

Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals

CHAPTER I

SUBJECT MATTER, SCOPE AND DEFINITIONS

Article 1

Subject matter

- 1 This Directive lays down:
- a the animal health requirements to be applied for the placing on the market, the importation and the transit of aquaculture animals and products thereof;
 - b minimum preventive measures aimed at increasing the awareness and preparedness of the competent authorities, aquaculture production business operators and others related to this industry, for diseases in aquaculture animals;
 - c minimum control measures to be applied in the event of a suspicion of, or an outbreak of certain diseases in aquatic animals.

[^{X12} Member States shall remain free to take more stringent measures in the field covered by Chapter II, Article 13, and Chapter V, provided that such measures do not affect trade with other Member States.]

Editorial Information

- X1** Substituted by [Corrigendum to Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals \(Official Journal of the European Union L 328 of 24 November 2006\)](#).

Article 2

Scope

- 1 This Directive shall not apply to:
- a ornamental aquatic animals reared in non-commercial aquaria;
 - b wild aquatic animals harvested or caught for direct entry into the food chain;
 - c aquatic animals caught for the purpose of production of fishmeal, fish feed, fish oil and similar products.

2 Chapter II, Sections 1 to 4 of Chapter III, and Chapter VII shall not apply where ornamental aquatic animals are kept in pet shops, garden centres, garden ponds, commercial aquaria, or with wholesalers:

- a without any direct contact with natural waters in the Community;

or

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- b which are equipped with an effluent treatment system reducing the risk of transmitting diseases to the natural waters to an acceptable level.

3 This Directive shall apply without prejudice to provisions on the conservation of species or the introduction of non-native species.

Article 3

Definitions

- 1 For the purposes of this Directive, the following definitions shall apply:
- a ‘aquaculture’ means the rearing or cultivation of aquatic organisms using techniques designed to increase the production of those organisms beyond the natural capacity of the environment and where the organisms remain the property of one or more natural or legal persons throughout the rearing or culture stages, up to and including harvesting;
 - b ‘aquaculture animal’ means any aquatic animal at all its life stages, including eggs and sperm/gametes, reared in a farm or mollusc farming area, including any aquatic animal from the wild intended for a farm or mollusc farming area;
 - c ‘aquaculture production business’ means any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to the rearing, keeping or cultivation of aquaculture animals;
 - d ‘aquaculture production business operator’ means any natural or legal person responsible for ensuring that the requirements of this Directive are met within the aquaculture production business under their control;
 - e ‘aquatic animal’ means:
 - (i) fish belonging to the superclass *Agnatha* and to the classes *Chondrichthyes* and *Osteichthyes*;
 - (ii) mollusc belonging to the Phylum *Mollusca*;
 - (iii) crustacean belonging to the Subphylum *Crustacea*;
 - f ‘authorised processing establishment’ means any food business approved in accordance with Article 4 of Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin⁽¹⁾, for processing aquaculture animals for food purposes, and authorised in accordance with Articles 4 and 5 of this Directive;
 - g ‘authorised processing establishment operator’ means any natural or legal person responsible for ensuring that the requirements of this Directive are met within the authorised processing establishment under their control;
 - h ‘farm’ means any premises, enclosed area, or installation operated by an aquaculture production business in which aquaculture animals are reared with a view to their being placed on the market, with the exception of those where wild aquatic animals harvested or caught for the purpose of human consumption are temporarily kept awaiting slaughter without being fed;
 - i ‘farming’ means the rearing of aquaculture animals in a farm or in a mollusc farming area;
 - j ‘mollusc farming area’ means a production area or relaying area in which all aquaculture production businesses operate under a common biosecurity system;
 - k ‘ornamental aquatic animal’ means an aquatic animal which is kept, reared, or placed on the market for ornamental purposes only;

- l 'placing on the market' means the sale, including offering for sale or any other form of transfer, whether free of charge or not, and any form of movement of aquaculture animals;
 - m 'production area' means any freshwater, sea, estuarine, continental or lagoon area containing natural beds of molluscs or sites used for the cultivation of molluscs, and from which molluscs are taken;
 - n 'put and take fisheries' means ponds or other installations where the population is maintained only for recreational fishing by restocking with aquaculture animals;
 - o 'relaying area' means any freshwater, sea, estuarine or lagoon area with boundaries clearly marked and indicated by buoys, posts or any other fixed means, and used exclusively for the natural purification of live molluscs;
 - p 'wild aquatic animal' means an aquatic animal which is not an aquaculture animal.
- 2 For the purposes of this Directive, the following definitions shall also apply:
- a the technical definitions laid down in Annex I;
 - b as appropriate, the definitions laid down respectively in:
 - (i) Articles 2 and 3 of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁽²⁾;
 - (ii) Article 2 of Regulation (EC) No 852/2004;
 - (iii) Article 2 of Regulation (EC) No 853/2004;
 - (iv) Article 2 of Regulation (EC) No 882/2004.

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- (1) [OJ L 139, 30.4.2004, p. 55.](#)
- (2) [OJ L 31, 1.2.2002, p. 1.](#)