

Commission Delegated Regulation (EU) 2020/692 of 30 January 2020 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for entry into the Union, and the movement and handling after entry of consignments of certain animals, germinal products and products of animal origin (Text with EEA relevance)

PART V

ANIMAL HEALTH REQUIREMENTS FOR ENTRY INTO THE UNION AS REFERRED TO IN ARTICLES 3 AND 5 OF AQUATIC ANIMALS OF LISTED SPECIES AND THEIR PRODUCTS OF ANIMAL ORIGIN, AND FOR THEIR MOVEMENT AND HANDLING AFTER THE ENTRY

TITLE 1

GENERAL ANIMAL HEALTH REQUIREMENTS FOR ENTRY INTO THE UNION OF THE AQUATIC ANIMALS REFERRED TO IN ARTICLE 1(6) AND THEIR PRODUCTS

Article 166

Inspection of aquatic animals prior to dispatch

Consignments of aquatic animals other than those referred to in points (d), (e) and (f) of Article 172 shall only be permitted to enter the Union if those aquatic animals have been subjected to a clinical inspection by an official veterinarian in the exporting third country or territory, zone or compartment thereof within a period of 72 hours prior to the time of loading for dispatch of the consignment to the Union for the purpose of detection of symptoms of disease and abnormal mortalities.

Article 167

Dispatch to the Union of aquatic animals

Consignments of aquatic animals shall only be permitted to enter the Union if the aquatic animals of the consignment comply with the following requirements:

- (a) they were dispatched directly from their establishment of origin to the Union;
- (b) they were not unloaded, moved to another means of transport or unloaded from their container when transported by air, sea, railway or by road, and the water in which they are transported was not changed, in a third country or territory, zone or compartment which is not listed for entry of the particular species and category of aquatic animals into the Union;
- (c) they have not been transported under conditions that have jeopardised their health status, in particular:

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- (i) where relevant, they must have been loaded and transported in water which did not alter their health status;
 - (ii) the means of transport and the containers must have been constructed in such a way that the health status of the aquatic animals was not jeopardised during the transport;
 - (iii) the container or well boat must have been cleaned and disinfected, in accordance with a protocol and with products approved by the competent authority of the third country or territory of origin, prior to loading for dispatch to the Union, which ensure that the health status of the aquatic animals is not jeopardised during transport;
- (d) from the time of loading at the establishment of origin until the time of arrival to the Union, they must not have been transported in the same water or container or well-boat together with aquatic animals which were of a lower health status or which were not intended for entry into the Union;
- (e) where a water exchange is necessary in a third country, territory, zone or compartment which is listed for entry of the particular species and category of aquatic animals into the Union, it must not have jeopardised the health status of the animals being transported and it must have only occurred:
- (i) in the case of transport on land, at water exchange points approved by the competent authority of the third country or territory where the water exchange takes place;
 - (ii) in the case of transport by well-boat, at a distance which is at least 10 km from any aquaculture establishments which are located en-route from the place of origin to the place of destination in the Union.

Article 168

Transport by vessel of aquatic animals

When dispatch to the Union of consignments of aquatic animals, includes transport by vessel or well-boat even for part of the journey, those consignments of aquatic animals transported in accordance with Article 167 shall only be permitted to enter the Union if the aquatic animals of the consignment are accompanied by a declaration, attached to the animal health certificate and signed by the master of the vessel on the day of arrival of the vessel at its port of destination, providing the following information:

- (a) the port of departure in the third country or territory;
- (b) the port of arrival in the Union;
- (c) the ports of call, in the case the vessel called at ports outside the third country or territory of origin or zone thereof;
- (d) confirmation of compliance of the consignment of aquatic animals with the relevant requirements set out in Article 167 throughout the journey from the port of departure in the third country or territory to the port of arrival in the Union.

Article 169

Specific transport and labelling requirements

1 Consignments of aquatic animals shall only be permitted to enter the Union if the aquatic animals of the consignment are identified by a legible label on the exterior of the container, or when transported by well-boat, an entry in the vessel's manifest which refers to the animal health certificate that has been issued for that consignment.

2 The legible label referred to in paragraph 1 shall also contain at least the following information:

- a the number of containers in the consignment;
- b the name of the species present in each container;
- c the number of animals in each container for each of the species present;
- d the purpose for which they are intended.

3 Products of animal origin from aquatic animals other than live aquatic animals, intended for entry into the Union shall comply with the following requirements:

- a they must be identified by a legible label on the exterior of the container, which refers to the certificate that has been issued for that consignment;
- b the legible label referred to in point (a) must also contain the following statements, as relevant:
 - (i) fish intended for human consumption in the European Union;
 - (ii) molluscs intended for human consumption in the European Union;
 - (iii) crustaceans intended for human consumption in the European Union.

Article 170

Requirements regarding the third country or territory of origin or zone or compartment thereof and the establishment of origin

1 Consignments of aquatic animals and products of animal origin from aquatic animals other than live aquatic animals shall only be permitted to enter the Union if the aquatic animals and products of animal origin of the consignment come from a third country or territory or zone or compartment thereof which complies with the following requirements:

- a it must be free from the following listed diseases:
 - (i) category A diseases and category B diseases of aquatic animals;
 - (ii) relevant category C diseases when the aquatic animals or products of animal origin are destined for Member States, zones or compartments which have disease-free status or an approved eradication programme for the specific diseases;
 - (iii) category C diseases in all cases when the aquatic animals are intended for release into the wild;
 - (iv) where Member States of destination have taken national measures referred to in Article 176 of this Regulation, aquatic animals of the species listed in

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Annex XXIX must also originate from third countries, territories, zones or compartments that are free from the diseases referred to in that Annex;

- b all the entries of aquatic animals of listed species into the third country or territory, zone or compartment exporting to the Union must originate from a different third country or territory or zone or compartment thereof which is free from the diseases referred to in point (a);
 - c vaccination of aquatic animals of listed species against category A diseases, category B or where relevant category C diseases, has not been carried out in the third country or territory of origin.
- 2 Consignments of aquaculture animals and products of animal origin from aquaculture animals other than live aquaculture animals, shall only be permitted to enter the Union if the aquaculture animals and products of animal origin of the consignment come from an establishment which is:
- a registered in accordance with requirements which are at least as stringent as to those laid down in Section 1 of Chapter 1, Title II of Part IV of Regulation (EU) 2016/429;
 - or
 - b approved in accordance with requirements which are at least as stringent as to those laid down in Section 2 of Chapter 1, Title II of Part IV of Regulation (EU) 2016/429 and Title I of Part II of Commission Delegated Regulation (EU) 2020/691⁽¹⁾.

Article 171

Vector species

1 Aquatic animals of the species listed in column 4 of the table in the Annex to Implementing Regulation (EU) 2018/1882, shall only be regarded as vectors of those diseases under the conditions set out in Annex XXX.

2 Products of animal origin from aquatic animals other than live aquatic animals of the species listed in column 4 of the table in the Annex to Implementing Regulation (EU) 2018/1882, shall not be regarded as vectors of the diseases listed in that Annex when they enter the Union.

Article 172

Derogations for certain categories of aquatic animals of listed species

By way of derogation from Article 170, the requirements laid down in that Article shall not apply to the following categories of aquatic animals:

- (a) aquatic animals which are destined for a disease control aquatic food establishment where they are to be processed for human consumption;
- (b) aquatic animals intended for research purposes which are destined for confined establishments which have been approved for that purpose by the competent authority of the Member State of destination;
- (c) wild aquatic animals other than those referred to in point (b) of this Article provided that they have been subject to quarantine in a quarantine establishment which has been approved for that purpose by the competent authority in:

- (i) the third country of origin; or
- (ii) the Union;
- (d) molluscs or crustacea which are packed and labelled for human consumption in accordance with Regulation (EC) No 853/2004 and which are no longer able to survive as living animals if returned to the aquatic environment;
- (e) molluscs or crustacea which are packaged and labelled for human consumption in accordance with Regulation (EC) No 853/2004 and which are intended for further processing without temporary storage at the place of processing;
- (f) live bivalve molluscs or crustacea which are intended for human consumption without further processing, provided that they are packaged for retail sale in compliance with the provisions of Regulation (EC) No 853/2004.

Article 173

Derogations for certain products of animal origin from aquatic animals other than live aquatic animals

By way of derogation from Article 170(1), the requirements laid down in that Article shall not apply to the following products of animal origin from aquatic animals, other than live aquatic animals:

- (a) products of animal origin from aquatic animals, other than live aquatic animals, which are destined for a disease control aquatic food establishment where they are to be processed for human consumption;
- (b) fish intended for human consumption which were slaughtered and eviscerated prior to dispatch to the Union.

Article 174

Handling of aquatic animals and products of animal origin from aquatic animals other than live aquatic animals after entry into the Union

1 After their entry into the Union, consignments of aquatic animals and products of animal origin from aquatic animals other than live aquatic animals must be:

- a transported directly to the place of destination in the Union;
- b handled appropriately to ensure that natural waters are not contaminated.

2 Aquatic animals and products of animal origin from aquatic animals other than live aquatic animals which have entered the Union shall not be released by the operator or otherwise immersed in natural waters within the Union, unless authorised by the competent authority of the Member State in which that release or immersion takes place.

3 The competent authority of the Member State may only grant the authorisation referred to in paragraph 2 of this Article where the release or immersion in natural waters does not jeopardise the health status of the aquatic animals at the place of release and in all cases, release into the wild shall comply with Article 170(a)(iii).

4 Transport water from consignments of aquatic animals shall be handled appropriately by the operator to prevent contamination of natural waters in the Union.

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TITLE 2

ANIMAL HEALTH REQUIREMENTS TO LIMIT THE IMPACT OF CERTAIN NON-LISTED DISEASES

Article 175

Additional animal health requirements to limit the impact of non-listed diseases for which Member States have national measures

1 The competent authority of Member States that have taken national measures against diseases other than listed diseases as provided for in Article 226 of Regulation (EU) 2016/429, shall take measures to prevent the introduction of those non-listed diseases through the application of additional animal health requirements for entry of the aquatic animals and products of animal origin from aquatic animals other than live aquatic animals into those Member States, zones or compartments of the Union.

2 The competent authority referred to in paragraph 1 shall only permit the entry into their Member State of consignments of aquatic animals of species which are susceptible to the diseases referred to in paragraph 1 when vaccination against those diseases has not been carried out in the third country or territory of origin.

3 The competent authority referred to in paragraph 1 shall ensure that aquatic animals of the species referred to in paragraph 2 which are introduced into a third country or territory of origin or zone or compartment thereof shall originate from another third country, zone or compartment which is also free of the relevant disease.

4 The derogations provided for in Articles 172 and 173 shall apply to those aquatic animals and products of animal origin from aquatic animals which are referred to in paragraph 2 and which are destined for Member States which have national measures against the diseases referred to in paragraph 1 of this Article.

5 Handling after entry into the Union of the aquatic animals referred to in paragraph 2 of this Article and products from those animals, shall comply with the conditions set out in Article 174.

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- (1) Commission Delegated Regulation (EU) 2020/691 of 30 January 2020 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for aquaculture establishments and transporters of aquatic animals (see page 345 of this Official Journal).

Changes to legislation:

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