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COMMISSION DECISION

of 15 April 2010

approving national measures for limiting the impact of certain diseases in aquaculture animals and wild aquatic animals in accordance with Article 43 of Council Directive 2006/88/EC

(notified under document C(2010) 1850)

(Text with EEA relevance)

(2010/221/EU)

(OJ L 98, 20.4.2010, p. 7)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Commission Decision 2010/761/EU of 7 December 2010	L 322	47	8.12.2010
►**M2**	Commission Decision 2011/187/EU of 24 March 2011	L 80	15	26.3.2011
►**M3**	Commission Implementing Decision 2011/403/EU of 7 July 2011	L 180	47	8.7.2011
►**M4**	Commission Implementing Decision 2011/825/EU of 8 December 2011	L 328	53	10.12.2011
►**M5**	Commission Implementing Decision 2012/786/EU of 13 December 2012	L 347	36	15.12.2012
►**M6**	Commission Implementing Decision 2013/213/EU of 29 April 2013	L 120	16	1.5.2013
►**M7**	Commission Implementing Decision 2014/12/EU of 14 January 2014	L 11	6	16.1.2014
►**M8**	Commission Implementing Decision 2014/250/EU of 29 April 2014	L 132	79	3.5.2014
►**M9**	Commission Implementing Decision (EU) 2015/278 of 18 February 2015	L 47	22	20.2.2015
►**M10**	Commission Implementing Decision (EU) 2016/169 of 5 February 2016	L 32	158	9.2.2016
►**M11**	Commission Implementing Decision (EU) 2018/998 of 12 July 2018	L 178	9	16.7.2018

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▼M2

Article 1

Subject matter and scope

This Decision approves the national measures of Member States listed in Annexes I, II and III hereto for limiting the impact and spread of certain diseases in aquaculture animals and wild aquatic animals in accordance with Article 43(2) of Directive 2006/88/EC.

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Article 2

Approval of certain national measures for limiting the impact of certain diseases not listed in Part II of Annex IV to Directive 2006/88/EC

1. The Member States and parts thereof listed in the second and fourth column of the table in Annex I shall be regarded as free of the diseases listed in the first column of that table (disease-free areas).

2. The Member States referred to in paragraph 1 may require that the following consignments introduced into a disease-free area comply with the requirements set out in points (a) and (b) with respect to those diseases for which it is regarded as disease-free:

(a) aquaculture animals intended for farming, relaying areas, put and take fisheries, open ornamental facilities and restocking must comply with:

(i) the placing on the market requirements laid down in Article 8a of Regulation (EC) No 1251/2008;

(ii) the import requirements laid down in Article 10 of Regulation (EC) No 1251/2008;

(iii) the transit and storage requirements laid down in Article 16 of Regulation (EC) No 1251/2008;

(b) ornamental aquatic animals intended for closed ornamental facilities must comply with:

(i) the import requirements laid down in Article 11 of Regulation (EC) No 1251/2008;

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(ii) the transit and storage requirements laid down in Article 16 of Regulation (EC) No 1251/2008.

Article 3

Approval of national eradication programmes regarding certain diseases not listed in Part II of Annex IV to Directive 2006/88/EC

1. The eradication programmes adopted by the Member States listed in the second column of the table in Annex II for the diseases listed in the first column of that table, in respect of the areas listed in the fourth column thereof (eradication programmes), are approved.

2. For a period until ►M10 1 July 2021 ◄, the Member States listed in the table in Annex II may require that consignments of the aquaculture animals referred to in Article 2(2)(a) and (b), introduced into an area subject to an eradication programme comply with the requirements set out in those points with respect to the diseases covered by that eradication programme.

▼M2

Article 3a

Approval of national surveillance programmes regarding ostreid herpesvirus 1 µvar (OsHV-1 µvar)

1. The surveillance programmes regarding ostreid herpes virus 1 µvar (OsHV-1 µvar) adopted by the Member States listed in the second column of the table in Annex III in respect of the areas listed in the fourth column thereof (surveillance programmes), are approved.

2. For a period until ►M8 30 April 2016 ◄, the Member States listed in the table in Annex III may require that the following consignments introduced into an area listed in the fourth column of that Annex comply with the following requirements:

(a) consignments of Pacific oysters intended for farming and relaying areas must comply with the placing on the market requirements laid down in Article 8a of Regulation (EC) No 1251/2008;

(b) consignments of Pacific oysters must comply with the placing on the market requirements laid down in Article 8b of Regulation (EC) No 1251/2008 where such consignments are intended for dispatch centres, purification centres or similar businesses before human consumption which are not equipped with an effluent treatment system validated by the competent authority that:

(i) inactivates enveloped viruses; or

(ii) reduces the risk of transmitting diseases to the natural waters to an acceptable level.

▼M2

Article 4

Reporting

1. By 30 April each year at the latest, the Member States listed in Annexes I and II shall submit a report to the Commission on the approved national measures referred to in Articles 2 and 3.

2. By 31 December each year at the latest, the Member States listed in Annex III shall submit a report to the Commission on the approved national measures referred to in Article 3a.

3. The reports provided for in paragraphs 1 and 2 shall include at least up-to-date information on:

(a) significant risks for the animal health situation of aquaculture animals or wild aquatic animals posed by the diseases, for which the national measures apply, and the necessity and appropriateness of those measures;

(b) national measures taken to maintain the disease-free status, including any testing that has been carried out; information concerning such testing must be provided using the model form set out in Annex VI to Commission Decision 2009/177/EC ([1]);

(c) the evolution of the eradication or surveillance programme, including any testing that has been carried out; information concerning such testing must be provided using the model form set out in Annex VI to Decision 2009/177/EC.

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Article 5

Suspicion and detection of diseases in disease-free areas

1. Where a Member State listed in Annex I hereto suspects the presence of a disease in an area which is listed as a disease-free area for that disease in that Annex, that Member State shall take measures at least equivalent to those laid down in Article 28, Article 29(2), (3) and (4) and Article 30 of Directive 2006/88/EC.

2. Where the epizootic investigation confirms the detection of the disease referred to in paragraph 1, the Member State concerned shall inform the Commission and the other Member States thereof, and of any measures taken to contain and control that disease.

▼M2

Article 5a

Suspicion and detection of ostreid herpesvirus 1 µvar (OsHV-1 µvar) in areas with surveillance programmes

1. Where a Member State listed in Annex III suspects the presence of OsHV-1 µvar, in an area listed in the fourth column of that Annex, that

([1]) OJ L 63, 7.3.2009, p. 15.

▼M2

Member State shall take measures at least equivalent to those laid down in Article 28, Article 29(2), (3) and (4) and Article 30 of Directive 2006/88/EC.

2. Where the epizootic investigation confirms the detection of OsHV-1 µvar in areas referred to in paragraph 1, the Member State concerned shall inform the Commission and the other Member States thereof, and of any measures taken to contain that disease.

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Article 6

Repeal

Decision 2004/453/EC is repealed.

References to the repealed Decision shall be construed as references to this Decision.

Article 7

Transitional provisions

For a transitional period until 31 July 2010, consignments of aquaculture animals accompanied by an animal health certificate in accordance with Annex III to Decision 2004/453/EC may be placed on the market provided that they reach their place of final destination before that date.

Article 8

Applicability

This Decision shall apply from 15 May 2010.

Article 9

Addressees

This Decision is addressed to the Member States.

▼**M10**

ANNEX I

Member States and areas regarded as being free of diseases listed in the table and approved to take national measures to prevent the introduction of those diseases in accordance with Article 43(2) of Directive 2006/88/EC

Disease	Member State	Code	Geographical demarcation of the area with approved national measures
Spring viraemia of carp (SVC)	Denmark	DK	Whole territory
	Ireland	IE	Whole territory
	Hungary	HU	Whole territory
	Finland	FI	Whole territory
	Sweden	SE	Whole territory
	United Kingdom	UK	The whole territory of the United Kingdom The territories of Guernsey, Jersey and the Isle of Man
Bacterial kidney disease (BKD)	Ireland	IE	Whole territory
	United Kingdom	UK	The territory of Northern Ireland The territories of Guernsey, Jersey and the Isle of Man
Infectious pancreatic necrosis (IPN)	Finland	FI	The continental parts of the territory
	Sweden	SE	The continental parts of the territory
	United Kingdom	UK	The territory of the Isle of Man
Infections with *Gyrodactylus salaris* (GS)	Ireland	IE	Whole territory
	Finland	FI	The water catchment areas of the Tenojoki and Näätämöjoki; the water catchment areas of the Paatsjoki, Tuulomajoki, and Uutuanjoki are considered as buffer zones
	United Kingdom	UK	The whole territory of the United Kingdom The territories of Guernsey, Jersey and the Isle of Man
Ostreid herpesvirus 1 µvar (OsHV-1 µVar)	Ireland	IE	Compartment 1: Sheephaven Bay Compartment 3: Killala, Broadhaven and Blacksod Bays Compartment 4: Streamstown Bay Compartment 5: Bertraghboy and Galway Bays Compartment 6: Poulnasharry Bay Compartment A: Tralee Bay Hatchery

▼**M10**

Disease	Member State	Code	Geographical demarcation of the area with approved national measures
	United Kingdom	UK	►**M11** The territory of Great Britain, except The River Roach, River Crouch, Blackwater Estuary and River Colne in Essex, the north Kent Coast, Poole Harbour in Dorset and The River Teign in Devon The territory of Northern Ireland except Dundrum Bay, Killough Bay, Lough Foyle, Carlingford Lough, Larne Lough and Strangford Lough The territory of Guernsey ◄
Infection with Salmonid alphavirus (SAV)	Finland	FI	The continental parts of the territory

▼M9

ANNEX II

Member States and parts thereof with eradication programmes as regards certain diseases in aquaculture animals and approved to take national measures to control those diseases in accordance with Article 43(2) of Directive 2006/88/EC

Disease	Member State	Code	Geographical demarcation of the area with approved national measures
Bacterial kidney disease (BKD)	Sweden	SE	The continental parts of the territory
Infectious pancreatic necrosis virus (IPN)	Sweden	SE	The coastal parts of the territory

▼**M10**

ANNEX III

Member States and areas with surveillance programmes regarding ostreid herpesvirus 1 µvar (OsHV-1µVar) and approved to take national measures to control that disease in accordance with Article 43(2) of Directive 2006/88/EC

Disease	Member State	Code	Geographical demarcation of the area with approved national measures (Member States, zones and compartments)