

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 I

General requirements on operators for the transport of aquatic animals

Article 3

General obligations on operators as regards biosecurity requirements for the transport of aquatic animals

- 1 Operators, including transporters, shall ensure that aquatic animals are:
 - a loaded and transported in water which does not alter their health status;
 - b not transported in the same water or in the same container as aquatic animals of a lower health status, from the time of loading to the time of arrival at their place of destination.
- 2 Operators, including transporters, shall ensure that:
 - a the means of transport and containers are designed and constructed in such a way that cleaning and disinfection can be carried out effectively between consignments in order not to jeopardise the health status of the aquatic animals during transport;
 - b the container, when it is not a single use item, or the vessel, as well as other transport equipment, are cleaned and disinfected between consignments.
- 3 Operators, including transporters, shall ensure that the cleaning and disinfection required by paragraph 2(b) is carried out in accordance with a protocol agreed by the competent authority of the place of origin, which must include details of where and when the cleaning and disinfection is to take place and the type of disinfecting agents that must be used.

Article 4

General obligations on operators as regards requirements for water exchanges and discharges during the transport of aquatic animals

- 1 Operators, including transporters, shall ensure that where water exchange is necessary, it only takes place as follows:
 - a in the case of transport on land: at exchange points where the exchange does not alter the health status of the aquatic animals being transported, or those at the place of destination or en route to that destination;

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- b in the case of transport by well-boat: at a distance of at least 10 km from any aquaculture establishments which are located en route from the place of loading to the place of destination.

2 Operators, including transporters, shall ensure that water exchanges as referred to in paragraph 1, do not take place in areas which are subject to movement restrictions or emergency measures.

Article 5

Obligations on operators as regards specific transport and labelling requirements concerning means of transport and containers in which aquatic animals are transported

1 Operators, including transporters, of consignments of aquatic animals that are accompanied by an animal health certificate as referred to in Article 208 or Article 209 of Regulation (EU) 2016/429, shall ensure that the means of transport or containers in which those aquatic animals are transported, are identified by means of a legible label which must:

- a be displayed in a visible position on the container or the means of transport, as practicable;
- b contain the necessary information to clearly link the consignment to the animal health certificate.

2 By way of derogation from paragraph 1(b), in the case of transport by well-boat, the label may be replaced by an entry in the ship's manifest that contains the necessary information to clearly link the consignment to the animal health certificate referred to in paragraph 1.

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

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- (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
- (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.

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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 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.

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;

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- (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.

CHAPTER 3

Animal health certificates, self-declarations and movement notification

Section 1

General rules as regards animal health certification

Article 12

Derogations from the animal health certificate requirement for certain species of aquaculture animals

By way of derogation from the animal health certification requirements laid down in Article 208(1) of Regulation (EU) 2016/429, operators may move aquaculture animals of listed species relevant for category C diseases without an animal health certificate, subject to compliance with the following conditions:

- (a) the competent authority of the Member State of destination has notified the Commission and the other Member States that such movements are authorised subject to compliance with the conditions laid down in points (c) and (d);
- (b) the competent authority of the Member State of origin has authorised the movement;
- (c) the category C disease in question has never occurred in either the Member State of origin or the Member State of destination;
- (d) both the competent authority of the Member State of origin and of destination have systems in place to ensure the traceability of the aquaculture animals moved in accordance with the conditions laid down in points (a), (b) and (c).

Section 2

Rules on the contents of Animal Health certificates and self-declaration documents for aquatic animals

Article 13

Rules on the contents of animal health certificates for the various species and categories of aquatic animals of listed species

1 Operators shall ensure that the animal health certificates referred to in Article 208(1) of Regulation (EU) 2016/429 for aquaculture animals and in Article 209 thereof for aquatic animals other than aquaculture animals, contain the following:

- a the general information specified in paragraph 1 or 2 of Part A of Annex II, as relevant for aquaculture animals or wild aquatic animals;
- b the specific animal health guarantees in accordance with paragraph 2 of this Article as relevant for the species and category of aquatic animals in question;
- c details of the purpose for which the aquatic animals are to be used in accordance with paragraph 3 of Part A of Annex II.

2 The specific animal health guarantees for aquatic animals of relevant species referred to in paragraph 1(b) shall be the following:

- a the aquatic animals being moved show no disease symptoms; and they originate from either:
 - (i) an aquaculture establishment or habitat where there are no increased mortalities with an undetermined cause; or
 - (ii) a part of the aquaculture establishment or habitat which is independent of the epidemiological unit where increased mortalities or other disease symptoms have occurred, where the competent authority of the Member State of destination and where relevant, the competent authority of the Member State(s) of transit, if there are any such Member States, have given consent for such a movement to occur; or
 - (iii) an aquaculture establishment which is subject to the movement restrictions or emergency measures set out in Article 191(2)(b)(i) and (ii) of Regulation (EU) 2016/429 and a derogation from those movement restrictions or emergency measures is authorised by the competent authority and the movement takes place in accordance with the conditions of that authorisation;
- b the aquatic animals being moved originate from a Member State, zone or compartment which complies with one of the following:
 - (i) it has disease-free status 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; or
 - (ii) it is subject to an eradication programme for a category B disease or category C disease, when the aquatic animals are destined for an aquaculture establishment which is also subject to an eradication programme for the same category B disease or category C disease;

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- c where the Member States of destination have taken national measures, the aquatic animals of the relevant species comply with the health guarantees which are necessary to comply with those national measures;
- d where the aquaculture animals are moved from aquaculture establishments other than those referred to in paragraph 2(a)(iii), a documentary check of the mortality, movements, health and production records of the aquaculture establishment has been completed and it indicates that there is no suspicion of a listed disease or emerging disease in the aquaculture establishment.

Article 14

Information to be contained in self-declaration documents for different species and categories of aquaculture animals

1 Operators shall ensure that self-declaration documents for movements of aquaculture animals from their place of origin in one Member State to their place of destination in another Member State, issued in accordance with Article 218 of Regulation (EU) 2016/429, contain the following information:

- a the specific information referred to in paragraphs 2 and 3 of this Article, as relevant for the category of aquaculture animal in question;
- b the general information specified in paragraph 1 of Part B of Annex II;
- c details of the purpose for which the aquaculture animals are to be used in accordance with paragraph 2 of Part B of Annex II.

2 In addition to the requirements of paragraph 1, operators shall ensure that self-declaration documents for aquaculture animals of listed species include the following specific information:

- a a declaration that the aquaculture animals being moved show no disease symptoms and they originate from either:
 - (i) an aquaculture establishment where there are no increased mortalities with an undetermined cause; or
 - (ii) a part of the aquaculture establishment which is independent of the epidemiological unit where increased mortalities or other disease symptoms have occurred, where the Member State of destination and the Member State(s) of transit, if there are any such Member States, have given consent for such a movement to occur;
- b where the aquaculture animals are intended for an aquaculture establishment which is participating in a surveillance programme for a specified category C disease, a declaration that the aquaculture animals originate from an aquaculture establishment:
 - (i) which is participating in a surveillance programme for that specified category C disease; and
 - (ii) where there has been no suspicion or confirmation of the presence of that specified category C disease and this is supported by the sampling and laboratory data referred to in paragraph 1(f) of Part B of Annex II.

3 In addition to the requirements of paragraph 1 of this Article, operators shall ensure that the self-declaration documents for aquaculture animals of non-listed species and for aquaculture animals of species listed in column 4 of the table in the Annex to Implementing Regulation (EU) 2018/1882 which are not regarded as vectors of the relevant category C disease,

contain information indicating that the aquaculture animals being moved show no disease symptoms; and they originate from either:

- a an aquaculture establishment or a habitat where there are no increased mortalities with an undetermined cause; or
- b a part of the aquaculture establishment which is independent of the epidemiological unit where increased mortalities or other disease symptoms have occurred where the Member State of destination and the Member State(s) of transit, if there are any such Member States, have given consent for such a movement.

Section 3

Rules on the responsibility of the competent authority for animal health certification

Article 15

Rules concerning the responsibility of the competent authority for animal health certification

1 Before signing an animal health certificate as provided for in Article 216(2)(a) of Regulation (EU) 2016/429, the official veterinarian shall carry out the following checks and examinations in the aquaculture establishment:

- (a) a documentary check of the mortality records, movement records and health and production records kept at the aquaculture establishment; and
- (b) a clinical inspection and where relevant, a clinical examination of:
 - (i) the aquaculture animals to be moved;
 - (ii) any moribund aquaculture animals which are observed in production units other than those in which the aquaculture animals referred to in point (i) are kept;
 - (iii) aquaculture animals from any production unit in the aquaculture establishment where the documentary check has raised any suspicion of the presence of a listed disease or an emerging disease.

2 By way of derogation from paragraph 1(b), in the case of eggs and molluscs, a clinical inspection may be omitted when a consignment is to be moved from the aquaculture establishment within a period of 4 weeks from the date on which the last clinical inspection was completed, provided that a documentary check as referred to in paragraph 1(a) is carried out within the 72 hours prior to the time the consignment is to be moved, and this documentary check indicates that:

- a no movements of listed species have taken place to the aquaculture establishment since the last clinical inspection was carried out; and
- b there is no suspicion of listed or emerging diseases in the aquaculture establishment.

3 The official veterinarian shall, after completing the checks, inspections and where relevant, examinations provided for in paragraph 1, issue an animal health certificate for the consignment of aquaculture animals or eggs within a period of 72 hours before the time of departure of the consignment from the establishment of origin.

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4 The animal health certificate, as provided for in Article 216(2)(a) of Regulation (EU) 2016/429, shall be valid for a period of 10 days from the date on which it is issued by the official veterinarian.

By way of derogation from the first subparagraph, in the case of transport by waterway or sea of aquaculture animals, that period of 10 days may be extended by the period of the duration of the journey by waterway or sea.

Article 16

Derogations from certain requirements in relation to clinical examinations and certification prior to movement

1 By way of derogation from Article 15(3), the period within which the official veterinarian shall carry out the clinical inspection and where relevant, the clinical examination, and issue an animal health certificate for aquaculture animals of listed species other than those referred to in Article 15(2), may be extended from a period of 72 hours to a period of 7 days prior to the date of departure from the aquaculture establishment of origin, under the following circumstances:

- a multiple movements of the same species of aquaculture animals occur from the same aquaculture establishment of origin to the same aquaculture establishment of destination and the movements take place not more than 7 days apart;
- b a documentary check of the mortality records, movement records, health and production records is made prior to the movement of each consignment, and a clinical inspection and where necessary, a clinical examination, is carried out within the period of 72 hours prior to the time of the first movement and at least every 7 days thereafter, until such time as the last of the movements referred to in point (a) have taken place;
- c each consignment is fully traceable.

2 The official veterinarian shall issue an animal health certificate as provided for in Article 216(2)(a) of Regulation (EU) 2016/429, for each consignment which is moved during the 7 day period between clinical inspections as referred to in paragraph 1 of this Article, subject to compliance with the following conditions:

- a no movements of listed species have taken place to the aquaculture establishment since the last clinical inspection was carried out; and
- b there is no suspicion of a listed disease or emerging disease in the aquaculture establishment.

Section 4

Detailed rules on the notification of movements of aquatic animals

Article 17

Advance notification of movements to another Member State of aquaculture animals from an aquaculture establishment subject to a surveillance programme for a category C disease

Operators of establishments implementing a surveillance programme for a specified category C disease in accordance with Article 3(2)(b)(iv) of Delegated Regulation (EU) 2020/689, who are moving aquaculture animals to another aquaculture establishment

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implementing a surveillance programme for the same category C disease in another Member State, shall notify the competent authority in their Member State of origin in advance of the intended movement.

Article 18

Information obligation of operators concerning the notification of movements of aquatic animals to another Member State

Operators required to notify the competent authority in their Member State of origin of movements of consignments of aquatic animals to another Member State, in accordance with Article 219 of Regulation (EU) 2016/429, shall provide that competent authority with the following information concerning such consignments set out in:

- (a) paragraphs 1 and 3 of Part A of Annex II concerning aquaculture animals, other than those referred to in point (c) of this Article to be moved to another Member State;
- (b) paragraphs 2 and 3 of Part A of Annex II concerning wild aquatic animals to be moved to another Member State;
- (c) Part B of Annex II concerning the aquaculture animals referred to in Article 17, to be moved to another Member State.

Article 19

Information obligation of the competent authority concerning the notification of movements of aquatic animals to another Member State

1 The competent authority of the Member State of origin required to notify the competent authority of the Member State of destination of movements of consignments of aquatic animals to another Member State, in accordance with Article 220(1) of Regulation (EU) 2016/429, shall provide the competent authority with the following information concerning such consignments set out in:

- (a) paragraphs 1 and 3 of Part A of Annex II concerning aquaculture animals, other than those referred to in point (c) of Article 18 to be moved to another Member State;
- (b) paragraphs 2 and 3 of Part A of Annex II concerning wild aquatic animals to be moved to another Member State.

2 The competent authority of the Member State of origin shall notify the competent authority of the Member State of destination of movements of the aquaculture animals referred to in Article 17, confirm the participation of the aquaculture establishment in the surveillance programme referred to in that Article and provide the information set out in Part B of Annex II.

Article 20

The emergency procedures for the notification of movements of aquatic animals between the Member States in the event of power cuts and other disturbances of TRACES

In the event of the unavailability of TRACES, the competent authority of the Member State of origin of the aquatic animals to be moved to another Member State, shall comply

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with the contingency arrangements established pursuant to Article 46 of Implementing Regulation (EU) 2019/1715.

Article 21

Designation of regions for the management of notifications of movements

Member States shall designate regions of their territory for the management of notifications of movements of aquatic animals to other Member States, as provided for in Articles 17, 18 and 19.

When designating those regions, the Member States shall ensure that:

- (a) all parts of their territory are covered by at least one designated region;
- (b) each designated region falls within the responsibility of a competent authority designated for animal health certification purposes in that designated region;
- (c) the competent authority responsible for the designated region has access to TRACES;
- (d) the personnel of the competent authority responsible for the designated region possess the appropriate ability and knowledge, and have received specific training, or have equivalent practical experiences in the use of TRACES for the production, handling and transmission of the information provided for in Articles 17, 18 and 19.

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