

The effect of new EU import legislation on Asian exports of ornamental fish

By Dr. Alex Ploeg, Secretary General of Ornamental Fish International

The ornamental aquatic industry started to develop as an industry after the second world war. In these 60 years it has grown from 34 million US\$ to a total export volume of some 282 million US\$ in 2006 and if one includes all related dry goods a retail value of well over 20 billion US\$ annually (OFI, 2006). Many hundreds of thousands of people have a job in this industry, in export countries as well as in import countries. In many export countries the industry plays an important role in poverty alleviation projects as it provides jobs to people in poor rural areas and as such it is recognized by governments as an industry worth supporting.

A developing industry

As this industry matures negative side effects show up. The ornamental fish industry may very well be the industry that transports the largest number of species of live animals and plants across the globe and as a result public and governmental concerns have grown about several aspects of our industry. Our industry is currently under discussion in international forums of scientists, NGO's and governmental agencies in relation to Invasive Alien Species, Access Benefit Sharing, protection of species, animal welfare and also for animal health issues. OFI is involved in these discussions as the outcome of these may have a serious effect on our industry.

In the worldwide food, medical and chemical industries similar discussions on human health and welfare have already taken place for decades and are still going on. Nowadays we are also facing animal health and animal welfare concerns. Governments usually deal with animal health as long as it is in relation to human health (zoo-noses) but the public is also concerned on other aspects of animal health and especially in the more affluent parts of the world with animal welfare.

Trade with Europe

Breeders and exporters in Asia of live fish, crustaceans and mollusks for ornamental purpose might think: "I am a Japanese, Indonesian, Malaysian, Chinese or Singaporean citizen, so what do I care about the European legislation".

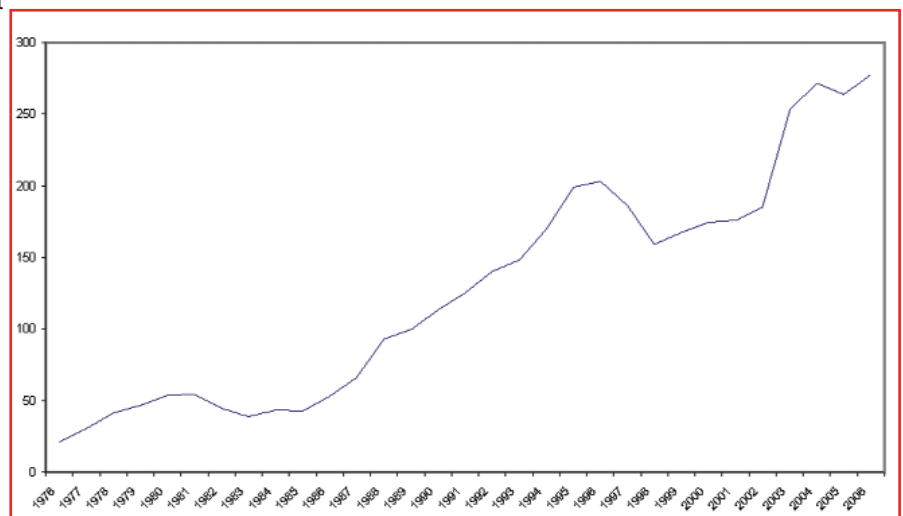
In an enquiry a few years ago we found that 74% of the Asian exporters indicated that they trade with European customers. I think we may therefore assume that for Asian exporters Europe is one of the important destinations for their products



The members of the European Union. Source: <http://ec.europa.eu>

(directly or indirectly through e.g. Singapore). And so European import legislation does affect not only the importers based in Europe, but also the exporters in Asia and their suppliers, breeders and the collectors. If the exporters want to sell their products on the European market, they must meet European animal health standards. Suppliers must deliver fish which meet these standards.

But that is not enough. The competent authority of the exporting country must also meet these standards. In



In 60 years time the export value of ornamental fish has grown to a total of some 277 million US\$ in 2006 and if one includes all related dry goods a retail value of well over 20 billion US\$.

Source FAO, 2008

Malaysia we saw what happens if this is not the case. The EU closed its borders for all seafood products and temporarily to all SVC-susceptible Cyprinid ornamental fish, of which the most important: Goldfish and Koi. What would happen with your farms if you are no longer allowed to ship koi, or goldfish to the European Union?

To keep breeders, collectors, middlemen and exporters in business with Europe, the support from the government is needed, especially now. Europe demands additional guarantees from governments of exporting countries.

The new EU import Directive 2006/88

The important changes are based on the Aquatic Health Directive, which applies as of 1 August 2008. The main aim of this Directive, which was adopted in 2006, is to adapt EU import legislation to OIE standards and the WTO agreements. It furthermore harmonized the import of crustaceans and mollusks for ornamental purposes.

It also has several some very convenient aspects which we have been fighting for several years. This legislation also has had input from colleagues in the aquaculture industry, scientists and EU governments, who don't always all agree with the aims of our industry, so we couldn't get all we wanted and as a result we were also faced with some new, unwanted challenges.

From 1 August the import requirements for all fish, crustaceans and mollusks are the same for all the 27 countries of the European Union. The requirements for coldwater and tropical ornamental fish were already harmonized in 2007, but with this Directive crustaceans and mollusks have now been harmonized as well, which has one good thing: we need one certificate for fish, crustaceans and mollusks together. In the rest of this article I may use the word fish many times where I in fact mean fish, crustacean and mollusks for ornamental purposes.

The scope

The Directive restricts the imports of fish, crustaceans and mollusks to members of the OIE, the world organization for animal health. The vast majority of the countries, currently 172, are a member of the OIE among which all major export countries for ornamental aquatic animals. However, a number of countries, like the Solomons, Marshall Islands, Cook Islands, Federated States of Micronesia, Virgin Islands, are no longer allowed to export these animals to the EU. It furthermore restricts the imports of fish, which are susceptible to one of the diseases listed in the directive, to those countries listed on a countries list. OFI has opposed this restriction from the beginning, together with colleagues of OATA in the UK. We have been lobbying to the non-OIE countries to join the OIE in order to stay in business. On the other hand it does sound logical from an EU point of view that if you demand animal health guarantees, you restrict your imports to those countries that take animal health risks seriously, therefore to those countries that are signed in as a member of the OIE.

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 fish-meal, 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
 - (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.

The Directive for the first time distinguishes between fish for ornamental purposes and for other purposes.

Ornamental purpose

The Directive for the first time distinguishes between fish for ornamental purposes and for other purposes. The European Commission recognized, after meetings with representatives of OFI, that the risk of introduction of pathogens with imports of ornamentals is much lower with the new definition of ornamental aquatic animals: animals imported for the express purpose of keeping in closed ornamental facilities. OFI argued that it makes a huge difference whether you import fish to directly release in open water or ponds with a direct connection to open water, or that you keep the fish in closed environments. This has found support in the European Commission. Of course many argue that these fish may end up in open water by unintentional escapes or intentional releases. This is true, there always is a risk. This risk is only many factors smaller, hence the special status. Closed ornamental facilities are defined as aquaria and ponds which do not have a direct connection with natural waters or which are equipped with a disinfecting system for the effluent water.

The huge benefit of the introduction of this definition is that many of the articles of the Directive do not apply to our industry, such as a registrations system for all companies dealing in ornamental live fish, no continuous veterinary control by the competent authorities. Imports of animals susceptible to non-exotic diseases are still allowed without a



Healthy goldfish (*Carassius auratus*) in Gan Shmuel, Israel. Susceptible to SVC, a vector species for KHV?

Photo: Alex Ploeg

quarantine period, etc. All factors that would have largely increased the costs for importers and retailers.

Reciprocity

The European Union demands from export countries that their animal health legislation is equivalent to that of the European Union or according to the OIE guidelines. This may have far reaching consequences for export countries and for ornamental fish farms in the export countries. In order to be a closed ornamental farm, they must also meet the same demands as EU based fish farms as described above.

OIE diseases

The directive implements OIE standards in European legislation. This means that most OIE listed diseases are now also officially listed in the European Union and made notifiable. This is new for Koi Herpes Virus (KHV) and Epizootic Ulcerative Syndrome (EUS). The Directive also introduces the demand that export countries to the EU must have made the OIE diseases notifiable in their legislation as well and that the vet signs for that in an export certificate!

Besides measures for species susceptible to the listed diseases, the Directive also introduces vector species into the EU legislation. Vector species are species which may carry a disease without becoming sick. They are not susceptible to the disease themselves, but they could infect species which are susceptible to the

disease. Currently there are indications signals that for instance goldfish and sturgeons, which are not susceptible to KHV themselves, could carry the virus and may infect koi if kept together. In general the legislation for vector species only applies to other fish than ornamental fish in closed facilities.

The Directive furthermore works out the principle of disease free status of countries and compartments. It recognizes exotic diseases, diseases not reported from the European Union area, and non-exotic diseases, which are diseases already present within the EU.

Imports of ornamental fish, crustaceans and mollusks may not change their health status. This means that it is not allowed to import animals susceptible to one of the listed diseases, from a country or compartments with a low status for the diseases (not disease free) to an country or compartment

Export country		Import country
Disease free country	----->	Export to all import countries allowed
Disease free compartment in not disease free country	----->	Export to all import countries allowed
Not disease free compartment in a not disease free country	----->	Export only allowed to other not disease-free countries

Consequences of the application of OIE term of disease-free countries and compartments.

with a high health status for the diseases (disease free). A compartment is an area or at its smallest a single farm within a country. Disease freedom is defined by OIE standards. Of the OIE listed diseases there are only four which at this moment affect our industry:

KHV

Until now not a single EU country is free of Koi Herpes Virus under OIE standards, nor has any country started a program towards disease freedom. As soon as this happens, the relevant disease is considered to be exotic to that country and the importers in this country can only import from other disease free countries or from disease free farms. Germany, or better Saxony, one of the federal states of Gemernay, has submitted an program towards disease freedom for KHV. The UK and Ireland indicated to plan the same. The introduction of such a program would have serious effects on the koi industry. It would immediately restrict the import of koi considerably as to my best knowledge no other country is KHV free under OIE standards. I know of only one farm which has received an KHV status by its national veterinary authority: OFI-member Hazorea in Israel.

WSD

The White Spot Disease listed in the OIE list and in the EU list of notifiable diseases is a shrimp disease and should not be confused with the White Spot Disease in fish. The disease is considered non-exotic for the European Union and no country is officially WSD free or has adopted a program toward disease freedom.

However, it now seems that several European Countries want to claim disease freedom on historic grounds. This means that the disease has not been reported from their territory in the last 25 years. The OIE does not list a single European Country as being infected, so basically the whole of the EU could claim disease freedom. All shrimps (and most if not all crabs, lobsters and crayfish) presently in our industry are susceptible to this disease, and a movement from the exotic to the non-exotic list would have major effect on the imports of shrimps into Europe. Imports would only be allowed from WSD free countries or compartments. As far as I know all major export countries are officially infected and for farms to get a WSD free status requires two years of testing by the competent authority. On 10 July a working group of EU countries decided to maintain the present status as non-exotic disease for the moment.

SVC

Spring Viraemia of Carp has been listed by the OIE for a long time already and specific legislation has also been implemented within the European Union. Although Europe has recently removed this disease from their list of notifiable diseases, still five countries have implemented measures related to this disease: UK, Ireland, Finland, Sweden and Denmark and they will not drop the restriction. For the rest of the European Union this disease is considered to be non-exotic, however, for these five countries the disease is treated as exotic, with all its consequences: imports of susceptible species is only allowed from SVC free countries or compartments. In fact nothing changed with the introduction of this new Directive, just the legal background. Instead of the official list, the five countries use another article of the Directive for additional local guarantees.

EUS

Epizootic Ulcerative Syndrome is an exotic disease for the European Union. This can have to do with several characteristics of the disease. The disease causing agent is an organism very closely related to fungi. In case of an outbreak we usually see the secondary, bacterial infections. In our industry we start fighting the bacterial infection. If this



Two examples of the many species of ornamental fish susceptible for EUS. *Puntius denisonii* and *Trichogaster trichopterus*. Can they still be imported from South East Asia after 2010?

Photos: Svein Fosså (top) and Aqualog (bottom)

European Union List

Catla spp.
Channa spp.
Labeo spp.
Mastacembelus spp.
Mugil spp.
Puntius spp.
Trichogaster spp.

Acanthopagrus australis
Anabas testudineus
Bagridae
Bidyanus bidyanus
Brevoortia tyrannus
Catla catla
Channa striatus
Cirrhinus mrigala
Clarias batrachus
Colisa lalia
Glossogobius giuris
Labeo rohita
Lates calcarifer
Mugil cephalus

OIE List

Mugilidae (*Mugil* spp.; *Liza* spp.)
Osphronemus goramy
Oxyeleotris marmorata
Platycephalus fuscus
Plecoglossus altivelis
Psettodes bennettii
Puntius sophore
Scatophagus argus
Scortum barcoo
Sillago ciliata
Siluridae
Toxotes chatareus
Trichogaster pectoralis
Trichogaster trichopterus

The EUS susceptible species lists of the EU and the OIE differ considerably.

works the fish recover and are sold. If it fails the fish die and are destructed, usually without further examination. This disease is furthermore especially known from areas with heavily polluted water which heat up during the hot season. Aquarium fish are usually produced in clean water, protected against heat. In such production facilities the disease might be present but never shows.

Last but not least, the disease is very difficult to detect. Only recently methods have been developed but the specialists of the reference labs in Europe admit that it is a difficult one to detect.

Nevertheless, as it is an exotic disease for the European Union, the Directive regulates that European importers may only import EUS susceptible fish from a country or compartment free of the disease. OFI was able to negotiate a delay for the implementation of this article until 31 December 2010. This way export countries receive the possibility to start a two year surveillance in the farms in order to declare the farms disease free. The main reason for my visit here is to convince the competent authority here to do this, to start testing on EUS. If they don't do this, the breeders may produce the best quality *Puntius*, *Trichogaster* or *Labeo*, but they will not be allowed to export these fish to the European Union.

Species list

One insecure aspect of the Directive is the present list of EUS susceptible species. This list contains five whole genera: *Puntius*, *Mastacembelus*, *Channa*, *Catla*, *Labeo* and *Trichopterus*. Together these genera contain 346 species, among which many well known ornamental fish such as tigerbarb and ruby barb. The OIE lists susceptible species on species level. According to this OIE list, only 24 species of the EU listed genera are susceptible and of these only three species are in our industry. After heavy pressure by OFI the European Commission has asked their research Institute EFSA to address this topic and to come up with an advise in the second half of 2008.

ANNEX IV
Part B
Model animal health certificate for the import into the European Community of ornamental aquatic animals intended for closed ornamental facilities

Veterinary certificate to EU

Part 1: Details of dispatched consignment	L1. Consignee Name Address Tel. No.		L2. Certificate reference number L2a	
	L3. Central Competent Authority		L4. Local Competent Authority	
	L5. Consignee Name Address Postal code Tel. No.		L6.	
	L7. Country of origin	ISO code	L8. Region of origin	Code
	L9. Country of destination	ISO code	L10. Region of destination	Code
	L11. Place of origin Name Address Approval number Name Address Approval number Name Address Approval number Address		L12.	
	L13. Place of loading Address Approval number		L14. Date of departure Time of departure	
	L15. Means of transport Aeroplane <input type="checkbox"/> Ship <input type="checkbox"/> Railway wagon <input type="checkbox"/> Road vehicle <input type="checkbox"/> Other <input type="checkbox"/>		L16. Entry BIP in EU	
	L17. No (s) of CITES		L18. Description of commodity	
	L19. Commodity code (HS code)		L20. Quantity	
	L21.		L22. Number of packages	
	L23. Identification of container/total number		L24.	
	L25. Commodities certified for: Pets <input type="checkbox"/> Quarantine <input type="checkbox"/> Circus/collection <input type="checkbox"/>			
	L26.		L27. For import or admission into EU <input type="checkbox"/>	
	L28. Identification of the commodity Species (Scientific name) Quantity			

First page of the new EU Health Certificate.

New health certificate

In May the European Commission adopted the new Regulation providing a new health certificate in accordance with the Directive, which should have become effective as per 1 August. This has been delayed until 1 November. I kindly ask you full attention for this new document as filling it in properly is of the utmost importance. The transition period in which both the old and the new certificates will be accepted, ends 31 December. You better don't wait until the last day to start using it. For OFI members: the certificate can be downloaded from the OFI website in all EU languages.