

COMMISSION OF THE EUROPEAN COMMUNITIES

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Brussels, 22.09.1994

Proposal for a

COUNCIL DIRECTIVE

**amending for the second time Directive 91/67/EEC concerning the
animal health conditions governing the placing
on the market of aquaculture animals and products**

(presented by the Commission)

EXPLANATORY MEMORANDUM

In accordance with the procedures laid down in Article 6 of Council Directive 91/67/EEC concerning the animal health conditions governing the placing on the market of aquaculture animals and products⁽¹⁾ as amended by Directive 93/54/EEC⁽²⁾, Member States may submit to the Commission a request in order to obtain approved status for fish farms. Such farms are officially free of Infectious Haematopoietic Necrosis and Viral Haemorrhagic Septicaemia, two diseases causing important losses in aquaculture. When submitting such a request, the Member States must respect certain conditions laid down in Annex C, I, A of Directive 91/67/EEC. Practical experience has shown that there is a need to define these conditions more clearly.

The present proposal aims at defining more clearly the conditions applicable to the water supply of the farms, so as to take account of farms which are supplied by a well or spring water not directly originating on the farm. In addition, this proposal will allow Member States to take account of local situations and evaluate whether the topographical situation of the farms does not prejudice the protection against the introduction of disease. Finally, this proposal defines the criteria to be applied to farms which are requesting the approved status on the basis of a long history of absence of disease.

(1) O.J. No. L 46 of 19.2.1991, p. 1

(2) O.J. No. L 175 of 19.7.1993, p. 34.



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**amending for the second time Directive 91/67/EEC concerning the
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THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/67/EEC concerning the animal health conditions governing the placing on the market of aquaculture animals and products⁽¹⁾, amended by Directive 93/54/EEC⁽²⁾, and in particular Article 25 paragraph 2 thereof;

Having regard to the proposal from the Commission;

Whereas farms, although situated in a non approved zone with regard to Infectious Haematopoietic Necrosis (IHN) and Viral Haemorrhagic Septicaemia (VHS), may in accordance with the requirements laid down in Annex C, I, A of Directive 91/67/EEC, obtain the approved status with regard to the said diseases;

Whereas it appears necessary, in order to ensure a better protection against the introduction of IHN and VHS, to define more precisely the criteria which must be applied for granting the approved status to fish farms;

Whereas these criteria must include details on the water supply of the farms, on the level of testing carried out prior to the approval of the farm, and on protective measures against the possible introduction of disease;

(1) O.J. No L 46 of 19.2.91, p 1.

(2) O.J. No L 175 of 19.7.93, p 34.

HAS ADOPTED THIS DIRECTIVE:

Article 1

In Directive 91/67/EEC, Annex C, I, A is replaced by the following text:

"A. Grant of approval.

In order to be approved, a farm must meet the following requirements:

1. Water must be supplied by a well, a borehole or a spring. Where such water supply is situated at a distance from the farm, the water must be supplied directly to the farm, and be channeled through a pipe or, with the agreement of the official service, via an open channel if it does not constitute a source of infection for the farm. The water channel must be under the control of the farm.
2. There must be a natural or an artificial barrier preventing migrating fish situated downstream to enter the farm.
3. It must be protected against flooding and infiltration of surface water.
4. It must, *mutatis mutandis*, comply with the requirements set out in Annex B, I, B. Where the approval on the basis of a historical record of absence of the disease is requested, an official disease control system must have been in place in the farm for an extended period of at least 10 years during which:
 - the farm has been submitted regularly to a health inspection consisting at least of a clinical inspection and the taking of samples to be tested for the pathogens in question in an approved laboratory,
 - a disease notification system has been applied,
 - only live fish or eggs from a farm of at least the same health status have been introduced.

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5. It may be the subject of additional measures imposed by the official service, when considered necessary to prevent the introduction of diseases. Such measures may include the establishment of a buffer zone around the farm in which a monitoring programme is carried out, and the establishment of a protection against the intrusion of possible disease carriers."

Article 2

The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 1 April 1995. They shall notify the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

Article 3

This Directive shall enter into force 20 days after its publication in the Official Journal of the European Communities.

Article 4

This Directive is addressed to the Member States.

Done at Brussels,

For the Commission,

DOCUMENTS

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