



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels,
MARE.A.2/BVT

Subject: AAC Recommendation on Animal Health Law

Dear Mr Brian Thomsen,

I would like to thank you for your mail of 22nd April 2025 including the “*Recommendation on the Animal Health Law*”.

Hereafter, I will address each request to the European Commission contained in this Recommendation:

- *to amend the Animal Health Law by introducing a derogation to omit clinical inspections for HPR-deleted ISAV. Subsidiary, the AAC asks to encourage Member States to make use of Article 12 of Delegated Regulation 2020/990 in relation to movements of rainbow trout and brown trout.*

Clinical inspections are one of the key elements that allow a certifying officer to verify that the animal health conditions requested in the relevant legislation are met and therefore, be in a position to sign an animal health certificate. The basic requirement for the operators to move only animals which do not show disease symptoms is laid down in Article 196(1) of the Animal Health Law and it is not related or specific only to HPR-deleted ISAV. Subsequently, to verify compliance with this obligation, the competent authority is to perform clinical inspections as laid down in Article 15(1) of Commission Delegated Regulation (EU) 2020/990 ⁽¹⁾. Nevertheless, in accordance with Article 15(2) of the same Regulation, clinical inspections may be omitted in case of fish eggs, which seem to be the focus of your attention.

In summary, and as regards the legal framework on this element, the basic obligation for operators is justified, the relevant official control is proportionate, the rules are fit for

⁽¹⁾ Commission Delegated Regulation (EU) 2020/990 of 28 April 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 animals https://eur-lex.europa.eu/eli/reg_del/2020/990/oj/eng

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purpose and include a possibility to derogate from certain elements, and none of these provisions are related to HPR-deleted ISAV.

As regards your request to the Commission to encourage Member States to make use of Article 12 of Delegated Regulation (EU) 2020/990 in relation to movements of rainbow trout and brown trout, I would kindly suggest you to contact the competent authorities of the Member States as all the relevant considerations, risk assessment and finally the decision to use this derogation is fully and solely under their responsibility, in accordance with the text of that Article.

- *to clarify the legal framework for water exchange points in the context of the Animal Health Law.*

Article 192 of Regulation (EU) 2016/429 ⁽²⁾ lays down disease preventive measures in relation to the transport of aquatic animals and empowers the Commission to lay down supplementing rules for water exchanges, water discharges and biosecurity measures, in order to mitigate the possible risks arising from the transportation of those aquatic animals within the Union. Following this empowerment, Article 4 of Delegated Regulation (EU) 2020/990 provides for general obligations of operators as regards requirements for water exchanges and discharges during the transport of aquatic animals. In accordance with this Article, it is the responsibility of the operator to ensure that water exchange only takes place at exchange points where the exchange does not alter the health status of the aquatic animals being transported, or those at the place of destination or *en route* to that destination.

EU legislation does not provide additional requirements as regards the condition that water exchange points need to fulfil.

Finally, please note that all the above refers to EU animal health rules related to aquatic and aquaculture animals, establishments, operators and competent authorities. They are proportionate to the risks they aim to mitigate and provide a robust, yet in certain cases flexible legal framework, and they are fit for use.

I am looking forward to our continued fruitful cooperation. Should you have any further questions on this reply, please contact Ms Julia RUBECK, coordinator of the Advisory Councils (Julia.rubeck@ec.europa.eu; +32.2.296.88.89), who will forward them to relevant colleagues.

Yours sincerely,

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⁽²⁾ 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) [EUR-Lex - 02016R0429-20191214 - EN - EUR-Lex](#)