

Commission Regulation (EC) No 1251/2008 of 12 December 2008 implementing Council Directive 2006/88/EC as regards conditions and certification requirements for the placing on the market and the import into the Community of aquaculture animals and products thereof and laying down a list of vector species (Text with EEA relevance)

### CHAPTER III

#### PLACING ON THE MARKET OF AQUACULTURE ANIMALS

##### *Article 4*

##### **Ornamental aquatic animals originating from or intended for ornamental facilities**

<sup>F1</sup> .....

2 Ornamental aquatic animals kept in closed ornamental facilities shall not be released into open ornamental facilities, farms, relaying areas and put- and take fisheries, mollusc farming areas or into the wild, unless authorised by the competent authority.

The competent authority shall only grant such authorisation where the release does not jeopardise the health status of the aquatic animals at the place of release and it shall ensure that appropriate risk mitigating measures are taken.

##### **Textual Amendments**

**F1** Art. 4(1) omitted (31.12.2020) by virtue of [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(c), **5(5)**

##### *[<sup>F2</sup>Article 4a*

##### **Application of Articles 5 to 9**

Articles 5 to 9 do not apply to movements—

- a) from a third country to Great Britain, or any part thereof;
- b) between constituent GB territories if all constituent GB territories have been declared free of the relevant disease; or
- c) from one part of the coastline of Great Britain to another, if the coastlines of all constituent GB territories have been declared free of the relevant disease.]

##### **Textual Amendments**

**F2** Art. 4a inserted (31.12.2020) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(c), **5(6)**

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 1251/2008, CHAPTER III. (See end of Document for details)*

## Article 5

### **Aquaculture animals intended for farming, relaying areas, put and take fisheries, open ornamental facilities and restocking**

Consignments of aquaculture animals intended for farming, relaying areas, put and take fisheries, open ornamental facilities, or restocking shall be accompanied by an animal health certificate completed in accordance with the [<sup>F3</sup>relevant model], where the animals:

- (a) are introduced into [<sup>F4</sup>a constituent GB territory, a zone or a compartment where the constituent GB territory, zone or compartment concerned is:]
  - (i) declared free of one or more of the non-exotic diseases listed in [<sup>F5</sup>Annex 1A; or]
  - (ii) subject to a surveillance or eradication programme <sup>F6</sup>...;
- (b) are of species susceptible to one or more of the diseases, or vector species for one or more of the diseases, for which the [<sup>F7</sup>constituent GB territory], zone or compartment concerned is declared disease-free, or for which a surveillance or eradication programme applies, as referred to in point (a).

#### **Textual Amendments**

- F3** Words in Art. 5 substituted (31.12.2020) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(c), **5(7)(a)**
- F4** Words in Art. 5(a) substituted (31.12.2020) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(c), **5(7)(b)(i)**
- F5** Words in Art. 5(a)(i) substituted (31.12.2020) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(c), **5(7)(b)(ii)**
- F6** Words in Art. 5(a)(ii) omitted (31.12.2020) by virtue of [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(c), **5(7)(b)(iii)**
- F7** Words in Art. 5(b) substituted (31.12.2020) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(c), **5(7)(c)**

## Article 6

### **Aquaculture animals and products thereof intended for further processing before human consumption**

1 Consignments of aquaculture animals and products thereof intended for further processing before human consumption, shall be accompanied by an animal health certificate completed in accordance with the [<sup>F8</sup>relevant model], where they:

- a are introduced into [<sup>F9</sup>a constituent GB territory, a zone or a compartment where the constituent GB territory, zone or compartment concerned is:]

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 1251/2008, CHAPTER III. (See end of Document for details)*

- (i) declared free of one or more of the non-exotic diseases in [F<sup>10</sup>Annex 1A; or]
  - (ii) subject to a surveillance or eradication programme F<sup>11</sup> ...;
  - b are of species susceptible to one or more of the diseases for which the [F<sup>12</sup>constituent GB territory], zone or compartment concerned is declared disease-free, or for which a surveillance or eradication programme applies, as referred to in point (a).
- 2 Paragraph 1 shall not apply to:
- a fish which have been slaughtered and eviscerated before dispatch;
  - b molluscs or crustaceans which are intended for human consumption and packed and labelled for that purpose in accordance with Regulation (EC) No 853/2004, and which are:
    - (i) non-viable, which means no longer able to survive as living animals if returned to the environment from which they were obtained; or
    - (ii) intended for further processing without temporary storage at the place of processing;
  - c aquaculture animals or products thereof placed on the market for human consumption without further processing, provided that they are packed in retail-sale packages which comply with the provisions for such packages in Regulation (EC) No 853/2004.

#### Textual Amendments

- F8** Words in Art. 6(1) substituted (31.12.2020) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(c), **5(7)(a)**
- F9** Words in Art. 6(1)(a) substituted (31.12.2020) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(c), **5(7)(b)(i)**
- F10** Words in Art. 6(1)(a)(i) substituted (31.12.2020) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(c), **5(7)(b)(ii)**
- F11** Words in Art. 6(1)(a)(ii) omitted (31.12.2020) by virtue of [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(c), **5(7)(b)(iii)**
- F12** Words in Art. 6(1)(b) substituted (31.12.2020) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(c), **5(7)(c)**

#### Article 7

##### **Live molluscs and crustaceans intended for purification centres, dispatch centres and similar businesses before human consumption**

Consignments of live molluscs and crustaceans intended for purification centres, dispatch centres and similar businesses before human consumption, shall be accompanied by an animal health certificate completed in accordance with the [F<sup>13</sup>relevant model], where they:

- (a) are introduced into [F<sup>14</sup>a constituent GB territory, a zone or a compartment where the constituent GB territory, zone or compartment concerned is:]

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Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 1251/2008, CHAPTER III. (See end of Document for details)

- (i) declared free of one or more of the non-exotic diseases listed in [F15 Annex 1A; or]
- (ii) subject to a surveillance or eradication programme F16 ...;
- (b) are of species susceptible to one or more of the diseases for which the [F17 constituent GB territory], zone or compartment concerned is declared disease-free, or for which a surveillance or eradication programme applies, as referred to in point (a).

**Textual Amendments**

**F13** Words in Art. 7 substituted (31.12.2020) by The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1388), regs. 1(2)(c), **5(7)(a)**

**F14** Words in Art. 7(a) substituted (31.12.2020) by The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1388), regs. 1(2)(c), **5(7)(b)(i)**

**F15** Words in Art. 7(a)(i) substituted (31.12.2020) by The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1388), regs. 1(2)(c), **5(7)(b)(ii)**

**F16** Words in Art. 7(a)(ii) omitted (31.12.2020) by virtue of The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1388), regs. 1(2)(c), **5(7)(b)(iii)**

**F17** Words in Art. 7(b) substituted (31.12.2020) by The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1388), regs. 1(2)(c), **5(7)(c)**

Article 8

**Aquaculture animals and products thereof leaving [F18 a constituent GB territory, zone or compartment] subject to disease control measures, including eradication programmes**

1 [F19 Where consent has been granted by the competent authority in accordance with regulation 24(3) or 28(2) of the Aquatic Animal Health Regulations, consignments] of aquaculture animals and products thereof leaving [F20 a constituent GB territory, a zone or a compartment] subject to the disease control measures provided for in [F21 Part 4 of those Regulations], shall be accompanied by an animal health certificate completed in accordance with the [F22 relevant model.]

- F23 a .....
- F23 b .....

2 Consignments of aquaculture animals intended for farming, relaying areas, put and take fisheries, open ornamental facilities or restocking shall be accompanied by an animal health certificate completed in accordance with the [F24 relevant model], where they:

- a are leaving a [F25 constituent GB territory], zone or compartment with an eradication programme F26 ...;
- b are of species susceptible to one or more of the diseases, or vector species for one or more of the diseases, for which the eradication programme applies, as referred to in point (a).

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 1251/2008, CHAPTER III. (See end of Document for details)*

- 3 Consignments of aquaculture animals and products thereof intended for further processing, purification centres, dispatch centres or similar businesses before human consumption shall be accompanied by an animal health certificate completed in accordance with the [F27 relevant model], where they:
- a are leaving a [F28 constituent GB territory], zone or compartment with an eradication programme F29 ...;
  - b are of species susceptible to one or more of the diseases for which the eradication programme applies, as referred to in point (a).
- 4 This Article shall not apply to:
- a fish which have been slaughtered and eviscerated before dispatch;
  - b molluscs or crustaceans which are intended for human consumption and packed and labelled for that purpose in accordance with Regulation (EC) No 853/2004, and which are:
    - (i) non-viable, which means no longer able to survive as living animals if returned to the environment from which they were obtained; or
    - (ii) intended for further processing without temporary storage at the place of processing;
  - c aquaculture animals or products thereof placed on the market for human consumption without further processing, provided that they are packed in retail-sale packages which comply with the provisions for such packages in Regulation (EC) No 853/2004.

#### Textual Amendments

- F18** Words in Art. 8 heading substituted (31.12.2020) by The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1388), regs. 1(2)(c), **5(8)(a)**
- F19** Words in Art. 8(1) substituted (31.12.2020) by The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1388), regs. 1(2)(c), **5(8)(b)(i)(aa)**
- F20** Words in Art. 8(1) substituted (31.12.2020) by The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1388), regs. 1(2)(c), **5(8)(b)(i)(bb)**
- F21** Words in Art. 8(1) substituted (31.12.2020) by The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1388), regs. 1(2)(c), **5(8)(b)(i)(cc)**
- F22** Words in Art. 8(1) substituted (31.12.2020) by The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1388), regs. 1(2)(c), **5(8)(b)(i)(dd)**
- F23** Art. 8(1)(a)(b) omitted (31.12.2020) by virtue of The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1388), regs. 1(2)(c), **5(8)(b)(ii)**
- F24** Words in Art. 8(2) substituted (31.12.2020) by The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1388), regs. 1(2)(c), **5(8)(c)(i)**
- F25** Words in Art. 8(2)(a) substituted (31.12.2020) by The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1388), regs. 1(2)(c), **5(8)(c)(ii)(aa)**
- F26** Words in Art. 8(2)(a) omitted (31.12.2020) by virtue of The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1388), regs. 1(2)(c), **5(8)(c)(ii)(bb)**

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 1251/2008, CHAPTER III. (See end of Document for details)*

- F27** Words in Art. 8(3) substituted (31.12.2020) by The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1388), regs. 1(2)(c), **5(8)(c)(i)**
- F28** Words in Art. 8(3)(a) substituted (31.12.2020) by The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1388), regs. 1(2)(c), **5(8)(c)(ii)(aa)**
- F29** Words in Art. 8(3)(a) omitted (31.12.2020) by virtue of The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1388), regs. 1(2)(c), **5(8)(c)(ii)(bb)**

### <sup>F30</sup>Article 8a

#### **Aquaculture animals intended for farming, relaying areas, put and take fisheries, open ornamental facilities and restocking in <sup>F31</sup>areas listed in Schedule 1 to the Aquatic Animal Health Regulations]**

1 Consignments of aquaculture animals intended for farming, relaying areas, put and take fisheries, open ornamental facilities, or restocking shall be accompanied by an animal health certificate completed in accordance with the <sup>F32</sup>[relevant model], where the animals:

- a are introduced into <sup>F33</sup>[constituent GB territory or part] the table set out in:
  - (i) <sup>F34</sup>[Schedule 1 to the Aquatic Animal Health Regulations] as free of one or more of the diseases listed in the first column of that table; or
  - (ii) <sup>F35</sup>...
  - (iii) <sup>F35</sup>...
- b are of species which are listed in Part C of Annex II as species susceptible to the diseases, for which the <sup>F36</sup>[constituent GB territory] concerned or part thereof is regarded as disease-free<sup>F37</sup>....

2 Consignments of animals referred to in paragraph 1 shall comply with the animal health requirements set out in the <sup>F38</sup>[relevant model].

3 Paragraph 1 and 2 shall apply to consignments of fish of any species originating from waters where species listed in Part C of Annex II as species susceptible to infection with *Gyrodactylus salaris*, are present, where those consignments are intended for <sup>F39</sup>[a constituent GB territory] or part thereof listed in <sup>F40</sup>[Schedule 1 to the Aquatic Animal Health Regulations] as free of *Gyrodactylus salaris* (GS).]

#### **Textual Amendments**

- F30** Inserted by Commission Regulation (EU) No 346/2010 of 15 April 2010 amending Regulation (EC) No 1251/2008 as regards the placing on the market and import requirements for consignments of aquaculture animals intended for Member States or parts thereof with national measures approved by Decision 2010/221/EU (Text with EEA relevance).
- F31** Words in Art. 8a heading substituted (31.12.2020) by The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1388), regs. 1(2)(c), **5(9)(a)**
- F32** Words in Art. 8a(1) substituted (31.12.2020) by The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1388), regs. 1(2)(c), **5(9)(b)(i)**

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 1251/2008, CHAPTER III. (See end of Document for details)*

- F33** Words in Art. 8a(1)(a) substituted (31.12.2020) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(c), **5(9)(b)(ii)(aa)**
- F34** Words in Art. 8a(1)(a)(i) substituted (31.12.2020) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(c), **5(9)(b)(ii)(bb)**
- F35** Art. 8a(1)(a)(ii)(iii) omitted (31.12.2020) by virtue of [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(c), **5(9)(b)(ii)(cc)**
- F36** Words in Art. 8a(1)(b) substituted (31.12.2020) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(c), **5(9)(b)(iii)(aa)**
- F37** Words in Art. 8a(1)(b) omitted (31.12.2020) by virtue of [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(c), **5(9)(b)(iii)(bb)**
- F38** Words in Art. 8a(2) substituted (31.12.2020) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(c), **5(9)(c)**
- F39** Words in Art. 8a(3) substituted (31.12.2020) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(c), **5(9)(d)(i)**
- F40** Words in Art. 8a(3) substituted (31.12.2020) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(c), **5(9)(d)(ii)**

#### *F41 Article 8b*

**Live molluscs intended for dispatch centres, purification centres or similar businesses before human consumption in Member States and parts thereof with national measures approved by Decision 2010/221/EU**

#### **Textual Amendments**

- F41** Art. 8b omitted (31.12.2020) by virtue of [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(c), **5(10)**

#### *Article 9*

#### **Introduction of aquaculture animals after inspection**

Where this Chapter provides that an inspection is required prior to the issue of an animal health certificate, live aquaculture animals of species susceptible to one or more of the diseases, or vector species for one or more of the diseases, referred to in that certificate, shall not be introduced into the farm or mollusc farming area during the period between such inspection and the loading of the consignment.

**Status:**

Point in time view as at 31/12/2020.

**Changes to legislation:**

There are currently no known outstanding effects for the Commission Regulation (EC) No 1251/2008, CHAPTER III.