

# **Overseas Market Access Requirements Notification - Animal Products Act 1999 – MAF Biosecurity New Zealand**

Ref: AE-EU-35L

Date: 8 July 2010

## **OMAR B FISANIEC.EU 08.07.10 - ORNAMENTAL FISH TO THE EUROPEAN UNION**

### **1. Statutory authority**

Pursuant to section 60 of the Animal Products Act 1999:

(i) I notify the following overseas market access requirements, entitled ornamental fish to the European Union

(ii) Revoke OMAR B FISANIEC.EU 17.02.10.

This notice takes effect from date of signing.

Dated at Wellington this 21st day of July 2010.

Signed: Matthew Stone BVSc MACVSc MVS (Epidemiology)  
Group Manager  
Animal Imports and Exports  
Border Standards Directorate  
MAF Biosecurity New Zealand  
(pursuant to delegated authority)

### **2. European Union requirements**

Ornamental fish exported from New Zealand to European Union must comply with the import requirements of European Union listed in this notice as follows:

2.1 An Official Veterinarian authorised by the New Zealand Ministry of Agriculture and Forestry must certify that the ornamental aquatic animals for export, after due enquiry:

2.1.1 have been inspected within 72 hours of loading, and showed no clinical signs of disease

2.1.2 are not subject to any prohibitions due to unresolved increased mortality; and

2.1.3 are not intended for destruction or slaughter for the eradication of diseases.

**2.1.4 <sup>(1)(2)(3)(4)</sup> Requirements for species susceptible to Epizootic ulcerative syndrome (EUS), Epizootic haematopoietic necrosis (EHN), Bonamia exitiosa, Perkinsus marinus, Mikrocytos mackini, Taura syndrome and/or Yellowhead disease**

2.1.4.1 *either*<sup>(1)(5)</sup> originate from a country/territory, zone or compartment declared free from <sup>(1)(3)</sup> Epizootic ulcerative syndrome [EUS], <sup>(1)</sup> Epizootic haematopoietic necrosis [EHN], <sup>(1)</sup> Bonamia exitiosa], <sup>(1)</sup> [Perkinsus marinus], <sup>(1)</sup> [Mikrocytos mackini], <sup>(1)</sup> [Taura syndrome], <sup>(1)</sup> [Yellowhead disease in accordance with Chapter VII of Council Directive 2006/88/EC or the relevant OIE Standard by the competent authority of the country of origin, and

2.1.4.1.1 where the relevant disease(s) is (are) notifiable to the competent authority and reports of suspicion of infection of the relevant disease(s) must be immediately investigated by the competent authority

2.1.4.1.2 all introductions of species susceptible to the relevant disease(s) come from an area declared free of the disease(s); and

2.1.4.1.3 species susceptible to the relevant disease(s) are not vaccinated against the relevant disease(s)

2.1.4.2 *or* <sup>(1)(4)(5)</sup> [have been subject to quarantine in accordance with Commission Decision 2008/946/EC.

**2.1.5 <sup>(1)(2)(4)</sup> Requirements for species susceptible to Viral haemorrhagic septicaemia (VHS), Infectious haematopoietic necrosis (IHN), Infectious salmon anaemia (ISA), Koi Herpes virus (KHV), Marteilia refringens, Bonamia ostreae, and/or White spot disease**

2.1.5.1 *either* <sup>(1)(6)</sup> originate from a country/territory, zone or compartment declared free from <sup>(1)</sup> Viral haemorrhagic septicaemia, <sup>(1)</sup> Infectious haematopoietic necrosis <sup>(1)</sup> Infectious salmon anaemia, <sup>(1)</sup> Koi Herpes virus, <sup>(1)</sup> Marteilia refringens, <sup>(1)</sup> Bonamia ostreae, <sup>(1)</sup> and White spot disease in accordance with Chapter VII of Council Directive 2006/88/EC or the relevant OIE Standard by the competent authority of the country of origin, and

2.1.5.1.1 where the relevant disease(s) is (are) notifiable to the competent authority and reports of suspicion of infection of the relevant disease must be immediately investigated by the competent authority

2.1.5.1.2 all introductions of species susceptible to the relevant disease(s) come from an area declared free of the disease(s); and

2.1.5.1.3 species susceptible to the relevant disease(s) are not vaccinated against the relevant disease(s)

2.1.5.2 *or* <sup>(1)(4)(6)</sup> have been subject to quarantine in accordance with Decision 2008/946/EC.

2.1.6 the ornamental aquatic animals referred to in the export certificate are placed under conditions, including with a water quality, that do not alter their health status

2.1.7 the transport container is clean and disinfected or previously unused; and

2.1.8 the consignment is identified by a legible label on the exterior of the container with the relevant information referred to in boxes I.7 to I.13 of Part I of the export certificate, and the following statement:

2.1.8.1 *either* <sup>(1)</sup>“Ornamental, <sup>(1)</sup>fish, <sup>(1)</sup>molluscs, <sup>(1)</sup> crustaceans intended for closed ornamental facilities in the European Union”

2.1.8.2 *or* <sup>(1)(3)</sup>“Ornamental <sup>(1)</sup>, fish <sup>(1)</sup>, molluscs, <sup>(1)</sup> crustaceans intended for quarantine in the European Union”.

**2.1.9 <sup>(1)(5)</sup> Requirements for species susceptible to Spring viraemia of carp (SVC), Bacterial kidney disease (BKD), Infectious pancreatic necrosis virus (IPN) and Infection with Gyrodactylus salaris (GS):**

2.1.9.1 *either* <sup>(1)</sup> originate from a country/territory or part thereof:

2.1.9.1.1 where Spring viraemia of carp [SVC], <sup>(1)</sup> Gyrodactylus salaris [GS], <sup>(1)</sup> Bacterial kidney disease [BKD] and <sup>(1)</sup> Infectious pancreatic necrosis virus [IPN] is (are) notifiable to the competent authority and reports of suspicion of infection of the relevant disease(s) must be immediately investigated by the competent authority

2.1.9.1.2 where all aquaculture animals of species susceptible to the relevant disease(s) introduced into that country/territory or part thereof comply with the requirements set out in II.7 of this certificate

2.1.9.1.3 where species susceptible to the relevant disease(s) are not vaccinated against the relevant disease(s), and

2.1.9.1.4 which comply with the requirements for disease freedom as regards <sup>(1)</sup> Spring viraemia of carp [SVC], <sup>(1)</sup> Gyrodactylus salaris [GS], <sup>(1)</sup> Bacterial kidney disease [BKD] and <sup>(1)</sup> Infectious pancreatic necrosis virus [IPN] laid down in the relevant OIE standard or at least equivalent to those laid down in Chapter VII of Directive 2006/88/EC

2.1.9.2 *or* <sup>(1)(4)</sup>[have been subject to quarantine under conditions at least equivalent to those laid down in Decision 2008/946/EC.

**Notes**

**Part I of the export certificate:**

- Box I.19: Use the appropriate HS codes: 0306, 0307, or 0301 10.
- Box I.20 and I.28: As regards quantity, give the total number.

- Box I.25: Use the option ‘Pets’ for ornamental aquatic animals intended for pet shops or similar businesses for further sale, ‘Circus/exhibition for ornamental aquatic animals intended for exhibition aquaria or similar businesses not for further sale and ‘Quarantine’ if the ornamental aquatic animals are intended for a quarantine facility.

## **Part II of the export certificate:**

- (1) Keep as appropriate.
- (2) Part II.2 and II.3 of the certificate only applies to species susceptible to one or more of the diseases referred to in the title. Susceptible species are listed in Part II of Annex IV to Directive 2006/88/EC.
- (3) The requirements of Part II.2 of the certificate on ornamental aquatic animals susceptible to Epizootic ulcerative syndrome (EUS) as regards that disease laid down shall only apply from 1 January 2011 and until that date the reference to EUS shall be deleted.
- (4) Consignments of ornamental aquatic animals may be imported regardless of the requirements of Part II.2 and II.3 if they are intended for a quarantine facility complying with the requirements laid down in Commission Decision 2008/946/EC.
- (5) To be authorised into the Community one of these statements must be kept if the consignments contain species susceptible to EUS (see note 3), EHN, *Bonamia exitiosa*, *Perkinsus marinus*, *Mikrocytos mackini*, Taura syndrome and/or Yellowhead disease.
- (6) To be authorised into a Member State, zone or compartment declared free of VHS, IHN, ISA, KHV, *Marteilia refringens*, *Bonamia ostreae*, or White spot disease or with a surveillance or eradication programme established in accordance with Article 44(1) or (2) of Directive 2006/88/EC, one of these statements must be kept if the consignment contains species susceptible to the disease(s) for which disease freedom or surveillance or eradication programme(s) apply(ies). Data on the disease status in different parts of the Union are accessible at [http://ec.europa.eu/food/animal/liveanimals/aquaculture/index\\_en.htm](http://ec.europa.eu/food/animal/liveanimals/aquaculture/index_en.htm)
- (7) Part II.5 of the certificate only applies to consignments intended for a Member State or part thereof, which is regarded as disease-free, or for which a programme is approved by Decision 2010/221/EU as regards SVC, BKD, IPN or GS, and the consignments comprises species listed in Part C of Annex II as susceptible to the disease(s) for which the disease-free status or programme(s) apply(ies).

Part II.5 shall also apply to consignments of fish of any species originating from waters where species listed in Part C of Annex II as species susceptible to infection with GS, are present, where those consignments are intended for a Member State or part thereof listed in Annex I to Decision 2010/221/EU as free of GS.

Consignments of wild aquatic animals for which SVC, IPN and/or BKD related requirements are applicable, may be imported regardless of the requirements in Part II.7 of this certificate if they are intended for a quarantine facility complying with the requirements laid down in Decision 2008/946/EC.

## **3. Definitions**

For the purposes of this document:

Any term or expression that is defined in the Animal Products Act 1999 and used, but not defined in this document, has the same meaning as in this Act.

***Explanatory note***

*These overseas market access requirements are based on the export certificate for ornamental fish to European Union dated 8 July 2010.*

## **Additional Information on OMAR Notification: FISANIEC.EU 08.07.10**

1. This is an amended OMAR and replaces the OMAR for ornamental fish to the European Union dated 17 February 2010. It has been drawn up in accordance with the model EU certificate as outlined in Annex IV, Part B of Commission Regulation (EC) No 1251/2008 of 12 December 2008 as amended by Regulation (EU) No 346/2010 of 15 April 2010.

2. Commission Decision 2006/656/EC defines that imports of fish for ornamental purpose includes 'fish caught in the wild, imported for the purposes of being used as ornamental fish'. Closed ornamental facilities in 1251/2008/EC means 'pet shops, garden centres, garden ponds, commercial aquaria or wholesalers keeping ornamental aquatic animals without contact with natural waters in the Community', and open ornamental facility means ornamental facilities other than closed ornamental facilities.

3. Clause II.1.4 of the health certificate requires an aquaculture farm to be under the supervision of the competent authority. Commission Regulation 1251/2008 states in (13) 'Imports into the Community of aquaculture animals should only be permitted from third countries that have animal health legislation and control system in place equivalent to those in the Community'. For NZ aquaculture farms, the supervision as documented in Part B, Annex III of Council Directive 2006/88/EC should be applied.

4. For eels for aquaculture, II.2, II.3, II.4 and II.5 of the health certificate, may be deleted by strikethrough of the text. For redfin perch for aquaculture, II.3, II.4 and II.5, may be deleted by strikethrough of the text, as well as the relevant parts of II.2, except for the references to EHN which redfin perch are documented as being susceptible to. For Elasmobranchii (sharks, skates and rays) and Holocephali (chimaeras) all of II.2, II.3, II.4 and II.5 may be deleted by strikethrough of the text.

5. The HS codes available for use with this export certificate are: 0301 (live fish); 0306 (crustaceans); 0307 (molluscs and other aquatic invertebrates); 0301 10 (ornamental fish); and 0302 70 00 (roe).

6. Where the certificate refers to 'official inspector', for New Zealand this should be interpreted to mean Official Veterinarian.

**Section 61.A of the Animal Products Amendments Act 2005 states that 'The Crown is not liable, and nor is the Director-General or any employee of the Ministry liable, for any loss arising through the refusal or failure of the relevant authority of an overseas market to admit export animal material or animal product to that market'.**