

**EUROPEAN COMMUNITIES (AQUACULTURE ANIMALS AND FISH) (PLACING
ON THE
MARKET AND CONTROL OF CERTAIN DISEASES) REGULATIONS 1996**

I, Sean Barrett, Minister for the Marine, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (S.I. No. 27 of 1972), and for the purposes of giving full effect to Council Directive 91/67/EEC of 28 January, 1991(1) (as amended by Council Directive 93/54/EEC of 24 June 1993(2)), and Council Directive 93/53/EEC of 24 June, 1993(3), hereby make the following Regulations:

(1) O.J. No. L76, 19.2.91, p.1

(2) O.J. No. L175, 19.7.93, p.34 (3)

(3) O.J. No. L175,19.7.93, p.23

REG 1

Citation and commencement:

1. These Regulations may be cited as the European Communities (Aquaculture Animals and Fish) (Placing on the Market and Control of Certain Diseases) Regulations, 1996, and shall come into operation on the 26th day of August, 1996.

REG 2

Interpretation:

2. (1) In these Regulations, unless the context otherwise requires—
"approved farm" means a farm complying, as the case may be, with the requirements of Annex C I, II, or III of Directive 91/67/EEC and approved as such in accordance with Article 6 of that Directive;

"approved laboratory" means a laboratory approved in accordance with Article 12 of Directive 93/53/EEC, and listed in Annexes A and B thereto;

"approved water station" means a water station complying with the requirements set out in Schedule 5 and approved as such by the Minister;

"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 and approved as such in accordance with Article 5 of that Directive;

"aquaculture animals" means live fish, crustaceans or molluscs coming from a farm, including those from the wild intended for a farm;

"aquaculture products" means products derived from aquaculture animals, whether intended for farming, such as eggs and gametes, or for human consumption;

"authorised person" means a person referred to in Regulation 23;

"dead fish" includes any part of a dead fish;

"Decision 93/55/EEC" means Commission Decision 93/55/EEC of 21 December, 1992(4), amending the guarantees for the introduction of molluscs into zones for which a programme for *Bonamia ostreae* and

Marteilia refringens has been approved, as amended by Commission Decision 93/169/EEC of 19 February, 1993(5);

(4) O.J. No. L14, 22.1.93, p.24

(5) O.J. No. L71, 24.3.93, p.1 6

"Directive 90/667/EEC" means Council Directive 90/667/EEC of 27 November, 1990 (as amended by Directive 92/118/EEC(6)), laying down the veterinary rules for the disposal and processing of animal waste, for its placing on the market and for the prevention of pathogens in feedstuffs of animal or fish origin and amending Directive 90/425/EEC(7).

(6) O.J. No. L62, 15.3.92,p.49

(7) O.J. No. L363, 27.12.90, p.51

"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, and 95/22 of 22 June, 1995, and read with the decisions made under that Directive referred to in Schedule 6;

"Directive 93/53/EEC" means Council Directive 93/53/EEC of 24 June 1993, introducing minimum Community measures for the control of certain fish diseases;

"eggs" means fertilised ova, including eyed ova and any associated fluid, of fish, crustaceans or molluscs;

"European Inspector" means a Commission veterinary expert referred to in Article 17 of Directive 91/67/EEC;

"farm" means an establishment or, in general, any geographically defined installation in which aquaculture animals are reared or kept with a view to their being placed on the market;

"farm suspected of being infected" means a farm containing fish suspected of being infected;

"farmed" in relation to fish, crustacean or mollusc, means a fish, crustacean or mollusc at or from a farm;

"fish, crustacean or mollusc" means any fish, crustacean or mollusc at any stage of development;

"fish suspected of being infected" means fish showing clinical signs or post-mortem lesions or dubious reactions in laboratory tests giving rise to reasonable suspicion of the presence of a List I or List II disease;

"Form A" means a movement document for live fish, eggs and gametes from an approved zone in the form set out in Directive 91/67/EEC;

"Form B" means a movement document for live fish, eggs and gametes from an approved farm in the form set out in Directive 91/67/EEC;

"Form C" means a movement document for molluscs from an approved coastal zone in the form set out in Directive 91/67/EEC;

"Form D" means a movement document for molluscs from an approved farm in the form set out in Directive 91/67/EEC;

"Form E" means a movement document for live farmed fish, crustaceans and molluscs, their eggs and gametes referred to in Article 14, paragraph 1 of Directive 91/67/EEC in the form set out in that Directive;

"Form F" means a movement document for live farmed fish, crustaceans and molluscs, their eggs and gametes referred to in Article 14, paragraph 2 of Directive 91/67/EEC in the form set out in that Directive;

"Form G" means a movement document completed by the Official Service, certifying that the molluscs originate from an area where there has been no history of *Bonamia ostreae* or *Marteilia refringens* in the previous two years confirmed by tests as provided for in Decision 93/55/EEC;

"Form H" means a movement document completed by the Official Service, certifying that the molluscs have been submitted at the place of dispatch to a check ensuring that they do not contain species other than *Crassostrea gigas* as required by Decision 93/55/EEC;

"Form I" means a movement document completed by the Official Service, certifying that the site of origin complies with the conditions of Commission Decision 93/44/EEC of 21 December, 1992(8) approving the programmes concerning spring viraemia of carp submitted by the United Kingdom, and defining the additional guarantees for certain fish species for consignment to Great Britain, Northern Ireland, the Isle of Man and Guernsey;

(8) O.J. No. L16,25 .01.93,p.53

"gametes" means sperm or unfertilised ova and any associated fluid of fish, crustaceans or molluscs;

"health inspection" means a visit by an official service or services for the purpose of continuing health checks on a farm or zone;

"infected farm" means a farm containing infected fish as well as a farm which has been evacuated but not yet disinfected;

"infected fish" means a fish in which the presence of a List I or List II disease has been officially confirmed as the result of a laboratory examination, or, in the case of infectious salmon anaemia, as the result of a clinical examination and a post-mortem examination;

"List I diseases" means fish diseases referred to List I of Schedule 1;

"List II diseases" means fish diseases referred to List II of Schedule 1;

"the Minister" means the Minister for the Marine;

"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 forms set out in Directive 91/67/EEC;
(b) in the case of Form G, Form H, and Form I, complying with these Regulations.

"Official Service" means—

(a) the veterinary service of the Department of the Marine, or
(b) in the case of another Member State or a third country, a service of equivalent level designated by the competent authority of a Member State or third country and responsible for carrying out the controls provided for in Directive 91/67/EEC and Directive 93/53/EEC;

"placing on the market" means holding or displaying for sale, offering for sale, selling, delivering, transferring or any other form of placing on the market in the European Union, with the exception of retail trade, and "place on the market" shall be construed accordingly;

"premises" includes any place, farm, installation in which aquaculture animals are kept, vehicle, ship, vessel, boat, craft, hovercraft or aircraft;

"wild" in relation to a fish, crustacean or mollusc means any fish, crustacean or mollusc which is not a farmed fish, crustacean or mollusc.

(2) A word or expression that is used in any Directive of the European Communities mentioned in these Regulations and is also used in these Regulations shall, unless the context otherwise requires, have the same meaning in these Regulations as it has in that Directive.

REG 3

3. (1) A reference in these Regulations to a numbered Regulation or a numbered Schedule shall be construed as a reference to the Regulation so numbered of, or the Schedule so numbered to, these Regulations, unless it is indicated that reference to some other provision is intended.

(2) A reference in these Regulations to a paragraph or subparagraph shall be construed as a reference to the paragraph or subparagraph of the provision in which the reference occurs.

REG 4

Requirements for placing on the market:

4. (1) A person shall not place on the market —

(a) aquaculture animals unless they comply with the requirements of paragraph (2);

(b) aquaculture products for breeding purposes unless they originate from aquaculture animals which comply with the requirements of paragraph (2); or

(c) aquaculture products for human consumption unless they originate from aquaculture animals which comply with the requirements of sub-paragraph (a) of paragraph (2).

(2) The requirements for aquaculture animals referred to in paragraph (1) are—

(a) where placing on the market involves the loading of aquaculture animals, they shall not show clinical signs of disease on the day of loading;

(b) they shall not be intended for destruction or slaughter under a scheme for the eradication of a disease referred to in Schedule 1;

(c) they shall not come from a farm which is the subject of a prohibition imposed for aquaculture animal health reasons; and

(d) they shall not have been in contact with aquaculture animals from a farm which is the subject of a prohibition imposed for aquaculture animal health reasons, and in particular, from a farm which is the subject of control measures in the context of Regulations 14,15,16,17,18,19,20,21 and 22.

REG 5

Requirements for transportation:

5. (1) A person shall not transport aquaculture animals unless the requirements of paragraph (2) are complied with.

(2) The requirements referred to in paragraph (1) are —

(a) the duration of the journey concerned shall be as short as possible;

(b) the means of transport shall have been cleaned and disinfected prior to such transport;

(c) if the aquaculture animals are transported overland in water, they shall be transported in such a manner that the water cannot escape from the vehicle during transport;

(d) all steps shall be taken to safeguard the health of the aquaculture animals, including, if appropriate, changing the water in which they are transported; and

(e) water used in the transport of the aquaculture animals shall only be changed at an approved water station.

REG 6

Requirements for dispatch:

6. (1) A person shall not dispatch aquaculture animals or aquaculture products unless information is provided in accordance with paragraph (2) which—

(a) identifies the consignment;

(b) enables the farm of origin or, in the case of aquaculture animals or aquaculture products from the wild, the place of origin to be traced; and

(c) enables the contents of the consignment to be linked to the movement document relating to the consignment, where a movement document is required by these Regulations.

(2) The information referred to in paragraph (1) shall be provided on the container for the consignment, on a label affixed to the container, or on the movement document.

REG 7

Validity of movement document:

7. (1) A movement document shall not be valid or have effect for the purposes of these Regulations unless —

(a) it is drawn up at the place of origin of the aquaculture animals or aquaculture products to which it relates by the Official Service of the Member State in which the place of origin is

situated;

(b) it is in the official language or languages of the place of destination of the aquaculture animals or aquaculture products to which it relates;

(c) it is drawn up on a single sheet of paper; and

(d) it is made out for a single consignee.

(2) A movement document shall not be valid or have effect for the purposes of these Regulations if —

(a) it is drawn up more than 48 hours before the aquaculture animals or aquaculture products to which it relates are loaded for dispatch;

(b) the movement to which it relates has not been completed within 10 days of its issue;

(c) it is used in relation to aquaculture animals and aquaculture products other than those in respect of which it was issued; or

(d) it has been incorrectly issued by an Official Service.

REG 8

Restrictions on movements:

8. (1) A reference in this Regulation to a numbered column shall be construed as a reference to the column so numbered of Schedule 2.

(2) A person shall not introduce into a zone specified in column (2) from any place in the European Union, or subsequently move within that zone, any live fish, eggs or gametes specified in column (3) opposite the reference to such zone unless they are accompanied by valid movement documents in the form specified in column (4) opposite the reference to such zone and such live fish, eggs or gametes confirming that-

(a) they come from an area free of the disease specified in column (5) opposite the reference to the form so specified; or

(b) where a movement document does not require that they come from an area free from such disease, they fulfil the conditions set out in that movement document.

REG 9

9. (1) A reference in this Regulation to a numbered column shall be construed as a reference to the column so numbered of Schedule 3

(2) A person shall not introduce into a zone specified in column (2) from any place in the European Union, or subsequently move within that zone, dead fish specified in column (3) opposite the reference to such zone unless they comply with the conditions specified in column (4) opposite the reference to such zone and such dead fish.

REG 10

10. (1) A reference in this Regulation to a numbered column shall be construed as a reference to the column so numbered of Schedule 4.

(2) Subject to paragraph (5), a person shall not introduce into a zone specified in column (2) from any place in the European Union or subsequently move within that zone, any live molluscs, eggs or gametes specified in column (3) opposite the reference to such zone unless they are accompanied by valid movement documents in the form specified in column (4) opposite the reference to such zone and such live molluscs, eggs or gametes confirming that —

(a) they come from an area free of the disease specified in column

(5) opposite the reference to the farm so specified; or

(b) where a movement document does not require that they come from an area free from such disease, they fulfil the conditions set out in that movement document.

(3) Subject to paragraph (5), a person shall not relay in a zone specified in column (2) any live molluscs, eggs or gametes specified in column (3) opposite the reference to such zone from outside that zone unless they are accompanied by valid movement documents in the form specified in column (4) opposite the reference to such zone and such live molluscs, eggs or gametes confirming that —

(a) they come from an area free of the disease specified in column (5) opposite the reference to the form so specified; or

(b) where a movement document does not require that they come from an area free from such disease, they fulfil the conditions set out in that movement document.

(4) Subject to paragraph (5), a person shall not relay any live molluscs, eggs or gametes from an area referred to in Schedule 11

—
(a) in another area referred to in Schedule 11; or

(b) outside the areas referred to in Schedule 11;

unless they have been authorised to do so in writing by the Minister.

(5) Paragraphs (2), (3) and (4) shall not apply to the relaying of live molluscs, eggs or gametes when they are relaid in an approved storage centre and not subsequently relaid elsewhere than in an approved storage centre.

(6) For the purposes of this Regulation—

"coastal zone" means any waters lying below the high water mark of the ordinary spring tide, and any lands adjacent to such waters;

"relaying" in relation to molluscs, eggs and gametes means the deposit or immersion of molluscs, eggs or gametes in a coastal zone, and "relaid" and "relay" shall be construed accordingly.

REG 11

11. A person shall not export to any other place in the European Union any aquaculture animal or aquaculture product from the State unless it complies with the relevant provisions of Directive 91/67/EEC (including any option permitted by that Directive which has been exercised in relation to its destination) and is accompanied by any documents required under Directive 91/67/EEC.

REG 12

Register of farms holding fish susceptible to a List I or List II disease:

12. The Minister shall establish and maintain a register of all farms rearing or keeping fish susceptible to List I or List II diseases. A person who manages a farm on which fish species specified in column 2 of List I or List II in Schedule 1 are reared or kept shall apply to the Minister for the Marine to have the farm entered in the said register.

REG 13

Requirement to keep records:

13. A person who manages a farm registered under Regulation 12 shall keep records of the matters specified in Schedule 7 in relation to that farm. Such records shall be kept for the period of 4 years beginning on the date they were prepared. On request being made by the Minister in that behalf the said person shall make such records available for inspection by the Minister.

REG 14

Notification of suspicion of presence of a List I or List II disease:

14. The owner or keeper of any fish who -
(a) knows of any abnormal death or other symptom amongst the fish which might constitute grounds for suspecting the presence of a List I or a List II disease; or
(b) has any reason for suspecting the presence among the fish of a List I or a List II disease,
shall notify the Minister as soon as practicable of that suspicion.

REG 15

Procedure on suspicion of presence of a List I disease:

15. As soon as fish on a farm are suspected by the owner or keeper of the fish of being infected with a List I disease, and without prejudice to the requirement to notify the Minister under Regulation 14, the said owner or keeper shall take such steps as

are necessary to ensure compliance with the provisions of Schedule 8.

REG 16

Procedure on notification of suspicion of presence of a List I or List II disease:

16. Upon receipt of a notification under Regulation 14, the Minister shall have the farm concerned placed under-official surveillance, and require the owner or keeper of the fish concerned to take such steps as are necessary to ensure compliance with the provision of Schedule 8. In addition the following measures shall also be undertaken:

(a) an epizootic investigation shall be carried out in accordance with Article 8(1) of Directive 93/53/EEC;

(b) such farms situated in the same water catchment area or coastal area as are determined by the Minister shall be placed under official surveillance, and no fish, eggs or gametes shall leave those farms without the authorisation of the Minister.

REG 17

Procedure on confirmation of presence of a List I disease:

17. As soon as the presence of a List I disease has been officially confirmed, the Minister shall also require that, in addition to the measures specified in Regulation 16, such steps as are necessary to ensure compliance with the provisions of Schedule 9 are taken.

REG 18

Suspicion or confirmation of a List II disease in an approved zone or in an approved farm situated in a non-approved zone:

18. Without prejudice to the provisions of Regulation 14, where the presence of a List II disease is suspected or confirmed in an approved zone or in an approved farm situated in a non-approved zone, an epizootic investigation shall be carried out by the Official Service in accordance with Article 8 of Directive 93/53/EEC.

REG 19

Suspicion that a List II disease was introduced from an approved zone or from another approved farm:

19. If an epizootic investigation under Regulation 18 reveals that the disease could have been introduced from an approved zone or from another approved farm, or could have been transferred to another approved farm as a result of the movement of fish, eggs or gametes, vehicles or persons, or in any other way, those zones or farms shall be considered suspect and the Minister shall require such steps in relation to the zones or farms as are necessary to

ensure compliance with the provisions of Schedule 8 or 9, as appropriate, to be taken. Without prejudice to the foregoing, the Minister may authorise the postponement of the slaughter of fish to which provisions as aforesaid relate for the purpose of enabling the fish to be fattened to commercial size.

REG 20

Suspicion of presence of a List II disease on a non-approved farm in a non-approved zone:

20. Without prejudice to the provisions of Regulation 14, where a non-approved farm situated in a non-approved zone contains fish suspected of being infected with a List II disease, the Minister shall require such steps as are necessary to ensure compliance with the provisions of Schedule 10 to be taken.

REG 21

Sampling and testing for List I and II diseases:

21. Sampling and laboratory testing for the presence of List I and List II diseases in fish species shall be carried out using the methods established in accordance with Article 15 of Directive 91/67/EEC, and shall be carried out at an approved laboratory.

REG 22

Prohibition of vaccination:

22. Each of the following, namely —

- (a) vaccination against List II diseases in fish species which are in approved zones or approved farms situated in non-approved zones or zones or farms which have already begun the approval procedures laid down in Directive 91/67/EEC, and
- (b) vaccination against List I diseases, is hereby prohibited.

REG 23

Authorised persons:

23. (1) The Minister may appoint one or more persons to exercise the powers expressed in these Regulations to be exercisable by an authorised person and each person so appointed is referred to in these Regulations as an authorised person.

(2) An authorised person shall be furnished with a certificate of his or her appointment under this Regulation and when exercising any power conferred on him or her by these Regulations shall, if so requested by a person, produce the certificate for inspection by the person.

(3) An authorised person may for the purposes of these Regulations:

- (a) enter any farm, zone, premises, storage centre or water station;
- (b) carry out or have carried out such inspections, health inspections, tests and checks of any farm, zone, premises, storage

centre or water station, and any equipment, machinery or plant therein, or examine, test, or inspect any aquaculture animals or aquaculture products found therein, and where appropriate, require them to be kept for such period, and at such place, as he or she may specify;

(c) require the owner of, or any person employed on or connected with the management of any farm, zone, premises, storage centre or water station to give him or her such information, and to produce such records and documents within the power of procurement of that person as may reasonably be required for the purposes of his or her functions under these Regulations;

(d) examine and take copies of, or copies of extracts from, any records or documents mentioned in subparagraph (c);

(e) take, without payment, such samples of any aquaculture animal or aquaculture product found in any farm, zone, premises, storage centre or water station, and carry out or have carried out on such samples such examinations, tests, checks and analyses, in accordance with any relevant provisions of Directive 91/67/EEC and Directive 93/53/EEC, as he or she considers necessary.

(4) The owner of, or any person employed on or connected with the management of any farm, zone, premises, storage centre or water station, shall afford to the authorised person such facilities as are reasonably necessary to enable that person to perform his or her functions under these Regulations.

(5) Authorised persons shall co-operate with European Inspectors who are carrying out on-the-spot checks in accordance with the provisions of Directive 91/67/EEC and Directive 93/53/EEC.

REG 24

Failure to comply with Regulations:

24. (1) Any person who fails to comply with any requirement of these Regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding 12 months, or to both.

(2) Where an offence under these Regulations has been committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect of any person being a director, manager, secretary or other similar officer of the body corporate, or a person who was purporting to act in any such capacity, that person as well as the body corporate shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

SCHEDULE 1

Regulations 2, 4 and 12

LISTED DISEASES OR PATHOGENS OF FISH, MOLLUSCS AND CRUSTACEA

12 Disease or pathogen Susceptible species LIST I

Fish Infectious salmon anaemia (ISA) Atlantic salmon (*Salmo salar*) LIST

I Fish Viral haemorrhagic septicaemia (VHS) Salmonid species Grayling

(*Thymallus*) Whitefish (*Coregonus* sp.) Pike (*Esox lucius*) Turbot

(*Scophthalmus maximus*) Infectious haematopoietic necrosis (IHN) Salmonid

species Pike fry (*Esox lucius*) Molluscs *Bonamia ostreae* Flat oyster

(*Ostrea edulis*) *Marteilia refringens* Flat oyster (*Ostrea edulis*)

SCHEDULE 5

Regulation 2.

REQUIREMENTS FOR WATER STATIONS

1. The hygienic properties of the water available for changing must be such as not to alter the health situation of the species transported with regard to the agents of the diseases referred to in Schedule 1.

2. These facilities shall contain devices designed to prevent any contamination of the host environment —

(a) either by facilitating disinfection of the water, or

(b) by ensuring that release of this water does not under any circumstances entail direct discharge into tidal or inland waters.

SCHEDULE 6

Regulation 2

DECISIONS MADE UNDER COUNCIL DIRECTIVE 91/67/EEC

Decision OJ Reference Commission Decision 92/528/EEC of 9 November 1992 approving the programmes concerning bonamiosis and marteiliosis submitted by the United Kingdom. OJ No. L332, 18.11.92, p.25. Commission Decision 92/532/EEC of 19 November 1992 laying down the sampling plans and diagnostic methods for the detection and confirmation of certain fish diseases. OJ No. L337, 21.11.92, p.18. Commission Decision 92/538/EEC of 9 November 1992 concerning the status of Great Britain and Northern Ireland with regard to infectious haematopoietic necrosis and viral haemorrhagic septicaemia. OJ No. L347, 28.11.92, p.67. Commission Decision 93/22/EEC of 11 December 1992 laying down the model of the movement documents referred to in Article 14 of Council Directive 91/67/EEC. OJ No. L16, 25.1.93, p.8. Commission Decision 93/39/EEC of 18 December 1992 concerning the status of Guernsey with regard to infectious haematopoietic necrosis and viral haemorrhagic septicaemia. OJ No. L16, 25.1.93, p.46. Commission Decision 93/40/EEC of 18 December 1992 concerning the status of the Isle of Man with regard to infectious haematopoietic necrosis and viral haemorrhagic septicaemia. OJ No. L16, 25.1.93, p.47. Commission Decision 93/44/EEC of 21 December 1992 approving the programmes concerning spring viraemia of carp submitted by the United Kingdom, and

defining the additional guarantees for certain fish species for consignment to Great Britain, Northern Ireland, the Isle of Man and Guernsey.OJ No. L16, 25.1.93, p.53. Commission Decision 93/55/EEC of 21 December 1992 amending the guarantees for the introduction of molluscs into Zones for which a programme for *Bonamia ostreae* and *Marteilia refringens* has been approved.OJ No. L14, 22.1.93, p.24.Commission Decision 93/56/EEC of 21 December 1992 approving the programme concerning bonamiosis and marteiliosis submitted in Ireland.OJ No. L14, 22.1.93, p.25.Commission Decision 93/57/EEC of 21 December 1992 approving the programme concerning bonamiosis and marteiliosis submitted by the United Kingdom for Jersey.OJ No. L14, 22.1.93, p.26.Commission Decision 93/58/EEC of 21 December 1992 approving the programme concerning bonamiosis and marteiliosis submitted by the United Kingdom and Guernsey.OJ No. L14, 22.1.93, p.27.Commission Decision 93/59/EEC of 21 December 1992 approving the programme concerning bonamiosis and marteiliosis submitted by the United Kingdom for the Isle of Man.OJ No. L14, 22.1.93, p.28.Commission Decision 93/73/EEC of 21 December 1992 concerning the status of Ireland with regard to infectious haematopoietic necrosis and viral haemorrhagic septicemia.OJ No. L27, 4.2.93, p.34.Commission Decision 93/74/EEC of 21 December 1992 the status of Denmark with regard to infectious haematopoietic necrosis and viral haemorrhagic septicemia.OJ No. L27, 4.2.93, p.35.Commission Decision 93/169/EEC of 19 February 1993 amending Decision 93/55/EEC concerning the guarantees for certain molluscs.OJ No. L71, 24.3.93, p.16.

SCHEDULE 7

Regulation 13.

RECORDS TO BE KEPT FOR THE PURPOSES OF REGULATION 13

Records of —

- (a) live fish, eggs and gametes entering the farm, containing all information relating to their delivery, their number or weight, their size, their source and their suppliers;
- (b) live fish, eggs and gametes leaving the farm, containing all information relating to their dispatch, their number or weight, their size and their destination;
- (c) observed mortality.

SCHEDULE 8

Regulations 15 and 16

STEPS TO BE TAKEN FOR THE PURPOSES OF REGULATIONS 15 AND 16.

1. A census of all species and categories of fish shall be made, and in respect of each of these, a record shall be kept of the number of fish already dead, infected or suspected of being infected or contaminated. The census shall be kept up to date by the owner or keeper to take account of the increase in the population or new mortality observed during the period of suspected infection; the information in the census shall be produced on request by the Official Service, an authorised person or European Inspector, and may be checked at each inspection.

2. No fish, whether alive or dead, or eggs or gametes shall enter or leave the farm without the authorisation of the Official Service.
3. The disposal of dead fish or their offal shall only be carried out under the supervision of the Official Service.
4. The entry or exit to or from the farm of feedstuffs, utensils, objects, waste or other substances liable to transmit disease shall be subject, if necessary, to authorisation by the Official Service.
5. The movement of persons to or from the farm shall be subject to authorisation by the Official Service.
6. The entry or exit of vehicles to or from the farm shall be subject to authorisation by the Official service.
7. Appropriate means of disinfection shall be used at the entrances and exits of the farm.

SCHEDULE 9

Regulation 17

STEPS TO BE TAKEN FOR THE PURPOSES OF REGULATION 17.

1. In an infected farm—
 - (a) all fish shall be immediately withdrawn;
 - (b) in the case of inland farms, all pools shall be drained for the purposes of cleaning and disinfecting;
 - (c) all eggs, gametes, dead fish and fish showing clinical signs of disease shall be regarded as high-risk material and shall be destroyed under the supervision of the Official Service in accordance with Directive 90/667/EEC;
 - (d) all live fish shall either be killed and destroyed under the supervision of the Official Service in accordance with Directive 90/667/EEC, or, in the case of fish which have reached commercial size and show no clinical sign of disease, be slaughtered under the supervision of the Official Service for marketing or processing for human consumption;
 - (e) after removal of the fish, eggs and gametes, ponds, equipment and any material liable to be contaminated shall be cleaned and disinfected as soon as possible following instructions of the Official Service;
 - (f) any thing referred to in paragraph 4 of Schedule 8 which might be contaminated shall be destroyed or treated in such a way as to ensure the destruction of any pathogen present;
 - (g) an epizootic investigation shall be carried out in accordance with Article 8(1) of Directive 93/53/EEC, and the provisions of Article 8(4) of Directive 93/53/EEC shall be applied; this investigation shall include the taking of samples for laboratory examination.
2. All farms situated in the water catchment area or in the coastal zone in which the infected farm is situated shall undergo health inspections; if these inspections reveal positive cases in the case of those farms such steps in relation to the farms concerned as are necessary to comply with paragraph 1 of this Schedule shall be taken.
3. The repopulation of the farm shall be authorised by the Official

Service following satisfactory inspection of the cleaning and disinfection operations and at the end of a period deemed adequate by the Official Service to ensure the eradication of the pathogen, and of other possible infections in the same water catchment area.

SCHEDULE 10

Regulation 20

STEPS TO BE TAKEN FOR THE PURPOSE OF REGULATION 20

The Official Service -

- (a) shall immediately carry out or cause to be carried out, an investigation to confirm the presence or absence of the disease concerned including, where necessary, the taking of samples for examination in an approved laboratory;
- (b) shall carry out, or cause to be carried out, a census of the infected farm, this census shall be updated at regular intervals;
- (c) shall place, or cause to be placed, the infected farm under official supervision, in order to ensure that, by way of derogation from paragraphs (c) and (d) of Regulation 4(2), the only movements from the infected farms are live fish or eggs or gametes intended either for other farms infected by the same disease or for slaughter for human consumption;
- (d) may introduce an optional or compulsory programme for the eradication of List II diseases in non-approved farms or in non-approved zones; during this period the introduction into a zone or farm subject to such a programme of live fish, eggs or gametes from infected farms or farms of unknown health status shall be prohibited.

SCHEDULE 11

Regulation 10(4)

The areas of water comprising tidal waters (whether forming part of the sea or not) within the seaward limits of the territorial waters adjacent to the State which lie between or within, as the case may be, the limits specified below -

Area 1

CORK HARBOUR

That part of Cork Harbour bounded by the high water mark and enclosed by a line drawn in a westerly direction from the most westerly point of the high water mark at Roches Point in the townland of Trabolgan barony of Imokilly, County of Cork E.R to the most easterly high water mark at Weaver Point in the townland of Crosshavenhill barony of Kerrycurrihy, County of Cork E.R.

Area 2

GALWAY BAY

That part of Galway Bay bounded by the high water mark and enclosed by a line drawn in a northerly direction from the most northerly point of the high water mark at Black Head in the townland of Murroughtoohy North, barony of Burren, County of Clare to the most southerly point of the high water mark of the townland of Spiddle Middle, barony of Moycullen, County of Galway.

Area 3

CLEW BAY

That part of Clew Bay bounded by the high water mark and enclosed by a line drawn in a northerly direction from the most northerly point of the high water mark at Old Head in the townland of Oldhead, barony of Murrisk, County of Mayo to the most easterly point of the high water mark at Gubbaun Point in the townland of Dooghbeg barony of Burrishoole, County of Mayo.

Area 4

BALLYNAKILL HARBOUR

That part of Ballynakill Harbour bounded by the high water mark and enclosed by a line drawn in a southerly direction from the most westerly point of the high watermark at Tonabinnia Head in the townland of Letter More, barony of Ballynahinch, County of Galway to the most northerly point of the high water mark at the boundary of the townlands of Ardkyle and Ross both in the barony of Ballynahinch, County of Galway.

Area 5

ACHILL SOUND

That part of Tullaghan Bay, Bellacragher Bay and Achill Sound bounded by the high water mark and enclosed by a line drawn from the most northerly point of the high water mark at Ridge Point in the townland of Tonatannally and terminating at the most southerly point of the high water mark of the townland of Doohooma and by a line drawn due east from the most easterly point of the high water mark at Darby's Point in the townland of Cloghmore and terminating at the high water mark of the townland of Gubnahardia.

Given under my Official Seal,
this 22nd day of August, 1996.

Sean Barrett T.D.
Minister for the Marine.