

Official Journal

of the European Union

L 337

English edition

Legislation

Volume 51

16 December 2008

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Price: EUR 22

⁽¹⁾ Text with EEA relevance

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NOTE TO THE READER

The institutions have decided no longer to quote in their texts the last amendment to cited acts.

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I

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory)

REGULATIONS

COMMISSION REGULATION (EC) No 1248/2008

of 15 December 2008

establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

Regulation (EC) No 1580/2007 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 December 2008.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 15 December 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MA	82,0
	TR	101,7
	ZZ	91,9
0707 00 05	JO	167,2
	MA	56,0
	TR	103,0
	ZZ	108,7
0709 90 70	MA	106,6
	TR	137,6
	ZZ	122,1
0805 10 20	AR	18,1
	BR	44,6
	CL	52,1
	MA	76,3
	TR	81,3
	ZA	43,4
	ZZ	52,6
0805 20 10	MA	71,9
	TR	72,0
	ZZ	72,0
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	49,8
	HR	54,2
	IL	75,7
	TR	55,0
	ZZ	58,7
0805 50 10	MA	64,0
	TR	55,3
	ZZ	59,7
0808 10 80	CA	82,7
	CN	81,3
	MK	34,6
	US	109,3
	ZZ	77,0
0808 20 50	CN	41,0
	TR	104,0
	US	108,6
	ZZ	84,5

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 1249/2008

of 10 December 2008

laying down detailed rules on the implementation of the Community scales for the classification of beef, pig and sheep carcasses and the reporting of prices thereof

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 43, point (m) in conjunction with Article 4 thereof,

Whereas:

(1) In accordance with Article 204(2)(h) of Regulation (EC) No 1234/2007, that Regulation is to apply as regards the Community scales for the carcass classification as from 1 January 2009. Detailed rules for the implementation of those Community scales and the reporting of prices based thereof by the Member States should therefore be adopted and apply from 1 January 2009.

(2) Rules on the implementation of the Community scales for the classification of carcasses are laid down so far in several acts, and in particular in Commission Regulations (EEC) No 563/82 of 10 March 1982 laying down detailed rules for the application of Regulation (EEC) No 1208/81 for establishing the market prices of adult bovine animals on the basis of the Community scale for the classification of carcasses ⁽²⁾, (EEC) No 2967/85 of 24 October 1985 laying down detailed rules for the application of the Community scale for grading pig carcasses ⁽³⁾, (EEC) No 344/91 of 13 February 1991 laying down detailed rules for applying Council Regulation (EEC) No 1186/90 to extend the scope of the Community scale for the classification of carcasses of adult bovine animals ⁽⁴⁾, (EC) No 295/96 of 16 February 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1892/87 as regards the recording of market prices of adult bovine animals, on the basis of the Community scale for the classification of carcasses ⁽⁵⁾, (EC) No 103/2006 of 20 January 2006 adopting additional provisions for the application of the Community scale for the classification

of carcasses of adult bovine animals ⁽⁶⁾, (EC) No 908/2006 of 20 June 2006 establishing the list of representative markets for pigmeat in the Community ⁽⁷⁾, (EC) No 1128/2006 of 24 July 2006 on the marketing stage to which the average price for pig carcasses refers ⁽⁸⁾, (EC) No 1319/2006 of 5 September 2006 on the exchange between the Member States and the Commission of certain information concerning pigmeat ⁽⁹⁾, (EC) No 710/2008 of 24 July 2008 fixing the weighting coefficients to be used in calculating the Community market price for pig carcasses for the 2008/09 marketing year ⁽¹⁰⁾, (EC) No 22/2008 of 11 January 2008 laying down detailed rules for the Community scale for the classification of carcasses of ovine animals ⁽¹¹⁾, and in Commission Decision 83/471/EEC of 7 September 1983 relating to the Community Inspection Committee on the application of the classification scale for carcasses of adult bovine animals ⁽¹²⁾. In the interests of clarity and rationality those Regulations and Decision should be replaced by a single act.

(3) Article 42(1) of Regulation (EC) No 1234/2007 provides that Community scales for the classification of carcasses of adult bovines and of pigs should apply in accordance with certain rules laid down in Annex V to that Regulation, while Member States may also apply a Community scale for the classification of carcasses of sheep.

(4) Article 42(1), point (a) of Regulation (EC) No 1234/2007 provides that the Community scale for the classification of carcasses in the beef and veal sector should apply to carcasses of adult bovine animals. Point IV(2) of Annex III to that Regulation defines an adult bovine animal in relation to the live weight of the animal. Notwithstanding that definition and in order to ensure a uniform application, it is appropriate to allow Member States to make the application of the Community scale compulsory for carcasses of bovines as of a specific age determined on the basis of the identification and registration system provided for by Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products ⁽¹³⁾. That identification and registration system should also be used for the division of carcasses into category A and B as referred to in point A(II) of Annex V to Regulation (EC) No 1234/2007.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 67, 11.3.1982, p. 23.

⁽³⁾ OJ L 285, 25.10.1985, p. 39.

⁽⁴⁾ OJ L 41, 14.2.1991, p. 15.

⁽⁵⁾ OJ L 39, 17.2.1996, p. 1.

⁽⁶⁾ OJ L 17, 21.1.2006, p. 6.

⁽⁷⁾ OJ L 168, 21.6.2006, p. 11.

⁽⁸⁾ OJ L 201, 25.7.2006, p. 6.

⁽⁹⁾ OJ L 243, 6.9.2006, p. 3.

⁽¹⁰⁾ OJ L 197, 25.7.2008, p. 28.

⁽¹¹⁾ OJ L 9, 12.1.2008, p. 6.

⁽¹²⁾ OJ L 259, 20.9.1983, p. 30.

⁽¹³⁾ OJ L 204, 11.8.2000, p. 1.

- (5) In order to ensure the uniform classification of the carcasses of adult bovines and of sheep in the Community, it is necessary to make more precise the definitions of the classes of conformation and fat cover referred to in points A(III) and C(III) of Annex V to Regulation (EC) No 1234/2007.
- (6) Point A(III) of Annex V to Regulation (EC) No 1234/2007 provides for a conformation class S for carcasses obtained from bovines of the double-musled type. Given that this particular conformation class reflects the particular characteristics of the bovine livestock in some Member States, it is appropriate to provide that Member States have the option to make use of the conformation class S.
- (7) In accordance with the second indent of Article 43, point (m)(iii) of Regulation (EC) No 1234/2007, derogations from the general obligation to classify carcasses of adult bovines may be granted to Member States which so request for certain small-scale establishments. On the basis of experience gained with the application of the Community classification scale, Member States consider it appropriate in having such derogation for slaughterhouses which slaughter not more than 75 adult bovine animals per week as an annual average. The Commission considers that derogation justified, taking into account the limited volume of the production in those slaughterhouses. For the same reasons, such derogation was also provided for in the first indent of Article 2(2) of Regulation (EEC) No 344/91. Therefore, in order to simplify application of the second indent of Article 43, point (m)(iii) of Regulation (EC) No 1234/2007, it is appropriate to authorise Member States themselves to grant such derogation.
- (8) Article 43, point (m)(iv) of Regulation (EC) No 1234/2007 provides that Member States should be authorised not to apply the grading scale for the classification of pig carcasses. That provision should in particular apply to small-scale slaughterhouses, which on average slaughter not more than 200 pigs per week.
- (9) In order to ensure the accurate application of the Community classification scales, the conditions and practical methods for the classification, weighing and identification of carcasses of adult bovines, pigs and sheep should be specified, with a view to improving market transparency.
- (10) However, provision should be made for certain derogations thereof, in particular concerning the time limit for classifying and weighing carcasses in case of a technical breakdown of the automated grading techniques, the location of stamps or labels indicating the classification on the carcasses and slaughterhouses who debone all carcasses themselves. As regards pig carcasses, the weight should relate to the weight of the cold carcass calculated by applying to the result of the weighing a conversion coefficient to be determined. That coefficient should vary depending on the time between the weighing and the sticking of the pig. An adjustment of the coefficient should therefore be allowed.
- (11) The natural or legal persons who have the slaughtering of bovines carried out should be informed of the result of the classification of the animals delivered for slaughter. That communication should also include certain additional information in order to ensure full transparency towards the suppliers.
- (12) In order to ensure the accuracy and reliability of the classification of carcasses of adult bovines and of sheep, that classification should be carried out by staff having the necessary qualifications certified by a licence or approval.
- (13) With a view to authorising alternative methods to direct visual assessment of the conformation and fat cover of carcasses of adult bovines, automated grading techniques may be introduced when they are based on statistically proven methods. Authorisation of automatic grading techniques should be subject to compliance with certain conditions and requirements as well as with a maximum tolerance for statistical error in classification that should be specified.
- (14) Provision should be made for the possibility to modify, after a licence was granted, the technical specifications of the automated grading techniques for the classification of carcasses of adult bovines with a view to improving their accuracy. However, such modifications should require the prior approval of the competent authorities that should ascertain that these modifications result in at least the same level of accuracy.
- (15) The value of a pig carcass is determined in particular by its lean-meat content in relation to its weight. In order to ensure that the lean-meat content is assessed on an objective basis, the assessment should be made by measuring certain anatomical parts of the carcass by means of authorised and statistically proven methods. While various methods can be applied for the assessment of the lean-meat content of a pig carcass, it is necessary to ensure that the choice of the method does not affect the estimated lean-meat content. For the determination of the commercial value of the pig carcass, the use of assessment criteria other than weight and the estimated lean-meat content should also be authorised.

- (16) Point C(III) of Annex V to Regulation (EC) No 1234/2007 provides that carcasses of sheep should be classified into various classes on the basis of the conformation and the degree of fat cover. However, other criteria, in particular weight, meat colour and fat cover, may be used for the carcasses of lambs less than 13 kg weight.
- (17) The reliability of the classification of carcasses of adult bovines, pigs and sheep should be verified by regular on-the-spot checks carried out by bodies that are independent from the establishments they inspect. The conditions and minimum requirements for these checks should be laid down, including the reporting on the checks carried out as well as possible follow-up actions. In case the classification of carcasses of adult bovines is carried out by using automated grading techniques, certain additional provisions on spot checks should be laid down, which should also include that the frequency of those checks is increased in the initial period after the licence was granted.
- (18) In order to obtain comparable beef, pig and sheep carcase prices in the Community, it is necessary to provide that the price recording should refer to a well-defined marketing stage. Moreover, the EU reference presentation of carcasses of adult bovines and of sheep should be determined. Certain corrective factors should also be determined to adjust the presentations used in some Member States to the EU reference presentation.
- (19) In order to ensure that the carcase prices recorded are representative of the Member States' production in the beef, pigmeat and sheep sector, it is necessary to define the categories and classes as well as certain criteria defining which establishments or persons for which the price reporting should be compulsory.
- (20) For the purpose of the reporting of beef carcase prices, Member States should be allowed to decide whether their territory is divided, and if so, into how many regions. It is appropriate to provide that the price reporting for the United Kingdom should relate to two regions, namely Great Britain and Northern Ireland.
- (21) In case Member States have established regional committees to determine carcase prices of adult bovines, provision should be made that their membership ensures a balanced and objective approach and that the prices determined by these committees are taken into account in the national price calculation.
- (22) In case any supplementary payments are made to suppliers of adult bovines, establishments or persons that are obliged to report prices should be obliged to make certain corrections of the prices in order to avoid any distortion in the calculation of the average national prices.
- (23) The practical method to be used by Member States to calculate average weekly prices should be laid down. These prices should be reported to the Commission on a weekly basis, which should serve as the basis for the determination of weighted average prices at Community level.
- (24) With a view to monitoring the reporting of carcase prices of adult bovines, pigs and sheep, Member States should be obliged to communicate periodically certain information to the Commission.
- (25) In order to ensure a uniform application of the Community scales for the classification of beef and sheep carcasses throughout the Community, Article 42(2) of Regulation (EC) No 1234/2007 provides for on-the-spot inspections to be carried out by a Community inspection committee composed of experts from the Commission and experts appointed by the Member States. Implementing rules should be laid down regarding the composition and functioning of that committee.
- (26) It is necessary to provide that Member States should take certain measures in order to ensure the correct application of the Community classification scales, to ensure the accuracy of the reported prices and to penalise any infringements. Moreover, Member States should be obliged to inform the Commission of these measures.
- (27) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,
- HAS ADOPTED THIS REGULATION:
- CHAPTER I
- SCOPE
- Article 1
- Scope
- This Regulation lays down detailed rules for the implementation of the Community scales for the classification of beef, pig and sheep carcasses and the reporting of market prices thereof, as provided for in Article 43, point (m) of Regulation (EC) No 1234/2007.

CHAPTER II

BEEF SECTOR

Article 2

Scope and general provisions

1. The Community scale for the classification of carcasses in the beef and veal sector shall apply to carcasses of adult bovines.
2. Notwithstanding Part IV(2) of Annex III to Regulation (EC) No 1234/2007, Member States may decide that the Community scale referred to in paragraph 1 shall apply to carcasses of bovine animals aged on slaughter 12 months or more.
3. For the application of point A(II) of Annex V to Regulation (EC) No 1234/2007, carcasses of uncastrated young male animals of less than two years of age (category A) and carcasses of other uncastrated male animals (category B) shall be distinguished by the animal's age.
4. The age of the bovine animal as referred to in paragraphs 2 and 3 shall be verified on the basis of the information available in the bovine animal identification and registration system established in each Member State in accordance with Title I of Regulation (EC) No 1760/2000.

Article 3

Additional provisions regarding the classes of conformation and fat cover

Additional detailed provisions to the definitions of the classes of conformation and fat cover referred to in point A(III) of Annex V to Regulation (EC) No 1234/2007 are laid down in Annex I to this Regulation.

Article 4

Conformation class S

The conformation class S referred to in point A(III) of Annex V to Regulation (EC) No 1234/2007 may be used by Member States to take account of the particular characteristics of their bovine livestock.

Article 5

Derogation from the compulsory classification of carcasses

Member States may decide that the requirements on classification of carcasses of adult bovine animals laid down in point A(V) of Annex V to Regulation (EC) No 1234/2007 shall not be compulsory for approved establishments which slaughter not more than 75 adult bovine animals per week as an annual average.

Article 6

Classification and identification

1. The classification and identification referred to in point A(V) of Annex V to Regulation (EC) No 1234/2007 shall be carried out in the slaughterhouse itself.

2. Classification, identification and weighing of a carcass shall take place not later than one hour after the animal has been stuck.

However, in cases where the automated grading techniques referred to in Article 9 fail to classify carcasses, classification and identification of these carcasses shall take place on the day of slaughter.

3. The identification of the carcasses shall be carried out by means of a mark indicating the category and the class of conformation and fat cover referred to in point A(II) and (III) of Annex V to Regulation (EC) No 1234/2007 respectively.

This marking shall be carried out by stamping on the outside surface of the carcass using an indelible and non-toxic ink following a method approved by the competent authorities; the letters and figures must be not less than two centimetres in height.

The marks shall be applied on the hindquarters on the striploin at the level of the fourth lumbar vertebra and on the forequarters, on the brisket between 10 and 30 centimetres from the cut edge of the sternum. However, Member States may determine other positions on each quarter provided they inform the Commission beforehand.

4. Without prejudice to Article 4(3)(c) of Commission Regulation (EC) No 1669/2006 ⁽¹⁾ and point I(a) of Annex I to Commission Regulation (EC) No 826/2008 ⁽²⁾, Member States may authorise replacement of the marking by the use of labels under the following conditions:

- (a) the labels may be kept and attached only in the approved establishments which slaughter the animals; they must be of a size not less than 50 cm²;
- (b) in addition to the requirements laid down in paragraph 3, the labels must indicate the approval number of the slaughterhouse, the identification or slaughter number of the animal, the date of slaughter, the weight of the carcass and, where applicable, that the classification has been carried out by using automated grading techniques;

⁽¹⁾ OJ L 312, 11.11.2006, p. 6.

⁽²⁾ OJ L 223, 21.8.2008, p. 3.

- (c) the indications referred to in point (b) must be perfectly legible and no alterations shall be permitted except if they are clearly marked on the label and carried out under the supervision of and the practical conditions determined by the competent authorities;
- (d) the labels must be tamper-proof, tear-resistant and firmly attached to each quarter in the places defined in the third subparagraph of paragraph 3.

Where classification is carried out by using automated grading techniques referred to in Article 11, the use of labels shall be compulsory.

5. The marks and labels referred to in paragraphs 3 and 4 must not be removed before the quarters are boned.

6. The category shall be indicated in accordance with point A(II) of Annex V to Regulation (EC) No 1234/2007 and the provisions in Article 2(3) and (4) of this Regulation.

The indication of subclasses or, where applicable, the breakdown of categories by age shall be by means of symbols other than those used for classification.

7. The obligations relating to the identification of the carcasses set out in paragraphs 3 to 6 shall not apply to approved slaughterhouses which themselves bone all of the carcasses obtained.

Article 7

Communication of the classification results

1. The results of the classification carried out in accordance with point A(V) of Annex V to Regulation (EC) No 1234/2007 shall be communicated in writing or by electronic means to the natural and legal person who has the slaughtering carried out.

2. For the purpose of communicating the classification results, the invoice, or a document attached thereto, addressed to the supplier of the animal, or failing that, to the physical or legal person responsible for the slaughter operations shall indicate per carcass:

- (a) the category as well as the class of conformation and fat cover, by means of the corresponding letters and figures referred to in points A(II) and (III) of Annex V to Regulation (EC) No 1234/2007;
- (b) the carcass weight established in accordance with Article 13(2) of this Regulation, specifying whether it relates to the warm or cold weight;

(c) the carcass presentation applied at the moment of weighing and classifying on the hook;

(d) where applicable, that classification has been carried out using automated grading techniques.

3. Member States may require that the communication referred to in paragraph 2, point (a) includes subclasses for conformation and fat cover, where such information is available.

The indication of the carcass presentation referred to under paragraph 2, point (c) shall not be compulsory if only one single carcass presentation is allowed under legislation adopted at Member State level.

Article 8

Classification by qualified classifiers

Member States shall ensure that classification is carried out by qualified classifiers who have obtained a licence for this purpose. The licence may be replaced by an approval granted by the Member State where such approval corresponds to recognition of a qualification.

Article 9

Authorisation of automated grading techniques

1. Member States may grant a licence authorising automated grading techniques for application in their territory or a part thereof.

Authorisation shall be subject to meeting the conditions and minimum requirements for a certification test laid down in Annex II, part A.

At least two months prior to the start of the certification test, Member States shall provide the Commission with the information referred to in Annex II, part B. Member States shall designate an independent body which shall analyse the results of the certification test. Within two months upon completion of the certification test, Member States shall provide the Commission with the information referred to in Annex II, part C.

2. Where a licence is granted authorising automated grading techniques based on a certification test during which more than one carcass presentation was used, the differences between those carcass presentations shall not lead to differences in the classification results.

3. After having informed the Commission, Member States may grant a licence authorising automated grading techniques for application in their territory or a part thereof without organising the certification test, provided such a licence has already been granted for the same automated grading techniques for application in another part of that Member State concerned or in another Member State on the basis of a certification test with a sample of carcasses that they consider to be equally representative, in terms of category, classes of conformation and of fat cover, of the adult bovine animals slaughtered in the Member State concerned or a part thereof.

4. Modifications of the technical specifications of the automated grading techniques for which a licence was granted shall only be allowed after having obtained the approval of the competent authorities of the Member State concerned and subject to proof that such modifications result in at least the same level of accuracy than that obtained during the certification test.

Member States shall inform the Commission of any such modifications for which they have given their approval.

Article 10

Classification by automated grading techniques

1. Establishments operating classification by using automated grading techniques shall:

- (a) identify the category of the carcass; for this purpose use shall be made of the system for the identification and registration of bovine animals as referred to in Title I of Regulation (EC) No 1760/2000;
- (b) keep daily control reports on the functioning of the automated grading techniques, including in particular any shortcomings encountered and actions taken where necessary.

2. Classification by automated grading techniques shall be valid only if:

- (a) the carcass presentation is identical to the presentation used during the certification test; or
- (b) it is demonstrated, to the satisfaction of the competent authorities of the Member State concerned, that using a different carcass presentation has no effect on the classification result by the automated grading techniques.

Article 11

On-the-spot checks

1. The performance of the classifiers referred to in Article 8 as well as the classification and identification of the carcasses in the establishments covered by point A(V) of Annex V to Regulation (EC) No 1234/2007 shall be checked on the spot without prior warning by a body independent of the classification agencies and of the establishments.

However, the requirement to be independent of the classification agencies shall not apply where the competent authority itself carries out such controls.

2. Checks must be carried out at least twice every three months in all approved establishments which slaughter more than 75 adult bovine animals per week as an annual average. Each check must relate to at least 40 carcasses, selected at random.

However, in approved establishments which slaughter 75 adult bovine animals or less per week as an annual average, Member States shall determine the frequency of the checks and the minimum number of carcasses to be checked on the basis of their risk assessment, particularly taking into account the number of slaughterings of adult bovines in the slaughterhouses concerned and the findings during previous checks in these slaughterhouses.

Member States shall notify to the Commission the measures they have taken for the application of the provisions in the second subparagraph by 1 July 2009 at the latest and thereafter within one month after any changes in the information to be notified.

3. In all approved establishments operating classification by using automated grading techniques, at least six checks must be carried out every three months during the first 12 months after the licence referred to in Article 9(1) was granted. Thereafter checks must be carried out at least twice every three months in all approved establishments operating classification by using automated grading techniques. Each check must relate to at least 40 carcasses, selected at random. The checks shall in particular verify:

- (a) the category of the carcass;
- (b) the accuracy of the automated grading techniques by using the system of points and limits referred to in Annex II, part A3;
- (c) the carcass presentation;

(d) the daily calibration as well as any other technical aspects of the automated grading techniques, that are relevant for ensuring that the level of accuracy obtained by using automated grading techniques is at least as good as the one achieved during the certification test;

(e) the daily control reports referred to in Article 10(1)(b).

4. Where the body responsible for checks does not fall under the authority of a public body, the checks provided for in paragraphs 2 and 3 must be carried out under the physical supervision of a public body under the same conditions and at least once a year. The public body shall be informed regularly of the findings of the body responsible for checks.

Article 12

Inspection reports and follow-up actions

1. Reports referring to the checks referred to in Article 11 shall be made and kept by the national controlling bodies. These reports shall include in particular the number of carcasses checked and the number of those which were incorrectly classified or identified. They shall also give full details of the type of carcass presentations used, and where applicable, of their conformity with Community rules.

2. In cases where a significant number of incorrect classifications or of identifications failing to comply with the rules is ascertained during the checks referred to in Article 11:

(a) the number of carcasses inspected and the frequency of spot checks shall be increased;

(b) the licences or approvals provided for in Articles 8 and 9(1) may be revoked.

Article 13

Market price to record

1. The market price to be established on the basis of the Community classification scale referred to in Article 42(1)(a) of Regulation (EC) No 1234/2007 shall be the price paid to the supplier for the animal upon delivery to the slaughterhouse, net of value added tax. The said price shall be expressed per 100 kg of carcass presented in accordance with paragraph 3 of this Article, weighed and classified on the hook at the slaughterhouse.

2. The weight to be taken into account shall be the warm weight of the carcass taken not later than one hour after the animal has been stuck.

The cold weight of the carcass shall correspond to the warm weight as referred to in the first subparagraph less 2 %.

3. For the purpose of establishing market prices, the carcass shall be presented without the removal of external fat, the neck being cut in accordance with veterinary requirements:

(a) without kidneys;

(b) without kidney fat;

(c) without pelvic fat;

(d) without thin skirt;

(e) without thick skirt;

(f) without the tail;

(g) without the spinal cord;

(h) without cod fat;

(i) without fat on the inside of topside;

(j) without jugular vein and the adjacent fat.

4. For the application of the second subparagraph of point A(V) of Annex V to Regulation (EC) No 1234/2007 and by way of derogation of paragraph 3 of this Article, the removal of external fat shall involve exclusively the partial removal of external fat:

(a) from the haunch, the sirloin and the middle ribs;

(b) from the point end of brisket, the outer ano-genital area and the tail;

(c) from the topside.

5. In the case where the presentation of the carcass, at the moment of weighing and classifying on the hook, differs from the presentation provided for in paragraph 3, the weight of the carcass shall be adjusted by application of the corrective factors specified in Annex III in order to progress from that presentation to the reference presentation. In this case the price for each 100 kg of carcass shall be adjusted accordingly.

Where the adjustments referred to in the first subparagraph are the same throughout the territory of a Member State, they shall be calculated on a national basis. Where such adjustments vary from one slaughterhouse to another, they shall be calculated individually.

Article 14

Categories and classes for recording of market prices

1. National and Community recording of market prices on the basis of the Community classification scale referred to in Article 42(1)(a) of Regulation (EC) No 1234/2007 shall be carried out each week and shall relate to the following conformation and fat cover classes for the five categories specified in point A(II) of Annex V to that Regulation:

- (a) carcasses of uncastrated young male animals of less than two years of age: U2, U3, R2, R3, O2, O3;
- (b) carcasses of other uncastrated male animals: R3;
- (c) carcasses of castrated male animals: U2, U3, U4, R3, R4, O3, O4;
- (d) carcasses of female animals that have calved: R3, R4, O2, O3, O4, P2, P3;
- (e) carcasses of other female animals: U2, U3, R2, R3, R4, O2, O3, O4.

2. Member States shall decide whether their territory is to comprise a single region or whether to divide it into more than one region. This decision shall be taken on the basis of:

- (a) the size of their territory;
- (b) the existence, if any, of administrative divisions;
- (c) geographical variations in prices.

However, the United Kingdom shall comprise at least two regions, namely Great Britain and Northern Ireland, which may be subdivided on the basis of the criteria referred to in the first subparagraph.

Article 15

Representative prices

1. The following shall be required to record prices:
 - (a) the operator of any slaughterhouse which annually slaughters 20 000 or more adult bovine animals reared by it or on its behalf and/or adult bovine animals purchased by it;
 - (b) the operator of any slaughterhouse which is designated by the Member State and which annually slaughters less than 20 000 adult bovine animals reared by it or on its behalf and/or adult bovine animals purchased by it;
 - (c) any natural or legal person who sends 10 000 or more adult bovine animals for slaughter annually to a slaughterhouse; and
 - (d) any natural or legal person who is designated by the Member State and who sends less than 10 000 adult bovine animals for slaughter annually to a slaughterhouse.

The Member State shall ensure that prices are recorded for at least:

- (a) 25 % of the slaughterings in those of its regions which together cover at least 75 % of the total slaughterings in that Member State; and
- (b) 30 % of the adult bovine animals slaughtered within its territory.

2. The prices recorded under paragraph 1 shall be those which relate to adult bovine animals slaughtered during the recording period concerned, on the basis of the cold weight of the carcase as referred to in the second subparagraph of Article 13(2).

In the case of a slaughterhouse which slaughters adult bovine animals reared by it or on its behalf, the price recorded shall be the average price paid for carcasses of the equivalent category and class, slaughtered during the same week in that slaughterhouse.

The prices recorded for each class referred to in Article 14(1) shall indicate the average carcase weight to which they relate and whether or not they have been corrected to take into account each of the elements referred to in Article 13.

Article 16

Calculation of weekly prices

1. The prices recorded in accordance with Article 15 in the period from Monday to Sunday, shall:

- (a) be reported to the competent authority of the Member State, in writing or by electronic means, by the operator of the slaughterhouse or natural or legal person concerned by such time as is fixed by the Member State; or
- (b) at the option of the Member State, be made available to its competent authority at the slaughterhouse or the premises of the natural or legal person.

However, where a Member State has established a committee to determine prices for a region, and where the membership of such committee is divided equally between buyers and sellers of adult bovine animals and their carcasses, the chairman being employed by the competent authority, that Member State may direct that the prices and details be sent direct to the chairman of the committee in the relevant region. In the event that the Member State does not so direct, the competent authority shall send them to the chairman of that committee. The chairman shall ensure that the origin of each price cannot be identified when communicated to the members of the committee.

2. The prices reported shall be the average price per class.

3. Any slaughterhouse or natural or legal person referred to in the first subparagraph of Article 15(1) which makes supplementary payments to suppliers of adult bovine animals or their carcasses, such payments not being taken into account in the prices reported, shall notify the competent authority of its Member State of the last supplementary payment made by it, and the period to which it relates. Thereafter it shall notify the Member State of the amount of any supplementary payments each time such payment is made.

4. The competent authority of the Member State shall determine average regional prices for each class referred to in Article 14(1) from the prices reported to it under paragraph 1 of this Article.

The committees referred to in the second subparagraph of paragraph 1 of this Article shall determine average regional prices for each class referred to in Article 14(1) from the prices reported to them under paragraph 1 of this Article and shall report them to the competent authority of the Member State.

5. In the case of flat-rate purchases, where the carcasses in a consignment relate to not more than three consecutive conformation classes and three consecutive fat cover classes in the same category, the price shall be taken into account in the determination of prices under paragraph 4 for the conformation class in which the largest number of carcasses is classified or, if they are equally divided amongst the classes, for the middle of those classes, where such class exists. In all other cases the price shall not be taken into account.

However, where flat-rate purchases account for less than 35 % of total slaughterings of adult bovine animals in the Member State, it may decide not to take the prices for such purchases into account in the calculations under paragraph 4.

6. An initial national price for each class shall then be calculated by the competent authority by weighting the regional prices to take into account the importance of the slaughterings in the region to which they relate for the category concerned in relation to the overall number of slaughterings for the category concerned in the Member State.

7. The competent authority shall correct the initial national price per class referred to in paragraph 6:

- (a) to take into account each of the elements referred to in Article 13 where such correction has not already been made;
- (b) to ensure that the price is calculated on the basis of the cold weight of the carcass as referred to in the second subparagraph of Article 13(2);

- (c) to take into account supplementary payments made, as referred to in paragraph 3, if the correction would amount to at least 1 % of the price for the class in question.

In making the correction under point (c), the competent authority shall divide the total supplementary payments made in relation to the beef sector in the Member State concerned in the previous financial year, by the total annual throughput in tonnes of adult bovine animals for which prices are reported.

8. Where, in the opinion of the competent authority of the Member State, the prices reported to it:

- (a) relate to an insignificant number of carcasses, it shall not take these prices into account;
- (b) appear to be unreliable, it shall only take them into account if and when it has satisfied itself that they are reliable.

Article 17

Weekly reporting of prices to the Commission

1. In accordance with Article 36, Member States shall communicate to the Commission the prices calculated in accordance with Article 16(4) to (7). They shall not communicate those prices to any other body before they have communicated them to the Commission.

2. Where, in exceptional circumstances or for reasons of seasonality of supply, prices relating to a significant number of carcasses of one or more classes referred to in Article 14(1) cannot be recorded in a Member State or region, the Commission may use the last prices recorded for the said class or classes before such occurrence; where such a situation continues for more than two consecutive weeks, the Commission may decide on the temporary elimination of the class or classes in question for price reporting purposes and on the temporary redistribution of the weighting or weightings allocated to those classes.

Article 18

Average Community prices

1. For a given category:
- (a) the average Community price for each of the conformation and fat cover classes listed in Article 14(1) shall be the weighted average of the national market prices recorded for the class. Weighting shall be based on the proportion of quantities of that class slaughtered in each Member State to total Community slaughterings of that class;

(b) the average Community price for each conformation class shall be the weighted average of the average Community prices for the fat cover classes which constitute that conformation class. Weighting shall be based on the proportion of slaughtering of each fat cover class to total slaughtering of that conformation class in the Community;

(c) the average Community price shall be the weighted average of the average Community prices referred to in point (a). Weighting shall be based on the proportion of the quantities slaughtered in each class referred to in point (a) to total Community slaughtering in the category.

2. The average Community price for all categories together shall be the weighted average of the average prices referred to in paragraph 1(c). Weighting shall be based on the proportion of each category to total slaughtering of adult bovine animals in the Community.

Article 19

Annual notification of Member States to the Commission

No later than 15 April each year, Member States shall forward to the Commission:

- (a) a confidential list of slaughterhouses which record prices, whether under Article 15(1)(a) or (b), indicating the throughput of adult bovine animals for each slaughterhouse, expressed in numbers and, if possible, in tonnes deadweight, in the previous calendar year;
- (b) a confidential list of natural or legal persons who record prices, whether under Article 15(1)(c) or (d), indicating the number of adult bovine animals, if possible expressed also in tonnes deadweight, sent for slaughter by them in the previous calendar year;
- (c) a list of the regions for which prices are recorded and the weighting attached to each under Article 16(6).

CHAPTER III

PIGMEAT SECTOR

Article 20

Compulsory classification of carcasses and derogations thereof

1. The Community classification scale of pig carcasses referred to in Article 42(1) of Regulation (EC) No 1234/2007 shall be used by all slaughterhouses for grading all carcasses in order to enable producers to receive fair payment based on the weight

and composition of the pigs they have delivered to the slaughterhouse.

2. By way of derogation from paragraph 1, Member States may decide not to make application of this scale obligatory in slaughterhouses:

- (a) for which the Member States concerned set a maximum number of slaughters; this number may not exceed 200 pigs per week on a yearly average basis;
- (b) which slaughter only pigs born and fattened in their own breeding establishments and which cut up all the carcasses obtained.

The Member States concerned shall notify the Commission of their decision referred to in the first subparagraph, specifying the maximum permitted number of slaughters in each of the slaughterhouses which are exempt from application of the Community scale.

Article 21

Weighing, grading and marking

1. Pig carcasses shall be graded, in accordance with the classification defined in point B(II) of Annex V to Regulation (EC) No 1234/2007, at the time of weighing.

In respect of pigs slaughtered in their territory, Member States may be authorised to allow classification before weighing, in accordance with the procedure referred to in Article 195(2) of Regulation (EC) No 1234/2007.

2. In accordance with Article 43(m)(iv) of Regulation (EC) No 1234/2007, the provisions of point B(II) of Annex V to Regulation (EC) No 1234/2007 and of paragraph 1 of this Article, do not exclude, as regards pigs slaughtered in the territory of a Member State, the use of assessment criteria in addition to weight and estimated lean-meat content.

3. Immediately after grading, pig carcasses shall be marked with the capital letter denoting the class of the carcass or the percentage of estimated lean meat as laid down in point B(II) of Annex V to Regulation (EC) No 1234/2007.

The letters or numerals must be at least two centimetres high. Any non-toxic, indelible and heat-resistant ink may be used for marking as well as any other form of permanent marking authorised in advance by the competent national authorities.

Without prejudice to the first subparagraph, particulars of carcass weight or any other particulars considered appropriate may be marked on the carcass.

Half-carcases shall be marked on the skin of the hind shank or the ham.

A label affixed in such a manner that it cannot be removed without being damaged shall also be an acceptable form of marking.

4. By way of derogation from paragraph 3, Member States may lay down that pig carcasses need not be marked if an official record is drawn up comprising for each carcass at least:

- (a) individual identification of the carcass by any unalterable means;
- (b) the warm weight of the carcass; and
- (c) the estimated lean-meat content.

This record must be kept for six months and, on the day when it is drawn up, be certified as a true original certificate by a person entrusted with this verification task.

However, in order to be marketed uncut in another Member State, carcasses shall be marked in accordance with the appropriate class, as provided for in point B(II) of Annex V to Regulation (EC) No 1234/2007, or in accordance with the percentage expressing their lean-meat content.

5. Without prejudice to the second paragraph of point B(III) of Annex V to Regulation (EC) No 1234/2007, no fat, muscle or other tissue may be removed from the carcass before weighing, grading and marking.

Article 22

Carcass weight

1. For the purposes of application of Article 42(1)(b) of Regulation (EC) No 1234/2007, the weight shall apply to the cold carcass presented as described in point B(III) of Annex V to that Regulation.

2. The carcass shall be weighed as soon as possible after slaughter and not more than 45 minutes after the pig has been stuck.

The cold carcass weight shall correspond to the warm weight recorded as referred to in the first subparagraph less 2 %.

If, in a given slaughterhouse, the 45-minute period between the sticking and the weighing of the pig cannot generally be observed, the competent authority of the Member State

concerned may allow this period to be exceeded provided that the deduction of 2 % specified in the second subparagraph shall be reduced by 0,1 point for every additional quarter of an hour or part thereof that has elapsed.

3. By way of derogation from paragraphs 1 and 2, the weight of the cold carcass may be calculated by reference to predetermined scales of absolute weight reductions established by Member States in accordance with the characteristics of their pig herds and notified to the Commission. The use of such scales shall be authorised in accordance with the procedure referred to in Article 195(2) of Regulation (EC) No 1234/2007, if the reductions for individual weight classes correspond, as far as possible, to the reductions resulting from paragraphs 1 and 2.

Article 23

Lean-meat content of pig carcasses

1. For the purposes of application of point B(IV) of Annex V to Regulation (EC) No 1234/2007, the lean-meat content of a pig carcass shall be the relationship between:

- the total weight of the red striated muscles provided that they are separable by knife, and
- the weight of the carcass.

The total weight of the red striated muscles is obtained either by total dissection of the carcass or by partial dissection of the carcass or by combination of total or partial dissection with a national quick method based on proven statistical methods adopted in accordance with the procedure referred to in Article 195(2) of Regulation (EC) No 1234/2007.

The dissection referred to in the second subparagraph may also be replaced by assessing the lean meat percentage by means of total dissection with a computer tomography apparatus on the condition that satisfactory comparative dissection results are provided.

2. The standard statistical method for assessing the lean-meat content of pig carcasses authorised as a grading method within the meaning of point B(IV) of Annex V to Regulation (EC) No 1234/2007 shall be either ordinary least squares or rank reduced methods, but other statistically proven methods may be used.

The method shall be based on a representative sample of the national or regional pigmeat production concerned, consisting of at least 120 carcasses whose lean-meat content has been ascertained in accordance with the dissection method laid down in Annex IV to this Regulation. If multiple sampling methods are used, the reference shall be measured on at least 50 carcasses and the precision shall be at least equal to that obtained using the standard statistical method on 120 carcasses using the method in Annex IV.

3. Grading methods shall be authorised only if the root mean squared error of prediction (RMSEP), computed by a full cross-validation technique or by a test set validation on a representative sample of at least 60 carcasses, is less than 2,5. In addition, any outliers shall be included in the calculation of RMSEP.

4. Member States shall inform the Commission, by way of a protocol, of the grading methods they wish to have authorised for application in their territory, describing the dissection trial, indicating the principles on which these methods are based and the equations used for assessing the percentage of lean meat. The protocol should have two parts and should include the elements provided for in Annex V. Part one of the protocol is presented to the Commission prior to the start of the dissection trial.

Application of grading methods in the territory of a Member State shall be authorised in accordance with the procedure referred to in Article 195(2) of Regulation (EC) No 1234/2007 on the basis of the protocol.

5. The application of grading methods must correspond in all particulars to the description given in the Community Decision authorising them.

Article 24

On-the-spot checks

1. The grading, weighing and marking of the pig carcasses in the establishments referred to in Article 20 shall be checked on the spot without prior warning by a body independent of the classification agencies and of the establishments.

However, the requirement to be independent of the classification agencies shall not apply where the competent authority itself carries out such controls.

2. Checks must be carried out at least twice every three months in all approved establishments which slaughter 200 pigs or more per week as an annual average.

However, for approved establishments which slaughter less than 200 pigs per week as an annual average, Member States shall determine the frequency of the checks.

3. For the application of the provisions in paragraphs 1 and 2, Member States shall:

(a) determine the scope of the checks on the basis of their risk assessment, particularly taking into account the number of slaughterings of pigs in the slaughterhouses concerned and the findings during previous checks in these slaughterhouses;

(b) notify to the Commission the measures they have taken for the application of these provisions by 1 July 2009 at the latest and thereafter within one month after any changes in the information to be notified.

4. Where the body responsible for checks does not fall under the responsibility of a public body, the checks provided for in paragraphs 1 and 2 must be carried out under the physical supervision of a public body under the same conditions and at least once a year. The public body shall be informed regularly of the findings of the body responsible for checks.

Article 25

Market price for pig carcasses in Member States

1. The market price for pig carcasses in a Member State shall be equal to the average of the quotations for pig carcasses recorded on the representative markets or quotation centres of that Member State.

2. The price referred to in paragraph 1 shall be determined using the quotations recorded for carcasses weighing:

— 60 to less than 120 kg of grade E,

— 120 to less than 180 kg of grade R.

The choice of weight categories and any weighing thereof shall be left to the Member States concerned; the latter shall inform the Commission thereof.

3. Member States shall notify to the Commission the representative markets or quotation centres referred to in paragraph 1 by 1 July 2009 at the latest and thereafter within one month after any changes in the information to be notified.

The Commission shall communicate the notifications referred to in the first subparagraph to the other Member States.

Article 26

Average Community price

1. The average Community market price for pig carcasses referred to in Articles 17 and 37 of Regulation (EC) No 1234/2007 shall be determined on the basis of the prices on entry into the slaughterhouse, excluding value added tax, paid to suppliers of live pigs.

2. The prices determined under paragraph 1 shall include the value of the unprocessed offal and animal residues and shall be expressed in respect of 100 kg of cold pig carcasses:

- presented in accordance with the reference presentation laid down in the first subparagraph of point B(III) of Annex V to Regulation (EC) No 1234/2007, and
- weighed and classified on the slaughterhouse hook, the weight recorded being converted into cold carcase weight in accordance with the methods laid down in Article 22 of this Regulation.

3. For the calculation of the Community market price as provided in paragraph 1, the prices recorded in each Member State shall be weighted by using coefficients expressing the relative size of the pig population of each Member State.

The coefficients referred to in the first subparagraph shall be determined on the basis of the number of pigs counted at the beginning of December each year in accordance with Council Directive 93/23/EEC ⁽¹⁾.

Article 27

Weekly reporting of quotations to the Commission

1. In accordance with Article 36, Member States shall communicate to the Commission:

- (a) the quotations as determined in accordance with Article 25(1) and Article 26(1) and (2);
- (b) the representative quotations for piglets per head of an average live weight of approximately 20 kilograms.

2. Where one or more quotations are not received by the Commission, the latter shall take into account the last quotation available. Where a quotation or quotations are missing for the third consecutive week, the Commission shall no longer take that or those quotations into account.

⁽¹⁾ OJ L 149, 21.6.1993, p. 1.

3. The Member States shall, at the Commission's request, communicate the following information, where available, concerning products covered by Part XVII of Annex I to Regulation (EC) No 1234/2007:

- (a) market prices in Member States for products imported from third countries;
- (b) prices ruling on the representative markets in third countries.

CHAPTER IV

SHEEPMEAT SECTOR

Article 28

Criteria for defining carcasses of light lambs

1. For the purposes of application of the criteria referred to in paragraph 2 of point C(III) of Annex V to Regulation (EC) No 1234/2007, the rules laid down in Annex VI to this Regulation shall apply.

2. The meat colour, referred to in Annex VI, shall be determined on the flank at the *rectus abdominis* by reference to a standardised colour chart.

Article 29

Additional provisions regarding the classes of conformation and fat cover, carcase weight and colour of meat

Additional provisions specifying the definitions of the classes of conformation and fat cover referred to in point C(III) of Annex V to Regulation (EC) No 1234/2007 are laid down in Annex VII to this Regulation.

Article 30

Classification and identification

1. The classification and identification referred to in point C(III) and C(V) of Annex V to Regulation (EC) No 1234/2007 shall be carried out in the slaughterhouse itself.

2. Classification, identification and weighing of the carcasses shall be made not later than one hour after the animal has been stuck.

3. The identification of the carcasses or half-carcasses classified according to the scale referred to in the second subparagraph of Article 42(1) of Regulation (EC) No 1234/2007 in participating establishments shall be carried out by means of a mark indicating the category and the class of conformation and fat cover.

That marking shall be carried out by stamping, using an indelible and non-toxic ink following a method approved by the competent national authorities.

Categories shall be designated as follows:

(a) L: carcasses of sheep under 12 months old (lamb);

(b) S: carcasses of other sheep.

4. Member States may authorise the replacement of the marking by the use of an unalterable and firmly attachable label.

Article 31

Classification by qualified classifiers

Member States shall ensure that classification is carried out by sufficiently qualified classifiers. Member States shall determine such persons by means of a procedure of agreement or by designating a body responsible for this purpose.

Article 32

On-the-spot checks

1. The performance of the classifiers referred to in Article 31 as well as the classification and identification of the carcasses in the participating establishments shall be checked on the spot, without prior warning, by a body designated by the Member State and independent of the classification agencies and of the participating establishment.

However, the requirement to be independent of the classification agencies shall not apply where the competent authority itself carries out such controls.

Where the body responsible for checks does not fall under the authority of a public body, the checks provided for in the first subparagraph must, at least once a year, be carried out under the physical supervision of a public body under the same conditions. The public body shall be informed regularly of the findings of the body responsible for checks.

2. These checks must be carried out at least once every three months in all participating establishments which operate classification and slaughter 80 sheep or more per week as an annual average. Each check must relate to at least 40 carcasses, selected at random.

However, in participating establishments which slaughter less than 80 sheep per week as an annual average, Member States shall determine the frequency of the checks and the minimum number of carcasses to be checked on the basis of their risk assessment, particularly taking into account the number of slaughterings of sheep in the establishments concerned and the findings during previous checks in these establishments.

Article 33

Market price to record

1. The market price to be established on the basis of the Community scale for the classification of carcasses of ovine animals, referred to in the second subparagraph of Article 42(1) of Regulation (EC) No 1234/2007 shall be the price at entry to the slaughterhouse, net of value added tax paid to the supplier for lamb of Community origin. This price shall be expressed per 100 kg carcase weight presented according to the reference presentation provided for in point C(IV) of Annex V to Regulation (EC) No 1234/2007 weighed and classified on the hook at the slaughterhouse.

2. The weight to be taken into account shall be the warm weight of the carcase corrected to take account of weight loss on chilling. Member States shall inform the Commission of the corrective factors used.

3. In the case where the presentation of carcasses after weighing and classifying on the hook differs from the reference presentation, Member States shall adjust the weight of the carcase by the application of corrective factors provided for in the second subparagraph of point C(IV) of Annex V to Regulation (EC) No 1234/2007. Member States shall notify the Commission of the corrective factors used.

Article 34

Reporting of prices to the Commission

1. Member States whose sheepmeat production exceeds 200 tonnes per year shall communicate to the Commission the confidential list of the slaughterhouses or other establishments participating for the establishment of prices according to the Community scale (hereinafter 'participating establishment') together with an indication of the approximate annual throughput of these participating establishments.

2. In accordance with Article 36, the Member States referred to in paragraph 1 shall communicate to the Commission the average price for each quality of lamb within the Community scales for all participation establishments, together with an indication of the size of each quality. However, where a quality makes up less than 1 % of the total, prices need not to be reported. Member States shall also communicate to the Commission the average price on a weight basis for all classified lamb in each scale used for price reporting purposes.

However, Member States are authorised to subdivide price reported for each of the classes of conformation and degrees of fat cover provided for in paragraph 1 of point C(III) of Annex V to Regulation (EC) No 1234/2007 on the basis of weight. The term 'quality' shall mean the combination of class of conformation and of fat cover.

*Article 35***Average Community prices**

For the calculation of the average Community prices of lamb carcasses, the prices referred to in Article 34(2) shall be weighted by using coefficients expressing the relative size of the sheepmeat production in each Member State to the total Community sheepmeat production.

CHAPTER V

COMMON AND FINAL PROVISIONS*Article 36***Weekly reporting of prices to the Commission**

1. No later than 12 noon, Brussels time, on Wednesday each week, Member States shall communicate to the Commission the market prices or quotations referred to in Articles 17(1), 27(1) and 34(2) of this Regulation.

The prices or quotations shall relate to the period from Monday to Sunday preceding the week in which the information is communicated.

The prices or quotations reported shall be expressed in euro or, where applicable, in national currency.

2. The communications referred to in paragraph 1 shall be made by electronic means using the form made available to the Member States by the Commission.

*Article 37***Periodic revision of weighting coefficients**

1. The weighing coefficients referred to in Articles 18, 26(3) and 35 of this Regulation shall be revised periodically to take into account trends recorded at national and Community levels.

2. For each revision referred to in paragraph 1, the Commission shall communicate to the Member States the revised weighting coefficients.

*Article 38***Community inspection committee**

1. The Community inspection committee referred to in Article 42(2) of Regulation (EC) No 1234/2007, hereafter referred to as 'the Committee', shall be responsible for carrying out on-the-spot inspections covering:

(a) the application of the arrangements relating to the Community scales for the classification of beef and sheep carcasses;

(b) the recording of market prices according to those classification scales;

(c) the classification, identification and marking of products within the framework of the buying-in under public intervention in the beef and veal sector provided for in Article 6(1)(e) of Regulation (EC) No 1234/2007.

2. The Committee shall be composed of at most:

(a) three Commission experts, one of whom shall act as chairman of the Committee;

(b) one expert from the Member State concerned;

(c) eight experts from other Member States.

The Member States shall appoint experts on the basis of their independence and ability, particularly in matters of classification of carcasses and recording of market prices and of the specific nature of the work to be carried out.

Experts shall not under any circumstances use for personal purposes or divulge information obtained in connection with the work of the Committee.

3. Inspections shall be carried out at slaughterhouses, meat markets, intervention centres, price quotation centres and regional and central services engaged in the implementation of the provisions referred to in paragraph 1.

4. Inspections shall be carried out at regular intervals in Member States and their frequency may vary in particular according to the relative volume of beef and sheep production in the Member States visited or to problems linked to the application of the classification scales.

The programme of inspection visits shall be drawn up by the Commission after consulting the Member States. Representatives of the Member State visited may take part in the inspections.

Each Member State shall organise the visits which are to be carried out on its territory according to the requirements defined by the Commission. To that end, the Member State shall forward, 30 days before the visit, the detailed programme of the proposed inspection visits to the Commission, which may request any amendment to the programme.

The Commission shall inform Member States as far in advance as possible before each visit of the programme and conduct thereof.

5. On completion of each visit, the members of the Committee and the representatives of the Member State visited shall meet to consider the results. The members of the Committee shall then draw conclusions from the visit concerning the points referred to in paragraph 1.

The Committee chairman shall draw up a report on the inspections conducted and containing the conclusions referred to in the first subparagraph. The report shall be sent at the earliest possibility to the Member State inspected and to the other Member States subsequently.

When the report referred to in the second subparagraph notes shortcomings in the various fields of activity which were the subject of verification, or makes recommendations with a view to improving operations, the Member States shall inform the Commission of all changes which are envisaged or have taken place not later than three months after the date on which the report was transmitted.

6. Travel and subsistence expenses of members of the Committee shall be borne by the Commission in accordance with the rules applicable to the reimbursement of travel and subsistence expenses of persons unconnected with the Commission who are called upon by it to act as experts.

Article 39

Measures to be taken by the Member States

1. Member States shall take all necessary measures:

(a) to ensure that the provisions of this Regulation are applied;

(b) to ensure the accuracy of the prices reported in accordance with Articles 17(1), 27(1) and 34(2) of this Regulation;

(c) to penalise any infringements such as, in particular, the falsification and fraudulent use of stamps and labels, or classification carried out by unlicensed personnel.

2. Member States shall inform the Commission of the measures referred to in paragraph 1 as soon as possible.

Article 40

Regulations (EEC) No 563/82, (EEC) No 2967/85, (EEC) No 344/91, (EC) No 295/96, (EC) No 103/2006, (EC) No 1128/2006, (EC) No 908/2006, (EC) No 1319/2006, (EC) No 710/2008, (EC) No 22/2008 and Decision 83/471/EEC are repealed.

References to the repealed Regulations and Decision shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex VIII.

Article 41

This Regulation shall enter into force on the seventh day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2009.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 10 December 2008.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX I

Additional provisions on the classes of conformation and fat cover of carcasses of adult bovine animals referred to in Article 3**1. CONFORMATION****Development of carcase profiles, and in particular the essential parts (round, back, shoulder)**

Conformation class	Additional provisions	
S Superior	Round: very highly rounded double-muscled visibly separated seams Back: very wide and very thick, up to the shoulder Shoulder: very highly rounded	Topside spreads very markedly over the symphysis (<i>symphysis pelvis</i>) Rump very rounded
E Excellent	Round: very rounded Back: wide and very thick, up to the shoulder Shoulder: very rounded	Topside spreads markedly over the symphysis (<i>symphysis pelvis</i>) Rump very rounded
U Very good	Round: rounded Back: wide and thick, up to the shoulder Shoulder: rounded	Topside spreads over the symphysis (<i>symphysis pelvis</i>) Rump rounded
R Good	Round: well-developed Back: still thick but less wide at the shoulder Shoulder: fairly well-developed	Topside and rump are slightly rounded
O Fair	Round: average development to lacking development Back: average thickness to lacking thickness Shoulder: average development to almost flat	Rump: straight profile
P Poor	Round: poorly developed Back: narrow with bones visible Shoulder: flat with bones visible	

2. DEGREE OF FAT COVER**Amount of fat on the outside of the carcase and in the thoracic cavity**

Class of fat cover	Additional provisions
1 Low	No fat within the thoracic cavity
2 Slight	Within the thoracic cavity the muscle is clearly visible between the ribs
3 Average	Within the thoracic cavity the muscle is still visible between the ribs
4 High	The seams of fat on the round are prominent. Within the thoracic cavity the muscle between the ribs may be infiltrated with fat
5 very high	The round is almost completely covered with fat, so that the seams of fat are no longer clearly visible. Within the thoracic cavity the muscle between the ribs is infiltrated with fat

ANNEX II

AUTHORISATION OF AUTOMATED GRADING TECHNIQUES AS REFERRED TO IN ARTICLE 9(1)

PART A

Conditions and minimum requirements for authorisation

1. The Member State concerned shall organise a certification test for a jury composed of at least five licensed experts in classification of carcasses of adult bovine animals. Two members of the jury will come from the Member State performing the test. The other members of the jury will each come from another Member State. The jury shall comprise an uneven number of experts. The Commission services and other Member States' experts may attend the certification test as observers.

The members of the jury will work in an independent and anonymous way.

The Member State concerned will nominate a coordinator of the certification test who shall:

- not be part of the jury,
- have satisfactory technical knowledge and be fully independent,
- monitor the independent and anonymous functioning of the members of the jury,
- collect the classification results of the members of the jury and those obtained by using the automated grading techniques,
- ensure that, during the entire duration of the certification test, the classification results obtained by using the automated grading techniques shall not be available to any of the members of the jury and vice versa nor to any other interested party,
- validate the classifications for each carcass and may decide, for objective reasons to be specified, to reject carcasses from the sample to be used for the analysis.

2. For the certification test:

- each of the classes of conformation and of fat cover shall be subdivided into three subclasses,
- a sample of at minimum 600 validated carcasses shall be required,
- the percentage of failures shall be no more than 5 % of the carcasses that are fit for classification by using automated grading techniques.

3. For each validated carcass, the median of the results of the members of the jury shall be considered as the correct grade of that carcass.

To estimate the performance of the automated grading techniques, the results of the automated classification machine shall, for each validated carcass, be compared to the median of the results of the jury. The resulting accuracy of the grading by automated grading techniques is established by using a system of points that are attributed as follows:

	Conformation	Fat cover
No error	10	10
Error of 1 unit (i.e. one subclass up or down)	6	9
Error of 2 units (i.e. two subclasses up or down)	– 9	0
Error of 3 units (i.e. three subclasses up or down)	– 27	– 13
Error of more than 3 units (i.e. more than three subclasses up or down)	– 48	– 30

With a view to authorisation, the automated grading techniques should achieve at least 60 % of the maximum number of points for both conformation and fat cover.

In addition, the classification by using the automated grading techniques must be within the following limits:

	Conformation	Fat cover
Bias	$\pm 0,30$	$\pm 0,60$
Slope of the regression line	$1 \pm 0,15$	$1 \pm 0,30$

PART B

Information to be provided by Member States as regards the organisation of a certification test

- The dates on which the certification test shall take place,
- a detailed description of the carcasses of adult bovine animals classified in the Member State concerned or a part thereof,
- the statistical methods used for selecting the sample of carcasses that shall be representative, in terms of category, classes of conformation and of fat cover, of the adult bovine animals slaughtered in the Member State concerned or a part thereof,
- the name and address of the slaughterhouse(s) where the certification test shall take place, an explanation of the organisation and performance of the processing line(s), including the speed per hour,
- the carcase presentation(s) that shall be used during the certification test,
- a description of the automated grading machine and its technical functions, in particular the security concept of the machine against any type of manipulation,
- the licensed experts nominated by the Member State concerned to take part in the certification test as members of the jury,
- the coordinator of the certification test, proving his satisfactory technical knowledge and full independence,
- the name and address of the independent body designated by the Member State concerned that shall analyse the results of the certification test.

PART C

Information to be provided by Member States as regards the results of a certification test

- A copy of the classification sheets completed and signed by the members of the jury and by the coordinator during the certification test,
- a copy of the classification results obtained by using automated grading techniques signed by the coordinator during the certification test,
- a report of the coordinator on the organisation of the certification test in view of the conditions and minimum requirements set out in part B of this Annex,
- a quantitative analysis, according to a methodology to be agreed upon by the Commission, of the results of the certification test indicating the classification results of each expert classifier and those obtained by using the automated grading techniques. The data used for the analysis must be provided in an electronic format to be agreed upon by the Commission,
- the accuracy of the automated grading techniques established in accordance with the provisions in part A, point (3) of this Annex.

ANNEX III

Corrective factors referred to in Article 13(5) expressed as a percentage of the carcase weight

Percentage	Decrease			Increase				
Fat classes	1-2	3	4-5	1	2	3	4	5
Kidneys	– 0,4							
Kidney fat	– 1,75	– 2,5	– 3,5					
Pelvic fat	– 0,5							
Liver	– 2,5							
Thin skirt	– 0,4							
Thick skirt	– 0,4							
Tail	– 0,4							
Spinal cord	– 0,05							
Mammary fat	– 1,0							
Testicles	– 0,3							
Cod fat	– 0,5							
Fat on inside of topside	– 0,3							
Jugular vein and adjacent fat	– 0,3							
Removal of external fat				0	0	+ 2	+ 3	+ 4
Removal of brisket fat to leave a covering of fat (the muscle tissue must not be exposed)				0	+ 0,2	+ 0,2	+ 0,3	+ 0,4
Removal of flank fat adjacent to the cod fat				0	+ 0,3	+ 0,4	+ 0,5	+ 0,6

ANNEX IV

Lean-meat content referred to in Article 23(2)

1. The prediction of the lean meat percentage is based on the dissection executed in accordance with the reference method.
2. Where partial dissection is carried out, the prediction of the lean meat percentage is based on the dissection of the four major cuts (shoulder, loin, ham and belly). The reference lean meat percentage is calculated as follows:

$$Y = 0,89 \times 100 \times \frac{\text{weight of tender loin} + \text{weight of lean meat in the shoulder, loin, ham and belly}}{\text{weight of tender loin} + \text{weight of dissected cuts}}$$

The weight of the lean in the four major cuts (shoulder, loin, ham and belly) will be calculated by subtracting the total of the non-lean elements of the four cuts from the total weight of the cuts before dissection.

3. Where total dissection is carried out, the reference lean meat percentage is calculated as follows:

$$Y = 100 \times \frac{\text{weight of lean meat}}{\text{carcase weight}}$$

The weight of the lean will be calculated by subtracting the total of the non-lean elements from the total carcase weight before dissection. The head, except the cheek, is not dissected.

ANNEX V

Protocol of grading methods of pig carcasses referred to in Article 23(4)

1. Part one of the protocol shall give a detailed description of the dissection trial and include in particular:
 - the trial period and time schedule for the whole authorisation procedure,
 - the number and location of the slaughterhouses,
 - the description of the pig population concerned by the assessment method,
 - the indication of the chosen dissection method (total or partial),
 - where use is made of a computer tomography apparatus as referred to in the third subparagraph of Article 23(1), a description of the procedure,
 - a presentation of the statistical methods used in relation to the sampling method chosen,
 - the description of the national quick method,
 - the exact presentation of the carcasses to be used.
2. Part two of the protocol shall give a detailed description of the results of the dissection trial and include in particular:
 - a presentation of the statistical methods used in relation to the sampling method chosen,
 - the equation which will be introduced or amended,
 - a numerical and a graphic description of the results,
 - a description of the new apparatus,
 - the weight limit of the pigs for which the new method may be used and any other limitation in relation to the practical use of the method.

ANNEX VI

Classification scale for carcasses of lambs of less than 13 kg carcase weight referred to in Article 28

Category	A		B		C	
Weight	≤ 7 kg		7,1 — 10 kg		10,1 — 13 kg	
Quality	1st	2nd	1st	2nd	1st	2nd
Meat colour	clear pink	other colour or other fat level	clear pink or pink	other colour or other fat level	clear pink or pink	other colour or other fat level
Class of fat cover (*)	(2) (3)		(2) (3)		(2) (3)	

(*) As defined in paragraph 1 of point C(III) of Annex V to Regulation (EC) No 1234/2007.

ANNEX VII

Additional provisions on the classes of conformation and fat cover of sheep carcasses referred to in Article 29**1. CONFORMATION**

Development of carcass profiles, and, in particular the essential parts (hindquarter, back, shoulder).

Conformation class	Additional provisions		
S Superior	Hindquarter:	double muscled. Profiles extremely convex	
	Back:	extremely convex, extremely wide, extremely thick	
	Shoulder:	extremely convex and extremely thick	
E Excellent	Hindquarter:	very thick. Profiles very convex	
	Back:	very convex, very wide and very thick to the shoulder	
	Shoulder:	very convex and very thick	
U Very good	Hindquarter:	thick. Profiles convex	
	Back:	wide and thick to the shoulder	
	Shoulder:	thick and convex	
R Good	Hindquarter:	profiles mainly straight	
	Back:	thick but less wide to the shoulder	
	Shoulder:	good development, but less thick	
O Fair	Hindquarter:	profiles tending to slightly concave	
	Back:	lacking width and thickness	
	Shoulder:	tending to narrow. Lacking thickness	
P Poor	Hindquarter:	profiles concave to very concave	
	Back:	narrow and concave with bones apparent	
	Shoulder:	narrow, flat and bones apparent	

2. DEGREE OF FAT COVER

Amount of fat on the external and of the internal parts of the carcass.

Class of fat cover	Additional provisions ⁽¹⁾		
1. Low	External	Traces of or no fat visible	
	Internal	Abdominal	Traces of or no fat visible on kidneys
		Thoracic	Traces of or no fat visible between ribs
2. Slight	External	A slight layer of fat covers part of the carcass but may be less evident on the limbs	
	Internal	Abdominal	Traces of fat or slight layer of fat envelops part of the kidneys
		Thoracic	Muscle clearly visible between ribs

Class of fat cover	Additional provisions ⁽¹⁾		
3. Average	External	A light layer of fat covering most or all of the carcase. Slightly thickened fat zones of the base of the tail	
	Internal	Abdominal	Light layer of fat envelops part or all of the kidneys
		Thoracic	Muscle still visible between ribs
4. High	External	A thick layer of fat covering most of all of the carcase but may be thinner on limbs and thickening on shoulders	
	Internal	Abdominal	Kidney is enveloped in fat
		Thoracic	Muscle between ribs may be infiltrated with fat. Fat deposits may be visible on the ribs
5. Very high	External	Very thick fat cover Patches of fat sometimes visible	
	Internal	Abdominal	Kidneys enveloped in thick layer of fat
		Thoracic	Muscle between ribs infiltrated with fat. Fat deposits visible on ribs.

⁽¹⁾ The additional provisions for the abdominal cavity do not apply for the purposes of Annex VI to this Regulation.

ANNEX VIII

Correlation table referred to in Article 40

1. REGULATION (EEC) No 563/82

Regulation (EEC) No 563/82	This Regulation
Article 1(1)	Article 13(1)
Article 1(2)	Article 13(2)
Article 1(3)	Article 13(5), first subparagraph
Article 1(4)	Article 13(5), second subparagraph
Article 2	Article 2(3) and (4)
Article 3	Article 13(4)
Article 4	Article 41

2. REGULATION (EEC) No 2967/85

Regulation (EEC) No 2967/85	This Regulation
Article 1	Article 1
Article 2(1)	Article 22(2), first and second subparagraphs
Article 2(2)	Article 22(2), third subparagraph
Article 2(3)	Article 22(3)
Article 3	Article 23(2) to (5)
Article 4(1)	Article 21(3), first and second subparagraphs
Article 4(2)	Article 21(3), fourth subparagraph
Article 4(3)	Article 21(3), fifth subparagraph
Article 5	Article 21(4), indent (a)
Article 6	Article 39
Article 7	Article 41

3. REGULATION (EEC) No 344/91

Regulation (EEC) No 344/91	This Regulation
Article 1(1)	Article 6(3)
Article 1(2)	Article 6(4)
Article 1(2a)	Article 6(2)
Article 1(3)	Article 6(5)
Article 1(4)	Article 6(6)
Article 1(5)	Article 7(2), introductory phrase and indent (a)
Article 2(1)	—
Article 2(2), introductory phrase and first indent	Article 5
Article 2(2), second indent	—
Article 2(3)	Article 6(7)
Article 3(1), first subparagraph	Article 8
Article 3(1), second subparagraph	—
Article 3(1a), first to third subparagraphs	Article 9(1)
Article 3(1a), fourth subparagraph	Article 9(3), indent (a)
Article 3(1b)	Article 9(2)
Article 3(1c)	Article 9(4)

Regulation (EEC) No 344/91	This Regulation
Article 3(2), first subparagraph	Article 11(1)
Article 3(2), second subparagraph	Article 11(2)
Article 3(2), third subparagraph	Article 11(3)
Article 3(2), fourth subparagraph	Article 11(4)
Article 3(2), fifth subparagraph	Article 12(2)
Article 3(2), sixth subparagraph	Article 12(1)
Article 3(3)	Article 39(2)
Article 4	Article 41
Annex I	Annex II, Part A
Annex II	Annex II, Parts B and C

4. REGULATION (EC) No 295/96

Regulation (EC) No 295/96	This Regulation
Article 1	Article 14
Article 2(1)	Article 15(1)
Article 2(2)	—
Article 2(3)	Article 15(2)
Article 3(1)	Article 16(1)
Article 3(2)	Article 16(2)
Article 3(3)	Article 16(3)
Article 3(4)(a)	Article 16(4), first subparagraph
Article 3(4)(b)	Article 16(4), second subparagraph
Article 3(4)(c)	Article 16(5)
Article 3(4)(d)	Article 16(6)
Article 3(4)(e), first subparagraph, introductory phrase	Article 16(7), first subparagraph, introductory phrase
Article 3(4)(e), first subparagraph, first indent	Article 16(7), first subparagraph, indent (a)
Article 3(4)(e), first subparagraph, second indent	Article 16(7), first subparagraph, indent (c)
Article 3(4)(e), second subparagraph	Article 16(7), second subparagraph
Article 3(5)	Article 16(8)
Article 4	Article 17
Article 5(1)	Article 18(1)
Article 5(2)	Article 18(2)
Article 5(3)	Article 37(1)
Article 6	Article 19
Article 7	Article 39(1)
Article 8	—
Article 9	Article 41

5. REGULATION (EC) No 103/2006

Regulation (EC) No 103/2006	This Regulation
Article 1	Article 3(1)
Article 2	—
Article 3	Article 41
Annex I	Annex I
Annex II and III	—

6. REGULATION (EC) No 908/2006

Regulation (EC) No 908/2006	This Regulation
Article 1	Article 25(3), first subparagraph
Article 2	—
Article 3	Article 41
Annex I to III	—

7. REGULATION (EC) No 1128/2006

Regulation (EC) No 1128/2006	This Regulation
Article 1(1)	Article 26(1)
Article 1(2)	Article 26(2)
Article 2(1)	Article 25(1)
Article 2(2)	Article 25(2)
Article 3	—
Article 4	Article 41
Annex I and II	—

8. REGULATION (EC) No 1319/2006

Regulation (EC) No 1319/2006	This Regulation
Article 1(1)	Article 27(1)
Article 1(2)	Article 27(2)
Article 2	—
Article 3	Article 27(3)
Articles 4 and 5	—
Article 6	Article 41
Annex I and II	—

9. REGULATION (EC) No 22/2008

Regulation (EC) No 22/2008	This Regulation
Article 1	Article 33
Article 2	Article 34
Article 3	Article 3(1)
Article 4(1)	Article 30(2)
Article 4(2)	Article 30(3)
Article 4(3)	Article 30(4)
Article 5(1)	Article 31
Article 5(2)	Article 32
Article 6	Article 38(1), introductory phrase and indents (a) and (b)
Article 7	Article 38(2), second and third subparagraphs
Article 8	Article 38(2), first subparagraph
Article 9(1), first subparagraph	Article 38(4), first subparagraph
Article 9(1), second subparagraph	—
Article 9(2)	Article 38(4), second subparagraph
Article 9(3)	Article 38(4), third subparagraph

Regulation (EC) No 22/2008	This Regulation
Article 9(4)	Article 38(4), fourth subparagraph
Article 9(5)	Article 38(5), first subparagraph
Article 9(6)	Article 38(5), second subparagraph
Article 10	Article 38(6)
Article 11	—
Article 12	Article 41
Annex I	Annex VII
Annex II and III	—

10. REGULATION (EC) No 710/2008

Regulation (EC) No 710/2008	This Regulation
Article 1	—
Article 2	—
Article 3	Article 41
Annex	—

11. DECISION 83/471/EEC

Decision 83/471/EEC	This Regulation
Article 1	Article 38(1)
Article 2	Article 38(2)
Article 3(1)	Article 38(3)
Article 3(2), first subparagraph	Article 38(4), first subparagraph
Article 3(2), second subparagraph	—
Article 3(2), third subparagraph	Article 38(4), second subparagraph
Article 3(3)	Article 38(4), third subparagraph
Article 3(4)	Article 38(4), fourth subparagraph
Article 4	Article 38(5)
Article 5	Article 38(6)
Article 6	—

COMMISSION REGULATION (EC) No 1250/2008**of 12 December 2008****amending Regulation (EC) No 2074/2005 as regards certification requirements for import of fishery products, live bivalve molluscs, echinoderms, tunicates and marine gastropods intended for human consumption****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals ⁽¹⁾, and in particular Article 25(a) and (d) thereof,

Having regard to Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs ⁽²⁾, and in particular Article 12 thereof,

Having regard to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin ⁽³⁾, and in particular Article 9 thereof,

Having regard to Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption ⁽⁴⁾, and in particular Article 16 thereof,

Having regard to Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules ⁽⁵⁾, and in particular Article 63 thereof,

Whereas:

(1) Commission Regulation (EC) No 2074/2005 of 5 December 2005 laying down implementing measures for certain products under Regulation (EC) No 853/2004 of the European Parliament and of the Council and for

the organisation of official controls under Regulation (EC) No 854/2004 of the European Parliament and of the Council and Regulation (EC) No 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) No 854/2004 ⁽⁶⁾ provides in Appendix IV and Appendix V of Annex VI model health certificates for imports of fishery products and bivalve molluscs intended for human consumption.

(2) Council Directive 2006/88/EC and Commission Regulation (EC) No 1251/2008 of 12 December 2008 implementing Directive 2006/88/EC as regards conditions and certification requirements for the placing on the market and the introduction into the Community of aquaculture animals and products thereof and laying down a list of vector species ⁽⁷⁾ provide for animal health requirements applicable to placing on the market and import of aquaculture animals and products thereof for human consumption.

(3) These provisions include restrictions on import on certain consignments of aquaculture animals and products thereof of species susceptible to the aquatic animal diseases listed in Part II of Annex IV to Directive 2006/88/EC and transport requirements.

(4) The model certificates provided in Regulation (EC) No 2074/2005 should be amended to be in line with the requirements laid down in Directive 2006/88/EC and Regulation (EC) No 1251/2008.

(5) The specific requirements regarding live bivalve molluscs referred to in Section VII of Annex III to Regulation (EC) No 853/2004 also apply to live echinoderms, tunicates and marine gastropods. It is therefore appropriate to extend the scope of the certificate for imports of live bivalve molluscs intended for human consumption by including live echinoderms, live tunicates and live marine gastropods.

(6) Regulation (EC) No 2074/2005 should therefore be amended accordingly.

⁽⁶⁾ OJ L 338, 22.12.2005, p. 27.

⁽⁷⁾ See page 41 of this Official Journal.

⁽¹⁾ OJ L 328, 24.11.2006, p. 14.

⁽²⁾ OJ L 139, 30.4.2004, p. 1.

⁽³⁾ OJ L 139, 30.4.2004, p. 55.

⁽⁴⁾ OJ L 139, 30.4.2004, p. 206.

⁽⁵⁾ OJ L 165, 30.4.2004, p. 1.

- (7) It is appropriate to introduce a transitional period to permit Member States and industry to take the necessary measures to comply with the new requirements laid down in this Regulation.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment to Regulation (EC) No 2074/2005

Regulation (EC) No 2074/2005 is amended in accordance with the Annex to this Regulation.

Article 2

Transitional measures

1. For a transitional period until 30 June 2009, consignments for which a health certificate has been issued in accordance with the model laid down in Regulation (EC) No 2074/2005 as amended by Regulation (EC) No 1664/2006 may be imported into the Community.

2. For a transitional period until 31 July 2010, the following consignments for which a health certificate has been issued in accordance with the model laid down in Regulation (EC) No 2074/2005 as amended by Regulation (EC) No 1664/2006 may be imported into the Community:

- (a) consignments of fishery products for which the animal health attestation laid down in Part II of the model health certificate laid down in Appendix IV to Annex VI to Regulation (EC) No 2074/2005 as amended by this Regulation is not applicable, as described in note (2) of that Part II;
- (b) consignments of live bivalve molluscs, echinoderms, tunicates and marine gastropods for which the animal health attestation laid down in Part II of the model health certificate laid down in Appendix V to Annex VI to Regulation (EC) No 2074/2005 as amended by this Regulation is not applicable, as described in note (2) of that Part II.

Article 3

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2009.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 12 December 2008.

For the Commission

Androulla VASSILOU

Member of the Commission

ANNEX

Annex VI to Regulation (EC) No 2074/2005 is amended as follows:

- (1) Appendix IV is replaced by the following:

Appendix IV to Annex VI

MODEL HEALTH CERTIFICATE FOR IMPORTS OF FISHERY PRODUCTS INTENDED FOR HUMAN CONSUMPTION

COUNTRY

Veterinary certificate to EU

Part I: Details of dispatched consignment	I.1. Consignor Name		I.2. Certificate reference number		I.2.a.		
	Address		I.3. Central Competent Authority				
	Postal code		I.4. Local Competent Authority				
	Tel. No						
	I.5. Consignee Name		I.6.				
	Address						
	Postal code						
	Tel. No						
	I.7. Country of origin	ISO code	I.8. Region of origin	Code	I.9. Country of destination	ISO code	I.10.
	I.11. Place of origin Name		Approval number		I.12.		
Address							
I.13. Place of loading				I.14. Date of departure			
I.15. Means of transport Aeroplane ☐ Ship ☐ Railway wagon ☐ Road vehicle ☐ Other ☐				I.16. Entry BIP in EU			
Identification:				I.17.			
Documentary references:							
I.18. Description of commodity				I.19. Commodity code (HS code)			
				I.20. Quantity			
I.21. Temperature of product Ambient ☐ Chilled ☐ Frozen ☐				I.22. Number of packages			
I.23. Identification of container/seal number				I.24. Type of packaging			
I.25. Commodities certified for Human consumption ☐							
I.26.				I.27. For import or admission into EU ☐			
I.28. Identification of the commodities Species Approval number of establishments (Scientific name) Nature of commodity Treatment type Manufacturing plant Number of packages Net weight							

COUNTRY

Fishery products

Part II: Certification	II. Health attestation	II.a. Certificate reference number	II.b.
	II.1 (1) Public health attestation I, the undersigned, declare that I am aware of the relevant provisions of Regulations (EC) No 178/2002, (EC) No 852/2004, (EC) No 853/2004 and (EC) No 854/2004 and certify that the fishery products described above were produced in accordance with those requirements, in particular that they: — come from (an) establishment(s) implementing a programme based on the HACCP principles in accordance with Regulation (EC) No 852/2004; — have been caught and handled on board vessels, landed, handled and where appropriate prepared, processed, frozen and thawed hygienically in compliance with the requirements laid down in Section VIII, Chapters I to IV of Annex III to Regulation (EC) No 853/2004; — satisfy the health standards laid down in Section VIII, Chapter V of Annex III to Regulation (EC) No 853/2004 and the criteria laid down in Regulation (EC) No 2073/2005 on microbiological criteria for foodstuffs; — have been packaged, stored and transported in compliance with Section VIII, Chapters VI to VIII of Annex III to Regulation (EC) No 853/2004; — have been marked in accordance with Section I of Annex II to Regulation (EC) No 853/2004; — the guarantees covering live animals and products thereof, if from aquaculture origin, provided by the residue plans submitted in accordance with Directive 96/23/EC, and in particular Article 29 thereof, are fulfilled; and — have satisfactorily undergone the official controls laid down in Annex III to Regulation (EC) No 854/2004. II.2 (2)(4) Animal health attestation for fish and crustaceans of aquaculture origin II.2.1 (3)(4) [Requirements for susceptible species to Epizootic ulcerative syndrome (EUS), Epizootic haematopoietic necrosis (EHN), Taura syndrome and Yellowhead disease] I, the undersigned official inspector, hereby certify that the aquaculture animals or products thereof referred to in Part I of this certificate: (5)originate from a country/territory, zone or compartment declared free from (4)[EUS] (4)[EHN] (4)[Taura syndrome] (4)[Yellowhead disease] in accordance with Chapter VII of Directive 2006/88/EC or the relevant OIE Standard by the competent authority of my country, (i) where the relevant diseases are notifiable to the competent authority and reports of suspicion of infection of the relevant disease must be immediately investigated by the official services, (ii) all introduction of species susceptible to the relevant diseases come from an area declared free of the disease, and (iii) species susceptible to the relevant diseases are not vaccinated against the relevant diseases] II.2.2 (3)(4) [Requirements for species susceptible to Viral haemorrhagic septicaemia (VHS), Infectious haematopoietic necrosis (IHN), Infectious salmon anaemia (ISA), Koi herpes virus (KHV) and White spot disease intended for a Member State, zone or compartment declared disease free or subject to a surveillance or eradication programme for the relevant disease] I, the undersigned official inspector, hereby certify that the aquaculture animals or products thereof referred to in Part I of this certificate: (6)originate from a country/territory, zone or compartment declared free from (4)[VHS] (4)[IHN] (4)[ISA] (4)[KHV] (4)[White spot disease] in accordance with Chapter VII of Directive 2006/88/EC or the relevant OIE Standard by the competent authority of my country, (i) where the relevant diseases are notifiable to the competent authority and reports of suspicion of infection of the relevant disease must be immediately investigated by the competent authority, (ii) all introduction of species susceptible to the relevant diseases come from an area declared free of the disease, and (iii) species susceptible to the relevant diseases are not vaccinated against the relevant diseases] II.2.3 Transport and labelling requirements I, the undersigned official inspector, hereby certify that: II.2.3.1 the aquaculture animals referred to above are placed under conditions, including with a water quality, that do not alter their health status; II.2.3.2 the transport container or well boat prior to loading is clean and disinfected or previously unused; and II.2.3.3 the consignment is identified by a legible label on the exterior of the container, or when transported by well boat, in the ship's manifest, with the relevant information referred to in boxes I.7 to I.11 of Part I of this certificate, and the following statement: “(4)[Fish](4)[Crustaceans] intended for human consumption in the Community”.		

COUNTRY

Fishery products

II. Health attestation	II.a. Certificate reference number	II.b.
Notes Part I: — Box reference I.8: Region of origin: For frozen or processed bivalve molluscs, indicate the production area. — Box reference I.11: Place of origin: name and address of the dispatch establishment. — Box reference I.15: Registration number (railway wagons or container and lorries), flight number (aircraft) or name (ship). Separate information is to be provided in the event of unloading and reloading. — Box reference I.19: use the appropriate HS codes: 03.01, 03.02, 03.03, 03.04, 03.05, 03.06, 03.07, 05.11.91, 15.04, 15.18.00, 16.03, 16.04, 16.05. — Box reference I.23: Identification of container/Seal number: Where there is a serial number of the seal it has to be indicated. — Box reference I.28: Nature of commodity: Specify whether aquaculture or wild origin. Treatment type: Specify whether live, chilled, frozen or processed. Manufacturing plant: includes factory vessel, freezer vessel, cold store, processing plant. Part II: (¹) Part II.1 of this certificate does not apply to countries with special public health certification requirements laid down in equivalence agreements or other Community legislation. (²) Part II.2 of this certificate does not apply to: (a) non-viable crustaceans, which means crustaceans no longer able to survive as living animals if returned to the environment from which they were obtained, (b) fish which are slaughtered and eviscerated before dispatch, (c) aquaculture animals and products thereof, which are 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, (d) crustaceans destined for processing establishments authorised in accordance with Article 4(2) of Directive 2006/88/EC, or for dispatch centres, purification centres or similar businesses which are equipped with an effluent treatment system inactivating the pathogens in question, or where the effluent is subject to other types of treatment reducing the risk of transmitting diseases to the natural waters to an acceptable level, (e) crustaceans which are intended for further processing before human consumption without temporary storage at the place of processing and packed and labelled for that purpose in accordance with Regulation (EC) No 853/2004. (³) Parts II.2.1 and II.2.2 of this certificate only apply to species susceptible to one or more of the diseases referred to in the title. Susceptible species are listed in Annex IV to Directive 2006/88/EC. (⁴) Keep as appropriate. (⁵) For consignments of species susceptible to EUS, EHN, Taura syndrome and/or Yellowhead disease this statement must be kept for the consignment to be authorised into any part of the Community. (⁶) To be authorised into a Member State, zone or compartment (boxes I.9 and I.10 of Part I of the certificate) declared free from VHS, IHN, ISA, KHV or Whitespot disease or with a surveillance or eradication programme established in accordance with Article 44(1) or (2) of Directive 2006/88/EC, one of these statements must be kept if the consignment contain species susceptible to the disease(s) for which disease freedom or programme(s) apply(ies). Data on the disease status of each farm and mollusc farming area in the Community are accessible at http://ec.europa.eu/food/animal/liveanimals/aquaculture/index_en.htm — The colour of the stamp and signature must be different to that of the other particulars in the certificate.		
Official inspector Name (in capital letters): Date: Stamp: Qualification and title: Signature:		

- (2) Part A of Appendix V is replaced by the following:

Appendix V to Annex VI

PART A

**MODEL HEALTH CERTIFICATE FOR IMPORTS OF LIVE BIVALVE MOLLUSCS ECHINODERMS, TUNICATES
AND MARINE GASTROPODS INTENDED FOR HUMAN CONSUMPTION**

COUNTRY

Veterinary certificate to EU

Part I: Details of dispatched consignment	I.1. Consignor Name		I.2. Certificate reference number		I.2.a.		
	Address		I.3. Central Competent Authority				
	Postal code		I.4. Local Competent Authority				
	Tel. No						
	I.5. Consignee Name		I.6.				
	Address						
	Postal code						
	Tel. No						
	I.7. Country of origin	ISO code	I.8. Region of origin	Code	I.9. Country of destination	ISO code	I.10.
	I.11. Place of origin Name		Approval number		I.12.		
Address							
I.13. Place of loading				I.14. Date of departure			
I.15. Means of transport Aeroplane ☐ Ship ☐ Railway wagon ☐ Road vehicle ☐ Other ☐				I.16. Entry BIP in EU			
Identification: Documentary references:				I.17.			
I.18. Description of commodity				I.19. Commodity code (HS code)		03 07	
				I.20. Quantity			
I.21.				I.22. Number of packages			
I.23. Identification of container/Seal number				I.24. Type of packaging			
I.25. Commodities certified for Human consumption ☐							
I.26.				I.27. For import or admission into EU ☐			
I.28. Identification of the commodities							
Species (Scientific name)		Approval number of establishments Manufacturing plant		Number of packages		Net weight	

COUNTRY

Live bivalve molluscs, echinoderms, tunicates and marine gastropods

Part II: Certification	II. Health attestation	II.a. Certificate reference number	II.b.
	II.1 (1)Public health attestation for live bivalve molluscs, echinoderms, tunicates and marine gastropods I, the undersigned, declare that I am aware of the relevant provisions of Regulations (EC) No 178/2002, (EC) No 852/2004, (EC) No 853/2004 and (EC) No 854/2004 and certify that the (4)[live bivalve molluscs] (4)[live echinoderms] (4)[live tunicates] (4)[live marine gastropods] described above were produced in accordance with those requirements, in particular that they: — come from (an) establishment(s) implementing a programme based on the HACCP principles in accordance with Regulation (EC) No 852/2004; — have been harvested, where necessary relayed and transported in accordance with Section VII, Chapters I and II of Annex III to Regulation (EC) No 853/2004; — were handled, where necessary purified, and packaged in compliance with Section VII, Chapters III and IV of Annex III to Regulation (EC) No 853/2004; — satisfy the health standards laid down in Section VII, Chapter V of Annex III to Regulation (EC) No 853/2004 and the criteria laid down in Regulation (EC) No 2073/2005 on microbiological criteria for foodstuffs; — have been packaged, stored and transported in compliance with Section VII, Chapters VI and VIII of Annex III to Regulation (EC) No 853/2004; — have been marked and labelled in accordance with Section I of Annex II and Section VII, Chapter VII of Annex III to Regulation (EC) No 853/2004; — in the case of <i>pectinidae</i> harvested outside classified production areas, comply with the specific requirements laid down in Section VII, Chapter IX of Annex III to Regulation (EC) No 853/2004, and — have satisfactorily undergone the official controls laid down in Annex II to Regulation (EC) No 854/2004. II.2 (2)(4)Animal health attestation for live bivalve molluscs of aquaculture origin II.2.1 (3)(4)[Requirements for species susceptible to <i>Bonamia exitiosa</i>, <i>Perkinsus marinus</i> and <i>Microcytos mackini</i>] I, the undersigned official inspector, hereby certify that the live bivalve molluscs referred to in Part I of this certificate: (5)originate from a country/territory, zone or compartment declared free from (4)[<i>Bonamia exitiosa</i>] (4)[<i>Perkinsus marinus</i>] (4)[<i>Microcytos mackini</i>] in accordance with Chapter VII of Directive 2006/88/EC or the relevant OIE Standard by the competent authority of my country, — where the relevant diseases are notifiable to the competent authority and reports of suspicion of infection of the relevant disease must be immediately investigated by the official services, and — all introduction of species susceptible to the relevant diseases come from an area declared free of the disease.] II.2.2 (3)(4)[Requirements for species susceptible to <i>Marteilia refringens</i> and <i>Bonamia ostreae</i> intended for a Member State, zone or compartment declared disease free or subject to a surveillance or eradication programme for the relevant disease] I, the undersigned official inspector, hereby certify that the live bivalve molluscs referred to above: (6)originate from a country/territory, zone or compartment declared free from (4)[<i>Marteilia refringens</i>] (4)[<i>Bonamia ostreae</i>] in accordance with Chapter VII of Directive 2006/88/EC or the relevant OIE Standard by the competent authority of my country, (i) where the relevant diseases are notifiable to the competent authority and reports of suspicion of infection of the relevant disease must be immediately investigated by the official services, and (ii) all introduction of species susceptible to the relevant diseases come from an area declared free of the disease.] II.2.3 Transport and labelling requirements I, the undersigned official inspector, hereby certify that: II.2.3.1 the live bivalve molluscs referred to above are placed under conditions, including with a water quality, that do not alter their health status, II.2.3.2 the transport container or well boat prior to loading is clean and disinfected or previously unused; and II.2.3.3 the consignment is identified by a legible label on the exterior of the micro container, or when transported by well boat, in the ship's manifest, with the relevant information referred to in boxes I.7 to I.11 of Part I of this certificate, and the following statement: "Live bivalve molluscs intended for human consumption in the Community".		

COUNTRY

Live bivalve molluscs, echinoderms, tunicates and marine gastropods

II. Health attestation	II.a. Certificate reference number	II.b.
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Notes

Part I:

- Box reference I.8: Region of origin: indicate the production area.
- Box reference I.11: Place of origin: name and address of the dispatch establishment.
- Box reference I.15: Registration number (railway wagons or container and lorries), flight number (aircraft) or name (ship). Separate information is to be provided in the event of unloading and reloading.
- Box reference I.23: Identification of container/Seal number: Where there is a serial number of the seal it has to be indicated.
- Box reference I.28: Manufacturing plant: includes dispatch centre, purification centre.

Part II:

(¹) Part II.1 does not apply to countries with special public health certification requirements laid down in Equivalence Agreements or other Community legislation.

(²) Part II.2 does not apply to:

- (a) non-viable molluscs, which means molluscs no longer able to survive as living animals if returned to the environment from which they were obtained,
- (b) live bivalve molluscs 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,
- (c) live bivalve molluscs destined for processing establishments authorised in accordance with Article 4(2) of Directive 2006/88/EC, or for dispatch centres, purification centres or similar businesses which are equipped with an effluent treatment system inactivating the pathogens in question, or where the effluent is subject to other types of treatment reducing the risk of transmitting diseases to the natural waters to an acceptable level,
- (d) live bivalve molluscs which are intended for further processing before human consumption without temporary storage at the place of processing and packed and labelled for that purpose in accordance with Regulation (EC) No 853/2004.

(³) Parts II.2.1 and II.2.2 only apply to species susceptible to one or more of the diseases referred to in the title. Susceptible species are listed in Annex IV to Directive 2006/88/EC.

(⁴) Keep as appropriate.

(⁵) For consignments of species susceptible to *Bonamia exitiosa*, *Perkinsus marinus* and *Microcytos mackini* this statement must be kept for the consignment to be authorised into any part of the Community.

(⁶) To be authorised into a Member State, zone or compartment (boxes I.9 and I.10 of Part I of the certificate) declared free from *Marteilia refringens* or *Bonamia ostreae* or with a surveillance or eradication programme established in accordance with Article 44 (1) or (2) of Directive 2006/88/EC, one of these statements must be kept if the consignment contain species susceptible to the disease(s) for which disease freedom or programme(s) apply(ies). Data on the disease status of each farms and mollusc farming areas in the Community are accessible at http://ec.europa.eu/food/animal/liveanimals/aquaculture/index_en.htm

- The colour of the stamp and signature must be different to that of the other particulars in the certificate.

Official inspector

Name (in capital letters):	Qualification and title:
Date:	Signature:
Stamp:	

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)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals ⁽¹⁾, and in particular Article 17(2), Articles 22 and 25 and Article 61(3) thereof,

Whereas:

- (1) Directive 2006/88/EC lays down the animal health requirements to be applied for the placing on the market and the import and the transit through the Community of aquaculture animals and products thereof. Directive 2006/88/EC repeals and replaces Council Directive 91/67/EEC concerning the animal health conditions governing the placing on the market of aquaculture animals and products ⁽²⁾ from 1 August 2008.
- (2) According to Directive 2006/88/EC aquaculture animal means any aquatic animal, including ornamental aquatic animals, at all its life stages, including eggs and sperm/gametes, reared in a farm or mollusc farming area, including any aquatic animal from the wild intended for a farm or mollusc farming area. Aquatic animals mean fish, molluscs and crustaceans.
- (3) Commission Decision 1999/567/EC of 27 July 1999 laying down the model of the certificate referred to in Article 16(1) of Directive 91/67/EEC ⁽³⁾ and Commission Decision 2003/390/EC of 23 May 2003 establishing special conditions for placing on the market of aquaculture animals species considered not susceptible to certain diseases and the products thereof ⁽⁴⁾ lay down certain rules for the placing on the market of aquaculture animals, including certification requirements. Commission Decision 2003/804/EC of 14 November 2003 laying down the animal health conditions and certification requirements for imports of molluscs, their eggs and gametes for further growth, fattening, relaying

or human consumption ⁽⁵⁾, Commission Decision 2003/858/EC of 21 November 2003 laying down the animal health conditions and certification requirements for introduction of live fish, their eggs and gametes intended for farming, and live fish of aquaculture origin and products thereof intended for human consumption ⁽⁶⁾ and Commission Decision 2006/656/EC of 20 September 2006 laying down the animal health conditions and certification requirements for imports of fish for ornamental purpose ⁽⁷⁾ lay down conditions for imports of aquaculture animals into the Community. Those Decisions implement Directive 91/67/EEC.

- (4) Directive 2006/88/EC provides that the placing on the market of aquaculture animals is to be subject to animal health certification when the animals are introduced into a Member State, zone or compartment declared disease-free in accordance with that Directive or subject to a surveillance or eradication programme. Accordingly, it is appropriate to lay down certification requirements and harmonised model animal health certificates in this Regulation to replace the certification requirements laid down under Directive 91/67/EEC and the Decisions implementing that Directive.
- (5) Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin ⁽⁸⁾ lays down specific rules on the hygiene of food of animal origin for food business operators, including packaging and labelling requirements. The animal health certification requirements provided for in the present Regulation for the placing on the market and import of aquaculture animals and products thereof intended for further processing before human consumption should not apply to those animals and products packed and labelled in accordance with Regulation (EC) No 853/2004, subject to certain conditions.
- (6) Directive 2006/88/EC provides that Member States are to ensure that the placing on the market of ornamental aquatic animals does not jeopardise the health status of aquatic animals with regard to non-exotic diseases listed in Part II of Annex IV thereto.

⁽¹⁾ OJ L 328, 24.11.2006, p. 14.

⁽²⁾ OJ L 46, 19.2.1991, p. 1.

⁽³⁾ OJ L 216, 14.8.1999, p. 13.

⁽⁴⁾ OJ L 135, 3.6.2003, p. 19.

⁽⁵⁾ OJ L 302, 20.11.2003, p. 22.

⁽⁶⁾ OJ L 324, 11.12.2003, p. 37.

⁽⁷⁾ OJ L 271, 30.9.2006, p. 71.

⁽⁸⁾ OJ L 139, 30.4.2004, p. 55.

- (7) Ornamental aquatic animals placed on the market in the Community and intended for facilities without any direct contact with natural waters, namely closed ornamental facilities, do not pose the same risks to other sectors of Community aquaculture or to wild stocks. Accordingly, animal health certification should not be required under this Regulation for such animals.
- (8) In order to provide Member States, where the entire territory, or certain zones or compartments thereof, are declared free of one of more of the non-exotic diseases for which ornamental aquatic animals are susceptible, with information on the movements into their territory of ornamental aquatic animals intended for closed ornamental facilities, it is appropriate that such movements are notified through the Traces system as provided for in Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market⁽¹⁾ and introduced by Commission Decision 2004/292/EC of 30 March 2004 on the introduction of the Traces system⁽²⁾.
- (9) Movements within the Community from closed ornamental facilities to open ornamental facilities or into the wild, may represent a high risk to other sectors of Community aquaculture, and should not be allowed without the authorisation of the competent authorities of the Member States.
- (10) Directive 2006/88/EC provides that Member States are to take certain minimum control measures in the event of confirmation of an exotic or non-exotic disease listed in Part II of Annex IV thereto in aquaculture animals or wild aquatic animals or in the case of emerging diseases. In addition, that Directive provides that Member States are to ensure that the placing on the market of aquaculture animals is subject to animal health certification when the animals are allowed to leave an area subject to those control measures.
- (11) Accordingly, this Regulation should lay down animal health conditions and certification requirements for consignments of aquaculture animals and products thereof leaving Member States, zones or compartments subject to disease control measures.
- (12) Directive 2006/88/EC provides that Member States are to ensure that aquaculture animals and products thereof are introduced into the Community only from third countries or parts thereof that appear on a list drawn up in accordance with that Directive.
- (13) Imports into the Community of aquaculture animals should only be permitted from third countries that have animal health legislation and control system equivalent to those in the Community. Accordingly, this Regulation should establish a list of third countries, territories, zones or compartments, from which Member States are permitted to introduce into the Community aquaculture animals for farming, relaying areas, put and take fisheries and open ornamental facilities. However, the import into the Community of certain ornamental fish, molluscs and crustaceans intended for closed ornamental facilities should be permitted from third countries that are members of the World Organisation for Animal Health (OIE).
- (14) Third countries and territories which are allowed to export to the Community aquaculture animals for human consumption based on public health considerations should also be allowed to export to the Community under the animal health provisions of this Regulation. Aquaculture animals and products thereof intended for human consumption should therefore only be imported into the Community from third countries, territories, zones or compartments which are included on a list drawn up in accordance with Article 11(1) of Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption⁽³⁾.
- (15) Such lists are set out in Annexes I and II to Commission Decision 2006/766/EC of 6 November 2006 establishing the lists of third countries and territories from which imports of bivalve molluscs, echinoderms, tunicates, marine gastropods and fishery products are permitted⁽⁴⁾ and, for a transitional period until 31 December 2009, by Commission Regulation (EC) No 2076/2005 of 5 December 2005 laying down transitional arrangements for the implementation of Regulations (EC) No 853/2004, (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) No 854/2004⁽⁵⁾. In the interest of consistency of Community legislation, those lists should be taken into account in this Regulation.
- (16) Directive 2006/88/EC provides that import of aquaculture animals and products thereof are to be accompanied by a document containing an animal health certificate upon their entry into the Community. It is necessary to lay down in this Regulation in detail the animal health conditions for imports of aquaculture animals into the Community, including model animal health certificates, which should replace the import conditions laid down under Directive 91/67/EEC.

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 94, 31.3.2004, p. 63.

⁽³⁾ OJ L 139, 30.4.2004, p. 206.

⁽⁴⁾ OJ L 320, 18.11.2006, p. 53.

⁽⁵⁾ OJ L 338, 22.12.2005, p. 83.

- (17) Commission Regulation (EC) No 2074/2005 of 5 December 2005 laying down implementing measures for certain products under Regulation (EC) No 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No 854/2004 of the European Parliament and of the Council and Regulation (EC) No 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) No 854/2004 ⁽¹⁾ lays down model health certificates for import of fishery products and of live bivalve molluscs intended for human consumption. In the interests of coherency of Community legislation, this Regulation should provide that those model health certificates accompany import of products covered by this Regulation.
- (18) Ornamental aquatic animals, including fish, molluscs and crustaceans, are to a large extent introduced into the Community from third countries and territories. To protect the animal health status of ornamental facilities within the Community, it is necessary to lay down certain animal health requirements for the import of such animals.
- (19) It is important to ensure that the animal health status of aquaculture animals imported into the Community is not jeopardised during transport to the Community.
- (20) The release of imported aquaculture animals into the wild in the Community poses a particularly high risk to the animal health status of the Community, since the control and eradication of diseases in natural waters are difficult. Accordingly, such release should require a specific authorisation from the competent authority and only be authorised under the condition that appropriate measures are taken to secure the animal health status at the place of release.
- (21) Aquaculture animals intended for transiting through the Community should comply with the same requirements as aquaculture animals intended for import into the Community.
- (22) Specific conditions for transit via the Community of consignments to and from Russia should be provided for owing to the geographical situation of Kaliningrad which affects only Latvia, Lithuania and Poland. In the interests of consistency of Community legislation, Commission Decision 2001/881/EC of 7 December 2001 drawing up a list of border inspection posts agreed for veterinary checks on animals and animal products from third countries and updating the detailed rules concerning the checks to be carried out by the experts of the Commission ⁽²⁾ and Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽³⁾ should be taken into account in this Regulation.
- (23) Council Directive 96/93/EC of 17 December 1996 on the certification of animals and animal products ⁽⁴⁾ which lays down the rules to be observed in issuing veterinary certificates, should apply to animal health certificates issued under this Regulation.
- (24) Article 17 of Directive 2006/88/EC provides that where scientific data or practical experience substantiates that species other than the susceptible species referred to in Part II of Annex IV to that Directive may be responsible for the transmission of a specific disease by acting as vector species, Member States are to ensure that where those species are introduced for farming or restocking purposes into a Member State, zone or compartment declared free of that specific disease, certain requirements provided for in the Directive are to be complied with. Article 17 of Directive 2006/88/EC also provides for the drawing up of a list of vector species. A list of vector species should therefore be adopted.
- (25) The European Food Safety Authority (EFSA) has delivered three opinions on that issue: Scientific Opinion of the Panel on Animal Health and Welfare on a request from the European Commission on possible vector species and live stages of susceptible species not transmitting disease as regards certain fish diseases ⁽⁵⁾, Scientific Opinion of the Panel on Animal Health and Welfare on a request from the European Commission on possible vector species and live stages of susceptible species not transmitting disease as regards certain mollusc diseases ⁽⁶⁾, and Scientific Opinion of the Panel on Animal Health and Welfare on a request from the European Commission on possible vector species and live stages of susceptible species not transmitting disease as regards certain crustacean diseases ⁽⁷⁾.
- (26) According to those scientific opinions, the likelihood of the transfer and establishment of the diseases listed in Directive 2006/88/EC by the potential vector species or groups of vector species assessed ranked from negligible/extremely low to moderate, under certain conditions. That assessment covered aquatic species which are used in aquaculture and traded for the purpose of farming.

⁽¹⁾ OJ L 338, 22.12.2005, p. 27.

⁽²⁾ OJ L 326, 11.12.2001, p. 44.

⁽³⁾ OJ L 24, 30.1.1998, p. 9.

⁽⁴⁾ OJ L 13, 16.1.1997, p. 28.

⁽⁵⁾ The EFSA Journal (2007) 584, 1-163.

⁽⁶⁾ The EFSA Journal (2007) 597, 1-116.

⁽⁷⁾ The EFSA Journal (2007) 598, 1-91.

- (27) In drawing up the list of vector species, the EFSA opinions should be taken into account. In deciding which species should be included in that list, an appropriate level of protection of the animal health status of aquaculture animals in the Community should be ensured, while at the same time avoiding the introduction of unnecessary trade restrictions. Consequently, species which pose a moderate risk of disease transmission, according to those opinions, should be included in the list.
- (28) Many of the species identified as possible vectors for certain diseases in the EFSA opinions, should only be regarded as such when they originate from an area where species susceptible to the disease in question are present and are intended for an area where those same susceptible species are also present. Accordingly, aquaculture animals of possible vector species should only be regarded as vector species for the purposes of Article 17 of Directive 2006/88/EC under such conditions.
- (29) In the interest of clarity and coherence of Community legislation, Decisions 1999/567/EC, 2003/390/EC, 2003/804/EC, 2003/858/EC and 2006/656/EC should be repealed and replaced by this Regulation.
- (30) It is appropriate to provide for a transitional period to permit Member States and industry to take the necessary measures to comply with the new requirements laid down in this Regulation.
- (31) Bearing in mind the large trade flow of ornamental aquatic animals of species susceptible to epizootic ulcerative syndrome (EUS) and the need to carry out further studies on the risk of that disease to the ornamental aquatic animal industry, including a re-assessment of the list of susceptible species, an immediate interruption of import of ornamental fish species susceptible to EUS intended only for closed ornamental facilities should be avoided. It is therefore appropriate to introduce a transitional period as regards the requirements related to that disease for those consignments. A transitional period is also necessary in order to give third countries sufficient time to document freedom from that disease.
- (32) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,
- (a) a list of vector species;
- (b) animal health conditions for the placing on the market of ornamental aquatic animals either originating from or intended for closed ornamental facilities;
- (c) animal health certification requirements for the placing on the market of:
- (i) aquaculture animals intended for farming, including relaying areas, put and take fisheries and open ornamental facilities, and restocking; and
- (ii) aquaculture animals and products thereof intended for human consumption;
- (d) animal health conditions and certification requirements for imports into the Community, and transit therein, including storage during transit, of:
- (i) aquaculture animals intended for farming, including relaying areas, put and take fisheries and open ornamental facilities;
- (ii) aquaculture animals and products thereof intended for human consumption;
- (iii) ornamental aquatic animals intended for closed ornamental facilities.

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

- (a) 'closed ornamental facilities' means pet shops, garden centres, garden ponds, commercial aquaria or wholesalers keeping ornamental aquatic animals:
- (i) without any direct contact with natural waters in the Community; or
- (ii) which are equipped with an effluent treatment system reducing the risk of transmitting diseases to the natural waters to an acceptable level;
- (b) 'open ornamental facility' means ornamental facilities other than closed ornamental facilities;

HAS ADOPTED THIS REGULATION:

CHAPTER I

SUBJECT MATTER, SCOPE AND DEFINITIONS

Article 1

Subject matter and scope

This Regulation lays down:

(c) 'restocking' means the release of aquaculture animals into the wild.

CHAPTER II

VECTOR SPECIES

Article 3

List of vector species

Aquaculture animals of species listed in Column 2 of the table in Annex I to this Regulation shall only be regarded as vectors for the purposes of Article 17 of Directive 2006/88/EC where those animals fulfil the conditions set out in Columns 3 and 4 of that table.

CHAPTER III

PLACING ON THE MARKET OF AQUACULTURE ANIMALS

Article 4

Ornamental aquatic animals originating from or intended for ornamental facilities

1. Movements of ornamental aquatic animals shall be subject to notification under the computerised system provided for in Article 20(1) of Directive 90/425/EEC (Traces) where the animals:

(a) originate from ornamental facilities in one Member State;

(b) are intended for closed ornamental facilities in another Member State, where the entire territory, or certain zones or compartments thereof:

(i) are declared free of one or more of the non-exotic diseases listed in Part II of Annex IV to Directive 2006/88/EC in accordance with Articles 49 or 50 thereof; or

(ii) are subject to a surveillance or eradication programme in accordance with Article 44(1) or (2) of that Directive; and

(c) are of species susceptible to one or more of the diseases for which the Member State or zone or compartment concerned is declared disease-free, or for which a surveillance or eradication programme applies, as referred to in point (b).

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.

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 model set out in Part A of Annex II and the explanatory notes in Annex V, where the animals:

(a) are introduced into Member States, zones or compartments:

(i) declared free of one or more of the non-exotic diseases listed in Part II of Annex IV to Directive 2006/88/EC in accordance with Articles 49 or 50 thereof; or

(ii) subject to a surveillance or eradication programme in accordance with Article 44(1) or (2) of that Directive;

(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 Member State, zone or compartment concerned is declared disease-free, or for which a surveillance or eradication programme applies, as referred to in point (a).

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 model set out in Part B of Annex II and the explanatory notes in Annex V, where they:

(a) are introduced into Member States, zones or compartments:

(i) declared free of one or more of the non-exotic diseases in Part II of Annex IV to Directive 2006/88/EC in accordance with Articles 49 or 50 of that Directive; or

(ii) subject to a surveillance or eradication programme in accordance with Article 44(1) or (2) of that Directive;

(b) are of species susceptible to one or more of the diseases for which the Member State, 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.

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 model set out in Part B of Annex II and the explanatory notes in Annex V, where they:

- (a) are introduced into Member States, zones or compartments:
 - (i) declared free of one or more of the non-exotic diseases listed in Part II of Annex IV to Directive 2006/88/EC in accordance with Articles 49 or 50; or
 - (ii) subject to a surveillance or eradication programme in accordance with Article 44(1) or (2) of that Directive;
- (b) are of species susceptible to one or more of the diseases for which the Member State, zone or compartment concerned is declared disease-free, or for which a surveillance or eradication programme applies, as referred to in point (a).

Article 8

Aquaculture animals and products thereof leaving Member States, zones and compartments subject to disease control measures, including eradication programmes

1. Consignments of aquaculture animals and products thereof leaving Member States, zones or compartments subject to the disease control measures provided for in Sections 3 to 6 of Chapter V of Directive 2006/88/EC, but for which an exemption from those disease control measures has been granted by the competent authority, shall be accompanied by an animal health certificate completed in accordance with the model set out in:

- (a) Part A of Annex II and the explanatory notes in Annex V where the consignments consist of aquaculture animals intended for farming, relaying areas, put and take fisheries, open ornamental facilities or restocking; and
- (b) Part B of Annex II and the explanatory notes in Annex V where the consignments consist of aquaculture animals and products thereof intended for further processing, purification centres, dispatch centres or similar businesses before human consumption.

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 model set out in Part A of Annex II and the explanatory notes in Annex V, where they:

- (a) are leaving a Member State, zone or compartment with an eradication programme approved in accordance with Article 44(2) of Directive 2006/88/EC;
- (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).

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 model set out in Part B of Annex II and the explanatory notes in Annex V, where they:

- (a) are leaving a Member State, zone or compartment with an eradication programme approved in accordance with Article 44(2) of Directive 2006/88/EC;

(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.

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.

CHAPTER IV

CONDITIONS FOR IMPORTS

Article 10

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

1. Aquaculture animals intended for farming, relaying areas, put and take fisheries and open ornamental facilities shall only be imported into the Community from third countries, territories, zones or compartments listed in Annex III.

2. Consignments of the aquaculture animals referred to in paragraph 1 shall:

(a) be accompanied by an animal health certificate completed in accordance with the model set out in Part A of Annex IV and the explanatory notes in Annex V;

(b) comply with the animal health requirements set out in the model certificate and explanatory notes, as referred to in point (a).

Article 11

Ornamental aquatic animals intended for closed ornamental facilities

1. Ornamental fish of species susceptible to one or more of the diseases listed in Part II of Annex IV to Directive 2006/88/EC and intended for closed ornamental facilities shall only be imported into the Community from third countries, territories, zones or compartments listed in Annex III to this Regulation.

2. Ornamental fish which are not of susceptible species to any of the diseases listed in Part II of Annex IV to Directive 2006/88/EC, and ornamental molluscs and ornamental crustaceans, intended for closed ornamental facilities, shall only be imported into the Community from third countries or territories that are members of the World Organisation for Animal Health (OIE).

3. Consignments of the animals referred to in paragraphs 1 and 2 shall:

(a) be accompanied by an animal health certificate completed in accordance with the model set out in Part B of Annex IV and the explanatory notes in Annex V; and

(b) comply with the animal health requirements set out in the model certificate and explanatory notes, as referred to in point (a).

Article 12

Aquaculture animals and products thereof intended for human consumption

1. Aquaculture animals and products thereof intended for human consumption shall only be imported into the Community from third countries, territories, zones or compartments which are included on a list drawn up in accordance with Article 11(1) of Regulation (EC) No 854/2004.

2. Consignments of the animals and products referred to in paragraph 1 shall:

(a) be accompanied by a joint public and animal health certificate completed in accordance with the relevant models set out in Appendixes IV and V of Annex VI to Regulation (EC) No 2074/2005; and

(b) comply with the animal health requirements and notes set out in the model certificates and attestations, as referred to in point (a).

3. This Article shall not apply where the aquaculture animals are intended for relaying areas or re-immersion into Community waters, in which case Article 10 shall apply.

Article 13

Electronic certification

Electronic certification and other agreed systems harmonised at Community level may be used for the certificates and attestations provided for in this Chapter.

Article 14

Transport of aquaculture animals

1. Aquaculture animals for import into the Community shall not be transported under conditions that may alter their health status. In particular they shall not be transported in the same water or micro-container as aquatic animals which are of a lower health status or which are not intended for import into the Community.

2. During transportation to the Community, the aquaculture animals shall not be unloaded from their micro-container and the water in which they are transported shall not be changed in the territory of a third country which is not approved for import of such animals into the Community or which has a lower health status than the place of destination.

3. Where consignments of aquaculture animals are transported by sea to the Community border, an addendum for transport of live aquaculture animals by sea, completed in accordance with the model set out in Part D of Annex IV, shall be attached to the relevant animal health certificate.

Article 15

Requirements for the release of aquaculture animals and products thereof and for transport water

1. Aquaculture animals and products thereof imported into the Community and intended for human consumption shall be

handled appropriately to avoid contamination of natural waters in the Community.

2. Aquaculture animals imported into the Community shall not be released into the wild within the Community, unless authorised by the competent authority of the place of destination.

The competent authority may only grant authorisations 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.

3. Transport water from imported consignments of aquaculture animals and products thereof shall be handled appropriately to avoid contamination of natural waters in the Community.

CHAPTER V

CONDITIONS FOR TRANSIT

Article 16

Transit and storage

Consignments of live aquaculture animals, fish eggs and unviscerated fish which are introduced into the Community, but intended for a third country, either by transit immediately through the Community, or after storage in the Community, shall comply with the requirements laid down in Chapter IV. The certificate, which accompanies the consignments, shall bear the words 'for transit through the EC'. The consignments shall also be accompanied by a certificate required by the third country of destination.

However, where those consignments are intended for human consumption, they shall be accompanied by an animal health certificate completed in accordance with the model set out in Part C of Annex IV and the explanatory notes in Annex V.

Article 17

Derogation for transit through Latvia, Lithuania and Poland

1. By way of derogation from Article 16, transit by road or by rail shall be authorised between the border inspection posts in Latvia, Lithuania and Poland listed in the Annex to Commission Decision 2001/881/EC, of consignments coming from and bound for Russia, directly or via another third country, where the following conditions are met:

(a) the consignment is sealed with a serially numbered seal by the official veterinarian at the border inspection post of entry;

- (b) the documents accompanying the consignment, as provided for in Article 7 of Directive 97/78/EC, are stamped with the words 'Only for transit to Russia via the EC' on each page by the official inspector at the border inspection post of entry;
- (c) the procedural requirements provided for in Article 11 of Directive 97/78/EC are complied with; and

- (d) the consignment is certified as acceptable for transit on the common veterinary entry document issued by the official inspector at the border inspection post of entry.

2. The consignments referred to in paragraph 1 may not be unloaded or put into storage, as referred to in Article 12(4) or in Article 13 of Directive 97/78/EC, within the Community.

3. Regular audits shall be conducted by the competent authority to ensure that the number of consignments, as referred to in paragraph 1, and the corresponding quantities of products leaving the Community match the number and quantities entering the Community.

CHAPTER VI

GENERAL, TRANSITIONAL AND FINAL PROVISIONS

Article 18

Certification requirements laid down in other Community legislation

The animal health certificates required in accordance with Chapters III, IV and V of this Regulation shall, where appropriate, incorporate any animal health certificate requirements pursuant to:

- (a) measures to prevent the introduction of or control of diseases not listed in Part II of Annex IV to Directive 2006/88/EC, approved in accordance with Article 43(2) thereof; or
- (b) Article 5 of Commission Decision 2004/453/EC⁽¹⁾.

Article 19

Repeal

Decisions 1999/567/EC, 2003/390/EC, 2003/804/EC, 2003/858/EC and 2006/656/EC are repealed with effect from 1 January 2009.

References to the repealed Decisions shall be construed as references to this Regulation.

Article 20

Transitional provisions

1. For a transitional period until 30 June 2009, ornamental aquatic animals referred to in Article 4(1) may be placed on the market without notification under the computerised system provided for in Article 20(1) of Directive 90/425/EEC (Traces) provided that they reach their place of final destination before that date.

2. For a transitional period until 30 June 2009, consignments of aquaculture animals and products thereof accompanied by a movement document or animal health certificate in accordance with Annex E to Directive 91/67/EEC or Decisions 1999/567/EC and 2003/390/EC may be placed on the market provided that they reach their place of final destination before that date.

3. For a transitional period until 30 June 2009, the following consignments of aquaculture animals and products thereof may be imported into or transited through the Community:

- (a) consignments accompanied by an animal health certificate in accordance with Decisions 2003/804/EC, 2003/858/EC and 2006/656/EC;
- (b) consignments covered by Chapter IV of this Regulation, but which are not covered by Decisions 2003/804/EC, 2003/858/EC and 2006/656/EC.

Article 14(3) shall not apply to the consignments referred to in points (a) and (b) during that period.

4. For a transitional period until 31 December 2009, Member States may authorise the import of aquaculture animals and products thereof intended for human consumption from third countries, territories, zones or compartments which are listed in Annexes I and II to Regulation (EC) No 2076/2005.

5. For a transitional period until 31 December 2010, Member States may authorise the import of ornamental aquatic animals of species susceptible to epizootic ulcerative syndrome (EUS) intended solely for closed ornamental facilities from third countries or territories that are Members of the World Organisation for Animal Health (OIE).

During that transitional period, the requirements concerning EUS set out in Part II.2 of the animal health certificate set out in Part B of Annex IV, shall not apply to ornamental aquatic animals intended solely for closed ornamental facilities.

⁽¹⁾ OJ L 156, 30.4.2004, p. 5.

*Article 21***Entry into force**

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2009.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 12 December 2008.

For the Commission
Androulla VASSILIOU
Member of the Commission

ANNEX I

List of possible vector species and the conditions under which those species shall be regarded as vectors

Diseases	Vectors			
	Species which shall be regarded as vectors for the purposes of Article 17(1) and (2) where the additional conditions set out in Columns 3 and 4 of this table are fulfilled	Additional conditions related to the place of origin of the aquatic animals of the species listed in Column 2	Additional conditions related to the place of destination of the aquatic animals of the species listed in Column 2	
Column 1	Column 2	Column 3	Column 4	
Epizootic haematopoietic necrosis	Bighead carp (<i>Aristichthys nobilis</i>), goldfish (<i>Carassius auratus</i>), crucian carp (<i>C. carassius</i>), common carp and koi carp (<i>Cyprinus carpio</i>), silver carp (<i>Hypophthalmichthys molitrix</i>), Chub (<i>Leuciscus spp</i>), Roach (<i>Rutilus rutilus</i>), Rudd (<i>Scardinius erythrophthalmus</i>), tench (<i>Tinca tinca</i>)	No additional conditions	No additional conditions	
Epizootic ulcerative syndrome	Bighead carp (<i>Aristichthys nobilis</i>), goldfish (<i>Carassius auratus</i>), crucian carp (<i>C. carassius</i>), common carp and koi carp (<i>Cyprinus carpio</i>), silver carp (<i>Hypophthalmichthys molitrix</i>), Chub (<i>Leuciscus spp</i>), Roach (<i>Rutilus rutilus</i>), Rudd (<i>Scardinius erythrophthalmus</i>), tench (<i>Tinca tinca</i>) Swan mussel (<i>Anodonta cygnea</i>), Noble crayfish (<i>Astacus astacus</i>), Signal crayfish (<i>Pacifastacus leniusculus</i>), Redswamp crayfish (<i>Procambarus clarkii</i>)	No additional conditions	No additional conditions	
Infection with Bonamia exitiosa	Portuguese oyster (<i>Crassostrea angulata</i>), Pacific cupped oyster (<i>Crassostrea gigas</i>), American cupped oyster (<i>Crassostrea virginica</i>)	Aquatic animals of the species listed in Column 2 shall only be regarded as vectors for the disease listed in Column 1 where they originate from a farm or mollusc farming area where species susceptible to that disease are present.	Aquatic animals of the species listed in Column 2 shall only be regarded as vectors for the disease listed in Column 1 where they are intended for a farm or mollusc farming area keeping species susceptible to that disease.	

Column 1	Column 2	Column 3	Column 4
Infection with Perkinsus marinus	European lobster (<i>Homarus gammarus</i>), Marine crabs (<i>Brachyura</i> spp.), Yabi crayfish (<i>Cherax destructor</i>), Giant river prawn (<i>Macrobrachium rosenbergii</i>), Spiny lobsters (<i>Palinurus</i> spp.), Swimming crab (<i>Portunus puber</i>), Indopacific swamp crab (<i>Squilla serrata</i>), Indian white prawn (<i>Penaeus indicus</i>), Kuruma prawn (<i>Penaeus japonicus</i>), Caramote prawn (<i>Penaeus kerathurus</i>), Blue shrimp (<i>Penaeus stylirostris</i>), Whiteleg shrimp (<i>Penaeus vannamei</i>)	Aquatic animals of the species listed in Column 2 shall only be regarded as vectors for the disease listed in Column 1 where they originate from a farm or mollusc farming area where species susceptible to that disease are present.	Aquatic animals of the species listed in Column 2 shall only be regarded as vectors for the disease listed in Column 1 where they are intended for a farm or mollusc farming area keeping species susceptible to that disease.
Infection with Microcytos mackini	None	Not applicable	Not applicable
Taura syndrome	Penshells (<i>Atrina</i> spp.), Common whelk (<i>Buccinum undatum</i>), Portuguese oyster (<i>Crassostrea angulata</i>), Common edible cockle (<i>Crassostrea edule</i>), Pacific cupped oyster (<i>Crassostrea gigas</i>), American cupped oyster (<i>Crassostrea virginica</i>), Wedge shell (<i>Donax trunculus</i>), Ezo abalone (<i>Haliotis discus hannai</i>), Tuberculate abalone (<i>Haliotis tuberculata</i>), Periwinkles (<i>Littorina littorea</i>), Northern quahog (<i>Mercenaria mercenaria</i>), Japanese hard clam (<i>Meretrix lusoria</i>), Sand gaper (<i>Mya arenaria</i>), Blue mussel (<i>Mytilus edulis</i>), Mediterranean mussel (<i>Mytilus galloprovincialis</i>), Octopus (<i>Octopus vulgaris</i>), European flat oyster (<i>Ostrea edulis</i>), Great Atlantic scallop (<i>Pecten maximus</i>), Grooved carpet shell (<i>Ruditapes decussatus</i>), Japanese carpet shell (<i>Ruditapes philippinarum</i>), Common cuttlefish (<i>Sepia officinalis</i>), Stromboid conchs (<i>Strombus</i> spp.), European aurora venus clam (<i>Venerupis aurea</i>), Pullet carpet shell (<i>Venerupis pullastra</i>), Warty venus (<i>Venus verrucosa</i>) European lobster (<i>Homarus gammarus</i>), Marine crabs (<i>Brachyura</i> spp.), Yabi crayfish (<i>Cherax destructor</i>), Giant river prawn (<i>Macrobrachium rosenbergii</i>), Spiny lobsters (<i>Palinurus</i> spp.), Swimming crab (<i>Portunus puber</i>), Indopacific swamp crab (<i>Squilla serrata</i>), Indian white prawn (<i>Penaeus indicus</i>), Kuruma prawn (<i>Penaeus japonicus</i>), Caramote prawn (<i>Penaeus kerathurus</i>).	Aquatic animals of the species listed in Column 2 shall only be regarded as vectors for the disease listed in Column 1 where they originate from a farm where species susceptible to that disease are present.	Aquatic animals of the species listed in Column 2 shall only be regarded as vectors for the disease listed in Column 1 where they are intended for a farm keeping species susceptible to that disease.
Yellowhead disease	Penshells (<i>Atrina</i> spp.), Common whelk (<i>Buccinum undatum</i>), Portuguese oyster (<i>Crassostrea angulata</i>), Common edible cockle (<i>Crassostrea edule</i>), Pacific cupped oyster (<i>Crassostrea gigas</i>), American cupped oyster (<i>Crassostrea virginica</i>), Wedge shell (<i>Donax trunculus</i>), Ezo abalone (<i>Haliotis discus hannai</i>), Tuberculate abalone (<i>Haliotis tuberculata</i>), Periwinkles (<i>Littorina littorea</i>), Northern quahog (<i>Mercenaria mercenaria</i>), Japanese hard clam (<i>Meretrix lusoria</i>), Sand gaper (<i>Mya arenaria</i>), Blue mussel (<i>Mytilus edulis</i>), Mediterranean mussel (<i>Mytilus galloprovincialis</i>), Octopus (<i>Octopus vulgaris</i>), European flat oyster (<i>Ostrea edulis</i>), Great Atlantic scallop (<i>Pecten maximus</i>), Grooved carpet shell (<i>Ruditapes decussatus</i>), Japanese carpet shell (<i>Ruditapes philippinarum</i>), Common cuttlefish (<i>Sepia officinalis</i>), Stromboid conchs (<i>Strombus</i> spp.), European aurora venus clam (<i>Venerupis aurea</i>), Pullet carpet shell (<i>Venerupis pullastra</i>), Warty venus (<i>Venus verrucosa</i>)	Aquatic animals of the species listed in Column 2 shall only be regarded as vectors for the disease listed in Column 1 where they originate from a farm where species susceptible to that disease are present.	No additional conditions apply related to the place of destination.

Column 1	Column 2	Column 3	Column 4
Viral haemorrhagic septicaemia (VHS)	Beluga (<i>Huso huso</i>), Danube sturgeon (<i>Acipenser gueldenstaedtii</i>), Sterlet sturgeon (<i>Acipenser ruthenus</i>), Starry sturgeon (<i>Acipenser stellatus</i>), Sturgeon (<i>Acipenser sturio</i>), Siberian Sturgeon (<i>Acipenser Baerii</i>)	Aquatic animals of the species listed in Column 2 shall only be regarded as vectors for the disease listed in Column 1 where they originate from a farm or river catchment area where species susceptible to that disease are present.	Aquatic animals of the species listed in Column 2 shall only be regarded as vectors for the disease listed in Column 1 where they are intended for a farm keeping species susceptible to that disease.
	Bighead carp (<i>Aristichthys nobilis</i>), goldfish (<i>Carassius auratus</i>), Crucian carp (<i>C. carassius</i>), common carp and koi carp (<i>Cyprinus carpio</i>), silver carp (<i>Hypophthalmichthys molitrix</i>), Chub (<i>Leuciscus spp</i>), Roach (<i>Rutilus rutilus</i>), Rudd (<i>Scardinius erythrophthalmus</i>), tench (<i>Tinca tinca</i>) North African catfish (<i>Clarias gariepinus</i>), Northern pike (<i>Esox lucius</i>) Catfish (<i>Ictalurus spp.</i>), Black bullhead (<i>Ameiurus melas</i>), Channel catfish (<i>Ictalurus punctatus</i>), Pangas catfish (<i>Pangasius pangasius</i>), Pike perch (<i>Sander lucioperca</i>), Wels catfish (<i>Silurus glanis</i>) European seabass (<i>Dicentrarchus labrax</i>), Striped bass (<i>Morone chrysops</i> x <i>M. saxatilis</i>), Flathead grey mullet (<i>Mugil cephalus</i>), Red drum (<i>Sciaenops ocellatus</i>), Meagre (<i>Argyrosomus regius</i>), Shi drum (<i>Umbrina cirrosa</i>), True tunas (<i>Thunnus spp.</i>), Atlantic bluefin tuna (<i>Thunnus thynnus</i>), White Grouper (<i>Epinephelus aeneus</i>), Dusky grouper (<i>Epinephelus marginatus</i>), Senegalese solea (<i>Solea senegalensis</i>), Common sole (<i>Solea solea</i>), Common pandora (<i>Pagellus erythrinus</i>), Common dentex (<i>Dentex dentex</i>), Gilthead seabream (<i>Sparus aurata</i>), White seabream (<i>Diplodus sargus</i>), Black spot seabream (<i>Pagellus bogaraveo</i>), Red Sea Bream (<i>Pagrus major</i>), Diplodus vulgaris, Sharop snout seabream (<i>Diplodus puntazzo</i>), Common two banded seabream (<i>Diplodus vulgaris</i>), Red porgy (<i>Pagrus pagrus</i>) Tilapia spp (<i>Oreochromis</i>)	Aquatic animals of the species listed in Column 2 shall only be regarded as vectors for the disease listed in Column 1 where they originate from a farm where species susceptible to that disease are present.	Aquatic animals of the species listed in Column 2 shall only be regarded as vectors for the disease listed in Column 1 where they are intended for a farm keeping species susceptible to that disease.
Infectious haematopoietic necrosis (IHN)	Beluga (<i>Huso huso</i>), Danube sturgeon (<i>Acipenser gueldenstaedtii</i>), Sterlet sturgeon (<i>Acipenser ruthenus</i>), Starry sturgeon (<i>Acipenser stellatus</i>), Sturgeon (<i>Acipenser sturio</i>), Siberian Sturgeon (<i>Acipenser Baerii</i>) Bighead carp (<i>Aristichthys nobilis</i>), goldfish (<i>Carassius auratus</i>), crucian carp (<i>C. carassius</i>), common carp and koi carp (<i>Cyprinus carpio</i>), silver carp (<i>Hypophthalmichthys molitrix</i>), Chub (<i>Leuciscus spp</i>), Roach (<i>Rutilus rutilus</i>), Rudd (<i>Scardinius erythrophthalmus</i>) tench (<i>Tinca tinca</i>) North African catfish (<i>Clarias gariepinus</i>), Catfish (<i>Ictalurus spp.</i>), Black bullhead (<i>Ameiurus melas</i>), Channel catfish (<i>Ictalurus punctatus</i>), Pangas catfish (<i>Pangasius pangasius</i>), Pike perch (<i>Sander lucioperca</i>), Wels catfish (<i>Silurus glanis</i>) Atlantic halibut (<i>Hippoglossus hippoglossus</i>), Flounder (<i>Platichthys flesus</i>), Atlantic cod (<i>Gadus morhua</i>), Haddock (<i>Melanogrammus aeglefinus</i>) Noble crayfish (<i>Astacus astacus</i>), Signal crayfish (<i>Pacifastacus leniusculus</i>), Redswamp crayfish (<i>Procambarus clarkii</i>)	Aquatic animals of the species listed in Column 2 shall only be regarded as vectors for the disease listed in Column 1 where they originate from a farm where species susceptible to that disease are present.	Aquatic animals of the species listed in Column 2 shall only be regarded as vectors for the disease listed in Column 1 where they are intended for a farm keeping species susceptible to that disease.

Column 1	Column 2	Column 3	Column 4
Koi herpes virus (KHV) disease	None	Not applicable	Not applicable
Infectious salmon anaemia (ISA)	None	Not applicable	Not applicable
Infection with Marteilia refringens	Common edible cockle (<i>Cerastoderma edule</i>), Wedge shell (<i>Donax trunculus</i>), Sand gaper (<i>Mya arenaria</i>), Northern quahog (<i>Merzenaria mercenaria</i>), Japanese hard clam (<i>Meretrix lusoria</i>), Grooved carpet shell (<i>Ruditapes decussatus</i>), Japanese carpet shell (<i>Ruditapes philippinarum</i>), European aurora venus clam (<i>Venerupis aurea</i>), Pullet carpet shell (<i>Venerupis pullastra</i>), Warty venus (<i>Venus verrucosa</i>)	Aquatic animals of the species listed in Column 2 shall only be regarded as vectors for the disease listed in Column 1 where they originate from a farm or mollusc farming area where species susceptible to that disease are present.	Aquatic animals of the species listed in Column 2 shall only be regarded as vectors for the disease listed in Column 1 where they are intended for a farm keeping species susceptible to that disease.
Infection with Bonamia ostreae	Common edible cockle (<i>Cerastoderma edule</i>), Wedge shell (<i>Donax trunculus</i>), Sand gaper (<i>Mya arenaria</i>), Northern quahog (<i>Merzenaria mercenaria</i>), Japanese hard clam (<i>Meretrix lusoria</i>), Grooved carpet shell (<i>Ruditapes decussatus</i>), Japanese carpet shell (<i>Ruditapes philippinarum</i>), European aurora venus clam (<i>Venerupis aurea</i>), Pullet carpet shell (<i>Venerupis pullastra</i>), Warty venus (<i>Venus verrucosa</i>) Great Atlantic scallop (<i>Pecten maximus</i>)	Aquatic animals of the species listed in Column 2 shall only be regarded as vectors for the disease listed in Column 1 where they originate from a farm or mollusc farming area where species susceptible to that disease are present.	Aquatic animals of the species listed in Column 2 shall only be regarded as vectors for the disease listed in Column 1 where they are intended for a farm or mollusc farming area keeping species susceptible to that disease.
White spot disease	Penshells (<i>Arina</i> spp.), Common whelk (<i>Buccinum undatum</i>), Portuguese oyster (<i>Crassostrea angulata</i>), Common edible cockle (<i>Cerastoderma edule</i>), Pacific cupped oyster (<i>Crassostrea gigas</i>), American cupped oyster (<i>Crassostrea virginica</i>), Wedge shell (<i>Donax trunculus</i>), Ezo abalone (<i>Haliotis discus hannai</i>), Tuberculate abalone (<i>Haliotis tuberculata</i>), Periwinkles (<i>Littorina littorea</i>), Northern quahog (<i>Merzenaria mercenaria</i>), Japanese hard clam (<i>Meretrix lusoria</i>), Sand gaper (<i>Mya arenaria</i>), Blue mussel (<i>Mytilus edulis</i>), Mediterranean mussel (<i>Mytilus galloprovincialis</i>), Octopus (<i>Octopus vulgaris</i>), European flat oyster (<i>Ostrea edulis</i>), Great Atlantic scallop (<i>Pecten maximus</i>), Grooved carpet shell (<i>Ruditapes decussatus</i>), Japanese carpet shell (<i>Ruditapes philippinarum</i>), Common cuttlefish (<i>Sepia officinalis</i>), Stromboid conchs (<i>Strombus</i> spp.), European aurora venus clam (<i>Venerupis aurea</i>), Pullet carpet shell (<i>Venerupis pullastra</i>), Warty venus (<i>Venus verrucosa</i>)	Aquatic animals of the species listed in Column 2 shall only be regarded as vectors for the disease listed in Column 1 where they originate from a farm where species susceptible to that disease are present.	Aquatic animals of the species listed in Column 2 shall only be regarded as vectors for the disease listed in Column 1 where they are intended for a farm keeping species susceptible to that disease.

ANNEX II

PART A

Model animal health certificate for the placing on the market of aquaculture animals for farming, relaying, put and take fisheries, open ornamental facilities and restocking

EUROPEAN COMMUNITY

Intra trade certificate

Part I: Details of consignment presented	I.1. Consignor Name Address Postal code		I.2. Certificate reference number	I.2.a. Local reference number:	
			I.3. Central Competent Authority		
			I.4. Local Competent Authority		
	I.5. Consignee Name Address Postal code		I.6.		
			I.7.		
	I.8. Country of origin	ISO code	I.9.	I.10. Country of destination	ISO code
					I.11.
	I.12. Place of origin/Place of harvest Approved aquaculture holding ☐ Other ☐ Name Address Postal code Approval number		I.13. Place of destination Approved aquaculture holding ☐ Other ☐ Name Address Postal code Approval number		
	I.14. Place of loading Postal code		I.15. Date and time of departure		
	I.16. Means of transport Aeroplane ☐ Ship ☐ Railway wagon ☐ Road vehicle ☐ Other ☐ Identification:		I.17. Transporter Name Address Postal code Approval number Member State		
I.18. Animal species/product			I.19. Commodity code (CN code)		
			I.20. Number/quantity		
I.21.			I.22. Number of packages		
I.23. Identification of container/seal number			I.24. Type of packaging		
I.25. Animals certified as/products certified for: Breeding ☐ Game restocking ☐ Relaying ☐ Pets ☐ Quarantine ☐ Other ☐					
I.26. Transit through third country ☐ Third country Exit point Entry point ISO code Code BIP unit no.:		I.27. Transit through Member States ☐ Member State Member State Member State ISO code ISO code ISO code			
I.28. Export ☐ Third country Exit point ISO code Code		I.29.			
I.30.					
I.31. Identification of the animals Species (Scientific name) Quantity					

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Placing on the market of aquaculture animals for farming, relaying, put and take fisheries, open ornamental facilities and restocking

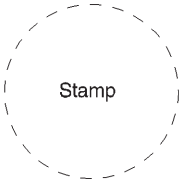
Part II: Certification	II. Health attestation	II.a. Certificate reference number	II.b. Local reference number
	II.1 General requirements I, the undersigned official inspector, hereby certify that the aquaculture animals referred to in Part I of this certificate: II.1.1 <i>either</i> ⁽¹⁾[have been inspected within ⁽¹⁾ ⁽²⁾[72] ⁽¹⁾ [24] hours of loading, and showed no clinical signs of disease] <i>or</i> ⁽¹⁾[in the case of eggs and molluscs, come from a farm or mollusc farming area where, according to the records of the farm or mollusc farming area, there is no indication of disease problems] <i>or</i> ⁽¹⁾ ⁽³⁾[in the case of wild aquatic animals, according to the best of my knowledge and belief are clinically healthy]; II.1.2 are not subject to any prohibitions due to unresolved increased mortality; II.1.3 are not intended for destruction or slaughter for the eradication of diseases; II.1.4 comply with the requirements for placing on the market laid down in Council Directive 2006/88/EC; II.1.5 ⁽¹⁾[in the case of molluscs, were subject to an individual visual check of each part of the consignment, and no molluscs species other than those specified in Part I of the certificate were detected.] II.2 ⁽¹⁾⁽⁴⁾⁽⁵⁾[Requirements for species susceptible to Viral haemorrhagic septicaemia (VHS), Infectious haematopoietic necrosis (IHN), Infectious salmon anaemia (ISA), Koi herpes virus (KHV), Marteilia refringens, Bonamia ostreae, and/or White spot disease] I, the undersigned official inspector, hereby certify that the aquaculture animals referred to above: <i>either</i> ⁽¹⁾⁽⁶⁾[originate from a Member State, zone or compartment declared free from ⁽¹⁾[VHS] ⁽¹⁾[IHN] ⁽¹⁾[ISA] ⁽¹⁾[KHV] ⁽¹⁾[Marteilia refringens] ⁽¹⁾[Bonamia ostreae] ⁽¹⁾[White spot disease] in accordance with Chapter VII of Directive 2006/88/EC] <i>or</i> ⁽¹⁾⁽⁵⁾⁽⁶⁾[in the case of wild aquatic animals, have been subject to quarantine in accordance with Commission Decision 2008/946/EC]. II.3 ⁽¹⁾⁽⁵⁾⁽⁷⁾[Requirements for vector species to Viral haemorrhagic septicaemia (VHS), Infectious haematopoietic necrosis (IHN), Infectious salmon anaemia (ISA), Koi herpes virus (KHV), Marteilia refringens, Bonamia ostreae, and/or White spot disease] I, the undersigned official inspector, hereby certify that the aquaculture animals referred to above which are to be regarded as possible vectors to ⁽¹⁾[VHS] ⁽¹⁾[IHN] ⁽¹⁾[ISA] ⁽¹⁾[KHV] ⁽¹⁾[Marteilia refringens] ⁽¹⁾[Bonamia ostreae] ⁽¹⁾[White spot disease] as they are of species listed in Column 2 and fulfil the conditions set out in Column 3 of the table in Annex I to Commission Regulation (EC) No 1251/2008: <i>either</i> ⁽¹⁾⁽⁶⁾[originate from a Member State, zone or compartment declared free from ⁽¹⁾[VHS] ⁽¹⁾[IHN] ⁽¹⁾[ISA] ⁽¹⁾[KHV] ⁽¹⁾[Marteilia refringens] ⁽¹⁾[Bonamia ostreae] ⁽¹⁾[White spot disease] in accordance with Chapter VII of Directive 2006/88/EC] <i>or</i> ⁽¹⁾⁽⁵⁾⁽⁶⁾⁽⁷⁾[have been subject to quarantine in accordance with Commission Decision 2008/946/EC]. II.4 Transport and labelling requirements I, the undersigned official inspector, hereby certify that: II.4.1 the aquaculture animals referred to above, (i) are placed under conditions, including with a water quality, that do not alter their health status, (ii) as appropriate, comply with the general conditions for the transport of animals laid down in Article 3 of Council Regulation (EC) No 1/2005; II.4.2 the transport container or well boat prior to loading is clean and disinfected or previously unused; and II.4.3 the consignment is identified by a legible label on the exterior of the container, or when transported by well boat, in the ship's manifest, with the relevant information referred to in boxes I.8 to I.13 of Part I of this certificate, and the following statement: <i>either</i> ⁽¹⁾⁽¹⁾[Wild] ⁽¹⁾[Fish] ⁽¹⁾[Molluscs] ⁽¹⁾[Crustaceans] intended for farming in the Community', <i>or</i> ⁽¹⁾⁽¹⁾[Wild] ⁽¹⁾[Molluscs] intended for relaying in the Community', <i>or</i> ⁽¹⁾⁽¹⁾[Wild] ⁽¹⁾[Fish] ⁽¹⁾[Molluscs] ⁽¹⁾[Crustaceans] intended for put and take fisheries in the Community', <i>or</i> ⁽¹⁾⁽¹⁾[Wild] ⁽¹⁾[Ornamental fish] ⁽¹⁾[Ornamental molluscs] ⁽¹⁾[Ornamental crustaceans] intended for open ornamental facilities in the Community', <i>or</i> ⁽¹⁾⁽¹⁾[Fish] ⁽¹⁾[Molluscs] ⁽¹⁾[Crustaceans] intended for restocking in the Community', <i>or</i> ⁽¹⁾⁽¹⁾[Wild] ⁽¹⁾[Fish] ⁽¹⁾[Molluscs] ⁽¹⁾[Crustaceans] intended for quarantine in the Community',		

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Placing on the market of aquaculture animals for farming, relaying, put and take fisheries, open ornamental facilities and restocking

II. Health attestation	II.a. Certificate reference number	II.b. Local reference number
II.5 (1)(8)[Attestation for consignments originating from an area subject to disease control measures as provided for in Sections 3 to 6 of Chapter V of Directive 2006/88/EC] I, the undersigned official inspector, hereby certify that: II.5.1 the animals referred to above originate from an area subject to disease control measures regarding (1)[Epizootic ulcerative syndrome (EUS)] (1)[Epizootic haematopoietic necrosis (EHN)] (1)[Viral haemorrhagic septicaemia (VHS)] (1)[Infectious haematopoietic necrosis (IHN)] (1)[Infectious salmon anaemia (ISA)] (1)[Koi herpes virus (KHV)] (1)[Bonamia exitiosa] (1)[Perkinsus marinus] (1)[Mikrocytos mackini] (1)[Martellia refringens] (1)[Bonamia ostreae] (1)[Taura syndrome] (1)[Yellowhead disease] (1)[White spot disease] (1)(9)[the following emerging disease:]; II.5.2 the animals referred to above are allowed to be placed on the market according to the control measures laid down; and II.5.3 the consignment is identified by a legible label on the exterior of the container, or when transported by well boat, in the ship's manifest, with the relevant information referred to in boxes I.8 to I.13 of Part I of this certificate, and the following statement: '(1)[Wild] (1)[Fish] (1)[Molluscs] (1)[Crustaceans] originating from an area subject to disease control measures'.] Notes Part I: — Box I.12: If appropriate, use the authorisation number for the farm or mollusc farming area in question. Use 'other' if wild aquatic animals. — Box I.13: If appropriate, use the authorisation number for the farm or mollusc farming area in question. Use 'other' if intended for restocking. — Box I.19: Use the appropriate HS codes: 0301, 0306, 0307, 0301 10 and 0302 70 00. — Box I.20 and I.31: As regards quantity, give the total number. — Box I.25: Use the option 'Breeding' if intended for farming, 'Relaying' if intended for relaying, 'Pets' if intended for open ornamental facilities, 'Game restocking' if intended for restocking, 'Quarantine' if the aquaculture animals are intended for a quarantine facility, and 'Other' if intended for put and take fisheries. Part II: (1) Keep as appropriate. (2) The 24-hour option applies only to consignments of aquaculture animals which according to Article 8 of Regulation (EC) No 1251/2008 must be accompanied by a certificate and which in compliance with the placing on the market requirements of Directive 2006/88/EC are allowed by the competent authority to leave an area subject to control provisions provided for in Sections 3 to 6 of Chapter V of Directive 2006/88/EC or a Member State, zone or compartment with an eradication programme approved in accordance with Article 44(2) of that Directive. In all other cases the 72-hour option applies. (3) Only applicable to consignments of aquaculture animals caught in the wild and immediately transported to a farm or mollusc farming area without any temporary storage. (4) Part II.2 of this certificate applies to species susceptible to one or more of the diseases referred to in the title. Susceptible species are listed in Part II of Annex IV to Directive 2006/88/EC. (5) Consignments of wild aquatic animals may be placed on the market regardless of the requirements in Part II.2 of this certificate if they are intended for a quarantine facility complying with the requirements laid down in Commission Decision 2008/946/EC. (6) To be authorised into a Member State, zone or compartment declared free from VHS, IHN, ISA, KHV, Martellia refringens, Bonamia ostreae, or Whitespot disease or with a surveillance or eradication programme established in accordance with Article 44(1) or (2) of Directive 2006/88/EC, one of these statements must be kept if the consignment contain susceptible or vector species to the disease(s) for which disease freedom or programme(s) apply(ies). Data on the disease status of each farm and mollusc farming area in the Community are accessible at http://ec.europa.eu/food/animal/liveanimals/aquaculture/index_en.htm (7) Part II.3 of this certificate applies to vector species to one or more of the diseases referred to in the title. Possible vector species and the conditions, under which consignments of such species are to be considered vector species, are listed in Annex I to Regulation (EC) No 1251/2008. Consignments of possible vector species may be placed on the market regardless of the requirements in Part II.3 if the conditions set out in Column 4 of the table in Annex I to Regulation (EC) No 1251/2008 are not fulfilled or they are intended for a quarantine facility complying with the requirements laid down in Commission Decision 2008/946/EC. (8) Part II.5 of this certificate applies to consignments of aquaculture animals which according to Article 8 of Regulation (EC) No 1251/2008 must be accompanied by a certificate and which in compliance with the placing on the market requirements of Directive 2006/88/EC are allowed by the competent authority to leave an area subject to control provisions provided for in Sections 3 to 6 of Chapter V of Directive 2006/88/EC or a Member State, zone or compartment with an eradication programme approved in accordance with Article 44(2) of that Directive. (9) Applicable when measures are taken in accordance with Article 41 of Directive 2006/88/EC.		

EUROPEAN COMMUNITY**Placing on the market of aquaculture animals for farming,
relaying, put and take fisheries, open ornamental facilities
and restocking**

II. Health attestation	II.a. Certificate reference number	II.b. Local reference number		
Official inspector <table border="0"><tr><td data-bbox="177 448 402 528">Name (in capital letters): Local Veterinary Unit: Date:</td><td data-bbox="828 448 1037 528">Qualification and title: No of the related LVU: Signature:</td></tr></table>  Stamp			Name (in capital letters): Local Veterinary Unit: Date:	Qualification and title: No of the related LVU: Signature:
Name (in capital letters): Local Veterinary Unit: Date:	Qualification and title: No of the related LVU: Signature:			

PART B

Model animal health certificate for the placing on the market of aquaculture animals or products thereof intended for further processing, dispatch centres and purification centres and similar businesses before human consumption

EUROPEAN COMMUNITY

Intra trade certificate

Part I: Details of consignment presented	I.1. Consignor Name Address Postal code		I.2. Certificate reference number		I.2.a. Local reference number:	
			I.3. Central Competent Authority			
			I.4. Local Competent Authority			
	I.5. Consignee Name Address Postal code		I.6.			
			I.7.			
	I.8. Country of origin	ISO code	I.9.	I.10. Country of destination	ISO code	I.11.
	I.12. Place of origin/Place of harvest Establishment ☐ Approved aquaculture holding ☐ Other ☐ Name Approval number Address Postal code		I.13. Place of destination Establishment ☐ Approved aquaculture holding ☐ Other ☐ Name Approval number Address Postal code			
	I.14. Place of loading Postal code		I.15. Date and time of departure			
	I.16. Means of transport Aeroplane ☐ Ship ☐ Railway wagon ☐ Road vehicle ☐ Other ☐ Identification:		I.17. Transporter Name Approval number Address Postal code Member State			
	I.18. Animal species/product		I.19. Commodity code (CN code)			
					I.20. Number/quantity	
	I.21.				I.22. Number of packages	
	I.23. Identification of container/seal number				I.24. Type of packaging	
	I.25. Animals certified as/products certified for: Human consumption ☐					
	I.26. Transit through third country ☐ Third country ISO code Exit point Code Entry point BIP unit no.:		I.27. Transit through Member States ☐ Member State ISO code Member State ISO code Member State ISO code			
I.28. Export ☐ Third country ISO code Exit point Code		I.29.				
I.30.						
I.31. Identification of the animals Species (Scientific name) Quantity						

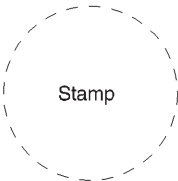
EUROPEAN COMMUNITY

Placing on the market of aquaculture animals or products thereof for human consumption

II. Health attestation		II.a. Certificate reference number	II.b. Local reference number
Part II: Certification	II.1 General requirements		
	I, the undersigned official inspector, hereby certify that the aquaculture animals or products thereof referred to in Part I of this certificate:		
	II.1.1	comply with the requirements for placing on the market laid down in Council Directive 2006/88/EC.	
	II.2	⁽¹⁾ / ⁽²⁾ [Requirements for species susceptible to Viral haemorrhagic septicaemia (VHS), Infectious haematopoietic necrosis (IHN), Infectious salmon anaemia (ISA), Koi herpes virus (KHV), Marteilia refringens, Bonamia ostreae, and/or White spot disease]	
	I, the undersigned official inspector, hereby certify that the aquaculture animals or products thereof referred to above:		
	II.2.1	⁽¹⁾ originate from a Member State, zone or compartment declared free from ⁽¹⁾ [VHS] ⁽¹⁾ [IHN] ⁽¹⁾ [ISA] ⁽¹⁾ [KHV] ⁽¹⁾ [Marteilia refringens] ⁽¹⁾ [Bonamia ostreae] ⁽¹⁾ [White spot disease] in accordance with Chapter VII of Directive 2006/88/EC.]	
	II.3 Transport and labelling requirements		
	I, the undersigned official inspector, hereby certify that:		
	II.3.1	the aquaculture animals or products thereof referred to above,	
	(i) are placed under conditions, including with a water quality, that do not alter their health status,		
	(ii) as appropriate, comply with the general conditions for the transport of animals laid down in Article 3 of Council Regulation (EC) No 1/2005;		
	II.3.2	the transport container or well boat prior to loading is clean and disinfected or previously unused; and	
	II.3.3	the consignment is identified by a legible label on the exterior of the container, or when transported by well boat, in the ship's manifest, with the relevant information referred to in boxes I.8 to I.13 of Part I of this certificate, and the following statement:	
	⁽¹⁾ / ⁽¹⁾ [Fish] ⁽¹⁾ [Molluscs] ⁽¹⁾ [Crustaceans] intended for ⁽¹⁾ [further processing] ⁽¹⁾ [dispatch centres or similar businesses] ⁽¹⁾ [purification centres or similar businesses] before human consumption in the Community'].		
	II.4 ⁽¹⁾/⁽³⁾Attestation for consignments originating from an area subject to disease control measures		
I, the undersigned official inspector, hereby certify that:			
II.4.1	either ⁽¹⁾ [the animals referred to above have been inspected within 24 hours of loading, and showed no clinical signs of disease],		
or ⁽¹⁾ [in the case of eggs and molluscs, come from a farm or mollusc farming area where, according to the records of the farm or mollusc farming area, there is no indication of disease problems];			
II.4.2	the animals referred to above originate from an area subject to disease control measures regarding ⁽¹⁾ [Epizootic ulcerative syndrome (EUS)] ⁽¹⁾ [Epizootic haematopoietic necrosis (EHN)] ⁽¹⁾ [Viral haemorrhagic septicaemia (VHS)] ⁽¹⁾ [Infectious haematopoietic necrosis (IHN)] ⁽¹⁾ [Infectious salmon anaemia (ISA)] ⁽¹⁾ [Koi herpes virus (KHV)] ⁽¹⁾ [Bonamia exitiosa] ⁽¹⁾ [Perkinsus marinus] ⁽¹⁾ [Mikrocytos mackini] ⁽¹⁾ [Marteilia refringens] ⁽¹⁾ [Bonamia ostreae] ⁽¹⁾ [Taura syndrome] ⁽¹⁾ [Yellowhead disease] ⁽¹⁾ [White spot disease] ⁽¹⁾ / ⁽⁴⁾ [the following emerging disease:];		
II.4.3	the animals referred to above are allowed to be placed on the market according to the control measures laid down; and		
II.4.4	the consignment is identified by a legible label on the exterior of the container, or when transported by well boat, in the ship manifest, with the relevant information referred to in boxes I.8 to I.13 of Part I of this certificate, and the following statement:		
⁽¹⁾ [Fish] ⁽¹⁾ [Molluscs] ⁽¹⁾ [Crustaceans] originating from an area subject to disease control measures']			
Notes			
Part I:			
— Box I.12 and I.13: If appropriate, use the authorisation number for the farm, mollusc farming area or establishment in question.			
— Box I.19: Use the appropriate HS codes: 0301, 0302, 0302 70, 0303, 0306 or 0307.			
— Box I.20 and I.31: As regards quantity, give the total number.			

EUROPEAN COMMUNITY

Placing on the market of aquaculture animals or products thereof for human consumption

II. Health attestation	II.a. Certificate reference number	II.b. Local reference number						
Part II: (¹) Keep as appropriate. (²) Part II.2 of this certificate applies to species susceptible to one or more of the diseases referred to in the title. Susceptible species are listed in Part II of Annex IV to Directive 2006/88/EC. To be authorised into a Member State, zone or compartment declared free from VHS, IHN, ISA, KHV, <i>Marteilia refringens</i>, <i>Bonamia ostreae</i>, or Whitespot disease or with a surveillance or eradication programme established in accordance with Article 44(1) or (2) of Directive 2006/88/EC, this statement must be kept if the consignment contains species susceptible to the disease(s) for which disease freedom or programme(s) apply(ies), unless the consignment is intended for processing establishments authorised in accordance with Article 4(2) of Directive 2006/88/EC, or for dispatch centres, purification centres or similar businesses which are equipped with an effluent treatment system inactivating the pathogens in question, or where the effluent is subject to other types of treatment reducing the risk of transmitting diseases to the natural waters to an acceptable level. Data on the disease status of each farm and mollusc farming area in the Community are accessible at http://ec.europa.eu/food/animal/liveanimals/aquaculture/index_en.htm (³) Part II.4 of this certificate applies to consignments of aquaculture animals and products thereof which according to Article 8 of Regulation (EC) No 1251/2008 must be accompanied by a certificate and which in compliance with the placing on the market requirements of Directive 2006/88/EC are allowed by the competent authority to leave an area subject to control provisions provided for in Sections 3 to 6 of Chapter V of Directive 2006/88/EC or a Member State, zone or compartment with an eradication programme approved in accordance with Article 44(2) of that Directive. (⁴) Applicable when measures are taken in accordance with Article 41 of Directive 2006/88/EC.								
Official inspector <table border="0"> <tr> <td>Name (in capital letters):</td> <td>Qualification and title:</td> </tr> <tr> <td>Local Veterinary Unit:</td> <td>No of the related LVU:</td> </tr> <tr> <td>Date:</td> <td>Signature:</td> </tr> </table>  Stamp			Name (in capital letters):	Qualification and title:	Local Veterinary Unit:	No of the related LVU:	Date:	Signature:
Name (in capital letters):	Qualification and title:							
Local Veterinary Unit:	No of the related LVU:							
Date:	Signature:							

ANNEX III

Third countries, territories, zones or compartments from which import are permitted of aquaculture animals intended for farming, put and take fisheries and open ornamental facilities, and ornamental fish susceptible to one or more of the diseases listed in Part II of Annex IV to Directive 2006/88/EC and intended for closed ornamental facilities ⁽¹⁾

Country/territory		Aquaculture Species			Zone/Compartment	
ISO-code	Name	Fish	Molluscs	Crustaceans	Code	Description
AU	Australia	X ^(A)				
BR	Brazil	X ^(B)				
CA	Canada	X			CA 0 ^(D)	Whole territory
					CA 1 ^(E)	British Columbia
					CA 2 ^(E)	Alberta
					CA 3 ^(E)	Saskatchewan
					CA 4 ^(E)	Manitoba
					CA 5 ^(E)	New Brunswick
					CA 6 ^(E)	Nova Scotia
					CA 7 ^(E)	Prince Edward Island
					CA 8 ^(E)	Newfoundland and Labrador
					CA 9 ^(E)	Yukon
					CA 10 ^(E)	Northwest Territories
					CA 11 ^(E)	Nunavut
CL	Chile	X ^(A)				Whole country
CN	China	X ^(B)				Whole country
CO	Colombia	X ^(B)				Whole country
CG	Congo	X ^(B)				Whole country
HR	Croatia	X ^(A)				Whole country
HK	Hong Kong	X ^(B)				Whole country
IN	India	X ^(C)				Whole country
ID	Indonesia	X ^(A)				Whole country
IL	Israel	X ^(A)				Whole country
JM	Jamaica	X ^(B)				Whole country
JP	Japan	X ^(B)				Whole country
LK	Sri Lanka	X ^(B)				Whole country
MK ^(F)	Former Yugoslav Republic of Macedonia	X ^(B)				Whole country
MY	Malaysia	X ^(B)				Peninsular, Western Malaysia
NZ	New Zealand	X ^(A)				Whole country
RU	Russia	X ^(A)				Whole country

⁽¹⁾ According to Article 11 ornamental fish which are not of susceptible species to any of the diseases listed in Part II of Annex IV to Directive 2006/88/EC, and ornamental molluscs and ornamental crustaceans, intended for closed ornamental facilities, may be imported into the Community from third countries or territories that are members of the World Organisation for Animal Health (OIE).

Country/territory		Aquaculture Species			Zone/Compartment	
ISO-code	Name	Fish	Molluscs	Crustaceans	Code	Description
SG	Singapore	X ^(B)				Whole country
ZA	South Africa	X ^(A)				Whole country
TW	Taiwan	X ^(B)				Whole country
TH	Thailand	X ^(B)				Whole country
TR	Turkey	X ^(A)				Whole country
US	United States	X			US 0 ^(D)	Whole country
		X			US 1 ^(E)	Whole country, except the following states: New York, Ohio, Illinois, Michigan, Indiana, Wisconsin, Minnesota and Pennsylvania
			X		US 2	Humboldt Bay (California)
			X		US 3	Netarts Bay (Oregon)
			X		US 4	Wilapa Bay, Totten Inlet, Oakland Bay, Quilcense Bay and Dabob Bay (Washington)
			X		US 5	NELHA (Hawaii)
VN	Vietnam	X ^(C)				

^(A) Apply to all fish species.

^(B) Apply only to fish species susceptible to Epizootic ulcerative syndrome according to Part II of Annex IV to Directive 2006/88/EC intended for closed ornamental facilities and *Cyprinidae*.

^(C) Apply only to fish species susceptible to Epizootic ulcerative syndrome according to Part II of Annex IV to Directive 2006/88/EC intended for closed ornamental facilities.

^(D) Apply not to fish species susceptible to or vector species for viral haemorrhagic septicaemia according to Part II of Annex IV to Directive 2006/88/EC.

^(E) Apply only to fish species susceptible to or vector species for viral haemorrhagic septicaemia according to Part II of Annex IV to Directive 2006/88/EC.

^(F) Provisional code that does not prejudice in any way the definitive denomination for this country, which will be agreed following the conclusion of the negotiations currently taking place on this subject at the United Nations.

ANNEX IV

PART A

**Model animal health certificate for the import into the European Community of aquaculture animals for farming,
relaying, put and take fisheries and open ornamental facilities**

COUNTRY

Veterinary certificate to EU

Part I: Details of dispatched consignment	I.1. Consignor Name Address Tel.		I.2. Certificate reference number		I.2.a			
			I.3. Central Competent Authority					
			I.4. Local Competent Authority					
	I.5. Consignee Name Address Postal code Tel.		I.6.					
	I.7. Country of origin	ISO code	I.8. Region of origin	Code	I.9. Country of destination	ISO code	I.10. Region of destination	Code
	I.11. Place of origin Name Address Name Address Name Address		Approval number		I.12.			
	I.13. Place of loading Address		Approval number		I.14. Date of departure			time of departure
	I.15. Means of transport Aeroplane ☐ Ship ☐ Railway wagon ☐ Road vehicle ☐ Other ☐ Identification: Documentary references:		I.16. Entry BIP in EU					
	I.17. No(s) of CITES							
	I.18. Description of commodity				I.19. Commodity code (HS code)			
				I.20. Quantity				
I.21.				I.22. Number of packages				
I.23. Identification of container/seal number				I.24.				
I.25. Commodities certified for: Breeding ☐ Quarantine ☐ Relaying ☐ Other ☐ Pets ☐ Circus/exhibition ☐								
I.26.				I.27. For import or admission into EU ☐				
I.28. Identification of the commodities Species (Scientific name) Quantity								

COUNTRY

Aquaculture animals for farming, relaying, put and take fisheries and open ornamental facilities

Part II: Certification	II. Health information	II.a. Certificate reference number	II.b.
	II.1 General requirements		
	I, the undersigned official inspector, hereby certify that the aquaculture animals, referred to in Part I of this certificate:		
	II.1.1 have been inspected within 72 hours of loading, and showed no clinical signs of disease;		
	II.1.2 are not subject to any prohibitions due to unresolved increased mortality;		
	II.1.3 are not intended for destruction or slaughter for the eradication of diseases; and		
	II.1.4 originate from aquaculture farms who are all under the supervision of the competent authority		
	II.1.5 ⁽¹⁾ [in the case of molluscs, were subject to an individual visual check of each part of the consignment, and no molluscs species other than those specified in Part I of the certificate were detected.]		
	II.2 ⁽¹⁾⁽²⁾⁽³⁾[Requirements for species susceptible to Epizootic ulcerative syndrome (EUS), Epizootic haematopoietic necrosis (EHN), Bonamia exitiosa, Perkinsus marinus, Mikrocytos mackini, Taura syndrome and/or Yellowhead disease]		
	I, the undersigned official inspector, hereby certify that the aquaculture animals referred to above:		
either ⁽¹⁾⁽⁵⁾ [originate from a country/territory, zone or compartment declared free from ⁽¹⁾ [EUS] ⁽¹⁾ [EHN] ⁽¹⁾ [Bonamia exitiosa] ⁽¹⁾ [Perkinsus marinus] ⁽¹⁾ [Mikrocytos mackini] ⁽¹⁾ [Taura syndrome] ⁽¹⁾ [Yellowhead disease] in accordance with Chapter VII of Council Directive 2006/88/EC or the relevant OIE Standard by the competent authority of the country of origin, and			
(i) where the relevant diseases are notifiable to the competent authority and reports of suspicion of infection of the relevant disease must be immediately investigated by the competent authority,			
(ii) all introduction of species susceptible to the relevant diseases come from an area declared free of the disease, and			
(iii) species susceptible to the relevant diseases are not vaccinated against the relevant diseases];			
or ⁽¹⁾⁽³⁾⁽⁵⁾ [in the case of wild aquatic animals, have been subject to quarantine in accordance with Commission Decision 2008/946/EC].]			
II.3 ⁽¹⁾⁽⁴⁾[Requirements for vector species to Epizootic ulcerative syndrome (EUS), Epizootic haematopoietic necrosis (EHN), Bonamia exitiosa, Perkinsus marinus, Mikrocytos mackini, Taura syndrome and/or Yellowhead disease]			
I, the undersigned official inspector, hereby certify that the aquaculture animals referred to above which are to be regarded as possible vectors to ⁽¹⁾ [EUS] ⁽¹⁾ [EHN] ⁽¹⁾ [Bonamia exitiosa] ⁽¹⁾ [Perkinsus marinus] ⁽¹⁾ [Mikrocytos mackini] ⁽¹⁾ [Taura syndrome] ⁽¹⁾ [Yellowhead disease] as they are of species listed in Column 2 and fulfil the conditions set out in Column 3 of the table in Annex I to Commission Regulation (EC) No 1251/2008:			
either ⁽¹⁾⁽⁵⁾ [originate from a country/territory, zone or compartment declared free from ⁽¹⁾ [EUS] ⁽¹⁾ [EHN] ⁽¹⁾ [Bonamia exitiosa] ⁽¹⁾ [Perkinsus marinus] ⁽¹⁾ [Mikrocytos mackini] ⁽¹⁾ [Taura syndrome] ⁽¹⁾ [Yellowhead disease] in accordance with Chapter VII of Council Directive 2006/88/EC or the relevant OIE Standard by the competent authority of the country of origin, and			
(i) where the relevant diseases are notifiable to the competent authority and reports of suspicion of infection of the relevant disease must be immediately investigated by the competent authority,			
(ii) all introduction of species susceptible to the relevant diseases come from an area declared free of the disease, and			
(iii) species susceptible to the relevant diseases are not vaccinated against the relevant diseases];			
or ⁽¹⁾⁽⁵⁾ [have been subject to quarantine in accordance with Commission Decision 2008/946/EC].]			
II.4 ⁽¹⁾⁽²⁾⁽³⁾[Requirements for species susceptible to Viral haemorrhagic septicaemia (VHS), Infectious haematopoietic necrosis (IHN), Infectious salmon anaemia (ISA), Koi herpes virus (KHV), Marteilia refringens, Bonamia ostreae, and/or White spot disease intended for a Member State, zone or compartment declared disease free or subject to a surveillance or eradication programme for the relevant disease]			
I, the undersigned official inspector, hereby certify that the aquaculture animals referred to above:			
either ⁽¹⁾⁽⁶⁾ [originate from a country/territory, zone or compartment declared free from ⁽¹⁾ [VHS] ⁽¹⁾ [IHN] ⁽¹⁾ [ISA] ⁽¹⁾ [KHV] ⁽¹⁾ [Marteilia refringens] ⁽¹⁾ [Bonamia ostreae] ⁽¹⁾ [White spot disease] in accordance with Chapter VII of Directive 2006/88/EC or the relevant OIE Standard by the competent authority of the country of origin, and			
(i) where the relevant diseases are notifiable to the competent authority and reports of suspicion of infection of the relevant disease must be immediately investigated by the competent authority,			
(ii) all introduction of species susceptible to the relevant diseases come from an area declared free of the disease, and			
(iii) species susceptible to the relevant diseases are not vaccinated against the relevant diseases]			
or ⁽¹⁾⁽³⁾⁽⁶⁾ [in the case of wild aquatic animals, have been subject to quarantine in accordance with Commission Decision 2008/946/EC].]			

COUNTRY

Aquaculture animals for farming, relaying, put and take fisheries and open ornamental facilities

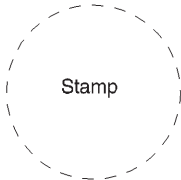
II. Health attestation	II.a. Certificate reference number	II.b.
II.5 ⁽¹⁾⁽⁴⁾[Requirements for vector species to Viral haemorrhagic septicaemia (VHS), Infectious haematopoietic necrosis (IHN), Infectious salmon anaemia (ISA), Koi herpes virus (KHV), Marteilia refringens, Bonamia ostreae, and/or White spot disease] I, the undersigned official inspector, hereby certify that the aquaculture animals referred to above which are to be regarded as possible vectors to ⁽¹⁾[VHS] ⁽¹⁾[IHN] ⁽¹⁾[ISA] ⁽¹⁾[KHV] ⁽¹⁾[Marteilia refringens] ⁽¹⁾[Bonamia ostreae] ⁽¹⁾[White spot disease] as they are of species listed in Column 2 and fulfil the conditions set out in Column 3 of the table in Annex I to Commission Regulation (EC) No 1251/2008: <i>either</i> ⁽¹⁾⁽⁶⁾[originate from a country/territory, zone or compartment declared free from ⁽¹⁾[VHS] ⁽¹⁾[IHN] ⁽¹⁾[ISA] ⁽¹⁾[KHV] ⁽¹⁾[Marteilia refringens] ⁽¹⁾[Bonamia ostreae] ⁽¹⁾[White spot disease] in accordance with Chapter VII of Directive 2006/88/EC or the relevant OIE Standard by the competent authority of the country of origin, and (i) where the relevant diseases are notifiable to the competent authority and reports of suspicion of infection of the relevant disease must be immediately investigated by the competent authority, (ii) all introduction of species susceptible to the relevant diseases come from an area declared free of the disease, and (iii) species susceptible to the relevant diseases are not vaccinated against the relevant diseases] <i>or</i> ⁽¹⁾⁽⁶⁾[have been subject to quarantine in accordance with Commission Decision 2008/946/EC].]		
II.6 Transport and labelling requirements I, the undersigned official inspector, hereby certify that: II.6.1 the aquaculture animals referred to above are placed under conditions, including with a water quality, that do not alter their health status; II.6.2 the transport container or well boat prior to loading is clean and disinfected or previously unused; and II.6.3 the consignment is identified by a legible label on the exterior of the container, or when transported by well boat, in the ship's manifest, with the relevant information referred to in boxes I.7 to I.13 of Part I of this certificate, and the following statement: <i>either</i> ⁽¹⁾⁽¹⁾[Wild] ⁽¹⁾[Fish] ⁽¹⁾[Molluscs] ⁽¹⁾[Crustaceans] intended for farming in the Community'] <i>or</i> ⁽¹⁾⁽¹⁾[Wild] ⁽¹⁾[Molluscs] intended for relaying in the Community'] <i>or</i> ⁽¹⁾⁽¹⁾[Wild] ⁽¹⁾[Fish] ⁽¹⁾[Molluscs] ⁽¹⁾[Crustaceans] intended for put and take fisheries in the Community'] <i>or</i> ⁽¹⁾⁽¹⁾[Ornamental] ⁽¹⁾[fish] ⁽¹⁾[molluscs] ⁽¹⁾[crustaceans] intended for open ornamental facilities in the Community'] <i>or</i> ⁽¹⁾⁽³⁾[Wild] ⁽¹⁾[Fish] ⁽¹⁾[Molluscs] ⁽¹⁾[Crustaceans] intended for quarantine in the Community'].		
II.7 ⁽¹⁾⁽⁷⁾[Additional guarantees for species susceptible to Spring viremia of carp (SVC), Bacterial kidney disease (BKD), Infectious pancreatic necrosis virus (IPN) and Infection with Gyrodactylus salaris (GS)] I, the undersigned official inspector, hereby certify that the aquaculture animals referred to above, originate from an area where: II.7.1 ⁽¹⁾[SVC] ⁽¹⁾[BKD] ⁽¹⁾[IPN] ⁽¹⁾[GS] are notifiable to the competent authority and reports of suspicion of infection of the relevant disease must be immediately investigated by the competent authority, II.7.2 all introduction of species susceptible to the relevant diseases come from an country, territory or zone declared free of the disease, and II.7.3 species susceptible to the relevant diseases are not vaccinated against the relevant diseases. I, the undersigned official inspector, hereby certify that the aquaculture animals referred to above: II.7.4 <i>either</i> ⁽¹⁾[originate from a country, territory or zone declared free from ⁽¹⁾[SVC] ⁽¹⁾[BKD] ⁽¹⁾[IPN] ⁽¹⁾[GS] in accordance with Annex I to Commission Decision 2004/453/EC by the competent authority of the country of origin;] <i>or</i> ⁽¹⁾⁽⁸⁾[originate from a farm which at the time of the year ⁽¹⁾[SVC] ⁽¹⁾[BKD] ⁽¹⁾[IPN] is expected to manifest itself, has for at least two years been subject to inspections by the competent authorities, including sampling at least equivalent to sampling programmes laid down by Decision 2001/183/EC or surveillance methods described in the relevant parts of the most current edition of the OIE Manual of diagnostic tests for aquatic animals, and laboratory tests having been carried out in accordance with that OIE Manual giving only negative results;] <i>or</i> ⁽¹⁾⁽⁸⁾⁽⁹⁾[originate from a continental farm where ⁽¹⁾[SVC] ⁽¹⁾[BKD] ⁽¹⁾[IPN] have occurred within the previous two years, but where the whole fish population has been withdrawn, and all ponds, tanks and other installations and equipment disinfected under the supervision of the competent authority, and where restocking has taken place with fish from a source certified free from the relevant disease by the competent authority after sampling at least equivalent to sampling programmes laid down by Decision 2001/183/EC or surveillance methods described in the relevant parts of the most current edition of the OIE Manual of diagnostic tests for aquatic animals, and laboratory tests having been carried out in accordance with that OIE Manual giving only negative results;]		

COUNTRY

Aquaculture animals for farming, relaying, put and take fisheries and open ornamental facilities

II. Health attestation	II.a. Certificate reference number	II.b.
or ⁽¹⁾⁽¹⁰⁾[originate from a continental farm which at the time of the year GS is expected to manifest itself, has for at least two years been subject to inspections by the competent authorities, including sampling at least equivalent to sampling programmes laid down by Decision 2001/183/EC or surveillance methods described in the relevant parts of the most current edition of the OIE Manual of diagnostic tests for aquatic animals, and laboratory tests having been carried out in accordance with that OIE Manual giving only negative results, and the farm is either situated in a part of a water catchment area declared free⁽¹¹⁾ from GS or situated in a water catchment area declared free⁽¹¹⁾ from GS and all water catchment areas draining into the same estuary are declared free⁽¹¹⁾ from GS;] or ⁽¹⁾⁽¹⁰⁾[originate from a farm which is situated in a coastal area with a salinity below 25 parts per thousand, and where all water catchment areas draining into the estuary are declared free⁽¹¹⁾ of GS;] or ⁽¹⁾⁽¹⁰⁾[originate from a farm which is situated in a coastal area where the seawater has a salinity of more than 25 parts per thousand and no live fish of the susceptible species have been introduced into the farm during the previous 14 days;] or ⁽¹⁾⁽¹⁰⁾[in the case of fish eggs, originate from a farm where the eggs have been disinfected in accordance with OIE Aquatic Code, sixth edition, 2003, Appendix 5.2.1, ensuring the elimination of GS.]]		
Notes		
Part I:		
— Box I.19: Use the appropriate HS codes: 0301, 0306, 0307, 0301 10 or 0302 70 00. — Box I.20 and 1.28: As regards quantity, give the total number. — Box I.25: Use the option 'Breeding' if intended for farming, 'Relaying' if intended for relaying, 'Pets' for ornamental aquatic animals intended for pet shops or similar businesses for further sale, 'Circus/exhibition' for ornamental aquatic animals intended for exhibition aquaria or similar businesses not for further sale, 'Quarantine' if the aquaculture animals are intended for a quarantine facility, and 'Other' if intended for put and take fisheries.		
Part II:		
⁽¹⁾ Keep as appropriate. ⁽²⁾ Part II.2 and II.4 of this certificate only applies to species susceptible to one or more of the diseases referred to in the title. Susceptible species are listed in Part II of Annex IV to Directive 2006/88/EC. ⁽³⁾ Consignments of wild aquatic animals may be imported regardless of the requirements in Part II.2 and II.4 of this certificate if they are intended for a quarantine facility complying with the requirements laid down in Commission Decision 2008/946/EC. ⁽⁴⁾ Part II.3 and II.5 of this certificate only applies to vector species to one or more of the diseases referred to in the title. Possible vector species and the conditions, under which consignments of such species are to be considered vector species, are listed in Annex I to Regulation (EC) No 1251/2008. Consignments of possible vector species may be imported regardless of the requirements in Parts II.3 and II.5 if the conditions set out in Column 4 of the table in Annex I to Regulation (EC) No 1251/2008 are not fulfilled or they are intended for a quarantine facility complying with the requirements laid down in Commission Decision 2008/946/EC. ⁽⁵⁾ To be authorised into the Community one of these statements must be kept if the consignments contain susceptible or vector species to EUS, EHN, Bonamia exitiosa, Perkinsus marinus, Mikrocytos mackini, Taura syndrome and/or Yellowhead disease. ⁽⁶⁾ To be authorised into a Member State, zone or compartment declared free from VHS, IHN, ISA, KHV, Marteilia refringens, Bonamia ostreae, or Whitespot disease or with a surveillance or eradication programme established in accordance with Article 44(1) or (2) of Directive 2006/88/EC, one of these statements must be kept if the consignment contain susceptible or vector species to the disease(s) for which disease freedom or programme(s) apply(ies). Data on the disease status of each farms and mollusc farming areas in the Community are accessible at http://ec.europa.eu/food/animal/liveanimals/aquaculture/index_en.htm ⁽⁷⁾ Part II.7 of this certificate only applies to consignments intended for a Member State, zone or compartment approved free from SVC, BKD, IPN or GS, or with a control and eradication programme as regards one or more of these diseases approved in accordance with Decision 2004/453/EC, and the consignment comprises species susceptible to the disease for which the freedom status or control and eradication programme(s) apply. Susceptible species are species which are referred to as such in Annex III to Decision 2004/453/EC or in the latest edition of the OIE International aquatic animal health code and/or the OIE Manual of diagnostic tests for aquatic animals. ⁽⁸⁾ Only applicable to consignments intended for an area approved free from or with an approved control and eradication programme concerning SVC, BKD or IPN according to Decision 2004/453/EC. ⁽⁹⁾ Only applicable to continental farms where epizootiological investigations have shown that the disease has not spread to other farms or into the wild. ⁽¹⁰⁾ Only applicable to consignments intended for an area approved free from or with an approved control and eradication programme concerning GS according to Decision 2004/453/EC. ⁽¹¹⁾ According to the requirements in Chapter 1 B of Annex I to Decision 2004/453/EC. When declaring continental zones free of GS, it must be taken into account that the diseases may spread by migrating fish between different continental zones if the salinity between them is low or intermediate (below 25 ppt.). Hence one individual continental zone can not be declared free if another continental zone draining into the same coastal zone is infected or has unknown status, unless they are separated by seawater with salinity above 25 ppt.		

COUNTRY**Aquaculture animals for farming, relaying, put and take fisheries
and open ornamental facilities**

II. Health attestation	II.a. Certificate reference number	II.b.
Official inspector Name (in capital letters): Qualification and title: Date: Signature:  Stamp		

PART B

**Model animal health certificate for the import into the European Community of ornamental aquatic animals
intended for closed ornamental facilities**

COUNTRY

Veterinary certificate to EU

Part I: Details of dispatched consignment	I.1. Consignor Name Address Tel.		I.2. Certificate reference number		I.2.a	
			I.3. Central Competent Authority			
			I.4. Local Competent Authority			
	I.5. Consignee Name Address Postal code Tel.		I.6.			
	I.7. Country of origin	ISO code	I.8. Region of origin	Code	I.9. Country of destination	ISO code
					I.10. Region of destination	Code
	I.11. Place of origin Name Address Name Address Name Address		I.12.			
	I.13. Place of loading Address		I.14. Date of departure time of departure			
	I.15. Means of transport Aeroplane ☐ Ship ☐ Railway wagon ☐ Road vehicle ☐ Other ☐ Identification: Documentary references:		I.16. Entry BIP in EU			
			I.17. No(s) of CITES			
I.18. Description of commodity				I.19. Commodity code (HS code)		
				I.20. Quantity		
I.21.				I.22. Number of packages		
I.23. Identification of container/seal number				I.24.		
I.25. Commodities certified for: Pets ☐ Quarantine ☐ Circus/exhibition ☐						
I.26.				I.27. For import or admission into EU ☐		
I.28. Identification of the commodities Species (Scientific name) Quantity						

COUNTRY

Ornamental aquatic animals intended for closed ornamental facilities

Part II: Certification	II. Health information	II.a. Certificate reference number	II.b.
II.1 General requirements	I, the undersigned official inspector, hereby certify that the ornamental aquatic animals referred to in Part I of this certificate:		
II.1.1	have been inspected within 72 hours of loading, and showed no clinical signs of disease;		
II.1.2	are not subject to any prohibitions due to unresolved increased mortality; and		
II.1.3	are not intended for destruction or slaughter for the eradication of diseases.		
II.2 ⁽¹⁾⁽²⁾⁽³⁾⁽⁴⁾ [Requirements for species susceptible to Epizootic ulcerative syndrome (EUS), Epizootic haematopoietic necrosis (EHN), Bonamia exitiosa, Perkinsus marinus, Mikrocystos mackini, Taura syndrome and/or Yellowhead disease]	I, the undersigned official inspector, hereby certify that the ornamental aquatic animals referred to above:		
either ⁽¹⁾⁽⁵⁾ [originate from a country/territory, zone or compartment declared free from ⁽¹⁾⁽³⁾ [EUS] ⁽¹⁾ [EHN] ⁽¹⁾ [Bonamia exitiosa] ⁽¹⁾ [Perkinsus marinus] ⁽¹⁾ [Mikrocystos mackini] ⁽¹⁾ [Taura syndrome] ⁽¹⁾ [Yellowhead disease] in accordance with Chapter VII of Council Directive 2006/88/EC or the relevant OIE Standard by the competent authority of the country of origin, and	(i) where the relevant diseases are notifiable to the competent authority and reports of suspicion of infection of the relevant disease must be immediately investigated by the competent authority;		
(ii) all introduction of species susceptible to the relevant diseases come from an area declared free of the disease; and	(iii) species susceptible to the relevant diseases are not vaccinated against the relevant diseases];		
or ⁽¹⁾⁽⁴⁾⁽⁵⁾ [have been subject to quarantine in accordance with Commission Decision 2008/946/EC].]			
II.3 ⁽¹⁾⁽²⁾⁽⁴⁾ [Requirements for species susceptible to Viral haemorrhagic septicaemia (VHS), Infectious haematopoietic necrosis (IHN), Infectious salmon anaemia (ISA), Koi herpes virus (KHV), Marteilia refringens, Bonamia ostreae, and/or White spot disease intended for a Member State, zone or compartment declared disease free or subject to a surveillance or eradication programme for the relevant disease]	I, the undersigned official inspector, hereby certify that the ornamental aquatic animals referred to above:		
either ⁽¹⁾⁽⁶⁾ [originate from a country/territory, zone or compartment declared free from ⁽¹⁾ [VHS] ⁽¹⁾ [IHN] ⁽¹⁾ [ISA] ⁽¹⁾ [KHV] ⁽¹⁾ [Marteilia refringens] ⁽¹⁾ [Bonamia ostreae] ⁽¹⁾ [White spot disease] in accordance with Chapter VII of Directive 2006/88/EC or the relevant OIE Standard by the competent authority of the country of origin, and	(i) where the relevant diseases are notifiable to the competent authority and reports of suspicion of infection of the relevant disease must be immediately investigated by the competent authority,		
(ii) all introduction of species susceptible to the relevant diseases come from an area declared free of the disease, and	(iii) species susceptible to the relevant diseases are not vaccinated against the relevant diseases]		
or ⁽¹⁾⁽⁴⁾⁽⁶⁾ [have been subject to quarantine in accordance with Decision 2008/946/EC].]			
II.4 Transport and labelling requirements	I, the undersigned official inspector, hereby certify that:		
II.4.1	the ornamental aquatic animals referred to above are placed under conditions, including with a water quality, that do not alter their health status;		
II.4.2	the transport container is clean and disinfected or previously unused; and		
II.4.3	the consignment is identified by a legible label on the exterior of the container with the relevant information referred to in boxes I.7 to I.13 of Part I of this certificate, and the following statement:		
either ⁽¹⁾ [‘Ornamental] ⁽¹⁾[fish] ⁽¹⁾[molluscs] ⁽¹⁾[crustaceans] intended for closed ornamental facilities in the Community’]	or ⁽¹⁾⁽³⁾ [‘Ornamental ⁽¹⁾[fish] ⁽¹⁾[molluscs] ⁽¹⁾[crustaceans] intended for quarantine in the Community’].		
II.5 ⁽¹⁾⁽⁷⁾ [Additional guarantees for species susceptible to Spring viraemia of carp (SVC), Bacterial kidney disease (BKD), Infectious pancreatic necrosis virus (IPN) and Infection with Gyrodactylus salaris (GS)]	I, the undersigned official inspector, hereby certify that the ornamental aquatic animals referred to above:		
either ⁽¹⁾ [originate from a country/territory, zone, compartment or farm where none of the species susceptible to ⁽¹⁾ [SVC] ⁽¹⁾ [BKD] ⁽¹⁾ [IPN] ⁽¹⁾ [GS] are known to be present]	or ⁽¹⁾ [originate from a country/territory, zone, compartment or farm where ⁽¹⁾ [SVC] ⁽¹⁾ [BKD] ⁽¹⁾ [IPN] ⁽¹⁾ [GS] is notifiable to the competent authority, and is considered free in accordance with the relevant EU legislation ⁽⁶⁾].]		

COUNTRY

Ornamental aquatic animals intended for closed ornamental facilities

II. Health attestation	II.a. Certificate reference number	II.b.
Notes Part I: — Box I.19: Use the appropriate HS codes: 0306, 0307 or 0301 10. — Box I.20 and I.28: As regards quantity, give the total number. — Box I.25: Use the option 'Pets' for ornamental aquatic animals intended for pet shops or similar businesses for further sale, 'Circus/exhibition' for ornamental aquatic animals intended for exhibition aquaria or similar businesses not for further sale and 'Quarantine' if the ornamental aquatic animals are intended for a quarantine facility.. Part II: (¹) Keep as appropriate. (²) Part II.2 and II.3 of this certificate only applies to species susceptible to one or more of the diseases referred to in the title. Susceptible species are listed in Part II of Annex IV to Directive 2006/88/EC. (³) The requirements in Part II.2 of this certificate on ornamental aquatic animals susceptible to epizootic ulcerative syndrome (EUS) as regards that disease laid down shall only apply from 1 January 2011 and until that date the reference to EUS shall be deleted. (⁴) Consignments of ornamental aquatic animals may be imported regardless of the requirements in Part II.2 and II.3 if they are intended for a quarantine facility complying with the requirements laid down in Commission Decision 2008/946/EC. (⁵) To be authorised into the Community one of these statements must be kept if the consignments contain species susceptible to EUS (see note 3), EHN, Bonamia exitiosa, Perkinsus marinus, Mikrocystos mackini, Taura syndrome and/or Yellowhead disease. (⁶) To be authorised into a Member State, zone or compartment declared free from VHS, IHN, ISA, KHV, Marteilia refringens, Bonamia ostreae, or Whitespot disease or with a surveillance or eradication programme established in accordance with Article 44(1) or (2) of Directive 2006/88/EC, one of these statements must be kept if the consignment contain species susceptible to the disease(s) for which disease freedom or surveillance or eradication programme(s) apply(ies). Data on the disease status in different parts of the Community are accessible at http://ec.europa.eu/food/animal/liveanimals/aquaculture/index_en.htm (⁷) Part II.5 of this certificate only applies to consignments intended for a Member State, zone or compartment approved free from SVC, BKD, IPN or GS, or with a control and eradication programme as regards one or more of these diseases approved in accordance with Decision 2004/453/EC, and the consignment comprises species susceptible to the disease for which the freedom status or control and eradication programme(s) apply. Susceptible species are species which are referred to as such in Annex III to Decision 2004/453/EC or in the latest edition of the OIE International aquatic animal health code and/or the OIE Manual of diagnostic tests for aquatic animals. (⁸) Freedom in accordance with Article 1 of Decision 2004/453/EC. With regard to SVC, BKD and IPN, freedom in accordance with the most current edition of the OIE Code and Manual is also recognised.		
Official inspector Name (in capital letters): Qualification and title: Date: Signature: Stamp		

PART C

**Model animal health certificate for transit/storage of live aquaculture animals, fish eggs and uneviscerated fish
intended for human consumption**

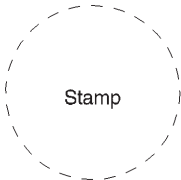
COUNTRY

Veterinary certificate to EU

Part I: Details of dispatched consignment	I.1. Consignor Name Address Tel.		I.2. Certificate reference number		I.2.a			
			I.3. Central Competent Authority					
			I.4. Local Competent Authority					
	I.5. Consignee Name Address Postal code Tel.		I.6. Person responsible for the load in EU Name Address Postal code Tel.					
	I.7. Country of origin	ISO code	I.8. Region of origin	Code	I.9. Country of destination	ISO code	I.10. Region of destination	Code
	I.11. Place of origin Name Address		Approval number		I.12. Place of origin Custom warehouse ☐ Ship supplier ☐ Name Address Postal code			
	I.13. Place of loading		I.14. Date of departure					
	I.15. Means of transport Aeroplane ☐ Ship ☐ Railway wagon ☐ Road vehicle ☐ Other ☐ Identification: Documentary references:		I.16. Entry BIP in EU					
			I.17.					
	I.18. Description of commodity				I.19. Commodity code (HS code)			
				I.20. Quantity				
I.21. Temperature of product Ambient ☐ Chilled ☐ Frozen ☐				I.22. Number of packages				
I.23. Identification of container/seal number				I.24. Type of packaging				
I.25. Commodities certified for: Human consumption ☐								
I.26. For transit through EU to 3rd Country ☐ 3rd country ISO code				I.27.				
I.28. Identification of the commodities Species (Scientific name) Cold store Number of packages Net weight								

COUNTRY

Transit/storage of aquaculture animals intended for human consumption

Part II: Certification	II.	Health information	II.a. Certificate reference number	II.b.	
	II.1	Health attestation I, the undersigned official inspector, hereby certify that the aquaculture animals referred to in Part I of this certificate:			
	II.1.1	complies with the relevant animal health requirements laid down in the model certificates laid down in Commission Regulation (EC) No 2074/2005.			
	Notes Part I: — Box I.19: Use the appropriate HS codes: 0301, 0302, 030270, 0303, 0306 or 0307. — Box I.20 and 1.28: As regards quantity, give the total gross and net weights in kg.				
Official inspector Name (in capital letters): Date: Qualification and title: Signature:  Stamp					

PART D

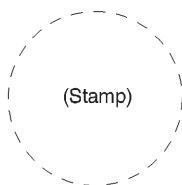
Addendum for transport of live aquaculture animals by sea

(To be completed and attached to the animal health certificate where transport to the European Community border includes transport by ship, even for part of the journey.)

Declaration by the master of the ship

I, the undersigned, master of ship (name), declare that the live aquaculture animals referred to in attached animal health certificate No have remained on board the ship during the voyage from in (exporting country, zone or compartment) to in the European Community and that the ship did not call at any place outside (exporting country, zone or compartment) en route to the European Community other than: (Ports of call en route). Moreover, during the journey, the aquaculture animals have not been in contact with other aquatic animals of a lower health status on board.

Done at on
(Port of arrival) (Date of arrival)



(Signature of master)

(Name in capital letters and title)

ANNEX V

Explanatory notes

- (a) The certificates shall be produced by the competent authorities of the country of origin, based on the appropriate model appearing in Annexes II or IV to this Regulation taking into account the place of destination and use of the consignment after the arrival at the destination.
 - (b) Considering the status of the place of destination as regards non-exotic diseases referred to in Part II of Annex IV to Directive 2006/88/EC in the EU Member State or diseases for which the place of destination has additional guarantees according to Decision 2004/453/EC or measures approved in accordance with Article 43 of Directive 2006/88/EC, the appropriate specific requirements shall be incorporated and completed in the certificate.
 - (c) The 'Place of origin' shall be the localisation of the farm or mollusc farming area where the aquaculture animals were reared reaching their commercial size relevant for the consignment covered by this certificate. For wild aquatic animals 'place of origin' shall be the place of harvest.
 - (d) The original of the certificate shall consist of a single page printed on both sides or, where more text is required, such that all the pages form a whole and cannot be separated.
 - (e) For import into the Community from third countries, the original of the certificate and the labels referred to in the model certificate shall be drawn up in at least one official language of the EU Member State where border inspection takes place and of the EU Member State of destination. However, those Member States may allow another Community language instead of their own, accompanied, if necessary, by an official translation.
 - (f) Where additional pages are attached to the certificate for the purpose of identifying the items making up the consignment, such additional pages shall also be considered to form part of the original of the certificate, provided the signature and stamp of the certifying official inspector appear on each page.
 - (g) Where the certificate, including any additional pages as provided for in (f), comprises more than one page, each page shall be numbered '-x(page number) of y(total number of pages)-' on the bottom and shall bear the code number of the certificate allocated by the competent authority on the top.
 - (h) The original of the certificate must be completed and signed by an official inspector not more than 72 hours prior to loading of the consignment, or not more than 24 hours in those cases where the aquaculture animals must be inspected within 24 hours of loading. The competent authorities of the country of origin shall ensure that principles of certification equivalent to those laid down in Directive 96/93/EC are followed.
 - (i) The colour of the signature shall be different from that of the printing. The same rule shall apply to stamps other than embossed stamps or watermarks.
 - (j) For import into the Community from third countries, the original of the certificate must accompany the consignment until it reaches the EU border inspection post. For consignments placed on the market within the Community, the original of the certificate must accompany the consignment until it reaches its final destination.
 - (k) A certificate issued for live aquaculture animals shall be valid for 10 days from the date of issue. In the case of transport by ship, the time of validity is prolonged by the time of journey at sea. To that end, the original of a declaration by the ship's master, drawn up in accordance with the addendum drawn up in conformity with the model laid down in Part D of Annex IV, shall be attached to the animal health certificate.
 - (l) Please note that the general conditions on the transport of animals laid down in Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97 may, where applicable, require measures to be taken after entry into the Community if the requirements of that Regulation are not fulfilled.
-

COMMISSION REGULATION (EC) No 1252/2008**of 12 December 2008****derogating from Regulation (EC) No 1251/2008 and suspending imports into the Community from Malaysia of consignments of certain aquaculture animals****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals ⁽¹⁾, and in particular Article 25(a),

Whereas:

- (1) Directive 2006/88/EC lays down the animal health requirements to be applied for the placing on the market and the import and the transit through the Community of aquaculture animals and products thereof. That Directive provides that Member States are to ensure that aquaculture animals and products thereof are introduced into the Community only from third countries or parts thereof that appear on a list drawn up in accordance with its provisions.
- (2) Commission Decision 2003/858/EC of 21 November 2003 laying down the animal health conditions and certification requirements for imports of live fish, their eggs and gametes intended for farming, and live fish of aquaculture origin and products thereof intended for human consumption ⁽²⁾ lists the territories from which imports into the Community of certain species of live fish, their eggs and gametes are authorised.
- (3) Commission Decision 2006/656/EC of 20 September 2006 laying down the animal health conditions and certification requirements for imports of fish for ornamental purpose ⁽³⁾ lists the territories from which imports into the Community of certain ornamental fish are authorised.
- (4) The results of a Community inspection visit to Malaysia have revealed serious shortcomings throughout the production chain of aquaculture animals and ornamental fish. Those shortcomings are likely to lead to the spread of disease, thus presenting a serious threat to animal health in the Community.

- (5) As a consequence of those shortcomings, Commission Decision 2008/641/EC derogating from Decisions 2003/858/EC and 2006/656/EC and suspending imports into the Community from Malaysia of consignments of certain live fish and of certain aquaculture products ⁽⁴⁾, suspended imports from Malaysia of live fish belonging to the *Cyprinidae* family, their eggs and gametes intended for farming, of live fish belonging to the *Cyprinidae* family, their eggs and gametes for restocking of put and take fisheries, as well as of certain ornamental fish belonging to that family.
- (6) 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 ⁽⁵⁾ repeals Decisions 2003/858/EC and 2006/656/EC, with effect from 1 January 2009.
- (7) Annex III to that Regulation establishes a list of third countries, territories, zones or compartments from which imports are permitted of aquaculture animals intended for farming, put and take fisheries and open ornamental facilities, and ornamental fish susceptible to one or more of the diseases listed in Part II of Annex IV to Directive 2006/88/EC and intended for closed ornamental facilities.
- (8) Malaysia is included on that list as a third country from which imports into the Community are permitted for fish of the *Cyprinidae* family and for the fish species susceptible to epizootic ulcerative syndrome according to Part II of Annex IV to Directive 2006/88/EC intended for closed ornamental facilities. Regulation (EC) No 1251/2008 is to apply as from 1 January 2009.
- (9) The circumstances which have led to the adoption of Decision 2008/641/EC still continue to exist. It is therefore appropriate to derogate by this Regulation from the corresponding provisions regarding Malaysia laid down in Annex III to Regulation (EC) No 1251/2008. In the interest of clarity and coherence of Community legislation, Decision 2008/641/EC should be repealed and replaced by this Regulation.

⁽¹⁾ OJ L 328, 24.11.2006, p. 14.

⁽²⁾ OJ L 324, 11.12.2003, p. 37.

⁽³⁾ OJ L 271, 30.9.2006, p. 71.

⁽⁴⁾ OJ L 207, 5.8.2008, p. 34.

⁽⁵⁾ See page 41 of this Official Journal.

- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

michthys molitrix, *Aristichthys nobilis*, *Carassius carassius* and *Tinca tinca* of the *Cyprinidae* family.

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Articles 10(1) and 11(1) of Regulation (EC) No 1251/2008, Member States shall suspend imports into their territory from Malaysia of the following consignments of fish belonging to the *Cyprinidae* family, their eggs and gametes:

- (a) consignments of live fish of aquaculture origin intended for farming, put and take fisheries and open ornamental facilities; and
- (b) in the case of consignments of ornamental fish intended for closed ornamental facilities, only the species *Carassius auratus*, *Ctenopharyngodon idellus*, *Cyprinus carpio*, *Hypophthalmichthys molitrix*, *Aristichthys nobilis*, *Carassius carassius* and *Tinca tinca* of the *Cyprinidae* family.

Article 2

All expenditure incurred in the application of this Regulation shall be charged to the consignee or his agent.

Article 3

Decision 2008/641/EC is repealed with effect from 1 January 2009.

Article 4

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2009.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 12 December 2008.

For the Commission

Androulla VASSILIOU

Member of the Commission

COMMISSION REGULATION (EC) No 1253/2008**of 15 December 2008****concerning the authorisation of copper chelate of hydroxy analogue of methionine as a feed additive****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003, an application was submitted for the authorisation of the preparation set out in the Annex. That application was accompanied by the particulars and documents required under Article 7(3) of that Regulation.
- (3) The application concerns the authorisation of the preparation of copper chelate of hydroxy analogue of methionine as a feed additive for chickens for fattening, to be classified in the additive category 'nutritional additives'.
- (4) From the opinion of the European Food Safety Authority (the Authority) of 16 April 2008 it results that copper chelate of hydroxy analogue of methionine does not have an adverse effect on animal health, human health or the environment for chickens for fattening⁽²⁾. The Authority further concluded that that product used as a feed additive for chickens for fattening does not present any

other risk which would, in accordance with Article 5(2) of Regulation (EC) No 1831/2003, exclude authorisation. According to that opinion, the use of that preparation may be considered as a source of available copper and fulfils the criteria of a nutritional additive for chickens for fattening. The opinion of the Authority also recommends appropriate measures for user safety. It does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Community Reference Laboratory set up by Regulation (EC) No 1831/2003.

- (5) The assessment of that preparation shows that the conditions for authorisation, provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that preparation should be authorised, as specified in the Annex to this Regulation.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

The preparation specified in the Annex, belonging to the additive category 'nutritional additives' and to the functional group 'compounds of trace elements', is authorised as an additive in animal nutrition subject to the conditions laid down in that Annex.

Article 2

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 15 December 2008.

For the Commission

Androulla VASSILOU

Member of the Commission

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ Scientific Opinion of the Panel on Additives and Products or Substances used in Animal Feed (FEEDAP) on a request from the European Commission on the safety and efficacy of Mintrex®Cu (copper chelate of hydroxy analogue of methionine) as feed additive for all species. *The EFSA Journal* (2008) 693, pp. 1-19.

Category of nutritional additives. Functional group: compounds of trace elements

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content		Maximum content	Other provisions	End of period of authorisation
							Content of element (Cu) in mg/kg of complete feedstuff with a moisture content of 12 %			
Category of nutritional additives. Functional group: compounds of trace elements										
3b410	—	Copper chelate of hydroxy analogue of methionine	Characterisation of the additive: Copper chelate of hydroxy analogue of methionine containing a minimum of 17 % copper and 78 % (2-hydroxy-4-methylthio) butanoic acid Mineral oil: ≤ 1 % CAS: 292140-30-8 Analytical method (!): Atomic absorption spectrometry (AAS)	Chickens for fattening	—	—	25 (total)	The additive shall be incorporated into feed in the form of a premixture. For user safety: breathing protection, safety glasses and gloves should be worn during handling.	5.1.2019	

⁽¹⁾ Details of the analytical methods are available at the following address of the Community Reference Laboratory: http://www.irmm.jrc.be/crl_feed_additives/

COMMISSION REGULATION (EC) No 1254/2008**of 15 December 2008****amending Regulation (EC) No 889/2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 ⁽¹⁾, and in particular Article 20(3), Article 21(2), Article 22(2) and Article 38(a) thereof,

Whereas:

- (1) Regulation (EC) No 834/2007, and in particular Article 20 thereof, lays down basic requirements for the production of organic yeast. Detailed rules for the implementation of those requirements should be laid down in Commission Regulation (EC) No 889/2008 ⁽²⁾.
- (2) Since provisions for the production of organic yeast should be introduced, the scope of Regulation (EC) No 889/2008 should now also encompass yeasts used as food and feed.
- (3) With a view to help organic farmers to find adequate feed supply for their animals and to facilitate conversion of organic area, in order to meet rising consumer demand for organic products, it is appropriate to allow the use of up to 100 % in-conversion feedingstuffs, produced on the farmers' own holding, in the feed ration of organic animals.
- (4) According to Annex VI(B) to Council Regulation (EEC) No 2092/91 ⁽³⁾ only enzymes normally used as processing aids were allowed to be used in organic processing, enzymes used as food additives would have to be in the list of authorised food additives of Annex VI(A)(A.1) to that Regulation. It is necessary to re-introduce this provision in the new implementing rules.
- (5) Since yeast is not considered as an agricultural product within the meaning of Article 32(3) of the Treaty and in order to allow the labelling of organic yeast as organic, it is necessary to amend the provision on the calculation of ingredients. However, the calculation of yeast and yeast products as agricultural ingredients will be obligatory as of 31 December 2013. This time period is necessary for the industry to be able to adjust.
- (6) The decorative colouring of boiled eggs is traditional in certain regions of the European Union at a certain period of the year, and as organic eggs may also be coloured and placed on the market, certain Member States lodged a request to allow colours for this purpose, a panel of independent experts was examining certain colours and different other substances for disinfecting and conserving the boiled eggs ⁽⁴⁾ and concluded that a number of natural colours could be authorised, as well as synthetic forms of iron oxides and iron hydroxides on a temporary basis. Given the local and seasonal character of the production it is however appropriate to give to competent authorities the capacity to give relevant authorisations.
- (7) As recommended by a panel for organic yeast ⁽⁵⁾ several products and substances that are necessary for the production of organic yeast, yeast confections and formulations should be authorised under Article 21 of Regulation (EC) No 834/2007. Article 20 of that Regulation provides that only organically produced substrates are to be used for the production of organic yeast and organic yeast should not be present in organic food or feed together with non-organic yeast. However, the panel of experts has in its conclusions of 10 July 2008 recommended temporarily allowing 5 % non-organic yeast extract, until organic yeast extract is available, as additional substrate for the production of organic yeast as a source of nitrogen, phosphorus, vitamins and minerals. In accordance to the flexibility rules under Article 22(2)(e) of that Regulation 5 % non-organic yeast extract should be authorised for the production of organic yeast.
- (8) Regulation (EC) No 889/2008 should therefore be amended accordingly.

⁽¹⁾ OJ L 189, 20.7.2007, p. 1.

⁽²⁾ OJ L 250, 18.9.2008, p. 1.

⁽³⁾ OJ L 198, 22.7.1991, p. 1. Regulation (EEC) No 2092/91 is repealed and replaced by Regulation (EC) No 834/2007 as from 1 January 2009.

⁽⁴⁾ Recommendations from the Group of Independent Experts concerning 'an application for eggshell colouring agents for organic Easter eggs' www.organic-farming.europa.eu

⁽⁵⁾ Recommendations from the Group of Independent Experts on 'Provisions on organic yeast' www.organic-farming.europa.eu

(9) The amendments should apply from the date of application of Regulation (EC) No 889/2008.

(10) The measures provided for in this Regulation are in accordance with the opinion of the Regulatory Committee on Organic Production,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 889/2008 is amended as follows:

1. In Article 1(2), point (d) is deleted.

2. In Article 21, paragraph 1 is replaced by the following:

‘1. Up to 30 % of the feed formula of rations on average may comprise in-conversion feedingstuffs. When the in-conversion feedingstuffs come from a unit of the holding itself, this percentage may be increased to 100 %.’

3. Article 27 is amended as follows:

(a) in paragraph 1(b), the following sentence is added:

‘however, enzymes to be used as food additives have to be listed in Annex VIII, Section A.’;

(b) in paragraph 2, the following point (c) is added:

‘(c) yeast and yeast products shall be calculated as ingredients of agricultural origin as of 31 December 2013.’;

(c) the following paragraph 4 is added:

‘4. For the traditional decorative colouring of the shell of boiled eggs produced with the intention to place them on the market at a given period of the year, the competent authority may authorise for the period referred to above, the use of natural colours and natural coating substances. The authorisation may comprise synthetic forms of iron oxides and iron hydroxides until 31 December 2013. Authorisations shall be notified to the Commission and the Member States.’

4. The following Article 27a is inserted:

‘Article 27a

For the purpose of the application of Article 20(1) of Regulation (EC) No 834/2007, the following substances may be used in the production, confection and formulation of yeast:

(a) substances listed in Annex VIII, Section C to this Regulation;

(b) products and substances referred to in Article 27(1)(b) and (e) of this Regulation.’

5. In Chapter 6 of Title II, the following Section 3a is inserted:

‘Section 3a

Exceptional production rules with regard to the use of specific products and substances in the processing in accordance with Article 22(2)(e) of Regulation (EC) No 834/2007

Article 46a

Addition of non-organic yeast extract

Where the conditions laid down in Article 22(2)(e) of Regulation (EC) No 834/2007 apply, the addition of up to 5 % non-organic yeast extract or autolysate to the substrate (calculated in dry matter) is allowed for the production of organic yeast, where operators are unable to obtain yeast extract or autolysate from organic production.

The availability of organic yeast extract or autolysate shall be re-examined by 31 December 2013 with a view to withdrawing this provision.’

6. Annex VIII is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the seventh day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2009.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 15 December 2008.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

Annex VIII to Regulation (EC) No 889/2008 is amended as follows:

1. the title of Annex VIII is replaced by the following:

‘Certain products and substances for use in production of processed organic food, yeast and yeast products referred to in Article 27(1)(a) and Article 27a(a)’;

2. the following Section C is added:

‘SECTION C — PROCESSING AIDS FOR THE PRODUCTION OF YEAST AND YEAST PRODUCTS

Name	Primary yeast	Yeast confections/ formulations	Specific conditions
Calcium chloride	X		
Carbon dioxide	X	X	
Citric acid	X		For the regulation of the pH in yeast production
Lactic acid	X		For the regulation of the pH in yeast production
Nitrogen	X	X	
Oxygen	X	X	
Potato starch	X	X	For filtering
Sodium carbonate	X	X	For the regulation of the pH
Vegetable oils	X	X	Greasing, releasing or anti-foaming agent’

COMMISSION REGULATION (EC) No 1255/2008**of 15 December 2008****fixing the import duties in the cereals sector applicable from 16 December 2008**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 in respect of import duties in the cereals sector ⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) Article 136(1) of Regulation (EC) No 1234/2007 states that the import duty on products falling within CN codes 1001 10 00, 1001 90 91, ex 1001 90 99 (high quality common wheat), 1002, ex 1005 other than hybrid seed, and ex 1007 other than hybrids for sowing, is to be equal to the intervention price valid for such products on importation increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.

- (2) Article 136(2) of Regulation (EC) No 1234/2007 lays down that, for the purposes of calculating the import duty referred to in paragraph 1 of that Article, representative cif import prices are to be established on a regular basis for the products in question.

- (3) Under Article 2(2) of Regulation (EC) No 1249/96, the price to be used for the calculation of the import duty on products of CN codes 1001 10 00, 1001 90 91, ex 1001 90 99 (high quality common wheat), 1002 00, 1005 10 90, 1005 90 00 and 1007 00 90 is the daily cif representative import price determined as specified in Article 4 of that Regulation.

- (4) Import duties should be fixed for the period from 16 December 2008 and should apply until new import duties are fixed and enter into force,

HAS ADOPTED THIS REGULATION:

Article 1

From 16 December 2008, the import duties in the cereals sector referred to in Article 136(1) of Regulation (EC) No 1234/2007 shall be those fixed in Annex I to this Regulation on the basis of the information contained in Annex II.

Article 2

This Regulation shall enter into force on 16 December 2008.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 15 December 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 161, 29.6.1996, p. 125.

ANNEX I

Import duties on the products referred to in Article 136(1) of Regulation (EC) No 1234/2007 applicable from 16 December 2008

CN code	Description	Import duties ⁽¹⁾ (EUR/t)
1001 10 00	Durum wheat, high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	High quality common wheat, other than for sowing	0,00
1002 00 00	Rye	44,57
1005 10 90	Maize seed other than hybrid	33,31
1005 90 00	Maize, other than seed ⁽²⁾	33,31
1007 00 90	Grain sorghum other than hybrids for sowing	44,57

⁽¹⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal the importer may benefit, under Article 2(4) of Regulation (EC) No 1249/96, from a reduction in the duty of:

- 3 EUR/t, where the port of unloading is on the Mediterranean Sea, or
- 2 EUR/t, where the port of unloading is in Denmark, Estonia, Ireland, Latvia, Lithuania, Poland, Finland, Sweden, the United Kingdom or the Atlantic coast of the Iberian peninsula.

⁽²⁾ The importer may benefit from a flatrate reduction of EUR 24 per tonne where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating the duties laid down in Annex I

1.12.2008-12.12.2008

1. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

(EUR/t)

	Common wheat ⁽¹⁾	Maize	Durum wheat, high quality	Durum wheat, medium quality ⁽²⁾	Durum wheat, low quality ⁽³⁾	Barley
Exchange	Minneapolis	Chicago	—	—	—	—
Quotation	179,80	104,63	—	—	—	—
Fob price USA	—	—	233,65	223,65	203,65	105,29
Gulf of Mexico premium	—	10,13	—	—	—	—
Great Lakes premium	26,95	—	—	—	—	—

⁽¹⁾ Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).⁽²⁾ Discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).⁽³⁾ Discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

2. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Freight costs: Gulf of Mexico–Rotterdam: 10,39 EUR/t

Freight costs: Great Lakes–Rotterdam: 8,59 EUR/t

DIRECTIVES

COMMISSION DIRECTIVE 2008/116/EC

of 15 December 2008

amending Council Directive 91/414/EEC to include aclonifen, imidacloprid and metazachlor as active substances

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

rapporteur Member State was United Kingdom and all relevant information was submitted on 30 September 2005.

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, and in particular Article 6(1) thereof,

Whereas:

(1) Commission Regulations (EC) No 451/2000 ⁽²⁾ and (EC) No 1490/2002 ⁽³⁾ lay down the detailed rules for the implementation of the third stage of the programme of work referred to in Article 8(2) of Directive 91/414/EEC and establish a list of active substances to be assessed, with a view to their possible inclusion in Annex I to Directive 91/414/EEC. That list includes aclonifen, imidacloprid and metazachlor.

(2) For those active substances the effects on human health and the environment have been assessed in accordance with the provisions laid down in Regulations (EC) No 451/2000 and (EC) No 1490/2002 for a range of uses proposed by the notifiers. Moreover, those Regulations designate the rapporteur Member States which have to submit the relevant assessment reports and recommendations to the European Food Safety Authority (EFSA) in accordance with Article 10(1) of Regulation (EC) No 1490/2002. For aclonifen and imidacloprid the rapporteur Member State was Germany and all relevant information was submitted on 11 September 2006 and on 13 June 2006 respectively. For metazachlor the

(3) The assessment reports have been peer reviewed by the Member States and the EFSA and presented to the Commission on 31 July 2008 for aclonifen, on 29 May 2008 for imidacloprid and on 14 April 2008 for metazachlor in the format of the EFSA Scientific Reports ⁽⁴⁾. These reports have been reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 26 September 2008 in the format of the Commission review reports for aclonifen, imidacloprid and metazachlor.

(4) It has appeared from the various examinations made that plant protection products containing aclonifen, imidacloprid and metazachlor may be expected to satisfy, in general, the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC, in particular with regard to the uses which were examined and detailed in the Commission review reports. It is therefore appropriate to include these active substances in Annex I, in order to ensure that in all Member States the authorisations of plant protection products containing these active substances can be granted in accordance with the provisions of that Directive.

(5) Without prejudice to that conclusion, it is appropriate to obtain further information on certain specific points. Article 6(1) of Directive 91/414/EC provides that inclusion of a substance in Annex I may be subject to conditions. Therefore, it is appropriate to require that aclonifen should be subjected to further testing for evaluation of residues in rotational crops and for the

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 55, 29.2.2000, p. 25.

⁽³⁾ OJ L 224, 21.8.2002, p. 23.

⁽⁴⁾ EFSA Scientific Report (2008) 149, Conclusion regarding the peer review of the pesticide risk assessment of the active substance aclonifen (finalised 31 July 2008).
EFSA Scientific Report (2008) 148, Conclusion regarding the peer review of the pesticide risk assessment of the active substance imidacloprid (finalised 29 May 2008).
EFSA Scientific Report (2008) 145, Conclusion regarding the peer review of the pesticide risk assessment of the active substance metazachlor (finalised 14 April 2008).

confirmation of the risk assessment for birds, mammals, aquatic organisms and non-target plants and that imidacloprid should be subjected to further testing for confirmation of the risk assessment for operators and workers and the risk to birds and mammals and such studies should be presented by the notifier. Furthermore for metazachlor it is appropriate to obtain additional information on certain specific points. Article 5(5) of Directive 91/414/EEC provides that an inclusion may be reviewed at any time if there are indications that the criteria referred to in paragraphs 1 and 2 are no longer satisfied. The notifier has submitted information which at this stage is considered to be sufficient to address the relevance of certain metabolites. However, a decision on the classification of metazachlor under Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances⁽¹⁾ is not yet finalised. Such decision might lead to the need for further information on these metabolites. The information submitted by the notifier to address the relevance of the metabolites 479M04, 479M08, 479M09, 479M11 and 479M12 with respect to cancer is, at this stage, considered as sufficient. However, if a decision is adopted under Directive 67/548/EEC by which metazachlor is classified as 'limited evidence of a cancerogenic effect', further information will be needed on the relevance of those metabolites with respect to cancer. Article 6(1) of Directive 91/414/EEC provides that the inclusion of a substance in Annex I to that Directive may be subject to conditions. The inclusion of metazachlor should therefore be subject to a condition concerning the submission of further information in case that substance is classified under Directive 67/548/EEC.

- (6) A reasonable period should be allowed to elapse before an active substance is included in Annex I in order to permit Member States and the interested parties to prepare themselves to meet the new requirements which will result from the inclusion.
- (7) Without prejudice to the obligations defined by Directive 91/414/EEC as a consequence of including an active substance in Annex I, Member States should be allowed a period of six months after inclusion to review existing authorisations of plant protection products containing acetonifene, imidacloprid and metazachlor to ensure that the requirements laid down by Directive 91/414/EEC, in particular in its Article 13 and the relevant conditions set out in Annex I, are satisfied. Member States should vary, replace or withdraw, as appropriate, existing authorisations, in accordance with the provisions of Directive 91/414/EEC. By way of derogation from the above deadline, a longer period should be provided for the submission and assessment of the complete Annex III dossier of each plant protection product for each

intended use in accordance with the uniform principles laid down in Directive 91/414/EEC.

- (8) The experience gained from previous inclusions in Annex I to Directive 91/414/EEC of active substances assessed in the framework of Commission Regulation (EEC) No 3600/92⁽²⁾ has shown that difficulties can arise in interpreting the duties of holders of existing authorisations in relation to access to data. In order to avoid further difficulties it therefore appears necessary to clarify the duties of the Member States, especially the duty to verify that the holder of an authorisation demonstrates access to a dossier satisfying the requirements of Annex II to that Directive. However, this clarification does not impose any new obligations on Member States or holders of authorisations compared to the directives which have been adopted until now amending Annex I.
- (9) It is therefore appropriate to amend Directive 91/414/EEC accordingly.
- (10) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 91/414/EEC is amended as set out in the Annex to this Directive.

Article 2

Member States shall adopt and publish by 31 January 2010 at the latest the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 1 February 2010.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 3

1. Member States shall in accordance with Directive 91/414/EEC, where necessary, amend or withdraw existing authorisations for plant protection products containing acetonifene, imidacloprid and metazachlor as active substances by 31 January 2010.

⁽¹⁾ OJ 196, 16.8.1967, p. 1.

⁽²⁾ OJ L 366, 15.12.1992, p. 10.

By that date they shall in particular verify that the conditions in Annex I to that Directive relating to aclonifen, imidacloprid and metazachlor are met, with the exception of those identified in part B of the entry concerning that active substance, and that the holder of the authorisation has, or has access to, a dossier satisfying the requirements of Annex II to that Directive in accordance with the conditions of Article 13 of that Directive.

2. By way of derogation from paragraph 1, for each authorised plant protection product containing aclonifen, imidacloprid and metazachlor as either the only active substance or as one of several active substances all of which were listed in Annex I to Directive 91/414/EEC by 31 July 2009 at the latest, Member States shall re-evaluate the product in accordance with the uniform principles provided for in Annex VI to Directive 91/414/EEC, on the basis of a dossier satisfying the requirements of Annex III to that Directive and taking into account part B of the entry in Annex I to that Directive concerning aclonifen, imidacloprid and metazachlor respectively. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 4(1)(b), (c), (d) and (e) of Directive 91/414/EEC.

Following that determination Member States shall:

- (a) in the case of a product containing aclonifen, imidacloprid and metazachlor as the only active substance, where

necessary, amend or withdraw the authorisation by 31 January 2014 at the latest; or

- (b) in the case of a product containing aclonifen, imidacloprid and metazachlor as one of several active substances, where necessary, amend or withdraw the authorisation by 31 January 2014 or by the date fixed for such an amendment or withdrawal in the respective Directive or Directives which added the relevant substance or substances to Annex I to Directive 91/414/EEC, whichever is the latest.

Article 4

This Directive shall enter into force on 1 August 2009.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 15 December 2008.

For the Commission
Androulla VASSILIOU
Member of the Commission

ANNEX

The following entry shall be added at the end of the table in Annex I to Directive 91/414/EEC:

No	Common name, identification numbers	IUPAC name	Purity (1)	Entry into force	Expiration of inclusion	Specific provisions
221	Aclonifen CAS No 74070-46-5 CIPAC No 498	2-chloro-6-nitro-3-phenoxylaniline	≥ 970 g/kg The impurity phenol is of toxicological concern and a maximum level of 5 g/kg is established.	1 August 2009	31 July 2019	PART A Only uses as herbicide may be authorised. PART B In assessing applications to authorise plant protection products containing aclonifen for uses other than sunflower, Member States shall pay particular attention to the criteria in Article 4(1)(b), and shall ensure that any necessary data and information is provided before such an authorisation is granted. For the implementation of the uniform principles of Annex VI, the conclusions of the review report on aclonifen, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 26 September 2008 shall be taken into account. In this overall assessment Member States must pay particular attention to: — the specification of the technical material as commercially manufactured must be confirmed and supported by appropriate analytical data. The test material used in the toxicity dossiers should be compared and verified against this specification of the technical material, — the protection of the operators safety. Authorised conditions of use must prescribe the application of adequate personal protective equipment and risk mitigation measures to reduce the exposure, — the residues in rotational crops and evaluate the dietary exposure of consumers, — the protection of birds, mammals, aquatic organisms and non-target plants. In relation to these identified risks, risk mitigation measures, such as buffer zones, should be applied where appropriate. The Member States concerned shall request the submission of further studies on rotational crops residues and relevant information to confirm the risk assessment for birds, mammals, aquatic organisms and non-target plants. They shall ensure that the notifier provides such confirmatory data and information to the Commission within two years from the entry into force of this Directive.

No	Common name, identification numbers	IUPAC name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
222	Imidacloprid CAS No 138261-41-3 CIPAC No 582	(E)-1-(6-Chloro-3-pyridinyl- methyl)-N-nitroimidazolidin- 2-ylideneamine	≥ 970 g/kg	1 August 2009	31 July 2019	PART A Only uses as insecticide may be authorised. For the protection of non-target organisms, in particular honey bees and birds, for use as seed treatment: — the seed coating shall only be performed in professional seed treatment facilities. These facilities must apply the best available techniques in order to ensure that the release of dust clouds during storage, transport and application can be excluded, — adequate application equipment shall be used to ensure a high degree of incorporation in soil, minimisation of spillage and minimisation of dust clouds emission. Member States shall ensure that the label of treated seed includes the indication that the seeds were treated with imidacloprid and sets out the risk mitigation measures provided for in the authorisation. PART B In assessing applications to authorise plant protection products containing imidacloprid for uses other than tomatoes in glasshouses, Member States shall pay particular attention to the criteria in Article 4(1)(b), and shall ensure that any necessary data and information is provided before such an authorisation is granted. For the implementation of the uniform principles of Annex VI, the conclusions of the review report on imidacloprid, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 26 September 2008 shall be taken into account. In this overall assessment Member States must pay particular attention to: — the operator and worker safety and ensure that conditions of use prescribe the application of adequate personal protective equipment, — the impact on aquatic organisms, non-target arthropods, earthworms, other soil macroorganisms and must ensure that the conditions of authorisation include, where appropriate, risk mitigation measures, — the protection of honey bees, in particular for spray applications and must ensure that the conditions of authorisation include, where appropriate, risk mitigation measures. The Member States concerned shall request the submission of: — information to further address the risk assessment for operators and workers, — information to further address the risk to birds and mammals. They shall ensure that the notifier provides such confirmatory data and information to the Commission within two years from the entry into force of this Directive.

No	Common name, identification numbers	IUPAC name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
223	Metazachlor CAS No 67129-08-2 CIPAC No 411	2-chloro-N-(pyrazol-1-ylmethyl)acet-2',6'-xylidide	≥ 940 g/kg The manufacturing impurity toluene is considered to be of toxicological concern and a maximum level of 0,01 % is established.	1 August 2009	31 July 2019	PART A Only uses as herbicide may be authorised; application max. of 1,0 kg/ha only every third year on the same field. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on metazachlor, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 26 September 2008 shall be taken into account. In this overall assessment Member States must pay particular attention to: — the operator safety and ensure that conditions of use prescribe the application of adequate personal protective equipment, — the protection of aquatic organisms, — the protection of the groundwater, when the active substance is applied in regions with vulnerable soil and/or climatic conditions. Conditions of authorisation shall include risk mitigation measures and monitoring programmes shall be initiated to verify potential groundwater contamination from the metabolites 479M04, 479M08, 479M09, 479M11 and 479M12 in vulnerable zones, where appropriate. If metazachlor is classified under Directive 67/548/EEC as "limited evidence of a cancerogenic effect", the Member States concerned shall request the submission of further information on the relevance of the metabolites 479M04, 479M08, 479M09, 479M11 and 479M12 with respect to cancer. They shall ensure that the notifiers provide that information to the Commission within six months from the notification of such a classification decision.'

⁽¹⁾ Further details on identity and specification of active substance are provided in the review report.

II

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory)

DECISIONS

COUNCIL

COUNCIL DECISION

of 8 December 2008

amending the Council's Rules of Procedure

(2008/945/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 207(3) thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 121(3) thereof,

Having regard to the Treaty on European Union, and in particular Article 28(1) and Article 41(1) thereof,

Having regard to Article 2(2) of Annex III to the Council's Rules of Procedure ⁽¹⁾,

Whereas:

(1) Article 11(5) of the Council's Rules of Procedure (hereinafter referred to as Rules of Procedure) provides that when a decision is to be adopted by the Council by a qualified majority, and if a member of the Council so requests, it shall be verified that the Member States constituting the qualified majority represent at least 62 % of the total population of the European Union calculated according to the population figures set out in Article 1 of Annex III to the Rules of Procedure.

(2) Article 2(2) of Annex III to the Rules of Procedure, on detailed rules for implementing the provisions

concerning the weighting of votes in the Council, provides that, with effect from 1 January each year, the Council shall, in accordance with the data available to the Statistical Office of the European Communities on 30 September of the preceding year, amend the figures set out in Article 1 of that Annex.

(3) The Rules of Procedure should therefore be amended accordingly for 2009,

HAS DECIDED AS FOLLOWS:

Article 1

In Annex III to the Rules of Procedure, Article 1 shall be replaced by the following:

'Article 1

For the purposes of implementing Article 205(4) of the EC Treaty, Article 118(4) of the Euratom Treaty, and the third subparagraph of Article 23(2) and Article 34(3) of the EU Treaty, the total population of each Member State for the period from 1 January to 31 December 2009 shall be as follows:

Member State	Population (× 1 000)
Germany	82 217,8
France	63 753,1
United Kingdom	61 224,1
Italy	59 619,3

⁽¹⁾ Council Decision 2006/683/EC, Euratom of 15 September 2006 adopting the Council's Rules of Procedure (OJ L 285, 16.10.2006, p. 47).

Member State	Population (× 1 000)
Spain	45 283,3
Poland	38 115,6
Romania	21 528,6
Netherlands	16 405,4
Greece	11 213,8
Belgium	10 666,9
Portugal	10 617,6
Czech Republic	10 381,1
Hungary	10 045,4
Sweden	9 182,9
Austria	8 331,9
Bulgaria	7 640,2
Denmark	5 475,8
Slovakia	5 401,0
Finland	5 300,5
Ireland	4 401,3
Lithuania	3 366,4
Latvia	2 270,9
Slovenia	2 025,9

Member State	Population (× 1 000)
Estonia	1 340,9
Cyprus	789,3
Luxembourg	483,8
Malta	410,3
Total	497 493,1
Threshold (62 %)	308 445,7'.

Article 2

This Decision shall take effect on 1 January 2009.

Article 3

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 8 December 2008.

For the Council
The President
B. KOUCHNER

COMMISSION

COMMISSION DECISION

of 12 December 2008

implementing Council Directive 2006/88/EC as regards requirements for quarantine of aquaculture animals

(notified under document number C(2008) 7905)

(Text with EEA relevance)

(2008/946/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽¹⁾, and in particular the second subparagraph of Article 10(3) and the first subparagraph of Article 10(4) thereof,

Having regard to Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals ⁽²⁾, and in particular Articles 25 and 61(3) thereof,

Whereas:

(1) Pursuant to Article 16(1) of Directive 2006/88/EC aquaculture animals of species susceptible to diseases listed in Part II of Annex IV to that Directive which are to be introduced for farming or restocking into a Member State, zone or compartment declared free of a specific disease must originate from a Member State, zone or compartment also declared free of that disease. Pursuant to Article 44(4) of that Directive, the same is to apply to areas subject to a surveillance or eradication programme with regard to a specific disease.

(2) Pursuant to Article 17(1) of Directive 2006/88/EC vector species to diseases listed in Part II of Annex IV to that

Directive which are to be introduced for farming or restocking purposes into a Member State, zone or compartment declared free of a specific disease must either originate from another Member State, zone or compartment declared free of that disease or be held in quarantine in water free of the pathogen in question, for an appropriate period of time, where, in the light of the scientific data or practical experience provided, this proves to be sufficient to reduce the risk of transmission of the specific disease to a level acceptable for preventing the transmission of the disease concerned. Pursuant to Article 44(4) of Directive 2006/88/EC, the same is to apply to areas subject to a surveillance or eradication programme with regard to a specific disease.

(3) A list of possible vector species to the diseases listed in Part II of Annex IV to Directive 2006/88/EC, including the conditions under which those species are to be regarded as vectors for the purpose of Article 17 of that Directive, is set out in Annex I to Commission Regulation (EC) No 1251/2008 of 12 December 2008 implementing 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 ⁽³⁾.

(4) Article 20(1) of Directive 2006/88/EC provides, by way of derogation from Article 16 of that Directive, that the release of wild aquatic animals of species susceptible to diseases listed in Part II of Annex IV to that Directive, caught in a Member State, zone or compartment not declared free of a specific disease, in a Member State, zone or compartment declared free of that disease is subject to the placing of the wild aquatic animals in quarantine under the supervision of the competent authority in suitable facilities, for a period of time sufficient to reduce to an acceptable level the risk of transmission of the disease. Pursuant to Article 44(4) of Directive 2006/88/EC, the same is to apply to areas subject to a surveillance or eradication programme with regard to a specific disease.

⁽¹⁾ OJ L 268, 24.9.1991, p. 56.

⁽²⁾ OJ L 328, 24.11.2006, p. 14.

⁽³⁾ See page 41 of this Official Journal.

- (5) Pursuant to Articles 10 and 11 of Regulation (EC) No 1251/2008 animals of vector species and wild aquatic animals intended for farming, relaying areas, put and take fisheries and open ornamental facilities, and ornamental aquatic animals of susceptible species intended for closed ornamental facilities may be imported into a Member State, zone or compartment declared free of a specific disease or into areas subject to a surveillance or eradication programme with regard to a specific disease without having to originate from disease free areas if they have been subject to quarantine, as provided for in Directive 2006/88/EC, for an appropriate period of time. According to Article 10(1) first indent of Directive 91/496/EEC, the quarantine may be carried out in a third country.
- (6) To ensure that the quarantine is carried out in a manner that reduces the risk of transmission of diseases listed in Part II of Annex IV to Directive 2006/88/EC to an acceptable level, detailed rules on quarantine should be laid down.
- (7) Quarantine facilities in the Community are covered by the definition of 'aquaculture production businesses' in Article 3(1)(c) of Directive 2006/88/EC. In the interest of the animal health situation within the Community, quarantine facilities in third countries should comply with equivalent requirements as those laid down for aquaculture production businesses in Directive 2006/88/EC.
- (8) When quarantine is carried out in the Community it is of vital importance that the transport of the consignments of aquaculture animals to the quarantine facility is monitored to ensure that the animals to be quarantined are transported directly to the quarantine facility in a safe manner.
- (9) Quarantine facilities should be constructed and managed in a manner that prevents the spread of diseases between quarantine units and between the quarantine facilities and other aquaculture production businesses.
- (10) Certain activities relating to quarantine in the Community fall within the definition of 'official controls' in Article 2(1) of Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules⁽¹⁾. Costs relating to quarantine in the

Community should therefore be covered by Article 27 of that Regulation, which provides that Member States may collect fees or charges to cover the cost occasioned by official controls.

- (11) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

CHAPTER I

SUBJECT MATTER, SCOPE AND DEFINITIONS

Article 1

Subject matter and scope

This Decision lays down the requirements for the quarantine, which is provided for in:

- (a) Articles 17 and 20 of Directive 2006/88/EC; and
- (b) Chapter IV of Regulation (EC) No 1251/2008 and the model certificates set out in Annex IV to that Regulation.

Article 2

Definitions

For the purposes of this Decision, the following definitions shall apply:

1. 'quarantine facility' means a facility:
 - (a) in which quarantine of aquaculture animals is carried out;
 - (b) which contains one or more quarantine units; and
 - (c) which is authorised and registered by a competent authority, within the meaning of Article 2(4) of Regulation (EC) No 882/2004, as a quarantine facility in accordance with Articles 4 and 6 of Directive 2006/88/EC, and which complies with the minimum conditions for quarantine facilities set out in Annex I to this Decision;
2. 'quarantine unit' means an operationally and physically separated unit of a quarantine facility, which only contains aquaculture animals of the same consignment, with the same health status, and, when appropriate, sentinel aquaculture animals;

⁽¹⁾ OJ L 165, 30.4.2004, p. 1, as corrected by OJ L 191, 28.5.2004, p. 1.

3. 'sentinel aquaculture animals' means aquaculture animals which are to be used as a diagnostic aid during quarantine;
4. 'listed diseases' means the diseases listed in Part II of Annex IV to Directive 2006/88/EC;
5. 'approved qualified aquatic animal health professional' means a qualified aquatic animal health professional designated by the competent authority to carry out specific official controls on quarantine facilities on its behalf.

CHAPTER II

QUARANTINE OF AQUACULTURE ANIMALS IN THIRD COUNTRIES

Article 3

Conditions for imports

Where quarantine is a condition for imports into the Community of consignments of aquaculture animals in accordance with Chapter IV of Regulation (EC) No 1251/2008, such consignments shall only be imported into the Community if the conditions laid down in this Chapter are complied with.

Article 4

Quarantine conditions in third countries

1. The quarantine must have been carried out in a quarantine facility as referred to in Article 2(1)(c).
2. The quarantine facility must be under the control of the competent authority and that authority must:
 - (a) visit the premises of the quarantine facility at least once a year;
 - (b) ensure that the quarantine facility meets the conditions set out in this Decision;
 - (c) audit the activity of the approved qualified aquatic animal health professional; and
 - (d) verify that the conditions under which the authorisation was granted remain fulfilled.
3. The aquaculture animals must have been subject to the quarantine provisions laid down in the following Articles:
 - (a) in the case of susceptible species, Articles 13, 14 and 15;
 - (b) in the case of vector species, Articles 16 and 17.

4. The aquaculture animals must only be released from quarantine on written authorisation by the competent authority.

Article 5

Authorisation of quarantine facilities in third countries

1. In order to be authorised by the competent authority, quarantine facilities must comply with:
 - (a) provisions which are at least equivalent to the authorisation conditions laid down in Article 5 of Directive 2006/88/EC;
 - (b) the minimum conditions for quarantine facilities set out in Annex I to this Decision.
2. Each authorised quarantine facility must be assigned a registration number.
3. A list of authorised quarantine facilities must be drawn up and communicated to the Commission.

Article 6

Suspension and withdrawal of authorisation of quarantine facilities in third countries

1. Where the competent authority has received notification that the presence of listed disease(s) is suspected in a quarantine facility, it must:
 - (a) immediately suspend the authorisation of that facility;
 - (b) ensure that the measures necessary to confirm or rule out the suspicion are taken in accordance with point 3 of Annex II.
2. A suspension pursuant to paragraph 1 must not be removed until:
 - (a) the suspicion of the relevant listed disease(s) has been officially ruled out; or
 - (b) the eradication of the relevant listed disease(s) in the quarantine facility is successfully completed and the relevant quarantine units are cleansed and disinfected.
3. The authorisation of a quarantine facility must be immediately withdrawn by the competent authority where the facility no longer complies with the conditions set out in Article 5(1).

The Commission must be immediately informed thereof.

*Article 7***Lists of quarantine facilities**

The Commission shall provide the Member States with any new and updated lists of quarantine facilities that it receives in accordance with Article 5(3) and shall make them available to the public.

CHAPTER III

QUARANTINE OF AQUACULTURE ANIMALS IN THE COMMUNITY*Article 8***Attestation**

1. Where consignments of aquaculture animals imported into the Community are intended for quarantine in the Community, the importer or his agent shall provide a written attestation signed by the person responsible for the quarantine facility confirming that the aquaculture animals will be accepted for quarantine.

2. The attestation provided for in paragraph 1 shall:

(a) be drawn up in at least one official language of the Member State of the border inspection post where the veterinary checks are carried out; however, that Member State may instead permit another official language of the Community to be used, accompanied, if necessary, by an official translation into one of its official languages;

(b) include the registration number of the quarantine facility.

3. The attestation provided for in paragraph 1 shall:

(a) reach the border inspection post before the arrival of the consignment; or

(b) be presented to the border inspection post by the importer or his agent before the aquaculture animals are released from that post.

*Article 9***Direct transport of aquaculture animals to quarantine facilities**

Where consignments of aquaculture animals imported into the Community are intended for quarantine in the Community, they shall be transported directly from the border inspection post to the quarantine facility.

When vehicles are used for that transport they shall be sealed by the official veterinarian of the border inspection post with a tamper proof seal.

*Article 10***Monitoring of transport of aquaculture animals**

1. Where consignments of aquaculture animals imported into the Community are intended for quarantine in the Community:

(a) the official veterinarian of the border inspection post shall notify the competent authority of the quarantine facility within one working day of the date of arrival of the consignment at the border inspection post, of the place of origin and the place of destination of the consignment via the computerised system provided for in Article 20(1) of Council Directive 90/425/EEC ⁽¹⁾ ('the Traces system');

(b) the person responsible for the quarantine facility shall notify, within one working day of the date of arrival of the consignment at the quarantine facility, the competent authority of that facility of the arrival of the consignment;

(c) the competent authority of the quarantine facility shall notify via the Traces system, within three working days of the date of arrival of the consignment at that facility, the official veterinarian of the border inspection post which notified it of the shipment of the consignment as referred to in point (a), of the arrival of the consignment.

2. If confirmation is provided to the competent authority of the border inspection post, that the aquaculture animals declared as being intended for a quarantine facility in the Community have not arrived at their destination within three working days of the estimated date of arrival, the competent authority shall take appropriate measures.

*Article 11***Quarantine conditions in the Community**

Where quarantine in the Community is a condition for the placing on the market of consignments of aquaculture animals in accordance with Article 17 or 20 of Directive 2006/88/EC or for imports of such consignments into the Community in accordance with Chapter IV of Regulation (EC) No 1251/2008, the consignments shall comply with the following conditions:

(a) the quarantine period must be carried out in the same quarantine facility in the Community;

(b) the aquaculture animals must be subject to the quarantine provisions laid down in the following Articles:

(i) in the case of susceptible species, Articles 13, 14 and 15;

(ii) in the case of vector species, Articles 16 and 17;

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

- (c) the aquaculture animals must only be released from quarantine on written authorisation by the competent authority.

Article 12

Measures in case of suspicion or confirmation of listed disease(s)

1. If during quarantine, the presence of disease(s) is suspected in the quarantine facility, the competent authority shall:

- (a) take and analyse appropriate samples in accordance with point 3 of Annex II;
- (b) ensure that, pending the laboratorial results, no aquaculture animals are moved into or out of the quarantine facility.

2. If during quarantine, the presence of the relevant listed disease(s) is confirmed, the competent authority shall ensure that:

- (a) all aquaculture animals in the quarantine units concerned are removed and disposed of, taking into account the risk of spreading the relevant listed disease(s);
- (b) the quarantine units concerned are cleansed and disinfected;
- (c) no aquaculture animals are moved into the quarantine units concerned during a period of 15 days following the final cleansing and disinfection;
- (d) water in the quarantine units concerned is treated in a manner that effectively inactivates the infectious agent responsible for the relevant listed disease(s).

3. By way of derogation from paragraph 2(a), the competent authority may authorise the placing on the market of the aquaculture animals kept in the quarantine facility and products thereof provided that the health status of the aquatic animals at the place of destination with regard to the relevant listed disease(s) is not jeopardised.

4. Member States shall inform the Commission of any measures taken pursuant to this Article.

CHAPTER IV

QUARANTINE PROVISIONS

SECTION 1

Susceptible species

Article 13

Duration of quarantine for susceptible species

1. Fish shall be quarantined for at least 60 days.

2. Crustaceans shall be quarantined for at least 40 days.

3. Molluscs shall be quarantined for at least 90 days.

Article 14

Examination, sampling, testing and diagnosis

1. To demonstrate the absence of the relevant listed disease(s), the examination, sampling, testing and diagnosis referred to in Annex II shall be carried out with negative results.

2. Sentinel aquaculture animals may be used for the examination, sampling, testing and diagnosis, except where species susceptible to infection with *Marteilia refringens* are quarantined.

3. The competent authority shall determine the number of sentinel aquaculture animals to be used, taking into account the number of aquaculture animals kept, the size of the quarantine unit, and the characteristics of the relevant listed disease(s) and species.

4. Sentinel aquaculture animals shall be:

- (a) of species susceptible to the relevant listed disease(s) and, where possible and taking into account their living conditions, being at the most susceptible life stages;

- (b) sourced from a Member State, zone or compartment, or from a third country or part thereof declared free of the relevant listed disease(s);

- (c) unvaccinated against the relevant listed disease(s);

- (d) placed in the quarantine unit immediately before or upon arrival of the aquaculture animals to be quarantined and kept in contact with those animals and under the same zootechnical and environmental conditions.

Article 15

Inspection

The competent authority shall inspect the conditions of the quarantine at least at the beginning and the end of the quarantine period of each consignment of aquaculture animals.

When the competent authority carries out such inspections, it shall:

- (a) ensure that the environmental conditions conducive to the laboratorial detection of the relevant listed disease(s) are present;

- (b) examine the mortality records during the quarantine;
- (c) where relevant, check the aquaculture animals in the quarantine units.

SECTION 2

Vector species

Article 16

Quarantine provisions applicable to vector species

1. Vector species shall be quarantined for at least 30 days.
2. The water of the quarantine unit shall be exchanged at least once a day.

Article 17

Inspection

The competent authority shall inspect the conditions of the quarantine at least at the beginning and the end of the quarantine period of each consignment of aquaculture animals.

When the competent authority carries out such inspections, it shall:

- (a) examine the mortality records during the quarantine;
- (b) where relevant, check the aquaculture animals in the quarantine units.

CHAPTER V

FINAL PROVISIONS

Article 18

Transitional provision

Pending the adoption of the diagnostic methods to be laid down in accordance with Article 49(3) of Directive 2006/88/EC, testing of samples taken to demonstrate the absence of the relevant listed disease(s) during quarantine shall be carried out in accordance with the diagnostic methods laid down in the corresponding chapter to each listed disease(s) of the last version of the Manual of diagnostic tests for aquatic animals of the World Organisation for Animal Health (OIE).

Article 19

Date of application

This Decision shall apply from 1 January 2009.

Article 20

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 12 December 2008.

For the Commission

Androulla VASSILIOU

Member of the Commission

ANNEX I

Minimum conditions for quarantine facilities

PART A

Construction and equipment conditions

1. The quarantine facility must be a premise which is separated from other quarantine facilities, other farms or other mollusc farming areas, by a distance specified by the competent authority on the basis of a risk assessment which takes into account the epidemiology of the relevant listed disease(s). However, a quarantine facility may be located within a farm or mollusc farming area.
2. The quarantine units must be constructed in such a way that water exchanges amongst them are not possible. In addition, the water outlet system of each quarantine unit must be designed to prevent any possible cross-contamination amongst quarantine units or other units of the same farm or mollusc farming area.
3. The water supply of the quarantine units must be free of the relevant listed disease(s).
4. When the draining system of the quarantine units is located in a Member State, zone, compartment or third country or part thereof declared free of a listed disease(s) or subject to a surveillance or eradication programme with regard to a listed disease(s), it must have an effluent treatment system approved by the competent authority. The effluent treatment system must:
 - (a) treat all effluents and wastes generated within the quarantine unit in a manner that effectively inactivates the infectious agent responsible for the relevant listed disease(s);
 - (b) be equipped with fail-safe backup mechanisms to ensure continuous operation and complete containment.
5. The quarantine units must be constructed in such a way that the contact with other animals likely to spread the relevant listed disease(s) is prevented.
6. All equipment must be constructed in such a way that it can be cleansed and disinfected and appropriate equipment must be available for cleansing and disinfection.
7. Hygiene barriers have to be installed at all entrances/exits to the quarantine facility and to its different units.
8. Each quarantine unit of the quarantine facility must have its own equipment in order to avoid cross contamination amongst the different quarantine units.

PART B

Management conditions

1. The aquaculture production business operator of the quarantine facility must secure, by contract or legal instrument, the services of an approved qualified aquatic animal health professional.
2. For each consignment of aquaculture animals quarantined:
 - (a) the quarantine unit must be cleansed and disinfected and then kept free from aquaculture animals for at least seven days before the introduction of a new consignment;
 - (b) the quarantine period shall only start when the last aquaculture animals of the consignment are introduced.
3. Appropriate measures shall be taken to prevent cross-contamination between incoming and outgoing consignments.
4. No unauthorised persons may enter the quarantine facility.
5. Persons entering the quarantine facility must wear protective clothing including footwear.

6. No contacts between personnel or equipment, which may cause contamination between quarantine facilities or quarantine units or between quarantine facilities and farms or mollusc farming areas, shall take place.
7. Upon receipt, transport vehicles and equipment, including tanks, containers and water must be treated in a manner that effectively inactivates the infectious agent responsible for the relevant listed disease(s).
8. Dead aquaculture animals and aquaculture animals showing clinical signs of disease must be clinically inspected by an approved qualified aquatic animal health professional and a representative selection of dead aquaculture animals and aquaculture animals showing clinical signs of disease must be examined in a laboratory designated by the competent authority.
9. The necessary examination, sampling and diagnostic methods must be carried out in consultation with and under the control of the competent authority.
10. In addition to the recording obligations provided for in Article 8 of Directive 2006/88/EC, the quarantine facility must keep a record of:
 - (a) entry/exit time of personnel;
 - (b) treatment of incoming water and of effluent water as appropriate;
 - (c) any abnormal conditions affecting quarantine operation (power cuts, building damage or serious weather conditions);
 - (d) dates and results of samples submitted for testing.

ANNEX II

Examination, sampling, testing and diagnosis of aquaculture animals

1. The examination, sampling, testing and diagnosis of aquaculture animals shall be carried out ensuring that the environmental conditions conducive to the laboratorial detection of the relevant listed disease(s) are present in the quarantine facility during the whole quarantine period.
 2. During quarantine, the following aquaculture animals shall be sampled within 15 days before date of the expiry of the quarantine period:
 - (a) when sentinel aquaculture animals are used, samples from all of them must be taken;
 - (b) when sentinel aquaculture animals are not used, samples must be taken from a relevant number of aquaculture animals ensuring the detection of the relevant listed disease(s) with a 95 % confidence if the design prevalence is 10 % (never less than 10 animals).
 3. Subject to Article 18, testing of samples taken during quarantine must be carried out in laboratories designated by the competent authority using the diagnostic methods to be laid down in accordance with Article 49(3) of Directive 2006/88/EC.
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III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE VI OF THE EU TREATY

COUNCIL FRAMEWORK DECISION 2008/947/JHA

of 27 November 2008

**on the application of the principle of mutual recognition to judgments and probation decisions with
a view to the supervision of probation measures and alternative sanctions**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 31(1)(a) and (c) and Article 34(2)(b) thereof,

Having regard to the initiative of the Federal Republic of Germany and of the French Republic ⁽¹⁾,

Having regard to the Opinion of the European Parliament ⁽²⁾,

Whereas:

(1) The European Union has set itself the objective of developing an area of freedom, security and justice. This presupposes that there is an understanding of freedom, security and justice on the part of the Member States which is identical in its essential elements and based on the principles of freedom, democracy, respect for human rights and fundamental freedoms, as well as the rule of law.

(2) The aim of police and judicial cooperation in the European Union is to provide a high degree of security for all citizens. One of the cornerstones for this is the

principle of mutual recognition of judicial decisions, established in the conclusions of the European Council meeting in Tampere on 15 and 16 October 1999 and reaffirmed in the Hague Programme of 4 and 5 November 2004 for strengthening freedom, security and justice in the European Union ⁽³⁾. In the programme of measures of 29 November 2000 adopted for the purpose of implementing the principle of mutual recognition of decisions in criminal matters, the Council pronounced itself in favour of cooperation in the area of suspended sentences and parole.

(3) Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union ⁽⁴⁾ concerns the mutual recognition and enforcement of custodial sentences or measures involving deprivation of liberty. Further common rules are required, in particular where a non-custodial sentence involving the supervision of probation measures or alternative sanctions has been imposed in respect of a person who does not have his lawful and ordinary residence in the State of conviction.

(4) The Council of Europe Convention of 30 November 1964 on the Supervision of Conditionally Sentenced or Conditionally Released Offenders has been ratified by only 12 Member States, with, in some cases, numerous reservations. The present Framework Decision provides for a more effective instrument because it is based on the principle of mutual recognition and all Member States participate.

⁽¹⁾ OJ C 147, 30.6.2007, p. 1.

⁽²⁾ Opinion of 25 October 2007 (not yet published in the Official Journal).

⁽³⁾ OJ C 53, 3.3.2005, p. 1.

⁽⁴⁾ OJ L 327, 5.12.2008, p. 27.

- (5) This Framework Decision respects fundamental rights and adheres to the principles recognised in Article 6 of the Treaty on European Union, which are also expressed in the Charter of Fundamental Rights of the European Union, especially in Chapter VI thereof. No provision of this Framework Decision should be interpreted as prohibiting refusal to recognise a judgment and/or supervise a probation measure or alternative sanction if there are objective reasons to believe that the probation measure or alternative sanction was imposed to punish a person because of his or her sex, race, religion, ethnic origin, nationality, language, political opinions or sexual orientation or that this person might be disadvantaged for one of these reasons.
- (6) This Framework Decision should not prevent any Member State from applying its constitutional rules relating to entitlement to due process, freedom of association, freedom of the press, freedom of expression in other media and freedom of religion.
- (7) The provisions of this Framework Decision should be applied in conformity with the right of the Union's citizens to move and reside freely within the territory of the Member States, pursuant to Article 18 of the Treaty establishing the European Community.
- (8) The aim of mutual recognition and supervision of suspended sentences, conditional sentences, alternative sanctions and decisions on conditional release is to enhance the prospects of the sentenced person's being reintegrated into society, by enabling that person to preserve family, linguistic, cultural and other ties, but also to improve monitoring of compliance with probation measures and alternative sanctions, with a view to preventing recidivism, thus paying due regard to the protection of victims and the general public.
- (9) There are several types of probation measures and alternative sanctions which are common among the Member States and which all Member States are in principle willing to supervise. The supervision of these types of measures and sanctions should be obligatory, subject to certain exceptions provided for in this Framework Decision. Member States may declare that, in addition, they are willing to supervise other types of probation measures and/or other types of alternative sanctions.
- (10) The probation measures and alternative sanctions that are, in principle, obligatory to supervise include, *inter alia*, orders relating to behaviour (such as an obligation to stop the consumption of alcohol), residence (such as an obligation to change residence for reasons of domestic violence), education and training (such as an obligation to follow a 'safe-driving course'), leisure activities (such as an obligation to cease playing or attending a certain sport) and limitations on or modalities of carrying out a professional activity (such as an obligation to seek a professional activity in a different working environment; this obligation does not include the supervision of compliance with any professional disqualifications imposed on the person as part of the sanction).
- (11) Where appropriate, electronic monitoring could be used with a view to supervising probation measures or alternative sanctions, in accordance with national law and procedures.
- (12) The Member State where the person concerned is sentenced may forward a judgment and, where applicable, a probation decision to the Member State where the sentenced person is lawfully and ordinarily resident with a view to the recognition thereof and to the supervision of probation measures or alternative sanctions contained therein.
- (13) The decision on whether to forward the judgment and, where applicable, the probation decision to another Member State should be taken in each individual case by the competent authority of the issuing Member State, taking into account, *inter alia*, the declarations made in accordance with Articles 5(4), 10(4) and 14(3).
- (14) The judgment and, where applicable, the probation decision may also be forwarded to a Member State other than that where the sentenced person is residing, if the competent authority of that executing State, taking account of any conditions set out in the relevant declaration made by that State in accordance with this Framework Decision, consents to such forwarding. In particular, consent may be given, with a view to social rehabilitation, where the sentenced person, without losing his/her right of residence, intends to move to another Member State because he/she is granted an employment contract, if he/she is a family member of a lawful and ordinary resident person of that Member State, or if he/she intends to follow a study or training in that Member State, in accordance with Community law.
- (15) Member States should apply their own national law and procedures for the recognition of a judgment and, where applicable, a probation decision. In the case of a conditional sentence or alternative sanction where the

judgment does not contain a custodial sentence or measure involving deprivation of liberty to be enforced in case of non-compliance with the obligations or instructions concerned, this could imply that having made the relevant declaration in accordance with this Framework Decision, Member States, when deciding to recognise, agree to supervise the probation measures or alternative sanctions concerned and to assume no other responsibility than just for taking the subsequent decisions consisting of the modification of obligations or instructions contained in the probation measure or alternative sanction, or modification of the duration of the probation period. Consequently, the recognition has, in such cases, no further effect than to enable the executing State to take those types of subsequent decisions.

- (16) A Member State may refuse to recognise a judgment and, where applicable, a probation decision, if the judgment concerned was issued against a person who has not been found guilty, such as in the case of a mentally ill person, and the judgment or, where applicable, the probation decision provides for medical/therapeutic treatment which the executing State cannot supervise in respect of such persons under its national law.
- (17) The ground for refusal relating to territoriality should be applied only in exceptional cases and with a view to cooperating to the greatest extent possible under the provisions of this Framework Decision, while taking into account of the objectives thereof. Any decision to apply this ground for refusal should be based on a case-by-case analysis and on consultations between the competent authorities of the issuing and executing States.
- (18) If the probation measures or alternative sanctions include community service, then the executing State should be entitled to refuse to recognise the judgment and, where applicable, the probation decision if the community service would normally be completed in less than six months.
- (19) The form of the certificate is drafted in such a way so that essential elements of the judgment and, where applicable, of the probation decision are comprised in the certificate, which should be translated into the official language or one of the official languages of the executing State. The certificate should assist the competent authorities in the executing State in taking decisions under this Framework Decision, including decisions on recognition and assumption of responsibility for supervision of probation measures and alternative sanctions, decisions on adaptation of probation

measures and alternative sanctions, and subsequent decisions in case, notably, of non-compliance with a probation measure or alternative sanction.

- (20) In view of the principle of mutual recognition, on which this Framework Decision is based, issuing and executing Member States should promote direct contact between their competent authorities in the application of this Framework Decision.
- (21) All Member States should ensure that sentenced persons, in respect of whom decisions under this Framework Decision are taken, are subject to a set of legal rights and remedies in accordance with their national law, regardless of whether the competent authorities designated to take decisions under this Framework Decision are of a judicial or a non-judicial nature.
- (22) All subsequent decisions relating to a suspended sentence, a conditional sentence or an alternative sanction which result in the imposition of a custodial sentence or measure involving deprivation of liberty should be taken by a judicial authority.
- (23) Since all Member States have ratified the Council of Europe Convention of 28 January 1981 for the Protection of Individuals with regard to Automatic Processing of Personal Data, personal data processed when implementing this Framework Decision should be protected in accordance with the principles laid down in that Convention.
- (24) Since the objectives of this Framework Decision, namely facilitating the social rehabilitation of sentenced persons, improving the protection of victims and of the general public, and facilitating the application of suitable probation measures and alternative sanctions in case of offenders who do not live in the State of conviction, cannot be sufficiently achieved by the Member States themselves in view of the cross-border nature of the situations involved and can therefore, by reason of the scale of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as defined in Article 5 of the Treaty establishing the European Community as applied by the second paragraph of Article 2 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in Article 5 of the Treaty establishing the European Community, this Framework Decision does not go beyond what is necessary in order to achieve those objectives,

HAS ADOPTED THIS FRAMEWORK DECISION:

Article 1

Objectives and scope

1. This Framework Decision aims at facilitating the social rehabilitation of sentenced persons, improving the protection of victims and of the general public, and facilitating the application of suitable probation measures and alternative sanctions, in case of offenders who do not live in the State of conviction. With a view to achieving these objectives, this Framework Decision lays down rules according to which a Member State, other than the Member State in which the person concerned has been sentenced, recognises judgments and, where applicable, probation decisions and supervises probation measures imposed on the basis of a judgment, or alternative sanctions contained in such a judgment, and takes all other decisions relating to that judgment, unless otherwise provided for in this Framework Decision.

2. This Framework Decision shall apply only to:

- (a) the recognition of judgments and, where applicable, probation decisions;
- (b) the transfer of responsibility for the supervision of probation measures and alternative sanctions;
- (c) all other decisions related to those under (a) and (b);

as described and provided for in this Framework Decision.

3. This Framework Decision shall not apply to:

- (a) the execution of judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty which fall within the scope of Framework Decision 2008/909/JHA;
- (b) recognition and execution of financial penalties and confiscation orders which fall within the scope of Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties ⁽¹⁾ and Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders ⁽²⁾.

4. This Framework Decision shall not have the effect of modifying the obligation to respect fundamental rights and fundamental legal principles as enshrined in Article 6 of the Treaty on European Union.

Article 2

Definitions

For the purposes of this Framework Decision:

1. 'judgment' shall mean a final decision or order of a court of the issuing State, establishing that a natural person has committed a criminal offence and imposing:

(a) a custodial sentence or measure involving deprivation of liberty, if a conditional release has been granted on the basis of that judgment or by a subsequent probation decision;

(b) a suspended sentence;

(c) a conditional sentence;

(d) an alternative sanction;

2. 'suspended sentence' shall mean a custodial sentence or measure involving deprivation of liberty, the execution of which is conditionally suspended, wholly or in part, when the sentence is passed by imposing one or more probation measures. Such probation measures may be included in the judgment itself or determined in a separate probation decision taken by a competent authority;

3. 'conditional sentence' shall mean a judgment in which the imposition of a sentence has been conditionally deferred by imposing one or more probation measures or in which one or more probation measures are imposed instead of a custodial sentence or measure involving deprivation of liberty. Such probation measures may be included in the judgment itself or determined in a separate probation decision taken by a competent authority;

4. 'alternative sanction' shall mean a sanction, other than a custodial sentence, a measure involving deprivation of liberty or a financial penalty, imposing an obligation or instruction;

5. 'probation decision' shall mean a judgment or a final decision of a competent authority of the issuing State taken on the basis of such judgment:

(a) granting a conditional release; or

(b) imposing probation measures;

⁽¹⁾ OJ L 76, 22.3.2005, p. 16.

⁽²⁾ OJ L 328, 24.11.2006, p. 59.

6. 'conditional release' shall mean a final decision of a competent authority or stemming from the national law on the early release of a sentenced person after part of the custodial sentence or measure involving deprivation of liberty has been served by imposing one or more probation measures;
7. 'probation measures' shall mean obligations and instructions imposed by a competent authority on a natural person, in accordance with the national law of the issuing State, in connection with a suspended sentence, a conditional sentence or a conditional release;
8. 'issuing State' shall mean the Member State in which a judgment is delivered;
9. 'executing State' shall mean the Member State in which the probation measures and alternative sanctions are supervised following a decision in accordance with Article 8.
- (b) an obligation not to enter certain localities, places or defined areas in the issuing or executing State;
- (c) an obligation containing limitations on leaving the territory of the executing State;
- (d) instructions relating to behaviour, residence, education and training, leisure activities, or containing limitations on or modalities of carrying out a professional activity;
- (e) an obligation to report at specified times to a specific authority;
- (f) an obligation to avoid contact with specific persons;
- (g) an obligation to avoid contact with specific objects, which have been used or are likely to be used by the sentenced person with a view to committing a criminal offence;

Article 3

Designation of competent authorities

1. Each Member State shall inform the General Secretariat of the Council which authority or authorities, under its national law, are competent to act according to this Framework Decision in the situation where that Member State is the issuing State or the executing State.
2. Member States may designate non-judicial authorities as the competent authorities for taking decisions under this Framework Decision, provided that such authorities have competence for taking decisions of a similar nature under their national law and procedures.
3. If a decision under Article 14(1)(b) or (c) is taken by a competent authority other than a court, the Member States shall ensure that, upon request of the person concerned, such decision may be reviewed by a court or by another independent court-like body.
4. The General Secretariat of the Council shall make the information received available to all Member States and to the Commission.
- (h) an obligation to compensate financially for the prejudice caused by the offence and/or an obligation to provide proof of compliance with such an obligation;
- (i) an obligation to carry out community service;
- (j) an obligation to cooperate with a probation officer or with a representative of a social service having responsibilities in respect of sentenced persons;
- (k) an obligation to undergo therapeutic treatment or treatment for addiction.
2. Each Member State shall notify the General Secretariat of the Council, when implementing this Framework Decision, which probation measures and alternative sanctions, apart from those referred to in paragraph 1, it is prepared to supervise. The General Secretariat of the Council shall make the information received available to all Member States and to the Commission.

Article 4

Types of probation measures and alternative sanctions

1. This Framework Decision shall apply to the following probation measures or alternative sanctions:
- (a) an obligation for the sentenced person to inform a specific authority of any change of residence or working place;

Article 5

Criteria for forwarding a judgment and, where applicable, a probation decision

1. The competent authority of the issuing State may forward a judgment and, where applicable, a probation decision to the competent authority of the Member State in which the sentenced person is lawfully and ordinarily residing, in cases where the sentenced person has returned or wants to return to that State.

2. The competent authority of the issuing State may, upon request of the sentenced person, forward the judgment and, where applicable, the probation decision to a competent authority of a Member State other than the Member State in which the sentenced person is lawfully and ordinarily residing, on condition that this latter authority has consented to such forwarding.

3. When implementing this Framework Decision, Member States shall determine under which conditions their competent authorities may consent to the forwarding of a judgment and, where applicable, a probation decision under paragraph 2.

4. Each Member State shall make a declaration to the General Secretariat of the Council of the determination made under paragraph 3. Member States may modify such a declaration at any time. The General Secretariat shall make the information received available to all Member States and to the Commission.

Article 6

Procedure for forwarding a judgment and, where applicable, a probation decision

1. When, in application of Article 5(1) or (2), the competent authority of the issuing State forwards a judgment and, where applicable, a probation decision to another Member State, it shall ensure that it is accompanied by a certificate, the standard form for which is set out in Annex I.

2. The judgment and, where applicable, the probation decision, together with the certificate referred to in paragraph 1, shall be forwarded by the competent authority of the issuing State directly to the competent authority of the executing State by any means which leaves a written record under conditions allowing the executing State to establish their authenticity. The original of the judgment and, where applicable, the probation decision, or certified copies thereof, as well as the original of the certificate, shall be sent to the competent authority of the executing State if it so requires. All official communications shall also be made directly between the said competent authorities.

3. The certificate referred to in paragraph 1 shall be signed and its content certified as accurate by the competent authority of the issuing State.

4. Apart from the measures and sanctions referred to in Article 4(1), the certificate referred to in paragraph 1 of this

Article shall include only such measures or sanctions as notified by the executing State in accordance with Article 4(2).

5. The competent authority of the issuing State shall forward the judgment and, where applicable, the probation decision, together with the certificate referred to in paragraph 1 only to one executing State at any one time.

6. If the competent authority of the executing State is not known to the competent authority of the issuing State, the latter shall make all necessary inquiries, including via the contact points of the European Judicial Network created by Council Joint Action 98/428/JHA ⁽¹⁾, in order to obtain the information from the executing State.

7. When an authority of the executing State which receives a judgment and, where applicable, a probation decision, together with the certificate referred to in paragraph 1, has no competence to recognise it and take the ensuing necessary measures for the supervision of the probation measure or alternative sanction, it shall, *ex officio*, forward it to the competent authority and shall without delay inform the competent authority of the issuing State accordingly by any means which leaves a written record.

Article 7

Consequences for the issuing State

1. Once the competent authority of the executing State has recognised the judgment and, where applicable, the probation decision forwarded to it and has informed the competent authority of the issuing State of such recognition, the issuing State shall no longer have competence in relation to the supervision of the probation measures or alternative sanctions imposed, nor to take subsequent measures referred to in Article 14(1).

2. The competence referred to in paragraph 1 shall revert to the issuing State:

(a) as soon as its competent authority has notified withdrawal of the certificate referred to in Article 6(1), pursuant to Article 9(4), to the competent authority of the executing State;

(b) in cases referred to in Article 14(3) in combination with 14(5); and

(c) in cases referred to in Article 20.

⁽¹⁾ OJ L 191, 7.7.1998, p. 4.

*Article 8***Decision of the executing State**

1. The competent authority of the executing State shall recognise the judgment and, where applicable, the probation decision forwarded in accordance with Article 5 and following the procedure laid down in Article 6 and shall without delay take all necessary measures for the supervision of the probation measures or alternative sanctions, unless it decides to invoke one of the grounds for refusing recognition and supervision referred to in Article 11.

2. The competent authority of the executing State may postpone the decision on recognition of the judgment and, where applicable, the probation decision in the situation where the certificate referred to in Article 6(1) is incomplete or obviously does not correspond to the judgment or, where applicable, the probation decision, until such reasonable deadline set for the certificate to be completed or corrected.

*Article 9***Adaptation of the probation measures or alternative sanctions**

1. If the nature or duration of the relevant probation measure or alternative sanction, or the duration of the probation period, are incompatible with the law of the executing State, the competent authority of that State may adapt them in line with the nature and duration of the probation measures and alternative sanctions, or duration of the probation period, which apply, under the law of the executing State, to equivalent offences. The adapted probation measure, alternative sanction or duration of the probation period shall correspond as far as possible to that imposed in the issuing State.

2. Where the probation measure, the alternative sanction or the probation period has been adapted because its duration exceeds the maximum duration provided for under the law of the executing State, the duration of the adapted probation measure, alternative sanction or probation period shall not be below the maximum duration provided for equivalent offences under the law of the executing State.

3. The adapted probation measure, alternative sanction or probation period shall not be more severe or longer than the probation measure, alternative sanction or probation period which was originally imposed.

4. Following receipt of the information referred to in Articles 16(2) or 18(5), the competent authority of the issuing State may decide to withdraw the certificate referred to in Article 6(1) provided that supervision in the executing State has not yet begun. In such cases, the decision shall be taken and communicated as soon as possible and within ten days of the receipt of the information.

*Article 10***Double criminality**

1. The following offences, if they are punishable in the issuing State by a custodial sentence or a measure involving deprivation of liberty for a maximum period of at least three years, and as they are defined by the law of the issuing State, shall, under the terms of this Framework Decision and without verification of the double criminality of the act, give rise to recognition of the judgment and, where applicable, the probation decision and to supervision of probation measures and alternative sanctions:

- participation in a criminal organisation,
- terrorism,
- trafficking in human beings,
- sexual exploitation of children and child pornography,
- illicit trafficking in narcotic drugs and psychotropic substances,
- illicit trafficking in weapons, munitions and explosives,
- corruption,
- fraud, including that affecting the financial interests of the European Communities within the meaning of the Convention of 26 July 1995 on the protection of the European Communities' financial interests ⁽¹⁾,
- laundering of the proceeds of crime,
- counterfeiting currency, including of the euro,
- computer-related crime,
- environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties,
- facilitation of unauthorised entry and residence,
- murder, grievous bodily injury,
- illicit trade in human organs and tissue,

⁽¹⁾ OJ C 316, 27.11.1995, p. 49.

- kidnapping, illegal restraint and hostage-taking,
- racism and xenophobia,
- organised or armed robbery,
- illicit trafficking in cultural goods, including antiques and works of art,
- swindling,
- racketeering and extortion,
- counterfeiting and piracy of products,
- forgery of administrative documents and trafficking therein,
- forgery of means of payment,
- illicit trafficking in hormonal substances and other growth promoters,
- illicit trafficking in nuclear or radioactive materials,
- trafficking in stolen vehicles,
- rape,
- arson,
- crimes within the jurisdiction of the International Criminal Court,
- unlawful seizure of aircraft/ships,
- sabotage.

2. The Council may decide to add other categories of offences to the list provided for in paragraph 1 of this Article at any time, acting unanimously after consultation of the European Parliament under the conditions laid down in Article 39(1) of the Treaty on European Union. The Council shall examine, in the light of the report submitted to it pursuant to Article 26(1) of this Framework Decision, whether the list should be extended or amended.

3. For offences other than those covered by paragraph 1, the executing State may make the recognition of the judgment and, where applicable, the probation decision and the supervision of probation measures and of alternative sanctions subject to the

condition that the judgment relates to acts which also constitute an offence under the law of the executing State, whatever its constituent elements or however it is described.

4. Each Member State may, on the adoption of this Framework Decision or later, by a declaration notified to the General Secretariat of the Council, declare that it will not apply paragraph 1. Any such declaration may be withdrawn at any time. Such declarations or withdrawals of declarations shall be published in the *Official Journal of the European Union*.

Article 11

Grounds for refusing recognition and supervision

1. The competent authority of the executing State may refuse to recognise the judgment or, where applicable, the probation decision and to assume responsibility for supervising probation measures or alternative sanctions if:

- (a) the certificate referred to in Article 6(1) is incomplete or manifestly does not correspond to the judgment or to the probation decision and has not been completed or corrected within a reasonable period set by the competent authority of the executing State;
- (b) the criteria set forth in Articles 5(1), 5(2) or 6(4) are not met;
- (c) recognition of the judgment and assumption of responsibility for supervising probation measures or alternative sanctions would be contrary to the principle of *ne bis in idem*;
- (d) in a case referred to in Article 10(3) and, where the executing State has made a declaration under Article 10(4), in a case referred to in Article 10(1), the judgment relates to acts which would not constitute an offence under the law of the executing State. However, in relation to taxes or duties, customs and exchange, execution of the judgment or, where applicable, the probation decision may not be refused on the grounds that the law of the executing State does not impose the same kind of tax or duty or does not contain the same type of rules as regards taxes or duties, customs and exchange regulations as the law of the issuing State;
- (e) the enforcement of the sentence is statute-barred according to the law of the executing State and relates to an act which falls within its competence according to that law;
- (f) there is immunity under the law of the executing State, which makes it impossible to supervise probation measures or alternative sanctions;

- (g) under the law of the executing State, the sentenced person cannot, owing to his or her age, be held criminally liable for the acts in respect of which the judgment was issued;
- (h) the judgment was rendered *in absentia*, unless the certificate states that the person was summoned personally or informed via a representative competent according to the national law of the issuing State of the time and place of the proceedings which resulted in the judgment being rendered *in absentia*, or that the person has indicated to a competent authority that he or she does not contest the case;
- (i) the judgment or, where applicable, the probation decision provides for medical/therapeutic treatment which, notwithstanding Article 9, the executing State is unable to supervise in view of its legal or health-care system;
- (j) the probation measure or alternative sanction is of less than six months' duration; or
- (k) the judgment relates to criminal offences which under the law of the executing State are regarded as having been committed wholly or for a major or essential part within its territory, or in a place equivalent to its territory.

2. Any decision under paragraph 1(k) in relation to offences committed partly within the territory of the executing State, or in a place equivalent to its territory, shall be taken by the competent authority of the executing State only in exceptional circumstances and on a case-by case basis, having regard to the specific circumstances of the case, and in particular to whether a major or essential part of the conduct in question has taken place in the issuing State.

3. In the cases referred to in paragraph 1(a), (b), (c), (h), (i), (j) and (k), before deciding not to recognise the judgment or, where applicable, the probation decision and to assume responsibility for supervising probation measures and alternative sanctions, the competent authority of the executing State shall communicate, by appropriate means, with the competent authority of the issuing State and shall, as necessary, ask it to supply all additional information required without delay.

4. Where the competent authority of the executing State has decided to invoke a ground for refusal referred to in paragraph 1 of this Article, in particular the grounds referred to under paragraph 1(d) or (k), it may nevertheless, in agreement with the competent authority of the issuing State, decide to supervise the probation measures or alternative sanctions that are imposed in the judgment and, where applicable, the probation decision forwarded to it, without assuming the responsibility for taking any of the decisions referred to in Article 14(1)(a), (b) and (c).

Article 12

Time limit

1. The competent authority of the executing State shall decide as soon as possible, and within 60 days of receipt of the judgment and, where applicable, the probation decision, together with the certificate referred to in Article 6(1), whether or not to recognise the judgment and, where applicable, the probation decision and assume responsibility for supervising the probation measures or alternative sanctions. It shall immediately inform the competent authority of the issuing State, by any means which leaves a written record, of its decision.

2. When in exceptional circumstances it is not possible for the competent authority of the executing State to comply with the time limit provided for in paragraph 1, it shall immediately inform the competent authority of the issuing State by any means, giving the reasons for the delay and indicating the estimated time needed for the final decision to be taken.

Article 13

Governing law

1. The supervision and application of probation measures and alternative sanctions shall be governed by the law of the executing State.

2. The competent authority of the executing State may supervise an obligation as referred to in Article 4(1)(h) by requiring the sentenced person to provide proof of compliance with an obligation to compensate for the prejudice caused by the offence.

Article 14

Jurisdiction to take all subsequent decisions and governing law

1. The competent authority of the executing State shall have jurisdiction to take all subsequent decisions relating to a suspended sentence, conditional release, conditional sentence and alternative sanction, in particular in case of non-compliance with a probation measure or alternative sanction or if the sentenced person commits a new criminal offence.

Such subsequent decisions include notably:

- (a) the modification of obligations or instructions contained in the probation measure or alternative sanction, or the modification of the duration of the probation period;

(b) the revocation of the suspension of the execution of the judgment or the revocation of the decision on conditional release; and

(c) the imposition of a custodial sentence or measure involving deprivation of liberty in case of an alternative sanction or conditional sentence.

2. The law of the executing State shall apply to decisions taken pursuant to paragraph 1 and to all subsequent consequences of the judgment including, where applicable, the enforcement and, if necessary, the adaptation of the custodial sentence or measure involving deprivation of liberty.

3. Each Member State may, at the time of adoption of this Framework Decision or at a later stage, declare that as an executing State it will refuse to assume the responsibility provided for in paragraph 1(b) and (c) in cases or categories of cases to be specified by that Member State, in particular:

(a) in cases relating to an alternative sanction, where the judgment does not contain a custodial sentence or measure involving deprivation of liberty to be enforced in case of non-compliance with the obligations or instructions concerned;

(b) in cases relating to a conditional sentence;

(c) in cases where the judgment relates to acts which do not constitute an offence under the law of the executing State, whatever its constituent elements or however it is described.

4. When a Member State makes use of any of the possibilities referred to in paragraph 3, the competent authority of the executing State shall transfer jurisdiction back to the competent authority of the issuing State in case of non-compliance with a probation measure or alternative sanction if the competent authority of the executing State is of the view that a subsequent decision as referred to in paragraph 1(b) or (c) needs to be taken.

5. In the cases referred to in paragraph 3 of this Article, the obligation to recognise the judgment and, where applicable, the probation decision, as well as the obligation to take without delay all necessary measures for the supervision of the probation measures or alternative sanctions, as referred to in Article 8(1), shall not be affected.

6. Declarations as mentioned in paragraph 3 shall be made by notification to the General Secretariat of the Council. Any such declaration may be withdrawn at any time. The

declarations and withdrawals mentioned in this Article shall be published in the *Official Journal of the European Union*.

Article 15

Consultations between competent authorities

Where and whenever it is felt appropriate, competent authorities of the issuing State and of the executing State may consult each other with a view to facilitating the smooth and efficient application of this Framework Decision.

Article 16

Obligations of the authorities involved where the executing State has jurisdiction for subsequent decisions

1. The competent authority of the executing State shall without delay inform the competent authority of the issuing State, by any means which leaves a written record, of all decisions on the:

(a) modification of the probation measure or alternative sanction;

(b) revocation of the suspension of the execution of the judgment or revocation of the decision on conditional release;

(c) enforcement of a custodial sentence or measure involving deprivation of liberty, because of non-compliance with a probation measure or alternative sanction;

(d) lapsing of the probation measure or alternative sanction.

2. If so requested by the competent authority of the issuing State, the competent authority of the executing State shall inform it of the maximum duration of deprivation of liberty that is foreseen in the national law of the executing State for the offence which gave rise to the judgment and that could be imposed on the sentenced person in case of breach of the probation measure or alternative sanction. This information shall be provided immediately after reception of the judgment and, where applicable, the probation decision, together with the certificate referred to in Article 6(1).

3. The competent authority of the issuing State shall immediately inform the competent authority of the executing State, by any means which leaves a written record, of any circumstances or findings which, in its opinion, could entail one or more of the decisions referred to in paragraph 1(a), (b) or (c) being taken.

*Article 17***Obligations of the authorities involved where the issuing State has jurisdiction for subsequent decisions**

1. If the competent authority of the issuing State has jurisdiction for the subsequent decisions mentioned in Article 14(1) pursuant to the application of Article 14(3), the competent authority of the executing State shall immediately notify it of:

(a) any finding which is likely to result in revocation of the suspension of the execution of the judgment or revocation of the decision on conditional release;

(b) any finding which is likely to result in the imposition of a custodial sentence or measure involving deprivation of liberty;

(c) all further facts and circumstances which the competent authority of the issuing State requests to be provided and which are essential in order to allow it to take subsequent decisions in accordance with its national law.

2. When a Member State has made use of the possibility referred to in Article 11(4), the competent authority of that State shall inform the competent authority of the issuing State in case of non-compliance by the sentenced person with a probation measure or alternative sanction.

3. Notice of the findings mentioned in paragraph 1(a) and (b) and in paragraph 2 shall be given using the standard form set out in Annex II. Notice of the facts and circumstances mentioned in paragraph 1(c) shall be given by any means which leaves a written record, including, where possible, through the form set out in Annex II.

4. If, under the national law of the issuing State, the sentenced person must be given a judicial hearing before a decision is taken on the imposition of a sentence, this requirement may be met by following *mutatis mutandis* the procedure contained in instruments of international or European Union law that provide the possibility of using video links for hearing persons.

5. The competent authority of the issuing State shall without delay inform the competent authority of the executing State of all decisions on:

(a) the revocation of the suspension of the execution of the judgment or the revocation of the decision on conditional release;

(b) the enforcement of the custodial sentence or measure involving deprivation of liberty, where such measure is contained in the judgment;

(c) the imposition of a custodial sentence or measure involving deprivation of liberty, where such measure is not contained in the judgment;

(d) the lapsing of the probation measure or alternative sanction.

*Article 18***Information from the executing State in all cases**

The competent authority of the executing State shall without delay inform the competent authority of the issuing State, by any means which leaves a written record of:

1. the transmission of the judgment and, where applicable, the probation decision, together with the certificate referred to in Article 6(1) to the competent authority responsible for its recognition and for taking the ensuing measures for the supervision of the probation measures or alternative sanctions in accordance with Article 6(7);

2. the fact that it is in practice impossible to supervise the probation measures or alternative sanctions for the reason that, after transmission of the judgment and, where applicable, the probation decision, together with the certificate referred to in Article 6(1) to the executing State, the sentenced person cannot be found in the territory of the executing State, in which case the executing State shall be under no obligation to supervise the probation measures or alternative sanctions;

3. the final decision to recognise the judgment and, where applicable, the probation decision and to assume responsibility for supervising the probation measures or alternative sanctions;

4. any decision not to recognise the judgment and, where applicable, the probation decision and to assume responsibility for supervising the probation measures or alternative sanctions in accordance with Article 11, together with the reasons for the decision;

5. any decision to adapt the probation measures or alternative sanctions in accordance with Article 9, together with the reasons for the decision;

6. any decision on amnesty or pardon which leads to not supervising the probation measures or alternative sanctions for the reasons referred to in Article 19(1), together, where applicable, with the reasons for the decision.

*Article 19***Amnesty, pardon, review of judgment**

1. An amnesty or pardon may be granted by the issuing State and also by the executing State.

2. Only the issuing State may decide on applications for review of the judgment which forms the basis for the probation measures or alternative sanctions to be supervised under this Framework Decision.

*Article 20***End of jurisdiction of the executing State**

1. If the sentenced person absconds or no longer has a lawful and ordinary residence in the executing State, the competent authority of the executing State may transfer the jurisdiction in respect of the supervision of the probation measures or alternative sanctions and in respect of all further decisions relating to the judgment back to the competent authority of the issuing State.

2. If new criminal proceedings against the person concerned are taking place in the issuing State, the competent authority of the issuing State may request the competent authority of the executing State to transfer jurisdiction in respect of the supervision of the probation measures or alternative sanctions and in respect of all further decisions relating to the judgment back to the competent authority of the issuing State. In such a case, the competent authority of the executing State may transfer jurisdiction back to the competent authority of the issuing State.

3. When, in application of this Article, jurisdiction is transferred back to the issuing State, the competent authority of that State shall resume jurisdiction. For the further supervision of the probation measures or alternative sanctions, the competent authority of the issuing State shall take account of the duration and degree of compliance with the probation measures or alternative sanctions in the executing State, as well as of any decisions taken by the executing State in accordance with Article 16(1).

*Article 21***Languages**

The certificate referred to in Article 6(1) shall be translated into the official language or one of the official languages of the executing State. Any Member State may, on adoption of this Framework Decision or later, state in a declaration deposited with the General Secretariat of the Council that it will accept a translation in one or more other official languages of the institutions of the European Union.

*Article 22***Costs**

Costs resulting from the application of this Framework Decision shall be borne by the executing State, except for costs arising exclusively within the territory of the issuing State.

*Article 23***Relationship with other agreements and arrangements**

1. This Framework Decision shall, in relations between the Member States, from 6 December 2011, replace the corresponding provisions of the Council of Europe Convention of 30 November 1964 on the Supervision of Conditionally Sentenced or Conditionally Released Offenders.

2. Member States may continue to apply bilateral or multi-lateral agreements or arrangements in force after 6 December 2008, in so far as they allow the objectives of this Framework Decision to be extended or enlarged and help to simplify or facilitate further the procedures for the supervision of probation measures and alternative sanctions.

3. Member States may conclude bilateral or multilateral agreements or arrangements after 6 December 2008, in so far as such agreements or arrangements allow the provisions of this Framework Decision to be extended or enlarged and help to simplify or facilitate further the procedures for the supervision of probation measures and alternative sanctions.

4. Member States shall, by 6 March 2009, notify the Council and the Commission of the existing agreements and arrangements referred to in paragraph 2 which they wish to continue applying. Member States shall also notify the Council and the Commission of any new agreement or arrangement as referred to in paragraph 3, within three months of signing it.

*Article 24***Territorial application**

This Framework Decision shall apply to Gibraltar.

*Article 25***Implementation**

1. Member States shall take the necessary measures to comply with the provisions of this Framework Decision by 6 December 2011.

2. Member States shall transmit to the General Secretariat of the Council and to the Commission the text of the provisions transposing into their national law the obligations imposed on them under this Framework Decision.

Article 26

Review

1. By 6 December 2014, the Commission shall draw up a report on the basis of the information received from Member States under Article 25(2).

2. On the basis of this report, the Council shall assess:

(a) the extent to which the Member States have taken the necessary measures in order to comply with this Framework Decision; and

(b) the application of this Framework Decision.

3. The report shall be accompanied, if necessary, by legislative proposals.

Article 27

Entry into force

This Framework Decision shall enter into force on the day of its publication in the *Official Journal of the European Union*.

Done at Brussels, 27 November 2008.

For the Council

The President

M. ALLIOT-MARIE

ANNEX I

CERTIFICATE

referred to in Article 6 of Council Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions ⁽¹⁾

(a) Issuing State:

Executing State:

(b) Court which issued the judgment imposing a suspended sentence, conditional sentence or alternative sanction

Official name:

Please indicate whether any additional information concerning the judgment is to be obtained from:

☐ the court specified above

☐ the central authority; if you ticked this box, please provide the official name of this central authority:

☐ another competent authority; if you ticked this box, please provide the official name of this authority:

Contact details of the court/central authority/other competent authority

Address:

Tel. (country code) (area/city code)

Fax (country code) (area/city code)

Details of the person(s) to be contacted

Surname:

Forename(s):

Position (title/grade):

Tel. (country code) (area/city code)

Fax (country code) (area/city code)

E-mail (if any):

Languages that may be used for communication:

(c) Authority which issued the probation decision (where applicable)

Official name:

Please indicate whether any additional information concerning the probation decision is to be obtained from:

☐ the authority specified above

☐ the central authority; if you ticked this box, please provide the official name of this central authority if this information has not yet been provided under point (b):

☐ another competent authority; if you ticked this box, please provide the official name of this authority:

Contact details of the authority, the central authority or other competent authority, if this information has not yet been provided under point (b)

Address:

Tel. (country code) (area/city code)

Fax (country code) (area/city code)

Details of the person(s) to be contacted

Surname:

Forename(s):

Position (title/grade):

Tel. (country code) (area/city code)

Fax (country code) (area/city code)

E-mail (if any):

Languages that may be used for communication:

⁽¹⁾ This certificate must be written in, or translated into, the official language or one of the official languages of the executing Member State, or any other official language of the institutions of the European Union that is accepted by that State.

(d) Competent authority for supervision of the probation measures or alternative sanctions

Authority which has competence in the issuing State for supervising the probation measures or alternative sanctions:

- ☐ the court/authority referred to in point (b)
- ☐ the authority referred to in point (c)
- ☐ another authority (please provide its official name):

Please indicate which authority is to be contacted if any additional information is to be obtained for the purposes of supervising the probation measures or alternative sanctions:

- ☐ the authority specified above
- ☐ the central authority; if you ticked this box, please provide the official name of this central authority if this information has not yet been provided under point (b) or (c):

Contact details of the authority, or of the central authority if this information has not yet been provided under point (b) or (c)

Address:

Tel. (country code) (area/city code)

Fax (country code) (area/city code)

Details of the person(s) to be contacted

Surname:

Forename(s):

Position (title/grade):

Tel. (country code) (area/city code)

Fax (country code) (area/city code)

E-mail (if any):

Languages that may be used for communication:

(e) Information regarding the natural person in respect of whom the judgment and, where applicable, the probation decision has been issued

Surname:

Forename(s):

Maiden name, where applicable:

Aliases, where applicable:

Sex:

Nationality:

Identity number or social security number (if any):

Date of birth:

Place of birth:

Last known addresses/residences (if any):

- in the issuing State:
- in the executing State:
- elsewhere:

Language(s) understood (if known):

If available, please provide the following information:

- Type and number of the identity document(s) of the sentenced person (ID card, passport):
- Type and number of the residence permit of the sentenced person in the executing State:

- (f) Information regarding the Member State to which the judgment and, where applicable, the probation decision, together with the certificate are being forwarded

The judgment and, where applicable, the probation decision, together with the certificate are being forwarded to the executing State indicated in point (a) for the following reason:

- ☐ the sentenced person has his/her lawful and ordinary residence in the executing State and has returned or wants to return to that State
- ☐ the sentenced person has moved or intends to move to the executing State for the following reason(s) (please tick the relevant box):
- ☐ the sentenced person has been granted an employment contract in the executing State;
- ☐ the sentenced person is a family member of a lawful and ordinary resident person of the executing State;
- ☐ the sentenced person intends to follow a study or training in the executing State;
- ☐ other reason (please specify):

- (g) Indications regarding the judgment and, where applicable, the probation decision

The judgment was issued on (date: DD-MM-YYYY):

Where applicable, the probation decision was issued on (date: DD-MM-YYYY):

The judgment became final on (date: DD-MM-YYYY):

Where applicable, the probation decision became final on (date: DD-MM-YYYY):

The execution of the judgment started on (if different from the date on which the judgment became final) (date: DD-MM-YYYY):

Where applicable, the execution of the probation decision started on (if different from the date on which the probation decision became final) (date: DD-MM-YYYY):

File reference of the judgment (if available):

Where applicable, file reference of the probation decision (if available):

1. The judgment covers in total: offences.

Summary of the facts and description of the circumstances in which the offence(s) was (were) committed, including the time and place, and the nature of the involvement of the sentenced person:

Nature and legal classification of the offence(s) and applicable statutory provisions on the basis of which the judgment was issued:

2. If the offence(s) referred to in point 1 constitute(s) one or more of the following offences, as defined in the law of the issuing State which are punishable in the issuing State by a custodial sentence or measure involving deprivation of liberty of a maximum of at least three years, please confirm by ticking the relevant box(es):

- ☐ participation in a criminal organisation
- ☐ terrorism
- ☐ trafficking in human beings
- ☐ sexual exploitation of children and child pornography
- ☐ illicit trafficking in narcotic drugs and psychotropic substances
- ☐ illicit trafficking in weapons, munitions and explosives
- ☐ corruption
- ☐ fraud, including that affecting the financial interests of the European Communities within the meaning of the Convention of 26 July 1995 on the protection of the European Communities' financial interests
- ☐ laundering of the proceeds of crime
- ☐ counterfeiting of currency, including of the euro
- ☐ computer-related crime
- ☐ environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties

- ☐ facilitation of unauthorised entry and residence
- ☐ murder, grievous bodily injury
- ☐ illicit trade in human organs and tissue
- ☐ kidnapping, illegal restraint and hostage-taking
- ☐ racism and xenophobia
- ☐ organised or armed robbery
- ☐ illicit trafficking in cultural goods, including antiques and works of art
- ☐ swindling
- ☐ racketeering and extortion
- ☐ counterfeiting and piracy of products
- ☐ forgery of administrative documents and trafficking therein
- ☐ forgery of means of payment
- ☐ illicit trafficking in hormonal substances and other growth promoters
- ☐ illicit trafficking in nuclear or radioactive materials
- ☐ trafficking in stolen vehicles
- ☐ rape
- ☐ arson
- ☐ crimes within the jurisdiction of the International Criminal Court
- ☐ unlawful seizure of aircraft/ships
- ☐ sabotage

3. To the extent that the offence(s) identified under point 1 is (are) not covered by point 2 or if the judgment and, where applicable, the probation decision, as well as the certificate are forwarded to a Member State, which has declared that it will verify the double criminality (Article 10(4) of the Framework Decision), please give a full description of the offence(s) concerned:

(h) Information regarding the status of the judgment

Please indicate whether the sentenced person appeared in person in the proceedings which resulted in the judgment:

- ☐ Yes, the person appeared.
- ☐ No, the person did not appear. It is confirmed that:
 - ☐ the person was summoned personally or informed via a representative competent according to the national law of the issuing State of the time and place of the proceedings which resulted in the judgment being rendered *in absentia*; or
 - ☐ the person has indicated to a competent authority that he or she does not contest the case.

(i) Indications regarding the nature of the sentence imposed by the judgment or, where applicable, the probation decision

1. This certificate is related to a:

- ☐ suspended sentence (= custodial sentence or measure involving deprivation of liberty, the execution of which is conditionally suspended, wholly or in part, when the sentence is passed)
- ☐ conditional sentence:
 - ☐ the imposition of a sentence has been conditionally deferred by imposing one or more probation measures
 - ☐ one or more probation measures have been imposed instead of a custodial sentence or measure involving deprivation of liberty
- ☐ alternative sanction:
 - ☐ the judgment contains a custodial sentence or measure involving deprivation of liberty to be enforced in case of non-compliance with the obligation(s) or instruction(s) concerned
 - ☐ the judgment does not contain a custodial sentence or measure involving deprivation of liberty to be enforced in case of non-compliance with the obligation(s) or instruction(s) concerned
- ☐ conditional release (= early release of a sentenced person after part of the custodial sentence or measure involving deprivation of liberty has been served)

2. Additional information

2.1. The sentenced person was in pre-trial detention during the following period:

2.2. The person was serving a custodial sentence or measure involving deprivation of liberty during the following period (to be filled in only in case of conditional release):

2.3. In case of a suspended sentence

- duration of the custodial period imposed that was conditionally suspended:
- duration of the period of suspension:

2.4. If known, length of deprivation of liberty to be served upon

- revocation of suspension of the execution of the judgment;
- revocation of the decision on conditional release; or
- breach of the alternative sanction (if the judgment contains a custodial sentence or measure involving deprivation of liberty to be enforced in case of such a breach):

- (j) Indications regarding the duration and nature of the probation measure(s) or alternative sanction(s)
1. Total duration of the supervision of the probation measure(s) or alternative sanction(s):
 2. Where applicable, duration of each individual obligation imposed as part of the probation measure(s) or alternative sanction(s):
 3. Duration of the total probation period (if different from the duration indicated under point 1):
 4. Nature of the probation measure(s) or alternative sanction(s) (it is possible to tick multiple boxes):
 - ☐ an obligation for the sentenced person to inform a specific authority of any change of residence or working place
 - ☐ an obligation not to enter certain localities, places or defined areas in the issuing or executing State
 - ☐ an obligation containing limitations on leaving the territory of the executing State
 - ☐ instructions relating to behaviour, residence, education and training, leisure activities, or containing limitations on or modalities of carrying out a professional activity
 - ☐ an obligation to report at specified times to a specific authority
 - ☐ an obligation to avoid contact with specific persons
 - ☐ an obligation to avoid contact with specific objects, which have been used or are likely to be used by the sentenced person with a view to committing a criminal offence
 - ☐ an obligation to compensate financially for the prejudice caused by the offence and/or an obligation to provide proof of compliance with such an obligation
 - ☐ an obligation to carry out community service
 - ☐ an obligation to cooperate with a probation officer or with a representative of a social service having responsibilities in respect of sentenced persons
 - ☐ an obligation to undergo therapeutic treatment or treatment for addiction
 - ☐ other measures that the executing State is prepared to supervise in accordance with a notification under Article 4(2) of the Framework Decision
 5. Please provide a detailed description of the probation measure(s) or alternative sanction(s) indicated under 4:
 6. Please tick the following box if relevant probation reports are available:
 - ☐ If you ticked this box, please indicate in which language(s) these reports are drawn up ⁽¹⁾:

- (k) Other circumstances relevant to the case, including relevant information on previous convictions or specific reasons for the imposition of the probation measure(s) or alternative sanction(s) (optional information):
- The text of the judgment and, where applicable, the probation decision is attached to the certificate.
- Signature of the authority issuing the certificate and/or of its representative to confirm the accuracy of the content of the certificate:
- Name:
- Position (title/grade):
- Date:
- File reference (if any):
- (Where appropriate) Official stamp:

⁽¹⁾ The issuing State is not obliged to provide translations of these reports.

ANNEX II

FORM

referred to in Article 17 of Council Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions

REPORT OF A BREACH OF A PROBATION MEASURE OR ALTERNATIVE SANCTION, OR OF ANY OTHER FINDINGS

(a) Details of the identity of the person subject to supervision:

Surname:

Forename(s):

Maiden name, where applicable:

Aliases, where applicable:

Sex:

Nationality:

Identity number or social security number (if any):

Date of birth:

Place of birth:

Address:

Language(s) understood (if known):

(b) Details of the judgment and, where applicable, the probation decision concerning the suspended sentence, conditional sentence, alternative sanction or conditional release:

Judgment issued on:

File reference (if any):

Where applicable, probation decision issued on:

File reference (if any):

Court which issued the judgment

Official name:

Address:

Where applicable, authority which issued the probation decision

Official name:

Address:

Certificate issued on:

Authority which issued the certificate:

File reference (if any):

(c) Details of the authority responsible for supervising the probation measure(s) or alternative sanction(s):

Official name of the authority:

Name of the person to be contacted:

Position (title/grade):

Address:

Tel. (country code) (area code)

Fax (country code) (area code)

E-mail:

(d) Probation measure(s) or alternative sanction(s):

The person referred to in (a) is in breach of the following obligation(s) or instruction(s):

- ☐ an obligation for the sentenced person to inform a specific authority of any change of residence or working place
- ☐ an obligation not to enter certain localities, places or defined areas in the issuing or executing State
- ☐ an obligation containing limitations on leaving the territory of the executing State
- ☐ instructions relating to behaviour, residence, education and training, leisure activities, or containing limitations on or modalities of carrying out a professional activity
- ☐ an obligation to report at specified times to a specific authority
- ☐ an obligation to avoid contact with specific persons
- ☐ an obligation to avoid contact with specific objects, which have been used or are likely to be used by the sentenced person with a view to committing a criminal offence
- ☐ an obligation to compensate financially for the prejudice caused by the offence and/or an obligation to provide proof of compliance with such an obligation
- ☐ an obligation to carry out community service
- ☐ an obligation to cooperate with a probation officer or with a representative of a social service having responsibilities in respect of sentenced persons
- ☐ an obligation to undergo therapeutic treatment or treatment for addiction
- ☐ other measures:

(e) Description of the breach(es) (place, date and specific circumstances):

(f) Other findings (if any)

Description of the findings:

(g) Details of the person to be contacted if additional information is to be obtained concerning the breach:

Surname:

Forename(s):

Address:

Tel. (country code) (area/city code)

Fax (country code) (area/city code)

E-mail (if any):

Signature of the authority issuing the form and/or its representative, to confirm that the contents of the form are correct:

Name:

Position (title/grade):

Date:

Official stamp (where applicable):

NOTE TO THE READER

The institutions have decided no longer to quote in their texts the last amendment to cited acts.

Unless otherwise indicated, references to acts in the texts published here are to the version of those acts currently in force.