

Minutes of the meeting of the expert group held on 09 October 2018 to discuss the delegated act on Part III of the Animal Health Law, as it relates to the control of Category A diseases of aquatic animals

1. Approval of the agenda

A preliminary agenda was circulated and agreed at the beginning of the meeting. The working document to be discussed was provided in advance.

2. Nature of the meeting

The meeting was non-public. The Member States' and EEA countries' representatives from the competent veterinary authorities participated in the meeting. The Chair noted that the European Parliament and the Council were not represented.

3. Introduction

The Commission gave a brief overview of the draft delegated act as it relates to the control of Category A diseases of aquatic animals and provided details of where it fits vis-a-vis terrestrial animals within the delegated act under Part III of the Animal Health Law.

Member States did not suggest any items to be taken under the 'Any Other Business' agenda item.

4. Conclusions/recommendations/opinions

The main points from the discussions which took place are as follows:

- In the context of paragraph 3 of Article 80 of the Animal Health Law, a Member State asked if in addition to the control measures for Category A diseases, the delegated act on Part III will also refer to the control measures for Category C diseases. The Commission responded that the control measures for Category C diseases will be covered in the eradication articles in the delegated act under Part II of the Animal Health Law given that there is no empowerment to cover Category C diseases in the delegated act under Part III.
- The Commission reminded Member States that Article 12 of the Animal Health Law says that aquatic animal health professionals may undertake activities assigned to veterinarians provided they are authorised to do so by the Member State concerned and that the same principle also applies in relation to the other delegated acts.
- Some Member States asked that the text of the delegated act under Part III should differentiate where possible between measures that apply to fish and measures which apply to molluscs or crustacea. The Commission undertook to bear that in mind wherever possible.
- In response to a comment from a Member State, the Commission confirmed that use of the phrase 'listed species' refers to both susceptible species and vector species. It was further stated that where it is not already explicitly mentioned in the delegated act under Part III, that the Commission will make provision for species other than

those which have been listed in the delegated act under Part I of the Animal Health Law to be included in the control measures for Category A diseases, where the competent authority thinks this is an important disease control measure.

- The inclusion of cross reference to the Animal By-Products Regulations was mentioned by a number of Member States. The issue of where mollusc shells fit into those Regulations was specifically mentioned. The Commission undertook to reflect further on this and consult internally before revising the draft delegated act.
- It was clarified that 'removal from the water' relates to molluscs and is the equivalent of 'slaughter' for fish. It was agreed that this distinction would be made more explicit in the text.
- There was some discussion about which provisions of the delegated act can be effective in relation to extensive aquaculture and which cannot. The Commission undertook to consider this differentiation where possible, in the next draft. Member States requested that the text should be edited to ensure that only establishments in an epidemiologically relevant zone/ compartment of the Member State should be covered by the control measures which must be implemented after confirmation of the presence of a Category A disease. The Commission undertook to reflect on how this could be achieved.
- A Member State requested that the provisions for dealing with Category A diseases would cross reference the contingency plan which each Member State should compile.
- There was some discussion in relation to which establishments should be cleared, cleaned and disinfected. Several Member States expressed the view that only the infected establishments should undergo de-population. All other establishments within the restricted zone should simply undergo cleaning/ disinfection and fallowing as necessary. The Commission undertook to reflect on whether this is possible in all circumstances or not.
- A Member State wished to have the flexibility to establish a restricted zone without including a protection zone. It was pointed out that protection zones can be redundant in certain circumstances and the example of land-based re-circulation systems was provided, particularly those growing species which cannot survive in natural waters within the particular Member State. The Commission will take this requested flexibility into account.
- The Commission will reflect on whether total prohibition of movements out of the Protection Zone is needed and if not, which derogations should be allowed. In addition, restrictions in relation to transit through the protection zone will be specified more clearly.
- A Member State suggested that rules should be laid down to ensure fishing equipment which has been used in infected natural waters should be cleaned and disinfected after use.
- It was requested by a Member State that movements of aquatic animals between wild habitats should be explicitly covered and also that a reference should be made to removing as many infected fish as possible from the infected catchment as a disease control measure.
- A Member State also asked for provision to be made for wild animals from an infected catchment to be moved to an establishment for Gene Bank purposes and to ensure

where possible, that the genetic strains from a given catchment can be protected. After some discussion it was agreed that the Commission would reflect on this but that such regeneration might also be possible through the use of an approved quarantine facility.

5. Next Steps

The Commission invited experts to provide written comments by 31 October 2018.

6. Next Meeting

The Commission gave details on the organisation of future meetings, pointing out that the next date for aquatic animals is October 18th, with a further date on November 30th. These Expert Group meetings will cover the delegated acts under Parts II, III and V of the Animal Health Law.