

# EUROPEAN PARLIAMENT

2004



2009

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*Session document*

FINAL  
**A6-0091/2006**

27.3.2006

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## **REPORT**

on the proposal for a Council directive on animal health requirements for  
aquaculture animals and products thereof, and on the prevention and control of  
certain diseases in aquatic animals  
(COM(2005)0362 - C6-0281/2005 – 2005/0153(CNS))

Committee on Fisheries

Rapporteur: Heinz Kindermann

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position*  
*majority of Parliament's component Members, to reject or amend the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases covered by Articles 105, 107, 161 and 300 of the EC Treaty and Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position*  
*majority of Parliament's component Members, to reject or amend the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission.)

### ***Amendments to a legislative text***

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a Council directive on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals

(COM(2005)0362 - C6-0281/2005 – 2005/0153(CNS))

(Consultation procedure)

*The European Parliament,*

- having regard to the Commission proposal to the Council (COM(2005)0362)<sup>1</sup>,
  - having regard to Article 37 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0281/2005),
  - having regard to Rule 51 of its Rules of Procedure,
  - having regard to the report of the Committee on Fisheries (A6-0091/2006),
1. Approves the Commission proposal as amended;
  2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
  3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
  4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
  5. Instructs its President to forward its position to the Council and Commission.

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Text proposed by the Commission

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Amendments by Parliament

Amendment 1  
Recital 9 a (new)

***(9a) A mechanism, applicable only to the Member States affected, should therefore be set up for adoption of the animal health measures needed to ensure such protection, such as measures to safeguard wild stocks of Atlantic salmon (*Salmo salar*) from***

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<sup>1</sup> Not yet published in OJ.

*infection with Gyrodactylus salaris.*

Amendment 2

Recital 26

(26) It is necessary to prevent the spread of non-exotic but serious diseases in aquaculture animals as soon as an outbreak occurs by carefully monitoring movements of live aquaculture animals and products thereof, and the use of equipment liable to be contaminated. The choice of the measures to be used by the competent authorities should depend on the **epidemiological** situation in the Member State concerned.

(26) It is necessary to prevent the spread of non-exotic but serious diseases in aquaculture animals as soon as an outbreak occurs by carefully monitoring movements of live aquaculture animals and products thereof, and the use of equipment liable to be contaminated. The choice of the measures to be used by the competent authorities should depend on the **epizootiological** situation in the Member State concerned.

*Justification*

*The word 'epidemic' may be used only in connection with disease among humans (from the Greek 'demos' – people). The proper term to use when speaking about disease among animals is epizootic.*

Amendment 3

Recital 27

(27) In order to advance the animal health status of the Community, it is appropriate that **epidemiologically**-based programmes to control and eradicate certain diseases are submitted by Member States for recognition at Community level.

(27) In order to advance the animal health status of the Community, it is appropriate that **epizootiologically**-based programmes to control and eradicate certain diseases are submitted by Member States for recognition at Community level.

*Justification*

*The word 'epidemic' may be used only in connection with disease among humans (from the Greek 'demos' – people). The proper term to use when speaking about disease among animals is epizootic.*

Amendment 4

Recital 28

(28) For diseases not subject to Community control measures, but which are of local importance, the aquaculture industry should, with the assistance of the competent authorities of the Member States, take more responsibility for controlling such diseases through self regulation and the development of “codes of practice”. However, it may be necessary, pending the establishment of such

(28) For diseases not subject to Community control measures, but which are of local importance, the aquaculture industry should, with the assistance of the competent authorities of the Member States, take more responsibility for controlling such diseases through self regulation and the development of “codes of practice”. However, it may be necessary, pending the establishment of such

codes, for the Member States to implement certain control measures. Such national control measures must be justified, necessary and proportionate to the goals to be achieved, and should not affect the trade between the Member States.

codes, for the Member States to implement certain control measures. Such national control measures must be justified, necessary and proportionate to the goals to be achieved, and should not affect the trade between the Member States ***unless this is necessary in order to control the disease, and approved at Community level.***

Amendment 5  
Recital 31

(31) Directive 2001/82/EC of 6 November 2001 of the European Parliament and of the Council on the Community code relating to veterinary medicinal products and Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency, require that, with only minor exceptions, all veterinary medicinal products that are placed on the market within the Community are to hold a marketing authorisation. In general, all vaccines used in the Community should have a marketing authorisation. However, the Member States may permit the use of a product without a marketing authorisation in the event of a serious ***epidemic*** subject to certain conditions, in accordance with Regulation (EC) No 726/2004. Vaccines against exotic and emerging diseases in aquaculture animals may qualify for such derogation.

(31) Directive 2001/82/EC of 6 November 2001 of the European Parliament and of the Council on the Community code relating to veterinary medicinal products and Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency, require that, with only minor exceptions, all veterinary medicinal products that are placed on the market within the Community are to hold a marketing authorisation. In general, all vaccines used in the Community should have a marketing authorisation. However, the Member States may permit the use of a product without a marketing authorisation in the event of a serious ***epizootic*** subject to certain conditions, in accordance with Regulation (EC) No 726/2004. Vaccines against exotic and emerging diseases in aquaculture animals may qualify for such derogation.

*Justification*

*The word 'epidemic' may be used only in connection with disease among humans (from the Greek 'demos' – people). The proper term to use when speaking about disease among animals is epizootic.*

Amendment 6  
Recital 31 a (new)

***(31a) The Commission should review its position on authorising the placing of veterinary medicines on the market. The authorisation to place a given veterinary medicine on the market in a specific Member State should be valid and apply by extension to all Member States.***

*Justification*

*An authorisation to place veterinary medicines on the market, valid for one Member State, ought to have been made valid for the entire Community some considerable time ago. This measure would speed up the process and, above all, in the case of small markets, would get round the economic impossibility for laboratories to invest in registering a product whose expected sales would never justify the outlay. This should be established as a basic legal principle, on the grounds of equality between Member States.*

Amendment 7

Article 3, paragraph 5, point (a)

(a) fish belonging to the ***classes*** *Agnatha, Chondrichytes and Osteichtyes*;

(a) ***jawless*** fish belonging to the ***super-class*** *Agnatha*;

*Justification*

*From a scientific point of view, it is more appropriate for jawless fish coming within the super-class Agnatha to be dealt with in a separate point.*

Amendment 8

Article 3, paragraph 5, point (aa) (new)

***(aa) fish (Gnathostomata) belonging to the classes Actinopterygii and Chondrichthyes;***

*Justification*

*In accordance with the International Code of Zoological Nomenclature, the names of the above taxonomic groups should be written in normal type, rather than in italics.*

Amendment 9

Chapter II, heading

Aquaculture production businesses and authorised processing establishments

Aquaculture production businesses and authorised processing establishments ***and non-processing establishments (wrapping, packaging, preparing and freezing)***

Amendment 10  
Article 4, title

Authorisation of aquaculture production  
businesses and processing establishments

Authorisation of aquaculture production  
businesses and processing **and non-  
processing** establishments

*Justification*

*The concept of processing in this proposal does not match the concept laid down in Regulation 852/2004, which means that the definition of processing establishments given here is also not completely correct. Not all aquaculture animals are destined for processing in the accepted technical sense of the term, as the proposal suggests. In the case of Portugal, for example, the bulk of aquaculture products are intended for establishments dealing with unprocessed products, i.e. wrapping, packaging or preparing establishments.*

Amendment 11  
Article 4, paragraph 1, subparagraph 1

1. Member States shall ensure that every aquaculture production **business** is duly authorised by the competent authority in accordance with Article 5.

1. Member States shall ensure that every aquaculture production **establishment** is duly authorised by the competent authority in accordance with Article 5.

*Justification*

*Authorisation should be granted to individual establishments rather than to businesses. One and the same business may have some production systems which meet the certification requirements and others which do not.*

Amendment 12  
Article 4, paragraph 1, subparagraph 2

***Where appropriate, such authorisation may cover several aquaculture production businesses for molluscs in a mollusc farming area.***

***Authorisation shall always be granted for individual establishments, even where they form part of the same business.***

*Justification*

*Authorisation should be granted to individual establishments rather than to businesses. One*

*and the same business may have some production systems which meet the certification requirements and others which do not.*

#### Amendment 13

##### Article 4, paragraph 2, subparagraph 1

2. Member States shall ensure that ***a sufficient number of processing establishments on their territory are authorised for the slaughtering and processing of aquaculture animals being harvested and slaughtered*** for disease control purposes, in accordance with Chapter V.

2. Member States shall ensure that ***every*** processing ***establishment*** slaughtering aquaculture animals for disease control purposes in accordance with ***Article 33 of Chapter V is duly authorised by the competent authority in accordance with Article 5.***

#### *Justification*

*Member States should not be required to ensure a sufficient number of processing establishments. The use of processing establishments in other Member States should also be permitted.*

*Limitation to processing establishments for the slaughtering of aquaculture animals makes the provisions more practicable and transparent.*

*The inclusion of article references makes the text more precise.*

#### Amendment 14

##### Article 4, paragraph 2, subparagraph 2

***Those authorised processing establishments shall have an authorisation issued by the competent authority in accordance with Article 5.***

***deleted***

#### *Justification*

*See justification in respect of amendment 1 (Article 4(2), first subparagraph).*

#### Amendment 15

##### Article 4, paragraph 4

4. Member States may require ***that*** installations other than aquaculture production businesses, where aquatic animals are kept without the intention of

4. Member States may require ***only the registration by the competent authority of the following:***

being placed on the market **and** put and take fisheries **must be registered by the competent authority**.

(a) installations other than aquaculture production businesses, where aquatic animals are kept without the intention of being placed on the market;

(b) put and take fisheries;

(c) **aquaculture production businesses which place aquaculture animals on the market solely for human consumption as described in Article 1(3), point (c) of Regulation (EC) No 853/2004.**

In **that case**, the provisions of this Directive shall apply *mutatis mutandis* taking into account the nature, characteristics and situations of the installation **or** put and take fishery concerned and the risk of spreading aquatic animal diseases to other populations of aquatic animals as a result of its operation.

In **those cases**, the provisions of this Directive shall apply *mutatis mutandis* taking into account the nature, characteristics and situations of the installation, put and take fishery **or business** concerned and the risk of spreading aquatic animal diseases to other populations of aquatic animals as a result of its operation.

#### *Justification*

*This amendment means that certain 'small businesses' will be required only to be registered, not authorised. Supervision and inspection of the large number of small businesses and hobby farms would not be practicable. It is appropriate to refer to the hygiene regulation (Regulation (EC) No 853/2004), which provides for a similar exemption for the direct supply, by the producer, of small quantities of primary products to the final consumer or to local retail establishments directly supplying the final consumer.*

Amendment 16  
Article 7, title

#### ***Supervision***

#### ***Official controls***

Amendment 17  
Article 7, paragraph 1

**The competent authority shall supervise** aquaculture production businesses and authorised processing establishments.

**1. In accordance with Article 3 of Regulation (EC) No 882/2004, official controls of aquaculture production businesses and authorised processing establishments shall be carried out by the**

*competent authority.*

Amendment 18  
Article 7, paragraph 2

***Such supervision*** shall at least consist of regular visits ***and*** audits. ***The frequency of such visits and audits shall be determined*** taking account of the risk the aquaculture production business and authorised processing establishment poses in relation to the spreading of disease to aquatic animals in the vicinity of the aquaculture production business or authorised processing establishment.

***2. The official controls provided for in paragraph 1*** shall at least consist of regular ***inspections***, visits, audits ***and, where appropriate sampling, for each aquaculture production business***, taking account of the risk the aquaculture production business and authorised processing establishment poses in relation to the ***contracting and*** spreading of disease to aquatic animals in the vicinity of the aquaculture production business or authorised processing establishment ***in question. Recommendations for the frequencies of such controls, for each health status, are laid down in Annex IV.***

Amendment 19  
Article 7, paragraph 2 a (new)

***2a. Detailed rules for the implementation of this Article may be adopted in accordance with the procedure referred to in Article 62(2).***

Amendment 20  
Article 8, title

Recording obligations

Recording obligations - ***Traceability***

*Justification*

*The Commission proposal lays down provisions on traceability in Chapter III, Article 14 (Traceability and certification). This amendment brings together traceability with the provisions on recording obligations.*

Amendment 21  
Article 8, paragraph 3 a (new)

***3a. Without prejudice to specific provisions on traceability, Member States shall ensure that all movements of animals recorded by the aquaculture production business operators as provided for in paragraph 1, point (a) are registered in such a way that the tracing of the place of origin and destination can be guaranteed.***

***Member States may require such movements to be recorded on a national register and kept in a computerised form.***

*Justification*

*The Commission proposal lays down provisions on traceability in Chapter III, Article 14 (Traceability and certification). This amendment brings together traceability with the provisions on recording obligations. Member States are being allowed here to adopt procedures for ensuring traceability of consignments that are suited to the circumstances of the respective country.*

Amendment 22

Article 10, paragraph 2 a (new)

***2a. The surveillance provided for in this Article shall be carried out without prejudice to the sampling and surveillance carried out in accordance with Chapter V or Article 49(3) and Article 52.***

Amendment 23

Article 10, paragraph 3

3. Minimum requirements for the animal health surveillance scheme, ***for the diseases listed in Part II of Annex III, based on the principles laid down in Annex IV***, may be adopted in accordance with the procedure referred to in Article 62(2).

3. Minimum requirements for the animal health surveillance scheme ***provided for in paragraph 1*** may be adopted in accordance with the procedure referred to in Article 62(2).

Amendment 24

Article 14, title

*Justification*

*This amendment makes the text more precise. Provisions on traceability should appear elsewhere. See rapporteur's amendments 4 and 5 to Article 8.*

Amendment 25  
Article 14, paragraph 1

1. Member States shall ensure that placing on the market of aquaculture animals ***for farming and restocking purposes, including movement of molluscs between mollusc farming areas, are reported using the computerised system provided for in Article 20(1) of Council Directive 90/425/EEC.***

1. Member States shall ensure that ***the*** placing on the market of aquaculture animals ***is subject to animal health certification when the animals are introduced into a Member State, zone or compartment declared disease-free in accordance with Article 49 and 50 for:***

***(a) farming and restocking purposes;***

***(b) human consumption in accordance with point (a) of Article 18(1), point (a) of Article 18(2) and Article 19(2).***

*Justification*

*As it is preferable for traceability to be dealt with in the context of Chapter II, Article 8, the provisions on traceability laid down here are deleted, and more detailed provisions on the issuing of animal health certification are laid down.*

Amendment 26  
Article 14, paragraph 2

2. Paragraph 1 ***of this Article*** shall also apply to ***aquaculture animals placed on the market for human consumption in accordance with point (a) of Article 18(1), point (a) of Article 18(2) and Article 19(2).***

2. Paragraph 1 shall also apply to ***diseases and the species susceptible thereto not listed in Part II of Annex III for which national measures have been taken to control the disease in question and which are approved at Community level in accordance with Article 43(3).***

*Justification*

*The amendment makes it clear that animal health certification is also required for deliveries*

*to or from areas where a national control programme is in place.*

Amendment 27  
Article 14, paragraph 3

**3. Paragraph 1 shall not apply when *deleted*  
aquaculture animals are moved inside a  
mollusc farming area or between different  
farms belonging to one aquaculture  
production business, provided that the  
mollusc farming areas or the farms are  
within the same Member State and, where  
applicable, within the same disease-free  
zone or compartment.**

***Such movements shall be recorded by the  
aquaculture production business  
operator.***

*Justification*

*This amendment follows from the rapporteur's proposed amendment to Article 14 (1).*

Amendment 28  
Article 14, paragraph 4

**4. Member States shall ensure that  
*introduction* of aquaculture animals *for  
farming and restocking purposes into  
other Member States, zones or  
compartments declared disease-free in  
accordance with Articles 49 and 50 are*  
subject to animal health certification.**

**4. Member States shall *also* 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 the control  
provisions provided for in sections 3, 4, 5  
and 6 of Chapter V.***

***This paragraph shall also apply to  
diseases and the species susceptible  
thereto not listed in Part II of Annex III.***

*Justification*

*Animal health certification is also required for placing on the market.*

Amendment 29  
Article 14, paragraph 5

**5. This Article shall also apply to diseases ~~deleted~~  
and the species susceptible thereto not  
listed in Part II of Annex III.**

*Justification*

*This amendment follows from the rapporteur's proposed amendment to Article 14 (4).*

Amendment 30

Article 15, paragraph 1, subparagraph 1

1. Member States shall ensure that aquaculture animals placed on the market for farming do not come from a farm or mollusc farming area where there *has been* any increased mortality ***or a clinical outbreak of any disease within 31 days prior to the date of placing on the market,*** unless such animals originate from a part of the farm or mollusc farming area ***epidemiologically independent of the part*** where the increased mortality or clinical signs of disease have occurred.

1. Member States shall ensure that aquaculture animals placed on the market for farming ***are clinically healthy and*** do not come from a farm or mollusc farming area where there *is* any ***unresolved*** increased mortality unless such animals originate from a part of the farm or mollusc farming area independent ***of the epidemiological unit*** where the increased mortality or clinical signs of disease have occurred.

*Justification*

*Strict application of the '31 day rule' here seems too rigid, and would significantly complicate the dispatching of animals. The decisive factor is, rather, that the animals are healthy at the time of dispatch.*

Amendment 31

Article 15, paragraph 3, subparagraph 1, introductory wording

Aquaculture animals may only be released into the wild ***and*** into put and take fisheries ***for restocking purposes*** if they:

Aquaculture animals may only be released into the wild ***for restocking purposes or*** into put and take fisheries if they:

Amendment 32

Article 15, paragraph 3, subparagraph 2

However, Member States may decide that the aquaculture animals shall come from a zone or compartment, declared disease-free

However, Member States may decide that the aquaculture animals shall come from a zone or compartment, declared disease-free

in accordance with Articles 49 or 50.

in accordance with Articles 49 or 50.

***Member States may also decide to apply this paragraph to programmes drawn up and applied in accordance with Article 43.***

Amendment 33

Article 17, title

Introduction of aquaculture animals of ***non-susceptible*** species into disease-free areas

Introduction of aquaculture animals of ***potentially susceptible or vector*** species into disease-free areas

Amendment 34

Article 17, paragraph 1, introductory wording

1. Where scientific data or practical experience substantiates that species other than those referred to in Part II of Annex III as susceptible species can be responsible for the passive transmission of a specific disease, ***such carrier species*** shall, where introduced into a Member State, zone or compartment declared free of that specific disease in accordance with Articles 49 or 50:

1. Where scientific data or practical experience substantiates that species other than those referred to in Part II of Annex III as susceptible species can be responsible for the passive transmission of a specific disease, ***Member States shall ensure that, where introduced into a Member State, zone or compartment declared free of that specific disease in accordance with Articles 49 or 50, such carrier species:***

Amendment 35

Article 17, paragraph 1, point (b)

(b) be held in quarantine facilities in water free of the pathogen in question for ***a*** period of time sufficient to reduce ***to an acceptable level*** the risk of ***passive*** transmission of the specific disease.

(b) be held in quarantine facilities in water free of the pathogen in question for ***an appropriate*** period of time ***where, in the light of the scientific data provided, this proves to be*** sufficient to reduce the risk of transmission of the specific disease ***to a level acceptable for preventing the spreading of the disease concerned.***

Amendment 36

Article 17, paragraph 2

2. Paragraph 1 shall not apply where scientific data or practical experience

2. Paragraph 1 shall not apply where scientific data or practical experience

substantiates that **carrier** species at certain life stages do not transmit the specific disease in question.

substantiates that **such** species at certain life stages do not transmit the specific disease in question.

*Justification*

*This amendment makes the wording more precise.*

Amendment 37  
Article 17, paragraph 3

3. A list of **carrier** species **and** life stages to which this Article **shall apply**, shall be adopted and when necessary amended to take account of scientific and technological developments in accordance with the procedure referred to in Article 62(2)

3. A list of **potentially susceptible or vector** species, life stages **of such species** to which this Article **applies and, where appropriate, the conditions in which those species can transmit a disease**, shall be adopted and when necessary amended to take account of scientific and technological developments in accordance with the procedure referred to in Article 62(2).

Amendment 38  
Article 17, paragraph 3 a (new)

***3a. A Member State which can provide scientific data or practical experience demonstrating that species other than those referred to in Part II of Annex III as susceptible species may be responsible for the transmission of a specific disease shall forward such data to the Commission in order for that species to be included on the list.***

Amendment 39  
Article 17, paragraph 3 b (new)

***3b. Pending a decision on possible inclusion of that species on the list referred to in paragraph 3 of this Article, the Commission may decide, in accordance with the procedure referred to in Article 62(3), that Member States shall apply the provisions laid down in paragraph 1 of this***

*Article.*

Amendment 40  
Article 17, paragraph 3 c (new)

***3c. Pending that later decision, where a Member State has established that the introduction of a species not referred to as susceptible to the disease in question is likely to constitute a serious threat to animal health in a Member State, zone or compartment declared free of that specific disease in accordance with Article 49 or 50, it may take interim protective measures in accordance with Article 10 of Directive 90/425/EEC and Article 9 of Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to completion of the internal market\*.***

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*\* OJ L 395, 30.12.1989, p. 13. Directive as last amended by Directive 2004/41/EC of the European Parliament and of the Council (OJ L 157, 30.4.2004, p. 33).*

Amendment 41  
Article 32, point (c a) (new)

***(ca) any additional measures necessary are implemented to prevent the further spread of the disease.***

Amendment 42  
Article 36, paragraph 1 a (new)

***Special attention shall be paid to stocking densities which increase the concentration of pathogens.***

*Justification*

*The ability of pathogens to multiply when stocking densities are high, sometimes subsequently causing disease in wild aquatic animals, is a recognised problem.*

Amendment 43  
Article 38, paragraph 1

1. In the case of confirmation of a non-exotic disease listed in Part II of Annex III in a Member State, zone or compartment declared free of that disease, the Member State concerned shall apply the measures provided for in Section 3 in order to regain such disease-free status.

1. In the case of confirmation of a non-exotic disease listed in Part II of Annex III in a Member State, zone or compartment declared free of that disease, the Member State concerned shall apply the measures provided for in Section 3 in order to regain such disease-free status, ***or draw up a control and eradication programme in accordance with Article 44(2).***

Amendment 44  
Article 39, paragraph 2, point (d)

(d) the removal and disposal of dead fish ***and*** crustaceans, under the supervision of the competent authority in accordance with Regulation (EC) No 1774/2002, in an appropriate timeframe taking into account the type of production and the risk such dead animals pose for further spread of the disease.

(d) the removal and disposal of dead fish, crustaceans ***and molluscs***, under the supervision of the competent authority in accordance with Regulation (EC) No 1774/2002, in an appropriate timeframe taking into account the type of production and the risk such dead animals pose for further spread of the disease.

*Justification*

*It is important for molluscs also to come under the supervision of the competent authority during their removal and disposal.*

Amendment 45  
Article 40, paragraph 1

1. Where wild aquatic animals are infected or suspected of being infected with exotic diseases listed in Part II of Annex III, the Member State concerned shall monitor the situation, and take the necessary measures to prevent the further spreading of the disease.

1. Where wild aquatic animals are infected or suspected of being infected with exotic diseases listed in Part II of Annex III, the Member State concerned shall monitor the situation, and take the necessary measures to prevent the further spreading of the disease ***and avoid infections in future.***

*Justification*

*The fact that infection of the wild population has occurred is indication of a flawed system, which should therefore be corrected.*

Amendment 46  
Article 43, title

**National** provisions for limiting the impact of diseases not listed in Part II of Annex III

Provisions for limiting the impact of diseases not listed in Part II of Annex III

Amendment 47  
Article 43, paragraph 1

1. Where a disease not listed in Part II of Annex III constitutes a significant risk for the **aquatic** animal health situation or **the environment** in a Member State, the Member State concerned may take measures to control that disease.

1. Where a disease not listed in Part II of Annex III constitutes a significant risk for the **aquaculture** animal health situation or **wild aquatic animals** in a Member State, the Member State concerned may take measures to control that disease.

Amendment 48  
Article 43, paragraph 2

2. Member States shall ensure that the **national** control measures referred to in paragraph 1 do not exceed the limits of what is appropriate and necessary in order to control the disease as referred to in paragraph 1.

2. Member States shall ensure that the control measures referred to in paragraph 1 do not exceed the limits of what is appropriate and necessary in order to control the disease as referred to in paragraph 1.

Amendment 49  
Article 43, paragraph 3, subparagraph 1

3. Member States shall ensure that any **national** measures referred to in paragraph 1 that may affect trade between Member States are not applied before they are approved in accordance with the procedure referred to in Article 62(2).

3. Member States shall ensure that any measures referred to in paragraph 1 that may affect trade between Member States are not applied before they are approved in accordance with the procedure referred to in Article 62(2).

Amendment 50  
Article 43, paragraph 3, subparagraph 2, point (a)

(a) the establishment of intra-Community trade restrictions is **unavoidable in order to** control the disease;

(a) the establishment of intra-Community trade restrictions is **necessary** to control the disease;

Amendment 51  
Article 44, paragraph 1, subparagraph 1

1. Where a Member State not declared free of one or more of the non-exotic diseases listed in Part II of Annex III, draws up a control **and eradication** programme (***‘the programme’***) for achieving disease-free status for one or more of those diseases, it shall submit that programme for approval in accordance with the procedure referred to in Article 62(3).

1. Where a Member State ***not known to be infected but*** not declared free of one or more of the non-exotic diseases listed in Part II of Annex III, draws up a control programme for achieving disease-free status for one or more of those diseases, it shall submit that programme for approval in accordance with the procedure referred to in Article 62(2).

Amendment 52  
Article 44, paragraph 1 a (new)

***1a. Where a Member State known to be infected by one or more of the non-exotic diseases listed in Part II of Annex III draws up a control and eradication programme for one or more of those diseases, it shall submit that programme for approval in accordance with the procedure referred to in Article 62(2). Such programmes may also be amended or terminated in accordance with that procedure.***

Amendment 53  
Article 44, paragraph 2

2. An overview of the programmes approved in accordance with ***paragraph 1 of this Article*** shall be made available at Community level in accordance with the

2. An overview of the programmes approved in accordance with ***paragraphs 1 and 1a*** shall be made available at Community level in accordance with the

procedures provided for in Article 51.

procedures provided for in Article 51.

*Justification*

*Amendment necessitated by the rapporteur's amendment to Article 44(1)a (new).*

Amendment 54

Article 48, paragraph 2, subparagraph 1

2. Member States shall ***ensure that*** vaccination ***against the non-exotic diseases listed in Part II of Annex III is prohibited in any parts of their territory*** declared free of ***the diseases in question, or covered by approved control and eradication programmes.***

2. Member States shall ***allow*** vaccination ***in areas*** declared free of ***one or more diseases if such diseases affect neighbouring areas which are not free.***

*Justification*

*Suppose that a given disease affects a given area and the area is therefore declared a non-free area. A fish farmer whose production unit is situated in an area neighbouring on the infected area, can and should vaccinate against this disease even though his unit is in an area considered free of disease. A given area's disease-free status may in fact change rapidly. In certain circumstances time is precious and, in such cases, vaccination may be the only means of preventing irretrievable losses.*

Amendment 55

Article 48 a (new)

***Article 48a***

***Use of antibiotics***

- 1. The purchase and use of antibiotics to combat certain diseases in fish shall comply with the Community legislation in force<sup>1</sup>.***
- 2. The Member States may not adopt measures restricting the purchase and use of certain antibiotics which might undermine and/or contravene legislation on markets and competitiveness among Member States.***
- 3. The Member States shall ensure that the antibiotics used are authorised in accordance with the legislation in force.***

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<sup>1</sup> **Directive 2001/82/EC; Regulation (EC) No 726/2004; Directives 90/676/EEC, 93/40/EEC and 93/41/EEC.**

*Justification*

*Use of antibiotics is one of the ways employed by fish farmers to fight certain diseases of bacterial origin. It is quite appropriate to include a reference to their use in accordance with the Community legislation in force*

Amendment 56

Article 50, paragraph 1, introductory wording

**1. *The central competent authority of a Member State may, after having informed the Commission and the other Member States thereof, and after having, on request, submitted the supporting evidence therefore,* declare the disease-free status of a zone or compartment within its territory of one or more of the non-exotic diseases listed in Part II of Annex III where:**

1. A Member State may declare the disease-free status of a zone or compartment within its territory of one or more of the non-exotic diseases listed in Part II of Annex III where:

*Justification*

*The procedure for declaring a compartment or zone disease-free should be set out in detail in a separate article; see rapporteur's amendment to Article 50 (1a).*

Amendment 57

Article 50, paragraph 1 a (new)

***1a. A Member State shall notify the declaration referred to in paragraph 1 to the Standing Committee on the Food Chain and Animal Health in accordance with the following procedure:***

***(a) the declaration shall be supported by evidence in a form to be determined by the procedure referred to in Article 62(2) and shall be accessible by electronic means to the Commission and Member States in accordance with the requirements of Article 59;***

*(b) the Commission shall add the notification of the declaration to the agenda of the next meeting of the Standing Committee on the Food Chain and Animal Health as an information point. The declaration shall take effect 30 days after the date of that meeting;*

*(c) within that period, the Commission or Member States may seek clarification or additional information on the supporting evidence from the Member State making the declaration;*

*(d) where written comments are made by at least one Member State, indicating significant objective concerns related to the supporting evidence, the Commission and Member States concerned shall together examine the submitted evidence in order to resolve the dispute. In that event, the period referred to in point (b) may be prolonged for 30 days;*

*(e) in the absence of any resolution of the dispute by the means referred to in point (d), the Commission may decide to carry out an on-the-spot inspection in accordance with Article 58 in order to verify the compliance of the declaration submitted with the criteria set out in paragraph 1, unless the declaring Member State withdraws its declaration;*

*(f) where necessary in the light of the results achieved, a decision may be taken in accordance with the procedure referred to in Article 62(2) to suspend the self-declaration of the disease-free status of the zone or compartment concerned.*

#### *Justification*

*This amendment sets out in detail the procedure to be followed for declaring a compartment or zone disease-free. In order to enable adjustments to be made, if necessary, to the procedure, reference is made to Chapter X, Article 62.*

Amendment 58  
Article 56, paragraph -1 (new)

***-1. Member States which do not have national reference laboratories may, if they so wish, request financial support from the EU to set up this type of infrastructure.***

*Justification*

*The existence of national reference laboratories should be a priority for the Member States. In the case of Portugal, its geographical isolation means that it would be extremely useful to have a laboratory of this kind to make it easier to combat possible epizootic diseases and their consequences. EU financial support is crucial for the creation of this type of facility.*

Amendment 59  
Article 58, paragraph 3, subparagraph 1

3. Where a serious animal health risk is identified during a Commission inspection, the Member State concerned shall immediately take all measures necessary to safeguard animal health.

3. Where a serious animal health risk is identified during a Commission inspection, the Member State concerned shall immediately take all measures necessary to safeguard animal health ***and may request the economic compensation provided for in the new European Fisheries Fund for that purpose.***

*Justification*

*The Commission mentions the fact that the aquaculture industry may need economic compensation for disease eradication and control measures in the explanatory memorandum to its proposal. To shore up this idea, the possibility of awarding economic compensation should be mentioned in the legislative text wherever possible, as provided for in Article 32 of COM(2004)0497 (EFF).*

Amendment 60  
Article 59, paragraph 1

1. Member States shall, by ***1 January 2007*** at the latest, ensure that all procedures and formalities relating to making the information provided for in Article 6, Article 51(1), and Article 56(2) available by electronic means, are in place.

1. Member States shall, by ***30 June 2007*** at the latest, ensure that all procedures and formalities relating to making the information provided for in Article 6, ***Article 50(1a)***, Article 51(1) and Article 56(2) available by electronic means, are in

place.

#### *Justification*

*The draft submitted by the Commission is not due to be adopted before the middle of 2006. As experience suggests that a period of 12 to 18 months is needed to transpose a directive of this kind, 30 June 2007 seems a more realistic date. Article 50(1a) fleshes out the proposed procedure for declaring a compartment disease-free.*

#### Amendment 61

##### Article 61, paragraph 1

1. **Article 15(1)** may be amended in accordance with the procedure referred to in Article 62(2), after consultation of the appropriate scientific committee.

1. **Article 50(1a)** may be amended in accordance with the procedure referred to in Article 62(2), after consultation of the appropriate scientific committee.

#### *Justification*

*Article 50 (1a) provides for the possibility of amending the procedure for declaring a compartment or zone disease-free, using the regulatory committee procedure.*

#### Amendment 62

##### Article 65, paragraph 1, subparagraphs 1 and 2

1. Member States shall adopt and publish, by [30 June **2006**] 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 January **2007**].

1. Member States shall adopt and publish, by [30 June **2007**] 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 January **2008**].

#### *Justification*

*The proposals made in this document will entail great organisational upheaval in the systems of the various Member States. Links between health authorities and reference laboratories, combined with greater responsibility for the Member States throughout the process, presuppose significant changes to procedures in this field of activity. The Member States and the various organisational systems operating in the individual countries up to now will need to make adjustments, and this will take some time. The dates given by the Commission appear over-ambitious.*

Amendment 63  
Article 65 a (new)

**Article 65 a**

**Assessment**

***The Commission shall ask the Member States to provide the information necessary to draw up a report assessing the application of this Directive, which shall be submitted to the Council and the European Parliament within two and a half years of its entry into force.***

Amendment 64  
Annex I, point (g)

(g) ‘**Epidemiological** unit’ means a group of aquatic animals that share approximately the same risk of exposure to a disease agent within a defined location. This risk may be because they share a common aquatic environment, or because management practices make it likely that a disease agent in one group of animals would quickly spread to another group of animals.

(g) ‘**Epizootiological** unit’ means a group of aquatic animals that share approximately the same risk of exposure to a disease agent within a defined location. This risk may be because they share a common aquatic environment, or because management practices make it likely that a disease agent in one group of animals would quickly spread to another group of animals.

*Justification*

*The word 'epidemic' may be used only in connection with disease among humans (from the Greek 'demos' – people). The proper term to use when speaking about disease among animals is epizootic.*

Amendment 65  
Annex I, point (i)

(i) ‘**Further processing**’ means processing of aquaculture animals before human consumption by any type of measures and

**deleted**

***techniques, affecting anatomical wholeness, such as bleeding, gutting/evisceration, heading, slicing and filleting, which produces waste or by-products and could cause a risk of spreading diseases.***

*Justification*

*This definition does not tally with the definitions given in Regulation 852/2004 of 29 April 2004.*

Amendment 66  
Annex I, point (h a) (new)

***(ha) 'Processing' means any action that substantially alters the initial product, including heating, smoking, curing, maturing, drying, marinating, extraction, extrusion or a combination of those processes.***

*Justification*

*The definitions given in this proposal for a directive should be the same as those given in Regulation 852/2004. In the Regulation, the techniques of bleeding, evisceration and heading are considered to fall under preparation rather than processing. It is not logical for this proposal to lay down different definitions for the same concept. The definitions of processing, processed products and unprocessed products applicable under this text should therefore be the same as those given in the Regulation.*

Amendment 67  
Annex I, point (h b) (new)

***(hb) 'Unprocessed products' means foodstuffs that have not undergone processing, and includes products that have been divided, parted, severed, sliced, boned, minced, skinned, ground, cut, cleaned, trimmed, husked, milled, chilled, frozen, deep-frozen or thawed.***

### *Justification*

*The definitions given in this proposal for a directive should be the same as those given in Regulation 852/2004. In the Regulation, the techniques of bleeding, evisceration and heading are considered to fall under preparation rather than processing. It is not logical for this proposal to lay down different definitions for the same concept. The definitions of processing, processed products and unprocessed products applicable under this text should therefore be the same as those given in the Regulation.*

### Amendment 68 Annex I, point (h c) (new)

***(hc) 'Processed products' means foodstuffs resulting from the processing of unprocessed products. These products may contain ingredients that are necessary for their manufacture or to give them specific characteristics.***

### *Justification*

*The definitions given in this proposal for a directive should be the same as those given in Regulation 852/2004. In the Regulation, the techniques of bleeding, evisceration and heading are considered to fall under preparation rather than processing. It is not logical for this proposal to lay down different definitions for the same concept. The definitions of processing, processed products and unprocessed products applicable under this text should therefore be the same as those given in the Regulation.*

### Amendment 69 Annex I, point (o)

(o) 'Zone' means a ***precise*** geographical area with a homogeneous hydrological system comprising part of a water catchment area from the source(s) to a natural or artificial barrier that prevents the ***upward*** migration of aquatic animals from lower stretches of the water catchment area, an entire water catchment area from its source(s) to its estuary, or more than one water catchment area, including their estuaries, ***due to the epidemiological link between the catchment areas*** through the estuary.

(o) 'Zone' means a ***precisely defined*** geographical area with a homogeneous hydrological system comprising part of a water catchment area from the source(s) to a natural or artificial barrier that prevents the ***anadromous*** migration of aquatic animals from lower stretches of the water catchment area, an entire water catchment area from its source(s) to its estuary, or more than one water catchment area, including their estuaries, ***epizootiologically linked*** through the estuary.

### *Justification*

*More accurate definition of the term 'zone'.*

#### Amendment 70

Annex III, Part II, Table headed 'Non-exotic Diseases', column 2, row 2

Fish belonging to the family ***Salmonideae***, grayling (*Thymallus thymallus*), white fish (*Coregonus* spp.), pike (*Esox lucius*), turbot (*Scophthalmus maximus*), herring and sprat (*Clupea* spp.), Pacific salmon (*Oncorhynchus* spp.), Atlantic cod (*Gadus morhua*), Pacific cod (*G. macrocephalus*), haddock (*G. aeglefinus*) and rockling (*Onos mustelus*).

Fish belonging to the family ***Salmonidae***, grayling (*Thymallus thymallus*), white fish (*Coregonus* spp.), pike (*Esox lucius*), turbot (*Scophthalmus maximus*), herring and sprat (*Clupea* spp.), Pacific salmon (*Oncorhynchus* spp.), Atlantic cod (*Gadus morhua*), Pacific cod (*G. macrocephalus*), haddock (*G. aeglefinus*) and rockling (*Onos mustelus*).

### *Justification*

*Spelling mistake. Furthermore, the word Salmonidae should appear in normal type, rather than in italics. The same is true for amendment 5.*

#### Amendment 71

Annex V, Part I, point 2, subpoint 1, introductory wording

A Member State where the last known clinical occurrence was within ***the period of 25 years*** before the date of ***entry into force of this Directive*** or where the infection status prior to targeted surveillance was unknown, because of the absence of conditions conducive to clinical expression, may be considered free from the disease where:

A Member State where the last known clinical occurrence was within ***10 years*** before the date of ***the application for disease-free status*** or where the infection status prior to targeted surveillance was unknown, because of the absence of conditions conducive to clinical expression, may be considered free from the disease where:

#### Amendment 72

Annex V, Part II, point 2.3

2.3. A compartment where the last known clinical occurrence was within ***a period of 25 years*** before the date of ***entry into force of this Directive*** or where the infection status prior to targeted surveillance was unknown, because of the absence of conditions conducive to clinical expression,

2.3. A compartment where the last known clinical occurrence was within ***10 years*** before the date of ***the application for disease-free status*** or where the infection status ***in the compartment or in the waters surrounding the compartment*** prior to targeted surveillance was unknown, ***for***

may be considered free from the disease where it complies *mutatis mutandis* with the requirements in Part I.2, ***and the disease is not known to occur in the waters surrounding the compartment.***

***example*** because of the absence of conditions conducive to clinical expression, may be considered free from the disease where it complies *mutatis mutandis* with the requirements in Part I.2.

Amendment 73  
Annex V, Part II, point 3, heading

3. Compartments comprising one or more individual farms where the disease status is independent of the disease status of the surrounding natural waters.

*(Does not affect English version)*

*Justification*

*(Does not affect English version)*

Amendment 74  
Annex V, Part II, point 3.2 (a)

(a) Through a water treatment plant ***capable of*** inactivating the relevant pathogen; ***however, such water treatment is not considered acceptable for use in a disease-free compartment where the disease is known to occur in the water feeding the treatment plant.***

(a) Through a water treatment plant inactivating the relevant pathogen ***in order to reduce the risk of disease introduction to an acceptable level.***

*Justification*

*This amendment makes the wording clearer.*

Amendment 75  
Annex V, Part II, point 3.6 a (new)

***3.6a. Implementing measures concerning point 3.2 (a) shall be laid down in accordance with the procedure referred to in Article 62(2).***

*Justification*

*Details relating to the supply of water to compartments should be laid down in implementing measures.*

## **EXPLANATORY STATEMENT**

### ***INTRODUCTION***

Aquaculture is a very important industry in the Community, particularly in rural and coastal areas. According to the European Commission, EU aquaculture produced fish, molluscs and crustaceans worth more than €2.5 billion in 2004. However, financial losses due to disease (high mortality, reduced growth and reduced quality) are estimated to represent 20 % of the production value. The proposal aims to introduce modern and targeted legislation that will reduce these costs. Reducing them by just 20% would result in an added value of €100 million per year. The aim is also to minimise the risks to wild aquatic animals posed by the aquaculture industry.

There are at present three separate directives laying down animal health conditions governing trade in aquaculture animals and products and minimum Community measures for the control of certain fish diseases and of certain diseases affecting bivalve molluscs (91/67/EEC; 93/53/EEC; 95/70/EEC). The current legislation protects those aquaculture sectors which were the main ones in the Community when the legislation was adopted, in particular salmonid (trout and salmon) and oyster farming. As aquaculture has developed and become more diversified, the legislation now needs to be updated to reflect the broader range of aquaculture structures and to take account of the significant developments within the industry, the experience gained through 15 years of applying the existing legislation, as well as scientific advances in this field. The rules must also be updated to bring EU rules in line with the international agreements and standards of the World Trade Organization (WTO) and the World Organisation for Animal Health (OIE).

### ***OBJECTIVE OF THE PROPOSAL***

The main purpose of this proposal is to improve the competitiveness of EU aquaculture producers.

To that end, the three existing directives laying down animal health conditions for placing on the market and minimum measures for the control of diseases are to be consolidated and at the same time extended and adapted to today's requirements. The objective is also to treat aquatic animal diseases in the same way as terrestrial animal diseases.

The legal instrument of the directive has been deliberately chosen in order to allow the Member States wider scope and to delegate to them greater responsibility with regard to implementation, so as to better reflect the different conditions and structures in European aquaculture. This is in line with the subsidiarity principle.

### ***SUBSTANCE OF THE PROPOSAL***

The proposal contains 11 chapters and eight annexes.

**Chapter I** lays down the subject matter and scope of the Directive. In addition, it defines important terms relating to the aquaculture industry. Further technical definitions are given in

Annex I.

**Chapter II** lays down rules on the authorisation of aquaculture production businesses and processing establishments and also provisions on the keeping of records, registration and supervision by the competent authority and the animal health surveillance scheme.

**Chapter III** covers animal health requirements for the placing on the market of aquaculture animals and products. In addition to general provisions, specific provisions are laid down relating to aquaculture animals intended for farming and restocking, animals and products intended for human consumption, release of wild aquatic animals and the placing on the market of ornamental aquatic animals.

**Chapter IV** lays down rules on the introduction of aquaculture animals and products into the Community from third countries. It contains provisions on how lists of third countries and parts of third countries from which the introduction of aquaculture animals and products is permitted should be drawn up and what documents are needed for entry.

**Chapter V** lays down rules on disease notification and minimum measures for control of exotic and non-exotic diseases of aquatic animals listed in Part II of Annex III in aquaculture animals and in wild aquatic animals. Measures for controlling emerging diseases and diseases not listed in Part II of Annex III are also set out.

**Chapter VI** lays down rules on the drawing up and approval of control and eradication programmes and on their content and period of application. Member States are called upon to draw up contingency plans for emerging and exotic diseases. Vaccination of aquatic animals is prohibited except where it is carried out in connection with control measures and eradication programmes or with contingency plans.

**Chapter VII** lays down provisions on the disease-free status of Member States, zones and compartments. A list of disease-free Member States, zones and compartments is required to be drawn up and updated. Provisions relating to the maintenance, suspension and restoration of disease-free status are also laid down.

**Chapter VIII** contains provisions on designating competent authorities and Community and national reference laboratories, and lays down the conditions governing them and their duties. It also lays down provisions on diagnostic methods.

**Chapter IX** contains provisions relating to on-the-spot inspections and audits by Commission experts, communication of information by electronic means between Member States and the Commission, and appropriate and effective penalties for infringements of the Directive.

**Chapter X** lays down provisions on the procedure for amending the Annexes and detailed rules for the implementation of the Directive. The Commission is to be assisted by the Standing Committee on the Food Chain and Animal Health.

**Chapter XI** covers transitional and final provisions. The three existing directives (91/67/EEC; 93/53/EEC; 95/70/EC) are to be repealed following the expiry of a transitional period. The chapter provides for the possibility of transitional provisions, and there are Articles on transposition and entry into force of the Directive.

**Annex I** contains technical definitions, which are in addition to the definitions in Chapter I.

**Annex II** sets out the information required to be kept in the official register of aquaculture production businesses and processing establishments authorised in accordance with Chapter II.

**Annex III** lists exotic and non-exotic diseases of fish, molluscs and crustaceans and the species susceptible to them, and lays down the criteria for listing diseases.

**Annex IV** specifies the type of health surveillance and frequency of inspections of farms and mollusc farming areas, according to the level of risk and disease status.

**Annex V** sets out the requirements for declaring a Member State, zone or compartment

disease-free pursuant to Chapter VII.

**Annex VI** lays down the functions and duties of Community and national reference laboratories and of laboratories providing diagnostic services pursuant to Chapter VIII.

**Annex VII** lays down the criteria and requirements for national contingency plans pursuant to Chapter VI.

**Annex VIII** shows the correlation between Articles in this proposal for a Directive and Articles in the three Directives currently in force (91/67/EEC; 93/53/EEC; 95/70/EC).

### ***ASSESSMENT OF THE PROPOSAL***

Your rapporteur supports the Commission's proposal to bring together and simplify the current complex legislation. He particularly welcomes the fact that the legislative provisions are to be brought together in the form of a directive, as this should make it possible to reflect the very different conditions in aquaculture across Europe.

The directive can be expected to have an impact in the following ways:

- shift of emphasis away from preventing the spread of disease and towards preventing the occurrence of disease;
- Member States will be able to decide for themselves what disease prevention measures are best suited to regional circumstances;
- risk-based animal health surveillance will enable a significantly better overview of the disease situation to be gained;
- the administrative burden on Member States and aquaculture production businesses should be limited, and Community financial support may be provided in the event of slaughter and eradication measures being taken.

### ***AMENDMENTS PROPOSED***

The aim of the amendments to **Chapter II** (aquaculture production businesses and authorised processing establishments) proposed by your rapporteur is to make the provisions more practicable and transparent. It makes sense for traceability to be brought together with the provisions on recording obligations. Member States are also being allowed to adopt procedures for ensuring traceability of consignments that are suited to the circumstances of the respective country. The amendments proposed to **Chapter III** (Animal health requirements for placing on the market of aquaculture animals and products) make the wording of the Directive more precise and make the provisions more practicable. For example, animal health certification is required for deliveries to or from an area where a national control programme or control measures apply.

Your rapporteur's proposed amendments to **Chapter VII** (disease-free status), **Chapter IX** (inspections, communication of information by electronic means and penalties) and **Chapter X** (amendments, detailed rules and committee procedure) reflect the need on the part of Member States for the procedure for declaring a zone or compartment disease-free to be laid down more clearly and at the same time for the possibility of reviewing these detailed rules to be provided. The deadline for implementation proposed by the Commission should, bearing in mind that a transposition period of 12 to 18 months is normally needed, be deferred by six months, to 30 June 2007. An amendment to Annex V (Requirements for declaring a Member

State, zone or compartment disease-free) relating to the supply of water to compartments makes the text clearer.

### ***CONCLUSIONS***

Overall, the Commission proposal is a very good one. However, the text of the Directive still needs to be amended in the interests of practicability and transparency. Amendments contained in this report are also intended to take account of the concerns of aquaculture production businesses and Member States.

## PROCEDURE

<b>Title</b>	Proposal for a Council directive on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals		
<b>References</b>	COM(2005)0362 – C6-0281/2005 – 2005/0153(CNS)		
<b>Date of consulting Parliament</b>	15.9.2005		
<b>Committee responsible</b> Date announced in plenary	PECH 27.9.2005		
<b>Committee(s) asked for opinion(s)</b> Date announced in plenary	BUDG 27.9.2005		
<b>Not delivering opinion(s)</b> Date of decision	BUDG 22.11.2005	ENVI 15.9.2005	
<b>Enhanced cooperation</b> Date announced in plenary			
<b>Rapporteur(s)</b> Date appointed	Heinz Kindermann 15.9.2005		
<b>Previous rapporteur(s)</b>			
<b>Simplified procedure – date of decision</b> Date of decision			
<b>Legal basis disputed</b> Date of JURI opinion			
<b>Financial endowment amended</b> Date of BUDG opinion			
<b>Parliament to consult European Economic and Social Committee – date decided in plenary</b>			
<b>Parliament to consult Committee of the Regions – date decided in plenary</b>			
<b>Discussed in committee</b>	3.10.2005	29.11.2005	30.1.2006
<b>Date adopted</b>	21.3.2006		
<b>Result of final vote</b>	+ 22 - 0 0 0		
<b>Members present for the final vote</b>	Elspeth Attwooll, Marie-Hélène Aubert, Luis Manuel Capoulas Santos, David Casa, Zdzisław Kazimierz Chmielewski, Carmen Fraga Estévez, Ioannis Gklavakis, Alfred Gomolka, Pedro Guerreiro, Heinz Kindermann, Henrik Dam Kristensen, Rosa Miguélez Ramos, Philippe Morillon, Willi Piecyk, Dirk Sterckx, Struan Stevenson, Daniel Varela Suanzes-Carpegna		
<b>Substitute(s) present for the final vote</b>	Dorette Corbey, Duarte Freitas, María Isabel Salinas García, Carl Schlyter, Czesław Adam Siekierski		
<b>Substitute(s) under Rule 178(2) present for the final vote</b>			
<b>Date tabled</b>	27.3.2006		
<b>Comments (available in one language only)</b>	...		