

Commission Delegated Regulation (EU) 2020/687 of 17 December 2019
supplementing Regulation (EU) 2016/429 of the European
Parliament and the Council, as regards rules for the prevention
and control of certain listed diseases (Text with EEA relevance)

PART III

AQUATIC ANIMALS

CHAPTER I

Disease control measures for category A diseases in aquaculture animals

Section 2

***Disease control measures in the event of official
confirmation of A category A disease in aquaculture animals***

Article 77

Official confirmation of a category A disease in aquaculture animals

The competent authority shall officially confirm an outbreak of a category A disease in aquaculture animals when the conditions set out in Article 9(2), (3) and (4) of Delegated Regulation (EU) 2020/689 are met.

Article 78

**Disease control measures in the event of official confirmation
of an outbreak of category A disease in an establishment**

1 Following the official confirmation of an outbreak of a category A disease in accordance with Article 77, the competent authority shall in addition to the measures provided for Article 72 and Article 73, order that the following disease control measures are immediately applied under the supervision of the official veterinarians, to the establishment where the official confirmation of an outbreak of a category A disease has occurred:

- a fish and crustaceans of listed species shall be killed as soon as possible and molluscs of listed species shall be removed from water as soon as possible;
- b animals referred to in (a) shall by way of derogation from Article 10(i) of Regulation (EC) No 1069/2009 be disposed of as category 1 or category 2 material in accordance with that Regulation;
- c the measures provided for in point (a) and (b) shall be carried out either:
 - (i) in the establishment where the official confirmation of an outbreak of a category A disease has occurred with subsequent processing on site; or

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- (ii) in a disease control aquatic food establishment, or in a plant approved in accordance with Regulation (EC) No 1069/2009 for processing or disposal in a way that prevents risk of spreading the category A disease;
 - d aquaculture animals of non-listed species shall, as soon as possible, be killed or slaughtered for human consumption or, in case of molluscs, removed from water in accordance with paragraph 1(b);
 - e appropriate measures shall be applied to limit any possible spread of the category A disease to and from any wild aquatic animals that might be in epidemiological contact with the establishment;
 - f all potentially contaminated products, materials or substances shall be isolated until:
 - (i) they are disposed of in accordance with Regulation (EC) No 1069/2009, in the case of animal by-products;
 - (ii) by way of derogation from Article 10(i) of Regulation (EC) No 1069/2009 they are disposed of or processed as category 1 or category 2 material in accordance with that Regulation, in the case of products of animal origin;
 - (iii) cleaning and disinfection measures have been completed in accordance with the provisions in Article 80, in the case of materials and substances which are fit for cleaning and disinfection; and
 - (iv) they are removed from the establishment and disposed of under the supervision of official veterinarians, in the case of feeding stuff and other materials unfit for cleaning and disinfection.
- 2 The competent authority shall order and supervise:
- a the transport from the affected establishment of animal by-products referred to in paragraph 1(f)(i) and of the products of animal origin referred to in paragraph 1(f)(ii) being in compliance with the provisions of Regulation (EC) No 1069/2009; and
 - b the transport from the affected establishment of materials or substances referred to in paragraph 1(f)(iv) being in compliance with its instructions regarding biosecurity and biosafety conditions to prevent the spread of category A disease agent.
- 3 By way of derogation from paragraph 1(a), the competent authority may, after carrying out a risk assessment, allow slaughter of fish or crustaceans or in case of molluscs removal from water, for human consumption, at the establishment or in a disease aquatic control food establishment, provided that appropriate biosecurity and other necessary risk-mitigating measures to prevent the spread of the category A disease are taken. All animal by-products resulting from that derogation shall, by way of derogation from Article 10(i) of Regulation (EC) No 1069/2009, be processed or disposed of as category 1 or category 2 material in accordance with that Regulation.
- 4 By way of derogation from paragraph 1(d), the competent authority may, after carrying out a risk assessment, decide not to kill, slaughter or remove from water aquaculture animals of non-listed species provided that appropriate risk-mitigating measures are applied to prevent any risk of spreading of the relevant category A disease from the establishment.
- 5 By way of derogation from paragraph 1(f)(ii), the competent authority may, after carrying out a risk assessment, allow the placing on the market of products of animal origin in accordance with Article 83.

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Article 79

Specific derogations from control measures in establishments where listed species are kept for scientific purposes or purposes related to conservation of endangered species

1 The competent authority may grant derogations from the measures provided for in Article 78(1)(a) and (c) in the event of an official confirmation of a category A disease in establishments where listed species are kept for scientific purposes or purposes related to conservation of endangered species, provided that:

- a the animal health status of the concerned Member State, or of other Member States, is not jeopardised; and
- b all appropriate biosecurity measures as listed in Article 78 are taken to prevent any risk of spreading of the category A disease agent.

2 Where a derogation is granted pursuant to paragraph 1, the competent authority shall ensure that aquaculture animals of listed species covered by the derogation are:

- a kept in premises where appropriate biosecurity measures to avoid spread of the relevant category A disease are implemented; and
- b subjected to further surveillance and laboratory examination and are not moved from the establishment until the laboratory tests have indicated that they do not pose a risk of further spread of the relevant category A disease.

Article 80

Cleaning and disinfection

1 The competent authority shall order the operators to carry out, immediately after the completion of the disease control measures provided for in Article 78, the cleaning and disinfection of:

- a the establishment, as far as the competent authority considers it is technically possible;
- b any husbandry-related equipment including but not limited to feeding, grading, treatment, vaccination and workboats;
- c any production-related equipment including but not limited to cages, netting, trestles, bags and long-lines;
- d any protective clothing or safety equipment used by operators and visitors; and
- e all means of transport including tanks and other equipment used to move infected animals or personnel who have been in contact with infected animals.

2 The cleaning and disinfection as provided for in paragraph 1 shall be carried out:

- a in accordance to a protocol previously agreed between the competent authority and the operator; and
- b under the supervision of official veterinarians.

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Article 81

Fallowing of the affected establishment

The competent authority shall order operators to carry out, after the completion of the cleaning and disinfection provided for in in Article 80, the fallowing of the affected establishment for the period of time laid down in Annex XIII.

Article 82

Extension of disease control measures in the event of confirmation of a category A disease

In order to prevent the spread of a category A disease the competent authority shall conduct an investigation provided for in Article 71 and after carrying out a risk assessment, extend some or all of the measures provided for in Articles 78, 80 and 81 to:

- (a) establishments of the same compartment or which due to distance, hydrodynamic conditions or topographic conditions, have an increased risk for contracting the relevant disease agent from the suspected establishment where the disease is confirmed;
- (b) any establishment which as a result of the enquiry provided for in Article 57 of Regulation (EU) 2016/429, has shown a direct epidemiological link with the establishment where the disease is confirmed.

Article 83

Placing on the market of products of animal origin from aquaculture animals of listed species produced in infected establishments

1 When granting a derogation pursuant Article 78(5), the competent authority may allow the placing on the market of products of animal origin only if the following conditions are fulfilled:

- a fish must be slaughtered and eviscerated before dispatch;
- b molluscs and crustaceans must be fully traceable and processed to non-viable products unable to survive if returned to the water, before dispatch.

When purification is required before processing and placing on the market, it shall be conducted at a disease control aquatic food establishment or in a bio-secure purification centre.

- 2 The products of animal origin referred to in paragraph 1 shall be intended for:
- a to the final consumer directly; or
 - b for further processing in a disease control aquatic food establishment.

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Article 84

Measures to be applied in the event of confirmation of category A diseases in, food and feed businesses, purification centre, dispatch centre, border control posts or any other location of relevance, including means of transport

- 1 In the event of confirmation of a category A disease in food and feed businesses, purification centre, dispatch centre, border control posts or any other location of relevance, including means of transport, in accordance with Article 77, the competent authority shall apply:
 - a the measures provided for in Articles 78, Article 80 and Article 81; and
 - b if needed, additional measures adapted to the specific situation in order to prevent the spread of the category A disease from the affected animals and establishments or locations to unaffected animals.
- 2 The competent authority shall apply provisions laid down in Articles 78, Article 80 and Article 81 also in the establishments of origin of the animals or products present in the establishments and locations referred to in paragraph 1.

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