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COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

concerning model official certificates and a model declaration for certain categories of aquatic animals and certain products thereof and repealing Commission Regulation (EU) No 1251/2008

(Text with EEA relevance)

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COMMISSION IMPLEMENTING REGULATION (EU) .../...

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health (Animal Health Law)¹, and in particular Articles [211(2)] 213(2), 224(4), 238(3) and 239(3) thereof,

Having regard to Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation)², and in particular points (a) and (c) of the first paragraph of Article 90 thereof,

Whereas:

- (1) Regulation (EU) 2016/429 (the ‘Animal Health Law’) lays down rules on animal diseases that are transmissible to animals or to humans, including rules for the animal health certificates required to accompany the entry into the Union and movements within the Union of consignments of aquatic animals and certain products of animal origin from aquatic animals.
- (2) Those requirements are further specified in Commission Delegated Regulations (EU) 2020/2568]³ and (EU) 2020/692]⁴.
- (3) For the uniform implementation of those rules, Article 213(2) of the Animal Health Law empowers the Commission to adopt, by means of implementing acts, rules

¹ OJ L 84, 31.3.2016, p. 1.

² OJ L 95, 7.4.2017, p. 1.

³ Commission Delegated Regulation (EU) 2020/... [C(2020)2568] of 28.4.2020 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council, as regards animal health and certification requirements for movements within the Union of aquatic animals and products of animal origin from aquatic animal (OJ L XXX, DD.MM.20YY, p. NN)

⁴ Commission Regulation (EU) 2020/692 of 30.1.2020 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for entry into the Union, and the movement and handling after entry of consignments of certain animals, germinal products and products of animal origin (OJ L 174, 3.6.2020, p. 379.)

- concerning model health certificates for certain movements of aquatic animals, namely into disease-free Member States, zones or compartments, into Member States, zones or compartments which are subject to an eradication programme or for movements which are allowed from a restricted zone subject to emergency measures or disease control measures or that originate from animals of species subject to those measures. Article 224(4) of the Animal Health Law sets out similar provisions as regards certain products of animal origin from aquatic animals. Article 238(3) of the Animal Health Law empowers the Commission to adopt, by means of implementing acts, rules concerning models of animal health certificates, declarations and other documents for the entry into the Union of aquatic animals and Article 239(3) of the Animal Health Law for which the Union is not the final destination. The models of the animal health certificates containing the animal health requirements for movements of aquatic animals and certain products should be set out in this Regulation.
- (4) The Official Controls Regulation lays down rules for the performance of official controls and other official activities performed by the competent authorities of the Member States in order to verify compliance with Union legislation in the area of, among others, food safety at all stages of production, processing and distribution, and animal health. That Regulation provides for certain rules on official certification when the rules referred to in its Article 1(2) require the issuance of official certificates.
 - (5) In particular, point (a) of the first paragraph of Article 90 of the Official Controls Regulation empowers the Commission to adopt, by means of implementing acts, rules concerning model official certificates, for the issuance of such certificates, and on the format and type of these certificates.
 - (6) The Official Controls Regulation and the Animal Health Law already provide a number of definitions that apply for the purposes of this Regulation. In addition, this Regulation should also have regard to the definitions laid down in Commission Delegated Regulations (EU) 2020/2568], (EU) 2020/691⁵, and (EU) 2020/692.
 - (7) Model official certificates for movements within the Union and the entry into the Union of consignments of aquatic animals and certain products from aquatic animals should contain details of the consignment and specific health information certified by the competent authorities. In case of movements within the Union, model official certificates should also contain a part designated to record official controls carried out during such movements and at the place of destination, as well as the results of those official controls.
 - (8) Specific model official certificates for the movement within the Union of aquatic animals and certain products thereof set out in this Regulation should be drawn up on the basis of the standard model for official certificates for movement of animals and products in the Union set out in Chapter 1 of Annex I to Commission Implementing Regulation (EU) 2020/... [IA FOOD SANTE/7086/2020].
 - (9) Specific model official certificates for the entry into the Union of aquatic animals set out in this Regulation should be drawn up on the basis of the standard model for official certificates for the entry into the Union of animals, products of animal origin, composite products, germinal products, animal by-products, sprouts and seeds intended for the production of sprouts set out in Chapter 3 of Annex I to Commission Implementing Regulation (EU) 2020/... [IA FOOD SANTE/7086/2020].

⁵ Commission Delegated Regulation (EU) 2020/691 of 30.1.2020 supplementing Regulation (EU) 2016/429 of the European Parliament and of Council as regards rules for aquaculture establishments and transporters of aquatic animals (OJ L 174, 3.6.2020, p. 345.)

- (10) The Official Controls Regulation provides that consignments of animals and goods are to be accompanied by an official certificate issued either on paper or in electronic form. Therefore, it is appropriate to establish common requirements as regards the issuance of official certificates for aquatic animals and certain products from aquatic animals in both forms in addition to the requirements laid down in Chapter VII of Title II of Regulation (EU) 2017/625. These common requirements should be drawn up on the basis of those set out in Articles 4 and 6 of Commission Implementing Regulation (EU) 2020/... [IA FOOD SANTE/7086/2020].
- (11) The Official Controls Regulation provides that the Information Management System for Official Controls (IMSOC) is to allow for the production, handling and transmission of official certificates, including in electronic form. Commission Implementing Regulation (EU) 2019/1715⁶, TRACES is the IMSOC component enabling the entire process of certificate production to be performed electronically, thus preventing possible fraudulent or deceptive practices in respect of the official certificates. To this end, this Regulation should lay down model official certificates that are compatible with TRACES.
- (12) Point (c) of the first paragraph of Article 90 of the Official Controls Regulation empowers the Commission to lay down by means of implementing acts rules concerning the procedures to be followed for the issuance of replacement certificates. These procedures should be drawn up on the basis of those set out in Article 7 of Commission Implementing Regulation (EU) 2020/... [IA FOOD SANTE/7086/2020]. To avoid misuse and abuse, it is important to define the cases where a replacement certificate may be issued and the requirements that need to be met by such certificates. In particular, these cases should be limited to obvious administrative errors, such as in transposed numbers in the container number or seal number, spelling errors in addresses or in product descriptions, or in cases where the initial certificate has been damaged or lost. These cases and requirements should be drawn up on the basis of those set out in Article 6 of Commission Implementing Regulation (EU) 2020/... [IA FOOD SANTE/7086/2020]. Article 126(2)(c) of the Official Controls Regulation establishes the requirement that consignments of certain animals and goods entering the Union are to be accompanied by an official certificate, an official attestation or any other evidence that the consignment complies with the applicable rules referred to in Article 126(1) of that Regulation.
- (13) Given that this Regulation lays down model certificates and a model declaration and replace models laid down Commission Regulation (EC) No 1251/2008⁷, that Regulation should be repealed.
- (14) It is appropriate to introduce a transitional period of three months to take into account the shipment of consignments of aquatic animals and products from aquatic animals accompanied by certificates issued in accordance with models applicable before the date of application of this Regulation.
- (15) As the Animal Health Law applies with effect from 21 April 2021, this Regulation should also apply from that date.

⁶ Commission Implementing Regulation (EU) 2019/1715 of 30 September 2019 laying down rules for the functioning of the information management system for official controls and its system components ('the IMSOC Regulation') (OJ L 261, 14.9.2019, p. 37).

⁷ 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 (OJ L 337, 16.12.2008, p. 41).

- (16) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1. This Regulation lays down:
 - (a) rules for the uniform application of Articles 88 and 89 of Regulation (EU) 2017/625 as regards the signature and issuance of official certificates for movements within the Union and the entry into the Union of consignments of aquatic animals and certain products from aquatic animals and the guarantees of reliability for those official certificates;
 - (b) requirements for the replacement of the official certificates referred to in point (a).
2. This Regulation also sets out:
 - (a) specific model official certificates for movements within the Union of consignments of certain categories of aquatic animals and certain products from aquatic animals (Annex I);
 - (b) a specific model official certificates for the entry into the Union of consignments of certain categories of aquatic animals (Annex II);
 - (c) a model declaration accompanying official certificates for transport of consignments of certain aquatic animals entering the Union by sea (Annex III).

Article 2

Definitions

For the purposes of this Regulation, the definitions laid down in Regulation (EU) 2016/429, Delegated Regulation (EU) 2020/... [C(2020)2568], Delegated Regulation (EU) 2020/692 and Delegated Regulation (EU) 2020/691 shall apply.

Article 3

Completion of official certificates for consignments of aquatic animals and products of animal origin from aquatic animals

1. Model official certificates for the movement within the Union of consignments of aquatic animals and consignments of products of animal origin from aquatic animals, set out in Annex I to this Regulation, shall be completed in accordance with the explanatory notes referred to in Article 4(1) of Implementing Regulation (EU) 2020/... [IA FOOD SANTE/7086/2020].
2. Model official certificates for the entry into the Union of consignments of aquatic animals and consignments of products of animal origin from aquatic animals, set out in Annex II to this Regulation, shall be completed in accordance with the explanatory notes referred to in Article 4(2) of Implementing Regulation (EU) 2020/... [IA FOOD SANTE/7086/2020].

Article 4

Specific official certificates and declaration

1. Model official certificates for the movement within the Union of certain categories of aquatic animals and certain products thereof pursuant to point (a) of Article 1(2) are set out in Annex I .
2. The model official certificate for the entry into the Union of certain categories of aquatic animals pursuant to point (b) of Article 1(2) is set out in Annex II .
3. *The model declaration for transport of certain aquatic animals entering the Union by sea pursuant to point (c) of Article 1(2) is set out in Annex III Article 5*

Requirements for official certificates for consignments of aquatic animals and products of animal origin from aquatic animals

Official certificates for movements within the Union and the entry into the Union of consignments of aquatic animals and products of animal origin from aquatic animals set out in Annex I and Annex II shall comply with the requirements laid down in Article 6 of Implementing Regulation (EU) 2020/... [IA FOOD SANTE/7086/2020].

Article 6

Replacement certificates

Replacement official certificates for aquatic animals and products of animal origin from aquatic animals shall be issued in accordance with the rules laid down in Article 7 of Implementing Regulation (EU) 2020/... [IA FOOD SANTE/7086/2020].

Article 7

Model official certificates for the movement within the Union of certain categories of aquatic animals and products of animal origin from aquatic animals

The official certificates referred to in Article 1(2)(a) to be used for the movement within the Union of certain categories of aquatic animals and products thereof shall correspond to one of the following models, depending on the aquatic animals and categories of products concerned:

- (a) AQUA-INTRA-ESTAB drawn up in accordance with the model set out in Chapter 1 of Annex I, for aquatic animals intended for aquaculture establishments;
- (b) AQUA-INTRA-RELEASE drawn up in accordance with the model set out in Chapter 2 of Annex I, for aquatic animals intended for release into the wild;
- (c) AQUA-INTRA-HC drawn up in accordance with the model set out in Chapter 3 of Annex I, for aquatic animals intended for human consumption;
- (d) AQUA-INTRA-RESTRICT drawn up in accordance with the model set out in Chapter 4 of Annex I, for aquatic animals subjected to movement restrictions or emergency measures regarding listed or emerging diseases;
- (e) AQUA-INTRA-BAIT drawn up in accordance with the model set out in Chapter 5 of Annex I, for aquatic animals intended for use as live fishing bait;
- (f) PAO-AQUA-INTRA-PROCESS drawn up in accordance with the model set out in Chapter 6 of Annex I, for products of animal origin from aquaculture animals other than live aquaculture animals, intended for further processing;

- (g) PAO-AQUA-INTRA-RESTRICT drawn up in accordance with the model set out in Chapter 7 of Annex I, for products of animal origin from aquaculture animals other than live aquaculture animals subjected to movement restrictions or emergency measures regarding listed diseases or emerging diseases.

Article 8

Model official certificate for the entry into the Union of aquatic animals intended for aquaculture establishments, for release into the wild, or for other purposes excluding direct human consumption

The official certificate referred to in Article 1(2)(b) to be used for the entry into the Union of consignments of aquatic animals intended for aquaculture establishments, for release into the wild, or for other purposes excluding direct human consumption shall correspond to the model AQUA-ENTRY-ESTAB/RELEASE/OTHER drawn up in accordance with the model set out in Annex II.

Article 9

Model declaration for the transport of certain aquatic animals entering the Union by sea

The declaration referred to in Article 1(2)(c) to be used for the transport of certain aquatic animals entering the Union by sea shall correspond to the model addendum AT-AQUA-SEA drawn up in accordance with the model set out in Annex III.

That addendum shall be completed by the master of the vessel and attached to the relevant official certificate.

Article 10

Repeal of Commission Regulation (EU) No 1251/2008

1. Regulation (EU) No 1251/2008 is repealed with effect from 21 April 2021.
2. References to the Regulation (EU) No 1251/2008 shall be construed as references to this Regulation and read in accordance with the correlation table in Annex IV.

Article 11

Transitional provisions

Consignments of aquatic animals and products of animal origin from aquatic animals accompanied by official certificates issued in accordance with models applicable before 21 April 2021 may be accepted for the entry into the Union until 20 July 2021 provided that the certificate was signed before 21 April 2021.

Article 12

Entry into force and application

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 21 April 2021.

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

Done at Brussels,

For the Commission
The President
Ursula VON DER LEYEN