.19. Commodity code (HS code) 0301 10		I.20. Quantity		
	I.21.				I.22. Number of packages			
I.23. Identification of container/seal number				I.24.				
I.25. Commodities certified for: Pets <input type="checkbox"/> Quarantine <input type="checkbox"/> Circus/exhibition <input type="checkbox"/> Other <input type="checkbox"/>								
I.26.				I.27. For import or admission into EU <input type="checkbox"/>				
I.28. Identification of the commodities Species (Scientific name) Quantity								

COUNTRY

Cold-water ornamental fish

Part II: Certification	II. Health information	II.a. Certificate reference number	II.b. Local reference number
	<p>1. General requirements for imports of cold-water ornamental fish</p> <p>I, the undersigned official inspector, hereby certify that the cold-water ornamental fish, referred to in Box I.28 of Part I of this certificate:</p> <ul style="list-style-type: none"> — have been inspected within 24 hours prior to the signing of this certificate, and showed no clinical signs of disease — are not intended for destruction or slaughter for the eradication of a disease — originate from a source ⁽¹⁾ where the following diseases are notifiable to the competent authority ⁽²⁾: epizootic haematopoietic necrosis (EHN); infectious salmon anaemia (ISA); viral haemorrhagic septicaemia (VHS); infectious haematopoietic necrosis (IHN); and Koi Herpes Virus disease (KHV) — originate from a source ⁽¹⁾ where there has been no known disease outbreak causing significant impact to the stock during the last six months prior to dispatch, and during the last two years, no cases of the diseases EHN and ISA. <p>(4)2. Specific animal health requirements for import into Member States or parts of Member States free from VHS and/or IHN</p> <p>I, the undersigned official inspector, hereby certify that the cold-water ornamental fish referred to in Box I.28 of Part I of this certificate, originate from a source ⁽¹⁾ that, in addition to the guarantees given in point 1 of this certificate, is approved by the competent authority of the third country as having an equivalent health status to Member States or zones within the Community, with approved status as regards ⁽³⁾[VHS] ⁽³⁾[and] ⁽³⁾[IHN], as they:</p> <p><i>either</i></p> <ul style="list-style-type: none"> — originate from a source ⁽¹⁾ where none of the species susceptible ⁽⁵⁾ to ⁽³⁾[VHS] ⁽³⁾[and] ⁽³⁾[IHN] are known to be present <p><i>or</i></p> <ul style="list-style-type: none"> — originate from a source ⁽¹⁾ considered free from ⁽³⁾[VHS] ⁽³⁾[and] ⁽³⁾[IHN] in accordance with the relevant EU legislation ⁽⁶⁾ <p>(7)3. Specific animal health requirements for import into Member States with additional guarantees for SVC, BKD, IPN and/or G. salaris</p> <p>I, the undersigned official inspector, hereby certify that the cold-water ornamental fish referred to in Box I.28 of Part I of this certificate, originate from a source ⁽¹⁾ that, in addition to the guarantees given in points 1 and 2 of this certificate, is approved by the competent authority of the third country as having an equivalent health status to those Member States, with additional guarantees as regards ⁽³⁾[SVC] ⁽³⁾[and] ⁽³⁾[BKD] ⁽³⁾[and] ⁽³⁾[IPN] ⁽³⁾[and] ⁽³⁾[<i>Gyrodactylus salaris</i>], as they:</p> <p><i>either</i></p> <ul style="list-style-type: none"> — originate from a source ⁽¹⁾ where none of the species susceptible ⁽⁵⁾ to ⁽³⁾[SVC] ⁽³⁾[and] ⁽³⁾[BKD] ⁽³⁾[and] ⁽³⁾[IPN] ⁽³⁾[and] ⁽³⁾[<i>Gyrodactylus salaris</i>] are known to be present <p><i>or</i></p> <ul style="list-style-type: none"> — originate from a source ⁽¹⁾ where ⁽³⁾[SVC] ⁽³⁾[and] ⁽³⁾[BKD] ⁽³⁾[and] ⁽³⁾[IPN] ⁽³⁾[and] ⁽³⁾[<i>Gyrodactylus salaris</i>] is notifiable to the competent authority, and is considered free in accordance with the relevant EU legislation ⁽⁶⁾ <p>4. Transport requirements</p> <p>Furthermore, immediately before transport, the fish:</p> <ul style="list-style-type: none"> — are placed in water of a quality that does not alter their health status — are placed under conditions that do not alter their health status, and complies with the animal welfare provisions laid down in Article 3 of Regulation (EC) No 1/2005 — are placed in sealed watertight containers which are new, or have been cleaned and disinfected beforehand, which bear on the exterior a legible label with the relevant information referred to in Boxes I.7 to I.13 of Part I of this certificate and with the following statement: <p style="text-align: center;">'Cold-water ornamental fish intended solely for ornamental purposes in the European Community'</p>		

Notes

- (1) Source can be a country, part of country (zone) or an individual fish farm.
- (2) The notification requirement is only relevant where species susceptible to the disease are present in the territory.
- (3) Retain as appropriate.
- (4) Point 2 of the certificate shall be filled in only if the place of destination (Boxes I.9 and I.10 of Part I of the certificate) is declared free from VHS and/or IHN, or is undergoing a programme for such freedom, and the consignment comprises species susceptible to the disease(s) in question as referred to in Note 5. Member States or parts of Member States covered by these provisions are listed in Annex I to Decision 2002/308/EC, and Annex I to Decision 2003/634/EC, both as last amended.
- (5) Known susceptible species
- DISEASE SUSCEPTIBLE HOST SPECIES (*)
- | | |
|-----------------------------|---|
| EHN | Redfin perch (<i>Perca fluviatilis</i>), rainbow trout (<i>Oncorhynchus mykiss</i>) |
| ISA | Atlantic salmon (<i>Salmo salar</i>) Rainbow trout (<i>Oncorhynchus mykiss</i>), brown trout (<i>Salmo trutta</i>). |
| VHS | Fish belonging to the family Salmonidae, grayling (<i>Thymallus thymallus</i>), white fish (<i>Coregonus</i> spp.), pike (<i>Esox lucius</i>), turbot (<i>Scophthalmus maximus</i>), herring and sprat (<i>Clupea</i> spp.), Pacific salmon (<i>Oncorhynchus</i> spp.), Atlantic cod (<i>Gadus morhua</i>), Pacific cod (<i>G. macrocephalus</i>), haddock (<i>G. aeglefinus</i>) and rockling (<i>Onos mustelus</i>). |
| IHN | Fish belonging to the family Salmonidae, pike (<i>Esox lucius</i>) |
| SVC | Common carp and koi carp (<i>Cyprinus carpio</i>), grass carp (<i>Ctenopharyngodon idellus</i>), silver carp (<i>Hypophthalmichthys molitrix</i>), bighead carp (<i>Aristichthys nobilis</i>), crucian carp (<i>Carassius carassius</i>), goldfish (<i>Carassius auratus</i>), tench (<i>Tinca tinca</i>) and sheatfish (<i>Silurus glanis</i>) |
| IPN | Rainbow trout (<i>Oncorhynchus mykiss</i>), brook trout (<i>Salvelinus fontinalis</i>), brown trout (<i>Salmo trutta</i>), Atlantic salmon (<i>Salmo salar</i>), and several Pacific salmon species (<i>Oncorhynchus</i> spp.), |
| BKD | Fish belonging to the family Salmonidae |
| Koi herpes virus disease | Common carp and koi carp (<i>Cyprinus carpio</i>). |
| <i>Gyrodactylus salaris</i> | Atlantic salmon (<i>Salmo salar</i>) Rainbow trout (<i>Oncorhynchus mykiss</i>), Arctic char (<i>Salvelinus alpinus</i>), North American brook trout (<i>S. fontinalis</i>), grayling (<i>Thymallus thymallus</i>), North American lake trout (<i>Salvelinus namaycush</i>) and brown trout (<i>Salmo trutta</i>). Other species of fish on sites where any of the above species are present shall also be considered as susceptible species. |
- (*) And any other species referred to in the most recent edition of the OIE International Aquatic Animal Health Code and/or the OIE Manual of diagnostic tests for aquatic animals as being susceptible to the pathogen/disease in question.
- (6) Freedom according to the provisions laid down in Commission Decisions 2001/183/EC (VHS and IHN) and 2004/453/EC (SVC, BKD, IPN and *G. salaris*). With regard to VHS, IHN, SVC, BKD and/or IPN, freedom according to the most current edition of the OIE Code and Manual is also recognised.
- (7) Point 3 of the certificate shall be filled in only if the place of destination (Boxes I.9 and I.12 of Part I of the certificate) has additional guarantees for one or more of the diseases SVC, BKD, IPN and *G. salaris*, and the consignment comprises species susceptible to the disease(s) in question as referred to in Note 5. Member States or parts of Member States covered by these provisions are listed in Chapter II of Annex I, and Chapter II of Annex II to Decision 2004/453/EC as last amended.

Official inspector

Name (in capitals):
Date:
Stamp:

Qualification and title:
Signature:

ANNEX III

Explanatory notes

<i>General guidance</i>	<i>Guidance for completing Part I of the certificates</i>
<p>(a) The certificates shall be produced by the competent authorities of the exporting country.</p> <p>(b) The original of each certificate shall consist of a single page, double-sided, or, where more than one page is required, it shall be in such a form that all pages form part of an integrated whole and are indivisible.</p> <p>(c) It shall, on the right hand side of the top of each page, be marked as 'original' and bear a specific code number issued by the competent authority. All pages of the certificate shall be numbered — (<i>page number</i>) of (<i>total number of pages</i>).</p> <p>(d) The original of the certificate and the labels referred to in the model certificate shall be drawn up in at least one official language of the EC Member State in which the inspection at the border post shall be carried out and of the EC Member State of destination. However, these Member States may allow other languages, if necessary, accompanied by an official translation.</p> <p>(e) The original of the certificate must be completed on the day of loading the consignment for exportation to the EC with an official stamp and signed by an official inspector designated by the competent authority. In doing so, the competent authority of the exporting country shall ensure that the principles of certification equivalent to those laid down in Council Directive 96/93/EC are followed.</p> <p>(f) The stamp, unless embossed, and the signature shall be in a colour different to that of the printing.</p> <p>(g) The original of the certificate must accompany the consignment until it reaches the EC border inspection post.</p> <p>(h) The certificate shall be valid for 10 days from the date of issue. In the case of transport by ship, the time of validity is prolonged by the time of journey at sea.</p>	<p>(a) Box I.8 Region of origin: If necessary: concerns only where regionalisation measures or approved zone definition according to this Decision or Decision 2003/858/EC. The regions and the approved zones must be indicated as they appeared in the EU Official Journal.</p> <p>(b) Box I.10. Region of destination: Cf. box I.8.</p> <p>(c) Box I.13. Place of loading: If different from box I.11. give the place where the animals are loaded and particularly, in case of pre-assembly</p> <p>(d) Box I.20. Quantity: give the total gross weight and the total net weight in kg.</p> <p>(e) Box I.22. Number of packages: give the number of boxes in which the animals are being transported.</p> <p>(f) Box I.25. Commodities certified for: give exclusive destination of the fish. (Only the possible options shall appear on each specific certificate)</p> <p>— Quarantine: This refer to quarantine as required under the relevant Community legislation</p> <p>— Pets: This applies also where ornamental aquatic animals are intended for pet-shops of similar businesses for further sale</p> <p>— Circus/exhibition: This applies also where ornamental aquatic animals are intended for exhibition aquaria of similar businesses, not for further sale</p> <p>— 'Other': intended for purposes not listed elsewhere in this classification, such as private import or trough transhippers.</p> <p>(g) Box I.28 The common name of the species may be included together with the scientific name.</p>

ANNEX IV

MODEL ANIMAL HEALTH CERTIFICATE FOR THE IMPORTS OF TROPICAL ORNAMENTAL FISH INTO THE EUROPEAN COMMUNITY

Note for the importer: This certificate is only for veterinary purposes and has — in its original — to accompany the consignment until it reaches the border inspection post.

COUNTRY

Veterinary certificate to EU

Part I: Details of dispatched consignment	I.1. Consignor Name Address Tel.		I.2. Certificate reference number		I.2.a			
			I.3. Central Competent Authority					
			I.4. Local Competent Authority					
	I.5. Consignee Name Address Postal code Tel.		I.6.					
	I.7. Country of origin	ISO code	I.8. Region of origin	Code	I.9. Country of destination	ISO code	I.10. Region of destination	Code
	I.11. Place of origin Name Address		I.12.					
	I.13. Place of loading Address		I.14. Date of departure		time of departure			
	I.15. Means of transport Aeroplane <input type="checkbox"/> Ship <input type="checkbox"/> Railway wagon <input type="checkbox"/> Road vehicle <input type="checkbox"/> Other <input type="checkbox"/> Identification: Documentary references:		I.16. Entry BIP in EU		I.17. No.(s) of CITES			
	I.18. Description of commodity		I.19. Commodity code (HS code) 0301 10		I.20. Quantity			
	I.21.		I.22. Number of packages		I.23. Identification of container/seal number		I.24.	
I.25. Commodities certified for: Pets <input type="checkbox"/> Quarantine <input type="checkbox"/> Circus/exhibition <input type="checkbox"/> Other <input type="checkbox"/>		I.26.		I.27. For import or admission into EU		<input type="checkbox"/>		
I.28. Identification of the commodities		Species (Scientific name)		Quantity				

COUNTRY

Tropical ornamental fish

Part II: Certification	II. Health information	II.a. Certificate reference number	II.b. Local reference number		
	<p>1. Animal health attestation for imports of tropical ornamental fish</p> <p>I, the undersigned official inspector, hereby certify that the live fish, referred to in box I.28 of Part I of this certificate:</p> <ul style="list-style-type: none"> — have been inspected within 24 hours prior to the signing of this certificate, and showed no clinical signs of disease — are not intended for destruction or slaughter for the eradication of a disease. <p>2. Transport requirements</p> <p>Furthermore, immediately before transport, the fish:</p> <ul style="list-style-type: none"> — are placed in water of a quality that does not alter their health status — are placed under conditions that do not alter their health status, and complies with the animal welfare provisions laid down in Article 3 of Regulation (EC) No 1/2005 — are placed in sealed watertight containers which are new or have been cleaned and disinfected beforehand using an authorised disinfectant, and which bear on the exterior a legible label with the relevant information referred to in boxes I.7 to I.13 of Part I of this certificate and with the following statement: <p style="text-align: center;">'Tropical ornamental fish intended solely for ornamental purposes in the European Community'</p>				
<p>Official inspector</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> <p>Name (in Capital):</p> <p>Date:</p> <p>Stamp</p> </td> <td style="width: 50%; border: none;"> <p>Qualification and title</p> <p>Signature:</p> </td> </tr> </table>				<p>Name (in Capital):</p> <p>Date:</p> <p>Stamp</p>	<p>Qualification and title</p> <p>Signature:</p>
<p>Name (in Capital):</p> <p>Date:</p> <p>Stamp</p>	<p>Qualification and title</p> <p>Signature:</p>				