

Commission Delegated Regulation (EU) 2020/990 of 28 April 2020 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council, as regards animal health and certification requirements for movements within the Union of aquatic animals and products of animal origin from aquatic animals (Text with EEA relevance)

PART II

MOVEMENTS OF AQUATIC ANIMALS

CHAPTER 2

Supplementary animal health requirements for movements of aquatic animals

Section 1

Movements of aquatic animals intended for aquaculture establishments or release into the wild

Article 6

Derogations from the requirement for aquaculture animals of listed species to originate from a disease-free Member State, zone or compartment

By way of derogation from Article 197(1) and (2) of Regulation (EU) 2016/429, operators, including transporters, may move aquaculture animals of listed species which are relevant for the category B diseases or category C diseases for which the Member State, zone or compartment of destination has obtained disease-free status, or for which it is subject to an eradication programme, from Member States, zones or compartments which are not free of those listed diseases, under the following circumstances:

- (a) the aquaculture animals are of one of the species listed in column 4 of the table in the Annex to Implementing Regulation (EU) 2018/1882 and they are not regarded as being vectors of the category B or category C diseases in question; or
- (b) the aquaculture animals are of one of the species listed in column 4 of the table in the Annex to Implementing Regulation (EU) 2018/1882 and are vectors, but they are regarded as being free from the category B or category C diseases in question, as they have completed quarantine in a quarantine establishment approved in accordance with Article 15 of Delegated Regulation (EU) 2020/691, under the requirements set out in point (2) of Part 8 of Annex I to that Delegated Regulation; or
- (c) the aquaculture animals are of one of the species listed in column 4 of the table in the Annex to Implementing Regulation (EU) 2018/1882 and are vectors, but they have been kept in an aquaculture establishment approved in accordance with Article 16 of Delegated Regulation (EU) 2020/691 under the requirements set out in point (2) of Part 9 of Annex I to that Delegated Regulation, and are no longer regarded as vectors of the category B or category C diseases in question; or

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- (d) the aquaculture animals are destined for a confined establishment for scientific purposes.

Article 7

Obligations on operators as regards disease prevention and risk mitigating measures for movements of wild aquatic animals to aquaculture establishments

By way of derogation from Article 197(1) and (2) of Regulation (EU) 2016/429 in conjunction with Article 200(1) thereof, operators including transporters, may move wild aquatic animals of listed species which are relevant for the category B or category C diseases, for which the Member State, zone or compartment of destination has obtained disease-free status or for which it is subject to an eradication programme, from Member States, zones or compartments which are not free of those listed diseases, provided that those wild aquatic animals are destined for an aquaculture establishment and the following circumstances apply:

- (a) they are regarded as being free of the category B or category C diseases in question, as they have completed quarantine in a quarantine establishment approved in accordance with Article 15 of Delegated Regulation (EU) 2020/691 under the requirements set out in point (2) of Part 8 of Annex I to that Delegated Regulation; or
- (b) in the case of wild aquatic animals of species listed in column 4 of the table in the Annex to Implementing Regulation (EU) 2018/1882 and which are vectors, they have been kept in an aquaculture establishment approved in accordance with Article 16 of Delegated Regulation (EU) 2020/691 under the requirements set out in point (2) of Part 9 of Annex I to that Delegated Regulation, and are no longer regarded as vectors.

Section 2

Movements of live aquatic animals intended for human consumption

Article 8

Derogations from the movement requirements of live aquatic animals of listed species intended for human consumption in a Member State, zone or compartment, which has obtained disease-free status or which is subject to an eradication programme

By way of derogation from Article 201(1) of Regulation (EU) 2016/429 in conjunction with Article 202(1) thereof, when live aquatic animals are intended for human consumption, Member States may authorise operators to move animals of listed species for the category B or category C diseases for which the Member State, zone or compartment of destination has obtained disease-free status, or for which it is subject to an eradication programme, when one or more of the following circumstances apply:

- (a) the live aquatic animals are of one of the species listed in column 4 of the table in the Annex to Implementing Regulation (EU) 2018/1882 and they are not vectors of the category B or category C diseases in question; or
- (b) the live aquatic animals are destined for a disease control aquatic food establishment for slaughter and subsequent processing having originated from an area which is subject to movement restrictions or emergency measures as referred to in Article

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- 191(2)(b)(i) and (ii) of Regulation (EU) 2016/429, and where such movements are authorised by the competent authority, and take place in accordance with the conditions set out in that authorisation; or
- (c) the live aquatic animals are molluscs or crustaceans which are packed and labelled for human consumption in accordance with the specific requirements for those animals as set out in Sections VII and VIII of Annex III to Regulation (EC) No 853/2004 and they would no longer be able to survive as live animals if returned to the aquatic environment; or
 - (d) the live aquatic animals are molluscs or crustaceans which are packed and labelled for human consumption in accordance with the specific requirements for those animals as set out in Sections VII and VIII of Annex III to Regulation (EC) No 853/2004 and they are intended for further processing without temporary storage at the place of processing; or
 - (e) the live aquatic animals are molluscs or crustaceans which are intended for human consumption without further processing, and they are packed for retail sale in accordance with the specific requirements for those animals as set out in Sections VII and VIII of Annex III to Regulation (EC) No 853/2004.

Section 3

Movements of aquatic animals intended for other specific uses and purposes

Article 9

Animal health requirements for movements of aquaculture animals to confined establishments

1 Operators shall only move aquaculture animals of listed species from a confined establishment to a confined establishment in another Member State if those animals do not pose a significant risk of the spread of diseases for which they are listed, based on the results of the surveillance plan referred to in Article 9(c) of Delegated Regulation (EU) 2020/691.

2 Operators shall only move aquaculture animals of listed species, which are relevant for category D diseases, from aquaculture establishments other than a confined establishment into a confined establishment if those aquaculture animals comply with one or more of the following requirements:

- a they originate from a disease-free Member State, zone or compartment;
- b they are quarantined under appropriate conditions in one of the following:
 - (i) a quarantine establishment approved in accordance with Article 15 of Delegated Regulation (EU) 2020/691; or
 - (ii) a quarantine facility in another confined establishment; or
 - (iii) the quarantine facility of the confined establishment of final destination;
- c they are aquaculture animals of one of the species listed in column 4 of the table in the Annex to Implementing Regulation (EU) 2018/1882 and they are vectors, but they have been kept in an aquaculture establishment approved in accordance with Article 16 of Delegated Regulation (EU) 2020/691 under the requirements set out in point (2) of Part 9 of Annex I to that Delegated Regulation, and are no longer regarded as vectors.

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3 By way of derogation from paragraph 2, operators may move aquaculture animals that do not comply with the requirements laid down in that paragraph into a confined establishment for scientific purposes.

Article 10

Supplementary requirements for the release of aquatic animals into the wild

Operators shall only move aquatic animals for release into the wild in a Member State which has taken measures in accordance with Article 199 of Regulation (EU) 2016/429 and those aquatic animals are for sports fishing, including fishing bait as referred to in Article 205(2)(a)(iii) thereof, if they originate from a Member State, zone or compartment with disease-free status, and they comply with the following requirements:

- (a) the Member State of destination has notified the Commission and other Member States that it applies measures in accordance with Article 199 of Regulation (EU) 2016/429 for aquatic animals for sports fishing, including fishing bait as referred to in Article 205(2)(a)(iii) thereof;
- (b) the competent authority in the Member State of origin has authorised the movement;
- (c) the competent authorities in the Member State of origin and the Member State of destination have measures in place to ensure the traceability of the aquatic animals moved in accordance with this Article.

Article 11

Animal health requirements for movements of aquatic animals for use as live fishing bait

Operators shall only move live fishing bait that are aquatic animals of listed species relevant for category D diseases, other than those listed in column 4 of the table in the Annex to Implementing Regulation (EU) 2018/1882 and which are not regarded as vectors, into a Member State, zone or a compartment which has disease-free status, or which is subject to an eradication programme to obtain disease-free status for one or more of those relevant category D diseases, if such live fishing baits originate from a disease-free Member State, zone or compartment.

Changes to legislation:

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