

Commission Decision 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intended for human consumption (notified under document number C(2003) 4219) (Text with EEA relevance) (2003/858/EC) (repealed)

### *Article 1*

#### **Scope**

- 1 This Decision establishes harmonised animal health rules for the importation of:
  - a live fish, their eggs and gametes, intended for farming in the Community;
  - b live fish of aquaculture origin intended for restocking of put-and take fisheries in the Community;
  - c live fish of aquaculture origin and products thereof, intended for immediate human consumption or further processing before human consumption.
- 2 This Decision shall not to apply to the importation of tropical ornamental fish kept permanently in aquariums.

### *Article 2*

#### **Definitions**

- 1 For the purpose of this Decision, the definitions in Article 2 of Directives 91/67/EEC and 93/53/EEC shall apply.
- 2 The following definitions shall also apply:
  - a 'aquaculture origin' means fish originating from a farm;
  - b 'approved import centre' means any establishment in the Community where special bio-security measures have been put in place, approved by the competent authority of the Member State concerned, for further processing of imported live fish of aquaculture origin and products thereof;
  - c 'coastal zone' means a zone consisting of a part of the coast or sea water or an estuary:
    - (i) which has a precise geographical delimitation and consists of a homogeneous hydrological system or a series of such systems, or
    - (ii) which is situated between the mouths of two watercourses, or
    - (iii) where there are one or more farms and all farms are surrounded by appropriate buffer zones on both sides of the farm or farms;
  - d 'continental zone' means a zone consisting of either:
    - (i) a part of the territory comprising an entire catchment area from the sources of the waterways to the estuary or more than one catchment area in which fish is reared, kept or caught, as necessary surrounded by a buffer zone in which a monitoring program is carried out without the necessity of obtaining the status of an approved zone, or

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- (ii) a part of a catchment area from the sources of the waterways to a natural or artificial barrier preventing fish migrating from downstream of that barrier, as necessary surrounded by a buffer zone in which a monitoring program is carried out without the necessity of obtaining the status of an approved zone.

The size and the geographical situation of the continental zone must be such that the possibilities for recontamination e.g. by migrating fish are reduced to a minimum;

e 'designated farm' means either:

- (i) a coastal farm in a third country subject to all necessary measures to prevent the introduction of diseases and to which the water is supplied by means of a system which ensures the complete inactivation of the following pathogens: infectious salmon anaemia (ISA), viral haemorrhagic septicaemia (VHS) and infectious haemorrhagic necrosis (IHN), or
- (ii) an inland farm in a third country subject to all necessary measures to prevent the introduction of diseases. The farm is, if necessary, protected against flooding and infiltration of water, and there is a natural or artificial barrier situated down stream, which prevents fish from entering the farm. The water is supplied directly to the farm from a borehole, spring, or well, channelled through a pipe, open channel or a natural conduit, which does not constitute a source of infection for the farm and does not allow the introduction of wild fish. The water channel is under the control of the farm or of the competent authorities;

f 'establishment' means: any premises approved according to Directive 91/493/EEC, where fishery products are prepared, processed, chilled, frozen, packaged or stored, but excluding auction and wholesale markets in which only display and sale by wholesale takes place;

[<sup>F1</sup>g 'farming' means the keeping of aquatic animals on a farm;]

- h 'fish products of aquaculture origin' means any products intended for human consumption derived from fish of aquaculture origin, including whole fish (un-eviscerated), eviscerated fish, and filets, and any products thereof;
- i 'further processing' means preparation and processing before human consumption by any kind of measures and techniques, that produces waste or byproducts which could cause a risk of spreading diseases, including: operations affecting the anatomical wholeness such as bleeding, gutting/evisceration, heading, slicing, filleting;
- j 'immediate human consumption' means that the fish imported for the purpose of human consumption do not undergo any further processing within the Community before being placed on the retail market for human consumption;
- k 'put and take fisheries' means ponds, lakes or unenclosed waters that are sustained by the introduction of fish primarily for recreational fishing rather than for conservation or improvement of natural population;
- l 'territory' means either a whole country, a coastal zone, a continental zone or a designated farm, which is authorised by the central competent authority of the third country concerned for exportation to the Community.

#### Textual Amendments

- F1** Substituted by [Commission Decision of 16 December 2004 amending Decision 2003/858/EC as regards imports of live fish of aquaculture origin and products thereof for further processing or](#)

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immediate human consumption (notified under document number C(2004) 4560) (Text with EEA relevance) (2004/914/EC).

### Article 3

#### **Conditions for importation of live fish, their eggs and gametes intended for farming, and of live fish of aquaculture origin for restocking of put-and take fisheries, within the European Community**

1 Member States shall authorise the importation into their territory live fish, their eggs and gametes for farming only if:

- a the fish originate in a territory listed in Annex I;
- 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 II, taking into account the explanatory notes in Annex III;
- c the fish have been transported under conditions not altering their health status.

2 Member States shall authorise the importation into their territory live fish of aquaculture origin, their eggs and gametes intended for direct restocking of put-and take fisheries only if:

- a the consignment comply with the rules laid down in paragraph 1;
- b the put and take fishery do not represent lakes or unenclosed waters.

3 Member States shall ensure that imported fish of aquaculture origin, their eggs and gametes intended for farming or restocking of put-and take fisheries in Community waters, only are introduced into farms or put-and take fisheries representing ponds, and not introduced into unenclosed waters.

4 Member States shall ensure that imported live fish or aquaculture origin, their eggs and gametes are transported directly to the farm or pond of destination, as stated on the animal health certificate.

### *]<sup>F1</sup> Article 4*

#### **Conditions related to importation of live fish of aquaculture origin for human consumption**

Member States shall authorise the importation into their territory of live fish of aquaculture origin intended for immediate human consumption or for further processing before human consumption, only if:

- (a) the fish originate in third countries authorised under Article 11 of Directive 91/493/EEC, and comply with the public health certification requirements laid down under that Directive; and
- (b) the consignment complies with the conditions laid down in Article 3(1); or
- (c) the fish is sent directly to an approved import centre to be slaughtered and eviscerated.]

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#### Textual Amendments

- F1** Substituted by Commission Decision of 16 December 2004 amending Decision 2003/858/EC as regards imports of live fish of aquaculture origin and products thereof for further processing or immediate human consumption (notified under document number C(2004) 4560) (Text with EEA relevance) (2004/914/EC).

### *[<sup>F2</sup>Article 5*

#### **Conditions for the importation of fish products of aquaculture origin for human consumption**

1 Member States shall authorise the importation into their territory of fish products of aquaculture origin intended for human consumption, only if:

- a the third country of dispatch appears on the list established by Commission Decision 2006/766/EC<sup>(1)</sup>;
- b the consignment is accompanied by a joint public and animal health certificate drawn up in conformity with the model laid down in Commission Regulation (EC) No 2074/2005;
- c the consignment comply with the provisions for packaging and labelling provided for in Regulation (EC) No 853/2004.]

*[<sup>F12</sup>* Member States shall ensure that the processing of fish products of aquaculture origin from species susceptible to EHN, ISA, VHS and IHN takes place in approved import centres unless:

- a the fish have been eviscerated before dispatch to the European Community; or
- b the place of origin in the third country has a health status as regards EHN, ISA, VHS and IHN, equivalent to the place where they are to be processed.]

#### Textual Amendments

- F1** Substituted by Commission Decision of 16 December 2004 amending Decision 2003/858/EC as regards imports of live fish of aquaculture origin and products thereof for further processing or immediate human consumption (notified under document number C(2004) 4560) (Text with EEA relevance) (2004/914/EC).
- F2** Substituted by Commission Decision of 6 November 2006 amending Commission Decisions 2003/804/EC and 2003/858/EC, as regards certification requirements for live molluscs and live fish of aquaculture origin and products thereof intended for human consumption (notified under document number C(2006) 5167) (Text with EEA relevance) (2006/767/EC).

### *[<sup>F2</sup>Article 6*

#### **Additional conditions for the importation of certain fish products of aquaculture origin for human consumption**

1 Consignments of fish species susceptible to ISA and/or EHN must, in addition to the requirements set out in Article 5, also comply with the following:

- a the source must be recognised free from diseases in question in accordance with Community legislation or the relevant OIE (World Organisation for Animal Health) Standard by the competent authority of the third country of origin, or

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- b the fish must be eviscerated before dispatch, or
- c the consignment must be sent directly to an approved import centre where the fish are further processed.

2 Consignments of fish species susceptible to VHS and/or IHN, imported into Member States or zones being declared free or under programme for achieving such status in accordance with Articles 5 or 10 of Directive 91/67/EEC, must comply with the following, in addition to the requirements set out in Article 5:

- a the source must be recognised free from the relevant disease in accordance with Community legislation or the relevant OIE Standard by the competent authority of the third country of origin, or
- b the fish must be eviscerated before dispatch, or
- c the consignment must be sent directly to an approved import centre where the fish are further processed.]

#### Textual Amendments

- F2** Substituted by [Commission Decision of 6 November 2006 amending Commission Decisions 2003/804/EC and 2003/858/EC, as regards certification requirements for live molluscs and live fish of aquaculture origin and products thereof intended for human consumption \(notified under document number C\(2006\) 5167\) \(Text with EEA relevance\) \(2006/767/EC\)](#).

### *[<sup>F1</sup>Article 7*

#### Control procedures

1 Live fish, their eggs and gametes imported for the purpose of farming, and live fish of aquaculture origin imported for the purposes of restocking of put and take fisheries shall be subject to veterinary checks at the border inspection post in the Member State of arrival according to Article 8 of Directive 91/496/EEC, and the common veterinary entry document provided for in Regulation (EC) No 282/2004 shall be completed accordingly.

2 Live fish of aquaculture origin and products thereof imported for immediate human consumption or for further processing before human consumption, shall be subject to veterinary checks at the border inspection post in the Member State of arrival according to Article 8 of Directive 97/78/EC, and the common veterinary entry document provided for in Regulation (EC) No 136/2004 shall be completed accordingly.]

#### Textual Amendments

- F1** Substituted by [Commission Decision of 16 December 2004 amending Decision 2003/858/EC as regards imports of live fish of aquaculture origin and products thereof for further processing or immediate human consumption \(notified under document number C\(2004\) 4560\) \(Text with EEA relevance\) \(2004/914/EC\)](#).

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## *F1* Article 8

### **Preventing contamination of natural waters**

- 1 Member States shall ensure that imported live fish of aquaculture origin intended for human consumption are not released into natural waters within their territory.
- 2 Member States shall ensure that imported products of aquaculture origin intended for human consumption do not contaminate any natural waters within their territory.
- 3 Members States shall ensure that transport water from imported consignments does not lead to contamination of natural waters within their territory.]

#### **Textual Amendments**

- F1** Substituted by [Commission Decision of 16 December 2004 amending Decision 2003/858/EC as regards imports of live fish of aquaculture origin and products thereof for further processing or immediate human consumption \(notified under document number C\(2004\) 4560\) \(Text with EEA relevance\) \(2004/914/EC\)](#).

## Article 9

### **Approval of import centres**

- 1 The competent authority of the Member States shall approve an establishment as an approved import centre provided that it satisfies the minimum animal health conditions of Annex VII to this Decision.
- 2 The competent authority of the Member State shall draw up a list of approved import centres, each of which shall be given an official number.
- 3 The list of approved import centres, and any subsequent amendments thereto, shall be communicated by the competent authority of each Member State to the Commission and to the other Member States.

## Article 10

### **Date of application**

This Decision shall apply from 1 May 2004.

## Article 11

This Decision is addressed to the Member States.

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(1) [<sup>F2</sup>OJ L 320, 18.11.2006, p. 53]

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**Textual Amendments**

- F2** Substituted by Commission Decision of 6 November 2006 amending Commission Decisions 2003/804/EC and 2003/858/EC, as regards certification requirements for live molluscs and live fish of aquaculture origin and products thereof intended for human consumption (notified under document number C(2006) 5167) (Text with EEA relevance) (2006/767/EC).

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