

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') (Text with EEA relevance)

## PART IV

### REGISTRATION, APPROVAL, TRACEABILITY AND MOVEMENTS

#### TITLE I

### TERRESTRIAL ANIMALS, GERMINAL PRODUCTS AND PRODUCTS OF ANIMAL ORIGIN FROM TERRESTRIAL ANIMALS

#### CHAPTER I

#### *Registration, approval, record-keeping and registers*

##### *Section 1*

#### *Registration of establishments and certain types of operators*

##### *Article 84*

#### **Obligation of operators to register establishments**

1 Operators of establishments keeping terrestrial animals or collecting, producing, processing or storing germinal products shall, in order for their establishments to be registered in accordance with Article 93, before they commence such activities:

- a inform the competent authority of any such establishment under their responsibility;
- b provide the competent authority with the following information:
  - (i) the name and address of the operator concerned;
  - (ii) the location of the establishment and a description of its facilities;
  - (iii) the categories, species and numbers or quantities of kept terrestrial animals or germinal products which they intend to keep on the establishment, and the capacity of the establishment;
  - (iv) the type of establishment; and
  - (v) any other aspects of the establishment which are relevant for the purpose of determining the risk posed by it.

2 Operators of establishments referred to in paragraph 1 shall inform the competent authority of:

- a any changes in the establishment in question concerning the matters referred to in point (b) of paragraph 1;

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b any cessation of activity by the operator or establishment concerned.

3 Establishments which are subject to approval in accordance with Article 94(1) shall not be required to provide the information referred to in paragraph 1 of this Article.

#### *Article 85*

### **Derogations from the obligation of operators to register establishments**

By way of derogation from Article 84(1), Member States may exempt from the registration requirement certain categories of establishments posing an insignificant risk, as provided for in an implementing act adopted in accordance with Article 86(2). Member States shall inform the Commission of such exemptions.

#### *Article 86*

### **Implementing powers concerning the obligation of operators to register establishments**

1 The Commission may, by means of implementing acts, lay down rules concerning the information to be provided by operators for the purpose of the registration of establishments as provided for in Article 84(1), including the time-limits by which such information is to be provided.

2 The Commission shall, by means of implementing acts, lay down rules concerning the types of establishments that may be exempted by the Member States from the registration requirement in accordance with Article 85, on the basis of:

- a the species, categories and numbers of kept terrestrial animals and germinal products on the establishment in question and the capacity of that establishment;
- b the type of establishment; and
- c the movements of kept terrestrial animals or germinal products into and out of the establishment.

3 The implementing acts referred to in this Article shall be adopted in accordance with the examination procedure referred to in Article 266(2).

#### *Article 87*

### **Registration obligations of transporters of kept ungulates and delegated acts**

1 Transporters of kept ungulates engaged in the transportation of those animals between Member States or between a Member State and a third country shall, in order to be registered in accordance with Article 93, before they commence such activities:

- a inform the competent authority of their activity;
- b provide that competent authority with information on:
  - (i) the name and address of the transporter concerned;
  - (ii) the categories, species and numbers of kept ungulates for which transportation is planned;
  - (iii) the type of transport;
  - (iv) the means of transport.

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- 2 Transporters as referred to in paragraph 1 shall inform the competent authority of:
- a any changes concerning the matters referred to in point (b) of paragraph 1;
  - b any cessation of the transport activity.

3 The Commission shall be empowered to adopt delegated acts in accordance with Article 264 supplementing the rules provided for in paragraph 1 of this Article, requiring other types of transporters whose transport activity poses specific and significant risks for certain species or categories of animals to provide adequate information for the purposes of registration of their activity.

#### *Article 88*

### **Derogations from the registration obligation of transporters of kept ungulates**

By way of derogation from Article 87(1), Member States may exempt from the registration requirement certain categories of transporters whose transport activity poses an insignificant risk, as provided for in an implementing act adopted in accordance with Article 89(2). Member States shall inform the Commission of such exemptions.

#### *Article 89*

### **Implementing powers concerning the registration obligation of transporters**

1 The Commission may, by means of implementing acts, lay down rules concerning the information to be provided by transporters for the purposes of registration of their activity, as provided for in Article 87(1) and (3), including the time-limits by which such information is to be provided.

2 The Commission shall, by means of implementing acts, lay down rules concerning the types of transporters that may be exempted by Member States from the registration requirement in accordance with Article 86, on the basis of:

- a the distances over which they transport the ungulates in question; and
- b the categories, species and number of ungulates which they transport.

3 The implementing acts referred to in this Article shall be adopted in accordance with the examination procedure referred to in Article 266(2).

#### *Article 90*

### **Registration obligation of operators conducting assembly operations independently of an establishment**

1 Operators conducting assembly operations for kept ungulates and poultry, independently of an establishment, including those who buy and sell animals, shall, in order to be registered in accordance with Article 93, before they commence their activities, provide the competent authority with information on:

- a the name and address of the operator concerned;
- b the species and categories of kept ungulates and poultry covered by their activity.

2 Operators as referred to in paragraph 1 shall inform the competent authority of:

- a any changes concerning the matters referred to in paragraph 1;

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- b any cessation of activity by the operator concerned.

#### Article 91

### **Derogations from the registration obligation of operators conducting assembly operations**

By way of derogation from Article 90(1), Member States may exempt from the registration requirement certain categories of operators conducting assembly operations posing an insignificant risk, as provided for in an implementing act adopted in accordance with Article 92(2). Member States shall inform the Commission of such exemptions.

#### Article 92

### **Implementing powers concerning the registration obligation of operators conducting assembly operations**

1 The Commission may, by means of implementing acts, lay down rules concerning the information to be provided by operators for the purpose of registration as provided for in Article 90(1), including the time-limits by which such information is to be provided.

2 The Commission shall, by means of implementing acts, lay down rules concerning the types of operators that may be exempted by Member States from the registration requirement in accordance with Article 91, provided that the activity of such operators poses an insignificant risk and on the basis of species, the categories and numbers of kept terrestrial animals covered by their activity.

3 The implementing acts referred to in this Article shall be adopted in accordance with the examination procedure referred to in Article 266(2).

#### Article 93

### **Obligation of the competent authority concerning registration**

A competent authority shall register:

- (a) establishments in the register provided for in Article 101(1), where the operator concerned has provided the information required in accordance with Article 84(1);
- (b) transporters in the register provided for in Article 101(1), where the transporter concerned has provided the information required in accordance with Article 87(1) and (3);
- (c) operators conducting assembly operations independently of an establishment, in the register provided for in Article 101(1), where the operator concerned has provided the information required in accordance with Article 90(1).

The competent authority shall assign each establishment, transporter and operator as referred to in points (a) to (c) of the first paragraph with a unique registration number.

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## Section 2

### **Approval of certain types of establishments**

#### Article 94

#### **Approval of certain establishments and delegated acts**

- 1 Operators of the following types of establishments shall apply to the competent authority for approval in accordance with Article 96(1) and shall not commence their activities until their establishment has been approved in accordance with Article 97(1):
  - a establishments for assembly operations of ungulates and poultry from which those animals are moved to another Member State or which receive animals from another Member State;
  - b germinal product establishments for bovine, porcine, ovine, caprine and equine animals from which germinal products of those animals are moved to another Member State;
  - c hatcheries from which hatching eggs or poultry are moved to another Member State;
  - d establishments keeping poultry from which poultry intended for purposes other than slaughter or hatching eggs are moved to another Member State;
  - e any other type of establishment for kept terrestrial animals which poses a significant risk and is required to be approved in accordance with rules laid down in a delegated act adopted in accordance with point (b) of paragraph 3.
- 2 Operators shall cease activity at an establishment as referred to in paragraph 1 where:
  - a the competent authority withdraws or suspends its approval in accordance with Article 100(2); or
  - b in the event of conditional approval, granted in accordance with Article 99(3), the establishment in question fails to comply with the outstanding requirements referred to in Article 99(3) and does not obtain a final approval in accordance with Article 97(1).
- 3 The Commission shall be empowered to adopt delegated acts in accordance with Article 264 concerning:
  - a derogations from the requirement for operators of the types of establishments referred to in points (a) to (d) of paragraph 1 to apply to the competent authority for approval, where those establishments pose an insignificant risk;
  - b the types of establishments which must be approved in accordance with point (e) of paragraph 1;
  - c special rules for the cessation of activities for germinal product establishments as referred to in point (b) of paragraph 1.
- 4 When adopting delegated acts as provided for in paragraph 3, the Commission shall base those acts on the following criteria:
  - a the species and categories of kept terrestrial animals or germinal products in an establishment;
  - b the number of species and number of kept terrestrial animals or germinal products kept in an establishment;
  - c the type of establishment and type of production; and
  - d the movements of kept terrestrial animals or germinal products into and out of those types of establishments.

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## Article 95

### Approval of status of confined establishments

Operators of establishments wishing to obtain the status of a confined establishment shall:

- (a) apply to the competent authority for approval in accordance with Article 96(1);
- (b) move kept animals to or from their establishment in accordance with the requirements provided for in Article 137(1) and any delegated acts adopted in accordance with Article 137(2) only after their establishment has obtained an approval of that status from the competent authority in accordance with Articles 97 and 99.

## Article 96

### Obligation of operators to provide information with a view to obtaining approval and implementing acts

1 Operators shall, for the purposes of their application for approval of their establishment as provided for in Article 94(1) and point (a) of Article 95, provide the competent authority with the following information:

- a the name and address of the operator concerned;
- b the location of the establishment concerned and a description of its facilities;
- c the categories, species and number of kept terrestrial animals or germinal products relevant for the approval which are kept on the establishment;
- d the type of establishment;
- e other aspects of the establishment, related to its specificity, which are relevant in determining the risk, if any, posed by it.

2 Operators of establishments as referred to in paragraph 1 shall inform the competent authority of:

- a any changes in the establishments concerning the matters referred to in points (a), (b) or (c) of paragraph 1;
- b any cessation of activity by the operator or establishment concerned.

3 The Commission may, by means of implementing acts, lay down rules concerning the information to be provided by operators in their application for approval of their establishment in accordance with paragraph 1, and the time-limits by which the information referred to in paragraph 1 and in point (b) of paragraph 2 is to be provided.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 266(2).

## Article 97

### Granting of, and conditions for, approval of establishments and delegated acts

1 Competent authorities shall only grant approval of establishments as provided for in Article 94(1) and point (a) of Article 95 where such establishments:

- a comply with the following requirements, where appropriate, in relation to:

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- (i) quarantine, isolation and other biosecurity measures taking into account the requirements provided for in point (b) of Article 10(1) and any rules adopted pursuant to Article 10(2);
  - (ii) surveillance requirements as provided for in Article 24 and, where relevant for the type of establishment concerned and the risk involved, in Article 25;
  - (iii) record-keeping as provided for in Articles 102 and 103 and any rules adopted pursuant to Articles 106 and 107;
- b have facilities and equipment that are:
- (i) adequate to reduce the risk of the introduction and spread of diseases to an acceptable level, taking into account the type of establishment concerned;
  - (ii) of a capacity adequate for the number of kept terrestrial animals or the volume of germinal products concerned;
- c do not pose an unacceptable risk as regards the spread of diseases, taking into account the risk-mitigation measures in place;
- d have adequately trained personnel for the activity of the establishment concerned;
- e have in place a system which enables the operator concerned to demonstrate to the competent authority compliance with points (a) to (d).
- 2 The Commission shall adopt delegated acts in accordance with Article 264 concerning:
- a quarantine, isolation and other biosecurity measures as referred to in point (a)(i) of paragraph 1;
  - b surveillance as referred to in point (a)(ii) of paragraph 1;
  - c facilities and equipment as referred to in point (b) of paragraph 1;
  - d responsibilities, competence and specialised training of personnel and veterinarians as provided for in point (d) of paragraph 1 for the activity of germinal products establishments and establishments for assembly operations of ungulates and poultry;
  - e the necessary supervision by the competent authority of germinal products establishments and establishments for assembly operations of ungulates and poultry.
- 3 When establishing the rules to be laid down in the delegated acts to be adopted pursuant to paragraph 2, the Commission shall base those rules on the following matters:
- a the risks posed by each type of establishment;
  - b the species and categories of kept terrestrial animals relevant for the approval;
  - c the type of production concerned;
  - d typical movement patterns of the type of establishment and species and categories of animals kept in those establishments.

### *Article 98*

#### **Scope of the approval of establishments**

The competent authority shall expressly specify in the approval of an establishment granted pursuant to Article 97(1), following an application made in accordance with Article 94(1) or point (a) of Article 95:

- (a) for which of the types of establishments referred to in Article 94(1) and Article 95, and in the rules adopted pursuant to point (b) of Article 94(3), the approval applies;

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- (b) for which species and categories of kept terrestrial animals or germinal products of those species the approval applies.

#### *Article 99*

##### **Procedures for the granting of approval by the competent authority**

1 The competent authority shall establish procedures for operators to follow when applying for approval of their establishments in accordance with Article 94(1), Article 95 or Article 96(1).

2 Upon receipt of an application for approval from an operator, the competent authority shall, in accordance with Article 94(1) or point (a) of Article 95, make an on-site visit.

3 Provided that the requirements referred to in Article 97 and paragraphs (1) and (2) of this Article are fulfilled, the competent authority shall grant the approval.

4 Where an establishment does not fulfil all requirements for approval as referred to in Article 97, the competent authority may grant conditional approval of an establishment if it appears, on the basis of the application by the operator concerned and the subsequent on-site visit as provided for in paragraph 2 of this Article, that the establishment meets all the main requirements that provide sufficient guarantees that the establishment does not pose a significant risk.

5 Where conditional approval has been granted by the competent authority in accordance with paragraph 4 of this Article, it shall grant full approval only where it appears from another on-site visit to the establishment, carried out within three months of the date of the grant of conditional approval, or from documentation provided by the operator within three months from that date, that the establishment meets all the requirements for approval provided for in Article 97(1) and the rules adopted pursuant to Article 97(2).

Where the on-site visit or the documentation referred to in the first subparagraph shows that clear progress has been made but that the establishment still does not meet all of those requirements, the competent authority may prolong the conditional approval. However, conditional approval shall not be granted for a period exceeding, in total, six months.

#### *Article 100*

##### **Review, suspension and withdrawal of approvals by the competent authority**

1 The competent authority shall keep approvals of establishments granted in accordance with Articles 97 and 99 under review, at appropriate intervals based on the risk involved.

2 Where a competent authority identifies serious deficiencies in an establishment as regards compliance with the requirements laid down in Article 97(1) and the rules adopted pursuant to Article 97(2), and the operator of that establishment is not able to provide adequate guarantees that those deficiencies will be eliminated, the competent authority shall initiate procedures to withdraw the approval of the establishment.

However, the competent authority may merely suspend, rather than withdraw, approval of an establishment where the operator can guarantee that it will eliminate those deficiencies within a reasonable period of time.



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3 Approval shall only be granted after withdrawal or restored after suspension in accordance with paragraph 2 when the competent authority is satisfied that the establishment fully complies with all the requirements of this Regulation appropriate for that type of establishment.

### *Section 3*

#### **Registers of the competent authority**

##### *Article 101*

#### **Registers to be kept by the competent authority**

- 1 Each competent authority shall establish and keep up to date registers of:
- a all establishments and operators registered with it pursuant to Article 93;
  - b all establishments approved by it in accordance with Articles 97 and 99.

It shall make the registers referred to in points (a) and (b) of the first subparagraph available to the Commission and to the competent authorities of other Member States in so far as the information contained therein is relevant for movements of kept terrestrial animals and germinal products thereof between Member States.

It shall make the register of approved establishments as referred to in point (b) of the first subparagraph available to the public in so far as the information contained therein is relevant for movements of kept terrestrial animals and germinal products thereof between Member States.

2 Where appropriate and relevant, a competent authority may combine the registration referred to in point (a) of the first subparagraph of paragraph 1 and the approvals referred to in point (b) of the first subparagraph of paragraph 1 with registration for other purposes.

3 The Commission shall be empowered to adopt delegated acts in accordance with Article 264 concerning the detailed information to be included in the registers provided for in points (a) and (b) of the first subparagraph of paragraph 1, and the availability to the public of the register provided for in point (b) of the first subparagraph of paragraph 1.

### *Section 4*

#### **Record-keeping**

##### *Article 102*

#### **Record-keeping obligations of operators of establishments other than germinal products establishments**

1 Operators of establishments subject to the requirement of registration in accordance with Article 93, or approval in accordance with Article 97(1), shall keep and maintain records containing at least the following information:

- a the species, categories, number and, where applicable, identification of kept terrestrial animals on their establishment;

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- b movements of kept terrestrial animals into and out of their establishment, stating as appropriate:
  - (i) their place of origin or destination;
  - (ii) the date of such movements;
- c the documents required to accompany kept terrestrial animals arriving at or leaving their establishment in accordance with point (b) of Article 112, point (b) of Article 113(1), point (c) of Article 114(1), point (b) of Article 115, point (b) of Article 117, Article 143(1) and (2), Article 164(2) and any rules adopted pursuant to Articles 118 and 120 and points (b) and (c) of Article 144(1);
- d mortality of kept terrestrial animals on their establishment;
- e biosecurity measures, surveillance, treatments, test results and other relevant information as appropriate for:
  - (i) the species and categories of kept terrestrial animals in the establishment;
  - (ii) the type of production;
  - (iii) the type and size of the establishment;
- f the results of any animal health visits required in accordance with Article 25(1).

The records shall be kept and maintained in paper or electronic form.

2 Establishments presenting a low risk of spreading listed or emerging diseases may be exempted by the Member State concerned from the requirement to keep records of all or some of the information listed in paragraph 1.

3 Operators of establishments shall keep the records provided for in paragraphs 1 and 2 on their establishment concerned and shall:

- a make them immediately available to the competent authority on request;
- b retain them for a minimum period to be prescribed by the competent authority, which may not be less than three years.

4 By way of derogation from paragraph 3, operators may be exempted from the obligation to keep records of some or all of the matters provided for in paragraph 1 when the operator concerned:

- a has access to the computerised database referred to in Article 109 for the relevant species and the database already contains the information to be included in the records; and
- b has the up-to-date information entered directly into the computerised database.

### *Article 103*

#### **Record-keeping obligations of germinal product establishments**

1 Operators of germinal product establishments shall keep and maintain records containing at least the following information:

- a the breed, age, identification and health status of donor animals used for the production of germinal products;
- b the time and place of collection, and the processing and storage, of germinal products collected, produced or processed;

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- c the identification of the germinal products together with details of their place of destination, if known;
  - d the documents required to accompany germinal products arriving at or leaving the establishment in question in accordance with Article 162 and Article 164(2) and any rules adopted pursuant to Article 162(3) and (4);
  - e where relevant, the results of clinical and laboratory tests;
  - f laboratory techniques used.
- 2 Establishments presenting a low risk of spreading listed or emerging diseases may be exempted by the Member State concerned from the requirement to keep records of all or some of the information listed in paragraph 1.
- 3 Operators of germinal product establishments shall keep the records provided for in paragraphs 1 and 2 on their establishment and:
- a make them immediately available to the competent authority on request;
  - b retain them for a minimum period to be prescribed by the competent authority, which may not be less than three years.

#### *Article 104*

### **Record-keeping obligations of transporters**

- 1 Transporters shall keep and maintain records containing at least the following information:
- a the establishments visited by them;
  - b the categories, species and number of kept terrestrial animals transported by them;
  - c the cleaning, disinfection and disinfestation of the means of transport used;
  - d details of the documents accompanying the animals in question, including their document numbers.

The records shall be kept and maintained in paper or electronic form.

- 2 Transporters presenting a low risk of spreading listed or emerging diseases may be exempted by the Member State concerned from the requirement to keep records of all or some of the information listed in paragraph 1.
- 3 Transporters shall keep the records provided for in paragraphs 1 and 2:
- a in such a manner that they can be made immediately available to the competent authority on request;
  - b for a minimum period to be prescribed by the competent authority, which may not be less than three years.

#### *Article 105*

### **Record-keeping obligations of operators conducting assembly operations**

- 1 Operators conducting assembly operations subject to the registration requirement laid down in Article 93 shall keep and maintain records containing at least the following information:
- a the species, categories, numbers and identification of kept terrestrial animals under their responsibility;
  - b movements of kept terrestrial animals under their responsibility, stating as appropriate:

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- (i) their place of origin and destination;
- (ii) the date of such movements;
- c the documents required to accompany kept terrestrial animals moved under their responsibility in accordance with point (b) of Article 112, point (b) of Article 113(1), point (c) of Article 114(1), point (b) of Article 115, point (b) of Article 117, Article 143(1) and (2), Article 164(2) and any rules adopted pursuant to Articles 118 and 120 and points (b) and (c) of Article 144(1);
- d mortality of kept terrestrial animals under their responsibility; and
- e biosecurity measures, surveillance, treatments, test results and other relevant information as appropriate for the species and categories of kept terrestrial animals under their responsibility.

The records shall be kept and maintained in paper or electronic form.

2 Operators whose activities present a low risk of spreading listed or emerging diseases may be exempted by the Member State concerned from the requirement to keep records of all or some of the information listed in paragraph 1.

3 Operators shall:

- a make the records referred to in paragraph 1 available to the competent authority on request;
- b retain those records for a minimum period to be prescribed by the competent authority, which may not be less than three years.

### *Article 106*

#### **Delegation of powers concerning record-keeping**

1 The Commission shall be empowered to adopt delegated acts in accordance with Article 264 concerning rules supplementing the record-keeping requirements provided for in Articles 102, 103, 104 and 105, as regards:

- a information to be recorded in addition to that provided for in Articles 102(1), 103(1), 104(1) and 105(1);
- b additional requirements for record-keeping in respect of germinal products collected, produced or processed in a germinal products establishment after that establishment ceased its activities.

2 When establishing the rules to be laid down in delegated acts as provided for in paragraph 1, the Commission shall base those rules on the following matters:

- a the risks posed by each type of establishment or activity;
- b the species and categories of kept terrestrial animals or germinal products in the establishment concerned, or transported to or from that establishment;
- c the type of production on the establishment or the type of activity;
- d the typical movement patterns and categories of the animals concerned;
- e the number of kept terrestrial animals or volume of germinal products under the responsibility of the operator concerned.

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## *Article 107*

### **Implementing powers concerning exemptions from the record-keeping requirements**

The Commission may, by means of implementing acts, lay down rules concerning the types of establishments and operators that may be exempted by Member States from the record-keeping requirements provided for in Articles 102, 103, 104 and 105, as regards:

- (a) establishments keeping, or operators handling or transporting, a small number of kept terrestrial animals or a small volume or number of germinal products;
- (b) species or categories of kept terrestrial animals or germinal products.

When adopting those implementing acts, the Commission shall base those acts on the criteria laid down in Article 106(2).

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 266(2).

## *CHAPTER 2*

### ***Traceability requirements for kept terrestrial animals and germinal products***

#### *Section 1*

#### ***Kept terrestrial animals***

#### *Article 108*

#### **Member States' responsibility for establishing a system for the identification and registration of kept terrestrial animals**

1 Member States shall have in place a system for the identification and registration of those species of kept terrestrial animals for which such a system is required by this Regulation and by any rules adopted pursuant to it. Such a system shall, when appropriate, provide for the recording of the movements of such animals.

2 When establishing the system referred to in paragraph 1, Member States shall take into account:

- a the species or categories of kept terrestrial animals concerned;
- b the risk posed by that species or category.

3 The system provided for in paragraph 1 shall include the following elements:

- a the means to identify kept terrestrial animals individually or in groups;
- b identification documents, movement documents and other documents for identifying and tracing kept terrestrial animals as referred to in Article 110;
- c up-to-date records in establishments as provided for in points (a) and (b) of Article 102(1);
- d a computer database of kept terrestrial animals as provided for in Article 109(1).

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- 4 The system provided for in paragraph 1 shall be designed in such a manner that it:
- a ensures the efficient application of the disease prevention and control measures provided for in this Regulation;
  - b facilitates the traceability of kept terrestrial animals and their movements within and between Member States and their entry into the Union;
  - c ensures the efficient interoperability, integration and compatibility of the elements of that system;
  - d ensures that the system, to the extent appropriate, is adapted to:
    - (i) the computerised information system for Union notification and reporting provided for in Article 22;
    - (ii) TRACES;
  - e ensures a coherent approach in respect of the different animal species covered by the system.
- 5 Member States may when appropriate:
- a use the whole or part of the system provided for in paragraph 1 for purposes other than those referred to in points (a) and (b) of paragraph 4;
  - b integrate the identification documents, movement documents and other documents referred to in Article 110 with the animal health certificates or self-declaration document provided for in Article 143(1) and (2) and Article 151(1) and in any rules adopted pursuant to points (b) and (c) of Article 144(1) and Article 151(3) and (4);
  - c designate another authority or authorise another body or a natural person to ensure the practical application of the identification and registration system provided for in paragraph 1 of this Article, including the issuing of identification documents and the drawing-up of models as provided for in points (a), (b) and (c) of Article 110(1).

#### *Article 109*

#### **Member States' obligation to establish and maintain a computer database of kept terrestrial animals**

- 1 The Member States shall establish and maintain a computer database for the recording of at least:
- a the following information related to kept animals of the bovine species:
    - (i) their individual identification as provided for in point (a) of Article 112;
    - (ii) the establishments keeping them;
    - (iii) their movements into and from those establishments;
  - b the following information related to kept animals of the ovine and caprine species:
    - (i) information on their identification as provided for in point (a) of Article 113(1) and the number of animals at the establishments keeping them;
    - (ii) the establishments keeping them;
    - (iii) their movements into and from those establishments;
  - c the following information related to kept animals of the porcine species:
    - (i) information on their identification as provided for in Article 115 and the number of animals at the establishments keeping them;

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- (ii) the establishments keeping them;
- (iii) their movements into and from those establishments;
- d the following information related to kept animals of the equine species:
  - (i) their unique code as provided for in Article 114;
  - (ii) the method of identification provided for in point (b) of Article 114(1) linking the animal concerned with the identification document referred to in point (iii) where relevant;
  - (iii) the relevant identification details from the identification document provided for in point (c) of Article 114(1), as determined in the rules adopted pursuant to Articles 118 and 120;
  - (iv) the establishments where those animals are habitually kept;
- e information related to kept terrestrial animals of species other than those referred to in points (a), (b), (c) and (d) of this paragraph, when this is provided for in the rules adopted pursuant to paragraph 2.

2 The Commission shall be empowered to adopt delegated acts in accordance with Article 264 concerning the recording of information related to animal species other than those referred to in points (a), (b), (c) and (d) of paragraph 1 of this Article in the computer database provided for in that paragraph where necessary, due to the specific and significant risks posed by those species, in order to:

- a ensure the efficient application of the disease prevention measures and control measures provided for in this Regulation;
- b facilitate the traceability of kept terrestrial animals, their movements between Member States and their entry into the Union.

#### *Article 110*

##### **Obligation of the competent authority in respect of identification documents, movement documents and other documents for the identification and tracing of kept terrestrial animals**

- 1 Each competent authority shall:
  - a issue identification documents in respect of kept terrestrial animals where those documents are required by point (c) of Article 114(1) and point (b) of Article 117 and by rules adopted pursuant to Articles 118 and 120;
  - b issue identification documents in respect of bovine animals as required by point (b) of Article 112, unless Member States exchange electronic data with other Member States within the framework of an electronic exchange system from the date when the Commission recognises the full operability of that system;
  - c draw up models of movement documents and other documents for the identification and tracing of kept terrestrial animals, when required by point (b) of Article 113(1), point (b) of Article 115, point (b) of Article 117 and any rules adopted pursuant to Articles 118 and 120.
- 2 Point (b) of paragraph (1) is without prejudice to the right of Member States to adopt national rules on the issuing of passports for animals not intended for movement between Member States.

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### Article 111

#### Public availability of information on means of identification

Each competent authority shall inform the Commission of, and make publicly available, information on:

- (a) contact points for the computer databases established by the Member States in accordance with Article 109(1);
- (b) the authorities or bodies responsible for issuing identification documents, movement documents and other documents in accordance with Article 110, taking into account point (c) of Article 108(5);
- (c) the means of identification that are to be used for each species and category of kept terrestrial animals in accordance with point (a) of Article 112, point (a) of Article 113(1), Article 114(1), point (a) of Article 115, point (a) of Article 117 and any rules adopted pursuant to Articles 118 and 120;
- (d) the prescribed format for the issuing of the identification documents and other documents referred to in Article 110.

### Article 112

#### Operators' obligations in respect of the identification of kept animals of the bovine species

Operators keeping animals of the bovine species shall:

- (a) ensure that those kept animals are identified individually by a physical means of identification;
- (b) ensure that those kept animals, when they are moved between Member States, are issued with an identification document from the competent authority or designated authority or authorised body of origin, unless the conditions laid down in point (b) of Article 110(1) are met;
- (c) ensure that that identification document:
  - (i) is kept, correctly completed and updated by the operator concerned; and
  - (ii) accompanies those kept terrestrial animals at the time of movement, when such document is required by point (b);
- (d) transmit the information on movements of those kept animals from and to the establishment concerned, and all births and deaths in that establishment, to the computer database provided for in Article 109(1).

### Article 113

#### Operators' obligations in respect of the identification of kept animals of the ovine and caprine species

- 1 Operators keeping kept animals of the ovine and caprine species shall:



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- a ensure that those kept animals are each identified by a physical means of identification;
  - b ensure that those kept animals are accompanied by a correctly completed movement document based on the model drawn up by the competent authority in accordance with Article 110 when they are moved from the establishment keeping those animals within the Member State concerned;
  - c transmit the information on movements of those kept animals from and to the establishment to the computer database provided for in Article 109(1).
- 2 Member States may exempt operators from the requirement to ensure that kept animals of the ovine and caprine species are accompanied by movement documents during movements within their territory, provided that:
- a the information contained in the relevant movement document is included in the computer database provided for in Article 109(1);
  - b the system for the identification and registration of kept animals of the ovine and caprine species provides level of traceability equivalent to that provided by movement documents.

#### *Article 114*

### **Operators' obligations in respect of the identification and registration of kept animals of the equine species**

- 1 Operators keeping kept animals of the equine species shall ensure that those animals are individually identified by:
- a a unique code which is recorded in the computer database provided for in Article 109(1);
  - b a physical means of identification or other method which unequivocally links the kept animal with the identification document provided for in point (c) of this paragraph and issued by the competent authority in accordance with Article 110;
  - c a correctly completed single lifetime identification document.
- 2 Operators of kept animals of the equine species shall ensure that the information on those animals is transmitted to the computer database provided for in Article 109(1).

#### *Article 115*

### **Operators' obligations in respect of the identification and registration of kept animals of the porcine species**

Operators keeping kept animals of the porcine species shall:

- (a) ensure that those kept animals are each identified by a physical means of identification;
- (b) ensure that those kept animals are accompanied by a correctly completed movement document based on the model drawn up by the competent authority in accordance with point (b) of Article 110(1) when they are moved from the establishment keeping those animals within the Member State concerned;
- (c) transmit the information relating to the establishment keeping those animals to the computer database provided for in Article 109(1).

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### Article 116

#### **Derogations concerning movements of kept animals of the porcine species**

By way of derogation from point (b) of Article 115, Member States may exempt operators from the requirement to ensure that kept animals of the porcine species are accompanied by correctly completed movement documents based on the model drawn up by the competent authority for movements within the Member State concerned, provided that:

- (a) the information contained in such movement documents is included in the computer database established by that Member State in accordance with Article 109(1);
- (b) the system for the identification and registration of kept terrestrial animals of the porcine species provides a level of traceability equivalent to that provided by such movement documents.

### Article 117

#### **Operators' obligation in respect of the identification of kept terrestrial animals other than animals of the bovine, ovine, caprine, porcine and equine species**

Operators shall ensure that kept terrestrial animals of species other than those of the bovine, ovine, caprine, porcine and equine species fulfil the following requirements, when required by the rules adopted pursuant to Articles 118 and 120:

- (a) they are identified, either individually or in groups;
- (b) they are accompanied by correctly completed and updated identification documents, movement documents or other documents for the identification and tracing of animals, as appropriate for the animal species concerned.

### Article 118

#### **Delegation of powers concerning identification and registration**

1 The Commission shall adopt delegated acts in accordance with Article 264 concerning:

- a detailed requirements for the means and methods of identification of kept terrestrial animals provided for in point (a) of Article 112, point (a) of Article 113(1), Article 114(1), point (a) of Article 115 and point (a) of Article 117, including their application and use;
- b rules on the information to be included in:
  - (i) the computer databases provided for in points (a) to (d) of Article 109(1);
  - (ii) the identification and movement documents provided for in point (b) of Article 112, point (b) of Article 113(1), point (c) of Article 114(1), and point (b) of Article 115;
- c rules on the exchange of electronic data between computer databases of Member States as referred to in point (b) of Article 110(1).

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2 The Commission shall be empowered to adopt delegated acts in accordance with Article 264 concerning:

- a detailed requirements for alternative means and methods of identification to those referred to in point (a) of paragraph 1 of this Article, as well as exemptions and special provisions for certain categories of animals or circumstances and conditions for such exemptions;
- b specific provisions for the identification or movement documents provided for in point (b) of Article 112, point (b) of Article 113(1), point (c) of Article 114(1), point (b) of Article 115 and point (b) of Article 117 that have to accompany animals when they are moved;
- c detailed requirements for the identification and registration of kept terrestrial animals of species other than the bovine, ovine, caprine, porcine and equine species where necessary, taking into account the risks posed by the species concerned, in order to:
  - (i) ensure the efficient application of the disease prevention and control measures provided for in this Regulation;
  - (ii) facilitate the traceability of kept terrestrial animals, and their movements within and between Member States and their entry into the Union;
- d rules on the information to be included in:
  - (i) the computer databases provided for in point (e) of Article 109(1);
  - (ii) the identification and movement documents provided for in point (b) of Article 117;
- e rules on the identification and registration of kept terrestrial animals as referred to in Articles 112 to 117 after their entry into the Union.

3 When establishing the rules to be laid down in the delegated acts provided for in this Article, the Commission shall base those rules on the considerations provided for in Article 119(2).

#### *Article 119*

##### **Delegation of powers concerning derogations from the traceability requirements**

1 The Commission shall be empowered to adopt delegated acts in accordance with Article 264 concerning derogations for operators from the identification and registration requirements provided for in Articles 112, 113, 114 and 115:

- a in cases where one or more of the elements listed in Article 108(3) are not necessary in order to meet the requirements provided for in points (a) and (b) of Article 108(4); and
- b when other traceability measures in place in the Member States guarantee that the level of traceability of the animals in question is not compromised,

as well as transitional measures required for the practical application of such derogations.

2 When establishing the rules to be laid down in the delegated acts provided for in paragraph 1, the Commission shall base those rules on the following considerations:

- a the species and categories of kept terrestrial animals concerned;
- b the risks involved for those kept terrestrial animals;
- c the number of animals in the establishments concerned;
- d the type of production in the establishments where those terrestrial animals are kept;

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- e movement patterns for the species and categories of kept terrestrial animals concerned;
- f considerations concerning the protection and conservation of the species of kept terrestrial animals concerned;
- g the performance of the other traceability elements of the system for the identification and registration of kept terrestrial animals referred to in Article 108(3).

### *Article 120*

#### **Implementing powers concerning the traceability of kept terrestrial animals**

- 1 The Commission shall, by means of implementing acts, adopt rules:
  - a for uniform access to data contained in, and the technical specifications and operational rules of, the computer databases referred to in points (a) to (d) of Article 109(1);
  - b on the technical conditions and modalities for the exchange of electronic data between computer databases of Member States and the recognition of full operability of the data exchange systems referred to in point (b) of Article 110(1).
- 2 The Commission may, by means of implementing acts, adopt rules:
  - a for the uniform application of the identification and registration system provided for in Article 108(1) for different species or categories of kept terrestrial animals, in order to ensure its efficient operation;
  - b for the uniform application of point (c) of Article 108(5) concerning the authorised bodies or natural persons referred to in Article 108(5) and the conditions for their designation;
  - c on the technical specifications and procedures, formats, design and operational rules for the means and methods of identification, including:
    - (i) the time periods for the application of the means and methods of identification;
    - (ii) the removal, modification or replacement of the means and methods of identification and the deadlines for such operations; and
    - (iii) the configuration of the identification code;
  - d on the technical specifications, formats and operational rules for the identification and movement documents provided for in point (b) of Article 112, point (b) of Article 113(1), point (c) of Article 114(1), point (b) of Article 115 and point (b) of Article 117;
  - e for uniform access to data contained in, and the technical specifications and operational rules of, the computer databases referred to in point (e) of Article 109(1);
  - f on the deadlines, obligations and procedures for the transmission of information by operators or other natural or legal persons and for the registration of kept terrestrial animals in the computer databases;
  - g on guidelines and procedures for electronic identification of animals, where relevant;
  - h on the practical application of exemptions from the identification and registration requirements provided for in the rules adopted pursuant to Article 119(1).
- 3 The implementing acts referred to in this Article shall be adopted in accordance with the examination procedure referred to in Article 266(2).

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## Section 2

### **Germinal products**

#### Article 121

#### **Traceability requirements for germinal products of kept animals of the bovine, ovine, caprine, porcine and equine species**

- 1 Operators producing, processing or storing germinal products shall mark germinal products of kept animals of the bovine, caprine, ovine, porcine and equine species in such a way that they can be clearly traced to:
  - a the donor animals;
  - b the date of collection; and
  - c the germinal product establishments where they were collected, produced, processed and stored.
- 2 The marking provided for in paragraph 1 shall be designed in such a way as to ensure:
  - a the efficient application of the disease prevention and control measures provided for in this Regulation;
  - b the traceability of the germinal products, their movements within and between Member States and their entry into the Union.

#### Article 122

#### **Delegation of powers concerning traceability requirements for germinal products**

- 1 The Commission shall adopt delegated acts in accordance with Article 264 concerning traceability requirements for germinal products of kept terrestrial animals of the bovine, caprine, ovine, porcine and equine species supplementing the rules laid down in Article 121;
- 2 The Commission shall be empowered to adopt delegated acts in accordance with Article 264 concerning traceability requirements for germinal products of kept terrestrial animals of species other than of the bovine, caprine, ovine, porcine and equine species, where necessary for:
  - a the efficient application of the disease prevention and control measures provided for in this Regulation;
  - b the traceability of those germinal products, their movements within and between Member States and their entry into the Union.
- 3 When adopting the delegated acts provided for in paragraph 1, the Commission shall base those acts on the following matters:
  - a the species of kept terrestrial animals from which the germinal products originate;
  - b the health status of donor animals;
  - c the risk involved with such germinal products;
  - d the type of germinal products;
  - e the type of collection, production, processing or storage of germinal products;
  - f the movement patterns for the relevant species and categories of kept terrestrial animals and their germinal products;

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- g considerations concerning the protection and conservation of species of kept terrestrial animals;
- h other elements that may contribute to the traceability of germinal products.

### *Article 123*

#### **Implementing powers concerning traceability requirements for germinal products**

The Commission shall, by means of implementing acts, lay down rules concerning:

- (a) technical requirements and specifications for marking as provided for in Article 121(1);
- (b) operational requirements for the traceability provided for in delegated acts adopted pursuant to Article 122(1).

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 266(2).

## *CHAPTER 3*

### *Movements within the Union of kept terrestrial animals*

#### *Section 1*

#### **General requirements for movements**

### *Article 124*

#### **General requirements for movements of kept terrestrial animals**

1 Operators shall take appropriate preventive measures to ensure that the movement of kept terrestrial animals does not jeopardise the health status at the place of destination with regard to:

- a the listed diseases referred to in point (d) of Article 9(1);
- b emerging diseases.

2 Operators shall only move kept terrestrial animals from their establishments and receive such animals if the animals in question fulfil the following conditions:

- a they come from establishments that have been:
  - (i) registered by the competent authority in accordance with Article 93; or
  - (ii) approved by the competent authority in accordance with Articles 97(1) and 98, when required by Article 94(1) or Article 95; or
  - (iii) granted a derogation from the registration requirement laid down in Article 84;
- b they fulfil the identification and registration requirements laid down in Articles 112, 113, 114, 115 and 117 and the rules adopted pursuant to Articles 118 and 120.

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## Article 125

### Disease prevention measures in relation to transport

- 1 Operators shall take the appropriate and necessary preventive measures to ensure that:
  - a the health status of kept terrestrial animals is not jeopardised during transport;
  - b transport operations of kept terrestrial animals do not cause the potential spread of listed diseases as referred to in point (d) of Article 9(1) to humans and animals;
  - c cleaning and disinfection of, and control of insects and rodents with respect to, equipment and means of transport and other adequate biosecurity measures are taken, as appropriate to the risks involved with the transport operations concerned.
- 2 The Commission shall be empowered to adopt delegated acts in accordance with Article 264 concerning:
  - a the conditions and requirements for cleaning and disinfection of, and control of insects and rodents with respect to, equipment and means of transport and the use of biocidal products for those purposes;
  - b other appropriate biosecurity measures as provided for in point (c) of paragraph 1 of this Article.

## Section 2

### Movements between Member States

## Article 126

### General requirements for movements of kept terrestrial animals between Member States

- 1 Operators shall only move kept terrestrial animals to another Member State if the animals in question fulfil the following conditions:
  - a they show no disease symptoms;
  - b they come from a registered or approved establishment:
    - (i) where there are no abnormal mortalities with an undetermined cause;
    - (ii) which is not subject to movement restrictions affecting the species to be moved in accordance with the rules laid down in Article 55(1), point (a) of Article 61(1), Article 62, point (c) of Article 65(1), Article 74(1) and Article 79 and the rules adopted pursuant to Article 55(2), Articles 63 and 67, Articles 71(3), 74(4), and 83(2) or the emergency measures provided for in Articles 257 and 258 and any rules adopted pursuant to Article 259, unless derogations from movement restrictions have been granted in accordance with those rules;
    - (iii) which is not situated in a restricted zone in accordance with rules laid down in point (f)(ii) of Article 55(1), Articles 64 and 65, Article 74(1), Article 79 and any rules adopted pursuant to Article 67, Article 71(3), Article 74(4) and Article 83(2) or the emergency measures provided for in Articles 257 and 258 and any rules adopted pursuant to Article 259, unless derogations have been granted in accordance with those rules;

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- c they have not been in contact with kept terrestrial animals which are subject to movement restrictions as referred to in point (b)(ii) and (iii) or kept terrestrial animals of a listed species of a lower health status, for an adequate period of time prior to the date of the intended movement to another Member State, thereby minimising the possibility of spreading disease, taking into account the following matters:
    - (i) the incubation period and routes of transmission of the listed diseases and emerging diseases in question;
    - (ii) the type of establishment concerned;
    - (iii) the species and category of kept terrestrial animals moved;
    - (iv) other epidemiological factors;
  - d they fulfil the relevant requirements provided for in Sections 3 to 8 (Articles 130 to 154).
- 2 Operators shall take all necessary measures to ensure that kept terrestrial animals moved to another Member State are consigned directly to their place of destination in that other Member State unless they need to stop at a place of resting for animal welfare reasons.

#### Article 127

#### Obligations of operators at the place of destination

- 1 Operators of establishments and slaughterhouses receiving kept terrestrial animals from another Member State shall:
- a check that:
    - (i) the means or methods of identification provided for in point (a) of Article 112, point (a) of Article 113(1), points (a) and (b) Article 114(1), point (a) of Article 115 and point (a) of Article 117 and the rules adopted pursuant to Articles 118 and 120 are in place;
    - (ii) the identification documents provided for in point (b) of Article 112, point (b) of Article 113(1), point (c) of Article 114(1), point (b) of Article 117 and the rules adopted pursuant to Articles 118 and 120 are in place and are correctly completed;
  - b check that the animal health certificates provided for in Article 143 and in any rules adopted pursuant to points (b) and (c) of Article 144(1) or the self-declaration documents provided for in Article 151 and the rules adopted pursuant to Article 151(3) and (4) are in place;
  - c inform the competent authority of the place of destination, after checking the kept terrestrial animals received, of any irregularity with regard to:
    - (i) the kept terrestrial animals received;
    - (ii) the means or methods of identification referred to in point (a)(i);
    - (iii) the documents referred to in points (a)(ii) and (b).
- 2 In the event of any irregularity as referred to in point (c) of paragraph 1, the operator shall isolate the animals concerned by that irregularity until the competent authority of the place of destination has taken a decision regarding them.



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### *Article 128*

#### **Prohibition on movements of kept terrestrial animals for disease eradication purposes outside the territory of a Member State**

Operators shall not move kept terrestrial animals intended to be slaughtered for disease eradication purposes as part of an eradication programme, as provided for in Article 31(1) or (2), to another Member State unless the Member State of destination and, where relevant, the Member State of passage authorise the movement in advance.

### *Article 129*

#### **General requirement applicable to operators in respect of movements of kept terrestrial animals passing through Member States but intended for export from the Union to third countries or territories**

Operators shall ensure that kept terrestrial animals intended for export to a third country or territory and passing through the territory of another Member State fulfil the requirements laid down in Articles 124, 125, 126 and 128.

### *Section 3*

#### ***Specific requirements in respect of movements to other Member States of ungulates and poultry***

### *Article 130*

#### **Movements of kept ungulates and poultry to other Member States**

Operators shall only move kept ungulates and poultry from an establishment in one Member State to another Member State if the animals in question fulfil the following conditions as regards the listed diseases referred to in point (d) of Article 9(1):

- (a) they show no clinical symptoms or signs of listed diseases as referred to in point (d) of Article 9(1) at the time of movement;
- (b) they have been subject to a residency period appropriate to those listed diseases, taking into account the species and category of kept ungulates and poultry to be moved;
- (c) for a period of time appropriate for those listed diseases and the species and category of ungulates or poultry to be moved, no kept ungulates or poultry have been introduced into the establishment of origin when a requirement to that effect is laid down in the rules adopted in accordance with Article 131 or Article 135;
- (d) they are presumed not to pose a significant risk of spreading of those listed diseases at the place of destination, based on:
  - (i) the health status concerning relevant diseases for species or categories of kept ungulates and poultry moved, taking into account the health status at the place of destination;

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- (ii) the results of laboratory or other examinations necessary in order to provide guarantees regarding the health status required for the movement in question;
- (iii) the application of vaccination or other disease prevention or risk-mitigation measures aimed at limiting the spread of the relevant disease to the places of destination or passage.

#### *Article 131*

### **Delegation of powers in respect of movements of kept ungulates and poultry to other Member States**

1 The Commission shall adopt delegated acts in accordance with Article 264 concerning:

- a residency periods as referred to in point (b) of Article 130;
- b the period of time necessary in order to limit the introduction of kept ungulates or poultry into establishments prior to movement as provided for in point (c) of Article 130;
- c supplementary requirements to ensure that kept ungulates and poultry do not pose a significant risk for the spread of listed diseases as referred to in point (d) of Article 9(1), as provided for in point (d) of Article 130);
- d other necessary risk-mitigation measures supplementing the requirements laid down in Article 130.

2 When establishing the rules to be laid down in the delegated acts provided for in paragraph 1, the Commission shall base those rules on the following considerations:

- a the listed diseases referred to in point (d) of Article 9(1) relevant for the listed species or the category of kept ungulates or poultry to be moved;
- b the health status as regards listed diseases referred to in point (d) of Article 9(1) in the establishments, compartments, zones and Member States of origin and destination;
- c the type of establishment concerned and the type of production at the places of origin and destination;
- d the type of movement concerned;
- e the species and categories of kept ungulates or poultry to be moved;
- f the age of the kept ungulates or poultry to be moved;
- g other epidemiological factors.

#### *Article 132*

### **Kept ungulates and poultry moved to another Member State and intended for slaughter**

1 Operators of slaughterhouses receiving kept ungulates and poultry from another Member State shall slaughter those animals as soon as possible following their arrival and at the latest within a timeframe to be laid down in delegated acts adopted pursuant to paragraph 2.

2 The Commission shall adopt delegated acts in accordance with Article 264 concerning the time of slaughter provided for in paragraph 1 of this Article.

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#### Section 4

### **Assembly operations in respect of kept ungulates and poultry**

#### Article 133

##### **Derogation in respect of assembly operations**

1 By way of derogation from Article 126(2), operators may subject kept ungulates and poultry to a maximum of three assembly operations during a movement from a Member State of origin to another Member State.

2 The assembly operations provided for in paragraph 1 of this Article shall only take place in an establishment approved for that purpose in accordance with Article 97(1) and Article 99(3) and (4).

However, the Member State of origin may allow an assembly operation on its territory to take place on a means of transport, collecting kept ungulates or poultry directly from their establishments of origin, provided that those animals are not unloaded again during that operation and before arriving:

- a at the establishment or final place of destination; or
- b for the subsequent assembly operation in an establishment approved for that purpose in accordance with Article 97(1) and Article 99(4) and (5).

#### Article 134

##### **Disease prevention requirements in respect of assembly operations**

Operators conducting assembly operations shall ensure that:

- (a) the kept ungulates and poultry assembled have the same health status; where they do not, the lower health status applies to all such animals assembled;
- (b) the kept ungulates and poultry are assembled and moved to their final place of destination in another Member State as soon as possible after leaving their establishment of origin, and at the latest within a timeframe to be laid down in delegated acts adopted pursuant to point (c) of Article 135;
- (c) the necessary biosecurity measures are taken to ensure that the kept ungulates and poultry assembled:
  - (i) do not come into contact with kept ungulates or poultry having a lower health status;
  - (ii) do not pose a significant risk for the spread of the listed diseases referred to in point (d) of Article 9(1) to the kept ungulates or poultry at the place where the assembly operation takes place;
- (d) the kept ungulates and poultry are identified where so required by this Regulation and are accompanied by the following documents:
  - (i) the identification and movement documents as provided for in point (b) of Article 112, point (b) of Article 113(1), point (c) of Article 114(1), point (b) of Article 115 and point (b) of Article 117 and any rules adopted pursuant

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- to Articles 118 and 120, unless derogations are provided for in accordance with Articles 113(2) and 119;
- (ii) the animal health certificates as provided for in Article 143 and point (c) of Article 144(1), unless derogations are provided for in the rules adopted pursuant to point (a) of Article 144(1);
  - (iii) the self-declaration document as provided for in Article 151.

#### *Article 135*

##### **Delegation of powers concerning assembly operations**

The Commission shall adopt delegated acts in accordance with Article 264 concerning:

- (a) specific rules for assembly operations, where other risk-mitigation measures, in addition to those provided for in points (b) and (c) of Article 134, are in place;
- (b) criteria under which Member States of origin may allow assembly operations to take place on means of transport, as provided for in the second subparagraph of Article 133(2);
- (c) the timeframe between the time of departure of the kept ungulates or poultry from their establishment of origin and their departure from the assembly operation to their final destination in another Member State, as referred to in point (b) of Article 134;
- (d) detailed rules as regards the biosecurity measures provided for in point (c) of Article 134.

#### *Section 5*

##### ***Movements to other Member States of kept terrestrial animals other than kept ungulates and poultry***

#### *Article 136*

##### **Movements of kept terrestrial animals other than kept ungulates and poultry to other Member States and delegated acts**

1 Operators shall only move kept terrestrial animals other than kept ungulates or poultry from an establishment in one Member State to another Member State if the animals in question do not pose a significant risk for the spread of listed diseases as referred to in point (d) of Article 9(1) at the place of destination.

2 The Commission shall be empowered to adopt delegated acts in accordance with Article 264 concerning detailed rules to ensure that kept terrestrial animals other than kept ungulates or poultry do not pose a significant risk for the spread of listed diseases as referred to in point (d) of Article 9(1), as provided for in paragraph 1 of this Article.

3 When establishing the detailed rules to be laid down in the delegated acts provided for in paragraph 2, the Commission shall base those rules on the following considerations:

- a the listed diseases referred to in point (d) of Article 9(1) relevant for the listed species or the category of kept terrestrial animals to be moved;

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- b the health status as regards the listed diseases referred to in point (d) of Article 9(1) in the establishments, compartments, zones and Member States of origin and the place of destination;
- c the types of establishment and the types of production at the place of origin and the place of destination;
- d the types of movement in respect of the final use of animals at the place of destination;
- e the species and categories of kept terrestrial animals to be moved;
- f the age of the kept terrestrial animals to be moved;
- g other epidemiological factors.

### Section 6

#### ***Derogating from, and supplementing, risk-mitigation measures for movements of kept terrestrial animals***

#### *Article 137*

##### **Kept terrestrial animals intended for confined establishments and delegated acts**

- 1 Operators shall only move kept terrestrial animals to a confined establishment if the animals in question fulfil the following conditions:
  - a they originate from another confined establishment;
  - b they do not pose a significant risk for the spread of listed diseases as referred to in point (d) of Article 9(1) to listed species or to categories of animals at the confined establishment of destination, except where the movement in question is authorised for scientific purposes.
- 2 The Commission shall adopt delegated acts in accordance with Article 264 concerning:
  - a detailed rules for movements of kept terrestrial animals into confined establishments in addition to those provided for in paragraph 1 of this Article;
  - b specific rules for movements of kept terrestrial animals into confined establishments where the risk-mitigation measures in place guarantee that such movements do not pose a significant risk for the health of kept terrestrial animals within that confined establishment and the surrounding establishments.

#### *Article 138*

##### **Movements of kept terrestrial animals for scientific purposes and delegated acts**

- 1 The competent authority of the place of destination may, subject to the agreement of the competent authority of the place of origin, authorise movements of kept terrestrial animals into the territory of the Member State of destination, for scientific purposes, where those movements do not comply with the requirements of Sections 1 to 5 (Articles 124 to 136), with the exception of Articles 124 and 125, point (b)(ii) of Article 126(1) and Article 127.
- 2 The competent authority of the place of destination shall only grant derogations as provided for in paragraph 1 under the following conditions:
  - a the competent authorities of the places of destination and origin:

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- (i) have agreed on the conditions for such movements;
  - (ii) ensure that the necessary risk-mitigation measures are in place so that those movements do not jeopardise the health status in places en route and in the place of destination with regard to the listed diseases referred to in point (d) of Article 9(1); and
  - (iii) have notified, where relevant, the competent authorities of the Member States of passage of the derogation granted and of the conditions under which it is granted; and
- b those movements of those animals take place under the supervision of the competent authorities of the places of origin and destination, and where relevant, the competent authorities of the Member States of passage.
- 3 The Commission shall be empowered to adopt delegated acts in accordance with Article 264 concerning rules for the granting of derogations by competent authorities, supplementing those provided for in paragraphs 1 and 2 of this Article.

#### *Article 139*

#### **Derogations concerning recreational use, sporting and cultural events, work near borders and grazing**

1 The competent authority of the place of destination may grant derogations from the requirements of Sections 2 to 5 (Articles 126 to 136), with the exception of points (a),(b) and (c) of Article 126(1) and Articles 127 and 128, for intra-Union movements of kept terrestrial animals between Member States where such movements are for:

- a recreational use near borders;
- b exhibitions, and sporting, cultural and similar events, organised near borders;
- c grazing of kept terrestrial animals in grazing areas shared between Member States; or
- d work done by kept terrestrial animals near borders of Member States.

2 Derogations by the competent authority of the place of destination for movements of kept terrestrial animals for the purposes provided for in paragraph 1 shall be agreed on between the Member States of origin and destination and appropriate risk-mitigation measures shall be taken to ensure that such movements do not pose a significant risk.

3 The Member States referred to in paragraph 2 shall inform the Commission of the granting of derogations as provided for in paragraph 1.

4 The Commission shall be empowered to adopt delegated acts in accordance with Article 264 concerning rules for the granting of derogations by the competent authority of the place of destination, supplementing those provided for in paragraph 1 of this Article.

#### *Article 140*

#### **Delegation of power concerning circuses, exhibitions, sporting events and recreational use, zoos, pet shops, animal shelters and wholesalers**

The Commission shall be empowered to adopt delegated acts in accordance with Article 264 concerning:

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- (a) specific requirements supplementing the rules laid down in Sections 2 to 5 (Articles 126 to 136) for movements of kept terrestrial animals for the following purposes:
  - (i) circuses, zoos, pet shops, animal shelters and wholesalers;
  - (ii) exhibitions and sporting, cultural and similar events;
- (b) derogations from Sections 2 to 5 (Articles 126 to 136), with the exception of points (a), (b) and (c) of Article 126(1) and Articles 127 and 128, for movements of kept terrestrial animals as referred to in point (a) of this Article.

#### *Article 141*

#### **Implementing power to adopt temporary rules for movements of specific species or categories of kept terrestrial animals**

1 The Commission may, by means of implementing acts, lay down temporary rules, by way of addition or alternative to those laid down in this Chapter, for movements of specific species or categories of kept terrestrial animals where:

- a the movement requirements provided for in Article 130, Article 132(1), Articles 133 and 134, Articles 136(1), 137(1) and 138(1) and (2) and Article 139 and the rules adopted pursuant to Articles 131(1) and 132(2), Article 135, Articles 136(2), 137(2), 138(3) and 139(4) and Article 140 are not effectively mitigating the risks posed by the movement of such animals; or
- b a listed disease as referred to in point (d) of Article 9(1) appears to be spreading despite the movement requirements laid down in accordance with Sections 1 to 6 (Articles 124 to 142).

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 266(2).

2 On duly justified imperative grounds of urgency relating to diseases representing a risk of a highly significant impact and taking into account the matters referred to in Article 142, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure provided for in Article 266(3).

#### *Article 142*

#### **Matters to be taken into account in the adoption of delegated and implementing acts as provided for in this Section**

When establishing the rules to be laid down in the delegated and implementing acts provided for in Articles 137(2), 138(3) and 139(4) and Articles 140 and 141, the Commission shall base those rules on the following matters:

- (a) the risks involved with the movements referred to in those provisions;
- (b) the health status as regards the listed diseases referred to in point (d) of Article 9(1) at the places of origin, passage and destination;
- (c) listed animal species for the listed diseases referred to in point (d) of Article 9(1);
- (d) biosecurity measures in place at the places of origin, passage and destination

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- (e) any specific conditions in establishments under which the kept terrestrial animals are kept;
- (f) specific movement patterns of the type of establishment and the species and category of kept terrestrial animals concerned;
- (g) other epidemiological factors.

### Section 7

#### **Animal health certification**

#### Article 143

#### **Obligation of operators to ensure that animals are accompanied by an animal health certificate**

1 Operators shall only move the following species and categories of kept terrestrial animals to another Member State if the animals in question are accompanied by an animal health certificate issued by the competent authority of the Member State of origin in accordance with Article 149(1):

- a ungulates;
- b poultry;
- c kept terrestrial animals other than ungulates and poultry, intended for a confined establishment;
- d kept terrestrial animals other than those referred to in points (a), (b) and (c) of this paragraph, when required in accordance with delegated acts adopted pursuant to point (c) of Article 144(1).

2 In cases where kept terrestrial animals are allowed to leave a restricted zone as provided for in point (f)(ii) of Article 55(1), Article 56 and Article 64(1) and are subject to disease control measures as provided for in Articles 55(1), 65(1), 74(1), Article 79 or Article 80 or rules adopted pursuant to Article 55(2), Article 67, Articles 71(3) and 74(4), Article 83(3) or Article 259, and the animals in question are of species subject to those disease control measures, operators shall only move such kept terrestrial animals within a Member State or from one Member State to another Member State when the animals to be moved are accompanied by an animal health certificate issued by the competent authority of the Member State of origin in accordance with Article 149(1).

The competent authority may decide that such a certificate does not have to be issued for movements of kept terrestrial animals within the Member State in question when that authority considers that an alternative system is in place ensuring that the consignment of such animals is traceable and that those animals fulfil the animal health requirements for such movement.

3 Operators shall take all necessary measures to ensure that the animal health certificate referred to in paragraph 1 of this Article accompanies the kept terrestrial animals from their place of origin to their final place of destination, unless specific measures are provided for in rules adopted pursuant to Article 147.



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## Article 144

### **Delegation of powers concerning the obligation of operators to ensure that animals are accompanied by an animal health certificate**

1 The Commission shall be empowered to adopt delegated acts in accordance with Article 264 concerning:

- a derogations from the animal health certification requirements provided for in Article 143(1), for movements of kept terrestrial animals which do not pose a significant risk for the spread of a disease on account of:
  - (i) the species or categories of the kept terrestrial animals that are being moved and the listed diseases referred to in point (d) of Article 9(1) for which they are listed species;
  - (ii) the methods of keeping and the type of production of those species and categories of kept terrestrial animals;
  - (iii) the intended use of the kept terrestrial animals; or
  - (iv) the place of destination of the kept terrestrial animals; including those cases where their place of destination is in the same Member State as their place of origin but they pass through another Member State in order to reach their place of destination;
- b special rules for animal health certification as provided for in Article 143(1) where specific risk-mitigation measures concerning surveillance or biosecurity are taken, taking into account the matters provided for in paragraph 2 of this Article, which ensure:
  - (i) the traceability of the kept terrestrial animals being moved;
  - (ii) that the kept terrestrial animals being moved fulfil the animal health requirements for movements provided for in Sections 1 to 6 (Articles 124 to 142);
- c the requirement for animal health certification for movements of species and categories of kept terrestrial animals other than those referred to in points (a), (b) and (c) of Article 143(1) in cases where animal health certification is imperative in order to ensure that the movement in question complies with the animal health requirements for movements provided for in Sections 1 to 6 (Articles 124 to 142).

2 When establishing the special rules provided for in point (b) of paragraph 1, the Commission shall take the following matters into account:

- a the assessment by the competent authority of the biosecurity put in place by operators as provided for in point (b) of Article 10(1) and any rules adopted pursuant Article 10(6);
- b the ability of the competent authority, in so far as may be necessary and appropriate, to take measures and to engage in activities required by this Regulation as provided for in Article 13(1);
- c the level of knowledge of animal health as provided for in Article 11 and the encouragement thereof provided for in Article 13(2);
- d the carrying-out of the animal health visits provided for in Article 25 or other relevant surveillance or official controls in place;

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- e the performance by the competent authority of its obligations under the Union notification and reporting system provided for in Articles 19 to 22 and in the rules adopted pursuant to Article 20(3) and Article 23;
  - f the application of surveillance as provided for in Article 26 and surveillance programmes as provided for in Article 28 and in any rules adopted pursuant to Articles 29 and 30.
- 3 The Commission shall take the matters referred to in point (a)(i) to (iv) of paragraph 1 into account when establishing the requirements for animal health certification provided for in point (c) of paragraph (1).

#### *Article 145*

### **Contents of animal health certificates**

- 1 The animal health certificate referred to in Article 143 shall contain the following information:
- a the establishment or place of origin, the establishment or place of destination and, where relevant, establishments for assembly operations or for rests, of the kept terrestrial animals concerned;
  - b the means of transport and the transporter;
  - c a description of the kept terrestrial animals;
  - d the number of kept terrestrial animals;
  - e the identification and registration of kept terrestrial animals, where required by Articles 112, 113, 114, 115 and 117 and by any rules adopted pursuant to Articles 118 and 120, unless derogations are provided for in accordance with Article 119; and
  - f the information needed to demonstrate that the kept terrestrial animals fulfil the relevant animal health requirements in respect of movements provided for in Sections 1 to 6 (Articles 124 to 142).
- 2 The animal health certificate may include other information required under other Union legislation.

#### *Article 146*

### **Delegation of powers and implementing acts concerning the content of animal health certificates**

- 1 The Commission shall adopt delegated acts in accordance with Article 264 concerning:
- a detailed rules on the content of animal health certificates as provided for in Article 145(1) for different species and categories of kept terrestrial animals and for specific types of movements as provided for in the rules adopted pursuant to Article 147;
  - b additional information to be contained in the animal health certificate provided for in Article 145(1).
- 2 The Commission may, by means of implementing acts, lay down rules for model forms of animal health certificates. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 266(2).

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#### Article 147

### Delegation of powers concerning specific types of movements of kept terrestrial animals

The Commission shall be empowered to adopt delegated acts in accordance with Article 264 concerning specific measures derogating from, or supplementing, the obligation of operators to ensure that animals are accompanied by an animal health certificate as provided for in Article 143 and in the rules adopted pursuant to Article 144, for the following types of movements of kept terrestrial animals:

- (a) movements of kept ungulates and poultry passing through the assembly operations provided for in Article 133 prior to reaching their final place of destination;
- (b) movements of kept terrestrial animals which are required to return to their place of origin or to be moved to a different destination, for one or more of the following reasons:
  - (i) their intended journey was unexpectedly interrupted for animal welfare reasons;
  - (ii) unforeseen accidents or events during the journey;
  - (iii) they were rejected at the place of destination in a Member State or at the external border of the Union;
  - (iv) they were rejected at a place of assembly or resting;
  - (v) they were rejected in a third country or territory;
- (c) movements of kept terrestrial animals intended for exhibitions, and sporting, cultural and similar events, and their subsequent return to their place of origin.

#### Article 148

### Operators' obligations to cooperate with the competent authority for the purposes of animal health certification

Operators shall:

- (a) provide the competent authority with all the information necessary to complete the animal health certificate provided for in Article 143(1) and (2) and in any rules adopted pursuant to Article 146(1) or Article 147, in advance of the intended movement;
- (b) where necessary, ensure that the kept terrestrial animals in question are subjected to documentary, identity and physical checks as provided for in Article 149(3).

#### Article 149

### Responsibility of the competent authority for animal health certification

1 The competent authority shall, upon request by an operator, issue an animal health certificate for the movement of kept terrestrial animals, where required by Article 143 or by delegated acts adopted pursuant to Article 144(1), provided that the following movement requirements have been complied with:

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- a those provided for in Article 124, Article 125(1), Articles 126, 128, 129, 130, 133 and 134, Articles 136(1) and 137(1), Article 138 and Article 139;
  - [<sup>X1</sup>b those provided for in delegated acts adopted pursuant to Articles 125(2) and 131(1), Article 135, Articles 136(2), 137(2), 138(3) and 139(4) and Article 140;]
  - c those provided for in implementing acts adopted pursuant to Article 141.
- 2 Animal health certificates shall:
- a be verified, stamped and signed by an official veterinarian;
  - b remain valid for the period of time provided for in the rules adopted pursuant to point (c) of paragraph 4, during which the kept terrestrial animals covered by it continue to fulfil the animal health guarantees contained in it.
- 3 Before signing an animal health certificate, the official veterinarian concerned shall verify, by means of documentary, identity and physical checks as provided for by delegated acts adopted pursuant to paragraph 4, that the kept terrestrial animals covered by it fulfil the requirements of this Chapter.
- 4 The Commission shall adopt delegated acts in accordance with Article 264 laying down rules concerning:
- a the types of documentary, identity and physical checks and examinations in relation to different species and categories of kept terrestrial animals that must be carried out by the official veterinarian in accordance with paragraph 3 in order to verify compliance with the requirements of this Chapter;
  - b the timeframes for the carrying-out of such documentary, identity and physical checks and examinations and the issuing of animal health certificates by the official veterinarian prior to the movement of consignments of kept terrestrial animals;
  - c the duration of the validity of animal health certificates.

#### Editorial Information

- X1** Substituted by [Corrigendum to 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 \('Animal Health Law'\)](#) (Official Journal of the European Union L 84 of 31 March 2016).

### Article 150

#### Electronic animal health certificates

Electronic animal health certificates, produced, handled and transmitted by means of Traces, may replace accompanying animal health certificates as provided for in Article 149(1) where:

- (a) such electronic animal health certificates contain all the information that the model form of animal health certificate is required to contain in accordance with Article 145 and any rules adopted pursuant to Article 146;
- (b) the traceability of the kept terrestrial animals in question and the link between those animals and the electronic animal health certificate is ensured;
- (c) the competent authorities of the Member States of origin, passage and destination are able to have access to the electronic documents at all times during the transport.

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## Article 151

### Self-declaration by operators for movements to other Member States

1 Operators at the place of origin shall issue a self-declaration document for movements of kept terrestrial animals from their place of origin in one Member State to their place of destination in another Member State, and shall ensure that it accompanies such animals, where they are not required to be accompanied by an animal health certificate as provided for in Article 143(1) and (2).

2 The self-declaration document provided for in paragraph 1 shall contain the following information concerning the kept terrestrial animals in question:

- a their place of origin, their place of destination and, when relevant, any places of assembly or rest;
- b the means of transport and the transporter;
- c a description of the kept terrestrial animals, their species, category and quantity;
- d identification and registration where required in accordance with Articles 112, 113, 114 and 115, point (a) of Article 117 and any rules adopted pursuant to Articles 118 and 120;
- e the information needed to demonstrate that the kept terrestrial animals fulfil the animal health requirements for movements provided for in Sections 1 to 6 (Articles 124 to 142).

3 The Commission shall be empowered to adopt delegated acts in accordance with Article 264 concerning:

- a detailed rules on the content of the self-declaration document provided for in paragraph 2 of this Article for different species and categories of animals;
- b information to be contained in the self-declaration document in addition to that provided for in paragraph 2 of this Article.

4 The Commission may, by means of implementing acts, lay down rules for the model forms of the self-declaration document provided for in paragraph 2 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 266(2).

## Section 8

### Notification of movements of kept terrestrial animals to other Member States

## Article 152

### Obligation of operators concerning the notification of movements of kept terrestrial animals to other Member States

Operators other than transporters shall notify the competent authority in their Member State of origin in advance of intended movements of kept terrestrial animals from that Member State to another Member State where:

- (a) the animals must be accompanied by an animal health certificate issued by the competent authority of the Member State of origin in accordance with Articles 149 and 150 and any rules adopted pursuant to Article 149(4);

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- (b) the animals must be accompanied by an animal health certificate for kept terrestrial animals where they are being moved from a restricted zone and are subject to disease control measures as referred to in Article 143(2);
- (c) the animals are granted a derogation from the animal health certification requirement provided for in point (a) of Article 144(1) or are subject to special rules as provided for in point (b) of Article 144(1);
- (d) notification is required in accordance with delegated acts adopted pursuant to Article 154(1).

For the purposes of the first paragraph of this Article, operators shall provide the competent authority of their Member State of origin with all the necessary information to enable it to notify the movements of the kept terrestrial animals to the competent authority of the Member State of destination in accordance with Article 153(1).

#### *Article 153*

##### **Responsibility of the competent authority to notify movements to other Member States**

- 1 The competent authority of the Member State of origin shall notify the competent authority of the Member State of destination of movements of kept terrestrial animals as referred to in Article 152.
- 2 The notification referred to in paragraph 1 shall be carried out prior to the movement in question and, whenever possible, through Traces.
- 3 Member States shall designate regions for the management of notifications of movements as provided for in paragraph 1.
- 4 By way of derogation from paragraph 1, the competent authority of the Member State of origin may authorise the operator concerned to notify, partially or completely, movements of kept terrestrial animals through Traces to the competent authority of the Member State of destination.

#### *Article 154*

##### **Delegation of power and implementing acts for the notification of movements by operators and by the competent authority**

- 1 The Commission shall adopt delegated acts in accordance with Article 264 concerning:
  - a the requirement for advance notification by operators, in accordance with Article 152, of movements between Member States of kept terrestrial animals of species or categories other than those referred to in points (a) and (b) of that Article, where traceability of such movements of those species or categories is necessary in order to ensure compliance with the animal health requirements for movements laid down in Sections 1 to 6 (Articles 124 to 142);
  - b the information needed in order to notify movements of kept terrestrial animals as provided for in Articles 152 and 153;
  - c the emergency procedures for the notification of movements of kept terrestrial animals in the event of power cuts and other disturbances of Traces;

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- d the requirements for the designation of regions by Member States for the management of notifications of movements, as provided for in Article 153(3).
- 2 The Commission may, by means of implementing acts, lay down rules concerning:
- a the details concerning notifications of movements of kept terrestrial animals by:
    - (i) operators to the competent authority of their Member State of origin in accordance with Article 152;
    - (ii) the competent authority of the Member State of origin to the Member State of destination in accordance with Article 153;
  - b the deadlines for:
    - (i) the provision by the operator of the necessary information referred to in Article 152 to the competent authority of the Member State of origin;
    - (ii) the notification of movements of kept terrestrial animals by the competent authority of the Member State of origin as referred to in Article 153(1).

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 266(2).

## CHAPTER 4

### *Movements of wild terrestrial animals*

#### *Article 155*

#### **Wild terrestrial animals**

- 1 Operators shall only move wild animals from a habitat in one Member State to a habitat or an establishment in another Member State where:
- a the movements of the wild animals in question from their habitat are carried out in such a way that they do not pose a significant risk for the spread of listed diseases as referred to in point (d) of Article 9(1) or emerging diseases en route or at the place of destination;
  - b the wild animals do not come from a habitat in a restricted zone which is subject to movement restrictions concerning the animal species to which they belong due to the occurrence of a listed disease as referred to in point (d) of Article 9(1) or of an emerging disease, as provided for in Article 70(2) and in any rules adopted pursuant to point (b) of Article 70(3), Article 71(3) and Article 83(3) or the emergency measures provided for in Articles 257 and 258 and any rules adopted pursuant to Article 259, unless derogations have been granted in accordance with those rules;
  - c the wild animals are accompanied by an animal health certificate or other documents where animal health certification is necessary in order to ensure compliance with the animal health requirements for movements provided for in points (a) and (b) of this paragraph and the rules adopted pursuant to points (c) and (d) of Article 156(1);
  - d the movements are notified by the competent authority of the Member State of origin to the competent authority of the Member State of destination, where animal health certification is required by the rules adopted pursuant to point (c) of Article 156(1); and
  - e the competent authority of the Member State of origin and the competent authority of the Member State of destination have agreed to such movement.

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2 When animal health certification is required by the rules adopted pursuant to point (c) of Article 156(1), the requirements provided for in Articles 145 and 148, Article 149(1), (2) and (3) and Article 150, and in the rules adopted pursuant to Articles 146 and 147 and Article 149(4) shall apply to movements of wild terrestrial animals.

3 When notification of movements is required in accordance with point (d) of paragraph 1 of this Article, the requirements provided for in Articles 152 and 153 and in the delegated acts adopted pursuant to Article 154(1) shall apply to movements of wild terrestrial animals.

### *Article 156*

#### **Empowerments concerning the movement of wild terrestrial animals**

1 The Commission shall be empowered to adopt delegated acts in accordance with Article 264 concerning:

- a the animal health requirements for movements of wild terrestrial animals provided for in points (a) and (b) of Article 155(1);
- b the animal health requirements for the introduction of wild terrestrial animals when they are moved from the wild into establishments;
- c the types of movements of wild terrestrial animals for which, or the situations in which, an animal health certificate or other document is required to accompany such movements, and the requirements concerning the contents of such certificates or other documents;
- d the notification by the competent authority of the Member State of origin to the competent authority of the Member State of destination in the case of movements of wild terrestrial animals between Member States, and the information to be included in such notification.

2 The Commission may, by means of implementing acts, lay down rules specifying the requirements provided for in Article 155 and in the delegated acts adopted pursuant to paragraph 1 of this Article, concerning:

- a model forms of animal health certificates and other documents which are required to accompany movements of wild terrestrial animals, when provided for in delegated acts adopted pursuant to point (c) of paragraph 1 of this Article;
- b the details of the notification to be given by the competent authority of the Member State of origin and the deadlines for such notifications, when provided for in rules adopted pursuant to point (d) of paragraph 1 of this Article.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 266(2).



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## CHAPTER 5

### ***Movements within the Union of germinal products***

#### *Section 1*

#### **General requirements**

##### *Article 157*

#### **General requirements for movements of germinal products**

- 1 Operators shall take appropriate preventive measures to ensure that movements of germinal products do not jeopardise the health status of kept terrestrial animals at the place of destination with regard to:
  - a the listed diseases referred to in point (d) of Article 9(1);
  - b emerging diseases.
- 2 Operators shall only move germinal products from their establishments, and receive such germinal products, if the products in question fulfil the following conditions:
  - a they come from establishments that have been:
    - (i) entered in the register of establishments by the competent authority in accordance with point (a) of the first paragraph of Article 93 and no derogation has been granted by the Member State of origin in accordance with Article 85;
    - (ii) approved by the competent authority in accordance with Article 97(1), when such approval is required by Article 94(1) or Article 95;
  - b they fulfil the traceability requirements of Article 121(1) and any rules adopted pursuant to Article 122(1).
- 3 Operators shall comply with the requirements of Article 125 for the transport of germinal products of kept terrestrial animals.
- 4 Operators shall not move germinal products from an establishment in one Member State to an establishment in another Member State unless the competent authority of the Member State of destination gives its express authorisation for such movement, where those germinal products are required to be destroyed for disease eradication purposes as part of an eradication programme as provided for in Article 31(1) or (2).

##### *Article 158*

#### **Obligations for operators at the place of destination**

- 1 Operators of establishments at the place of destination receiving germinal products from an establishment in another Member State shall:
  - a check for the presence of:
    - (i) marks in accordance with Article 121 and with rules adopted pursuant to Article 122;
    - (ii) animal health certificates as provided for in Article 161;

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- b after checking the germinal products received, inform the competent authority of the place of destination of any irregularity with regard to;
  - (i) the germinal products received;
  - (ii) the marks referred to in point (a)(i);
  - (iii) the animal health certificates referred to in point (a)(ii).

2 In the event of an irregularity as referred to in point (b) of paragraph 1, the operator concerned shall keep the germinal products stored separately until the competent authority has taken a decision regarding them.

## *Section 2*

### ***Movements to other Member States of germinal products of kept animals of the bovine, ovine, caprine, porcine and equine species and germinal products of poultry***

#### *Article 159*

#### **Operators' obligations in respect of movements to other Member States of germinal products of kept animals of the bovine, ovine, caprine, porcine and equine species and germinal products of poultry**

1 Operators shall only move germinal products of kept animals of the bovine, ovine, caprine, porcine and equine species and germinal products of poultry to another Member State if those germinal products fulfil the following conditions:

- a they are collected, produced, processed and stored in germinal product establishments approved for that purpose in accordance with Article 97(1) and Article 99;
- b they have been collected from donor animals which fulfil the necessary animal health requirements, in order to ensure that the germinal products do not spread listed diseases;
- c they have been collected, produced, processed, stored and transported in such a way as to ensure that they do not spread listed diseases as referred to in point (d) of Article 9(1).

2 Operators shall not move germinal products of kept animals of the bovine, ovine, caprine, porcine and equine species and germinal products of poultry from a germinal product establishment which is subject to movement restrictions affecting the listed species in question in accordance with:

- a points (a), (c) and (e) of Article 55(1), point (f)(ii) of Article 55(1), Article 56, point (a) of Article 61(1), Article 62(1), point (c) of Article 65(1), Article 74(1), and Articles 79 and 80;
- b rules adopted pursuant to Article 55(2), Articles 63 and 67, and Articles 71(3), 74(4) and 83(2); and
- c emergency measures as provided for in Articles 257 and 258 and rules adopted pursuant to Article 259, unless derogations have been provided for in rules adopted pursuant to Article 258.

The restrictions provided for in this paragraph shall not apply to cases where the germinal products were collected before the outbreak in question occurred and those products have been stored separately from other germinal products.

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### *Article 160*

#### **Delegation of power in respect of movements to other Member States of germinal products of kept animals of the bovine, porcine, ovine, caprine and equine species and germinal products of poultry**

1 The Commission shall adopt delegated acts in accordance with Article 264 concerning the animal health requirements for movements of germinal products of kept animals of the bovine, ovine, caprine, porcine and equine species and germinal products of poultry to other Member States as provided for in Article 159, specifying:

- a rules for the collection, production, processing and storage of germinal products of those kept animals in approved establishments as referred to in point (a) of Article 159(1);
- b animal health requirements as provided for in point (b) of Article 159(1) for kept donor animals from which germinal products were collected, and concerning isolation or quarantine for those animals;
- c laboratory and other tests to be carried out on kept donor animals and germinal products;
- d animal health requirements for the collection, production, processing, storage or other procedures and transport provided for in point (c) of Article 159(1).

2 The Commission shall be empowered to adopt delegated acts in accordance with Article 264 concerning the animal health requirements for movements of germinal products of kept animals of the bovine, ovine, caprine, porcine and equine species and germinal products of poultry to other Member States as provided for in Article 159, specifying derogations for operators from the rules provided for in Article 159, taking into account the risks attached to such germinal products and any risk-mitigation measures in place.

### *Section 3*

#### ***Animal health certification and notification of movements***

### *Article 161*

#### **Operators' obligations concerning animal health certification for movements of germinal products of kept animals of the bovine, ovine, caprine, porcine and equine species and germinal products of poultry and delegated acts**

1 Operators shall only move germinal products of kept animals of the bovine, ovine, caprine, porcine and equine species and germinal products of poultry to another Member State where such products are accompanied by an animal health certificate issued by the competent authority of the Member State of origin in accordance with paragraph 3;

2 In cases where germinal products of kept animals are allowed to leave a restricted zone subject to:

- a disease control measures as provided for in point (f)(ii) of Article 55(1), Articles 56, 64 and 65, Article 74(1) and Article 79, and the rules adopted pursuant to Article 55(2), Article 67, Articles 71(3) and 74(4), Article 83(2), or
- b emergency measures as provided for in Articles 257 and 258 and the rules adopted pursuant to Article 259,

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and those germinal products are of species subject to those disease control or emergency measures, operators shall only move such germinal products within a Member State or from one Member State to another Member State when they are accompanied by an animal health certificate issued by the competent authority of the Member State of origin in accordance with Article 149(1), unless derogations have been granted from the animal health certification requirement in accordance with the rules referred in this subparagraph.

The competent authority may decide that such a certificate does not have to be issued for movements of germinal products within the Member State concerned when that authority considers that an alternative system is in place ensuring that the consignment of such germinal products is traceable and that those germinal products comply with the animal health requirements for such movement.

3 Operators shall take all necessary measures to ensure that the animal health certificate referred to in paragraph 1 accompanies the germinal products from their place of origin to their place of destination.

4 The competent authority shall, upon request by an operator, issue an animal health certificate for the movements of germinal products referred to in paragraph 1, provided that the relevant requirements referred to in Chapter 5 of Title I of Part IV have been complied with.

5 Articles 148, 149 and 150, and the rules adopted pursuant to Articles 146 and 147 and Article 149(4), shall apply to the animal health certification of the germinal products referred to in paragraph 1 of this Article. Article 151(1) and the rules adopted pursuant to Article 151(3) shall apply to the self-declaration of movements of germinal products.

6 The Commission shall be empowered to adopt delegated acts in accordance with Article 264 concerning derogations from the animal health certificate requirements provided for in paragraph 1 of this Article as regards movements of germinal products of kept animals of the bovine, ovine, caprine, porcine and equine species and germinal products of poultry which do not pose a significant risk for the spread of listed diseases due to:

- a the nature of the germinal products concerned or the species of animal that those products come from;
- b the methods of production and processing at the germinal product establishment;
- c the intended use of the germinal products;
- d alternative risk-mitigation measures in place for the type and category of germinal products and the germinal product establishment;
- e the place of destination of the germinal products, when the place of destination is in the same Member State as the place of origin but the germinal products pass through another Member State in order to reach the place of destination.

#### *Article 162*

### **Content of animal health certificates**

1 The animal health certificate for the germinal products provided for in Article 161 shall contain at least the following information:

- a the germinal product establishment of origin and the establishment or place of destination;
- b the type of the germinal products and the species of kept donor animals;
- c the volume or number of the germinal products;

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- d the marking of the germinal products, when required by Articles 121(1) and by any rules adopted pursuant to Article 122(1);
- e the information needed to demonstrate that the germinal products of the consignment fulfil the movement requirements for the relevant species as provided for in Articles 157 and 159 and in any rules adopted pursuant to Article 160.

2 The animal health certificate for germinal products as provided for in Article 161 may include other information required under other Union legislation.

3 The Commission shall adopt delegated acts in accordance with Article 264 concerning the information to be contained in the animal health certificate pursuant to paragraph 1 of this Article;

4 The Commission shall be empowered to adopt delegated acts in accordance with Article 264 concerning animal health certification for different types of germinal products and of different animal species.

5 The Commission may, by means of implementing acts, lay down rules concerning model forms of animal health certificates for germinal products. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 266(2).

#### *Article 163*

#### **Notification of movements of germinal products of kept animals of the bovine, ovine, caprine, porcine and equine species and germinal products of poultry to other Member States**

- 1 Operators shall:
- a inform the competent authority in their Member State of origin in advance of the intended movement of germinal products of kept animals of the bovine, ovine, caprine, porcine and equine species and germinal products of poultry to another Member State when:
    - (i) the germinal products in question are required to be accompanied by an animal health certificate in accordance with Article 161(1) or (2);
    - (ii) notification of movement is required in accordance with delegated acts adopted pursuant to point (a) of paragraph 5 of this Article for germinal products, taking into account paragraph 3 of this Article;
  - b provide all the necessary information to enable the competent authority of the Member State of origin to notify the movement of the germinal products to the competent authority of the Member State of destination in accordance with paragraph 2.

2 The competent authority of the Member State of origin shall notify, prior to the movement in question and whenever possible through Traces, the competent authority of the Member State of destination of any movement of germinal products of kept animals of the bovine, ovine, caprine, porcine and equine species and germinal products of poultry in accordance with the rules adopted pursuant to paragraphs 5 and 6.

3 Member States shall use, for the management of notifications, regions designated in accordance with Article 153(3).

4 Article 153(4) shall apply to the notification of germinal products by operators.

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5 The Commission shall adopt delegated acts in accordance with Article 264 concerning:

- a the requirement for advance notification by operators of movements of germinal products between Member States in accordance with point (a)(ii) of paragraph 1 of this Article, where traceability of such movements is necessary in order to ensure compliance with the animal health requirements for movements laid down in Sections 1 and 2 (Articles 157 to 160);
- b information necessary to notify movements of germinal products as provided for in paragraph 1 of this Article;
- c the emergency procedures for the notification of movements of germinal products in the event of power cuts and other disturbances of Traces.

6 The Commission may, by means of implementing acts, lay down rules concerning:

- a the provision of information on movements of germinal products by operators to the competent authority of their Member State of origin in accordance with paragraph 1;
- b notification by the competent authority of the Member State of origin to the Member State of destination of movements of germinal products in accordance with paragraph 2;
- c the deadlines for:
  - (i) the provision of the information referred to in paragraph 1 by the operator to the competent authority of the Member State of origin;
  - (ii) notification by the competent authority of the Member State of origin of movements of germinal products as referred to in paragraph 2.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 266(2).

#### *Section 4*

### ***Movements to other Member States of germinal products of kept terrestrial animals of species other than bovine, ovine, caprine, porcine and equine species and germinal products of poultry***

#### *Article 164*

### **Germinal products of kept terrestrial animals other than those of the bovine, ovine, caprine, porcine and equine species and germinal products of poultry**

1 Operators shall only move germinal products of kept terrestrial animals of species other than those of the bovine, ovine, caprine, porcine and equine species and germinal products of poultry to another Member State if those products do not pose a significant risk for the spread of listed diseases as referred to in point (d) of Article 9(1) to listed species at the place of destination, taking into account the health status at the place of destination.

2 The Commission shall be empowered to adopt delegated acts in accordance with Article 264 concerning animal health requirements, animal health certification and notification requirements for movements of germinal products of kept terrestrial animals of species other than those of the bovine, ovine, caprine, porcine and equine species and germinal products of poultry, taking into account the following matters:

- a listed diseases as referred to in point (d) of Article 9(1) for the listed species concerned;

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- b the species of animals from which the germinal products have been collected and the type of germinal product;
- c the health status at the places of origin and of destination;
- d the type of collection, production, processing and storage;
- e other epidemiological factors.

3 Where animal health certification and notification of movements of germinal products are required in accordance with paragraph 2:

- a the rules provided for in Articles 161(1) to (5), 162 (1) and (2) and the rules adopted pursuant to Articles 161(6) and 162(3) to (5) shall apply for such certification;
- b the rules provided for in Article 163(1), (2) and (4) and the rules adopted pursuant to Article 163(5) shall apply for notification of movements.

### *Section 5*

### ***Derogations***

### *Article 165*

#### **Germinal products intended for scientific purposes and delegated acts**

1 The competent authority of the place of destination may, subject to the agreement of the competent authority of the place of origin, authorise movements of germinal products into the territory of the Member State of destination, for scientific purposes, where those movements do not fulfil the requirements of Articles 159 to 164.

2 The competent authority shall only grant derogations provided for in paragraph 1 under the following conditions:

- a the competent authorities of the places of destination and origin:
  - (i) have agreed on the conditions for the movements proposed;
  - (ii) ensure that necessary risk-mitigation measures are in place so that those movements do not jeopardise the health status en route and in the place of destination with regard to the listed diseases referred to in point (d) of Article 9(1);
  - (iii) have notified, where relevant, the competent authorities of Member States of passage of the derogation granted and of the conditions under which it is granted;
- b those movements take place under the supervision of the competent authorities of the places of origin and destination, and where relevant, of the competent authorities of any Member States of passage.

3 The Commission shall be empowered to adopt delegated acts in accordance with Article 264 concerning the rules for the granting of derogations by competent authorities, supplementing those provided for in paragraphs 1 and 2 of this Article.

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## CHAPTER 6

### ***Production, processing and distribution within the Union of products of animal origin***

#### *Article 166*

##### **General animal health obligations for operators and delegated acts**

- 1 Operators shall take appropriate preventive measures to ensure that, during all stages of the production, processing and distribution of products of animal origin in the Union, such products do not cause the spread of:
  - a listed diseases as referred to in point (d) of Article 9(1), taking into account the health status of the place of production, processing or destination;
  - b emerging diseases.
- 2 Operators shall ensure that products of animal origin do not come from establishments or food businesses, or are not obtained from animals which come from establishments, that are subject to:
  - a emergency measures as provided for in Articles 257 and 258 or any rules adopted pursuant to Article 259, unless derogations from the requirement provided for in paragraph 1 of this Article are provided for in rules adopted pursuant to Article 259;
  - b movement restrictions applicable to kept terrestrial animals and products of animal origin, as provided for in point (c) of Article 32(1), point (e) of Article 55(1), Article 56, point (a) of Article 61(1), Article 62(1), point (c) of Article 65(1), point (b) of Article 70(1), point (a) of Article 74(1), point (b) of Article 76(2), Article 76(3), Article 79, Article 81 and Article 82(2) and (3) and in the rules adopted pursuant to Article 55(2), Articles 63 and 67, Article 70(3), Article 71(3), Article 74(4), Article 76(5) and Article 83(2), unless derogations from those movement restrictions have been provided for in those rules.
- 3 The Commission shall adopt delegated acts in accordance with Article 264 concerning detailed requirements supplementing those referred to:
  - a in paragraph 1 of this Article on preventive measures, including risk-mitigation measures, and
  - b in paragraph 2 of this Article in relation to restrictions on movements of products of animal origin.
- 4 When adopting the delegated acts referred to in paragraph 3, the Commission shall base those acts on:
  - a the listed disease in question, as referred to in point (d) of Article 9(1), and species concerned by it and
  - b the risks involved.

#### *Article 167*

##### **Operators' obligations with regard to animal health certificates and delegated acts**

- 1 Operators shall only move the following products of animal origin within a Member State or to another Member State where the products in question are accompanied by an animal health certificate issued by the competent authority of the Member State of origin in accordance with paragraph 3:



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- a products of animal origin that:
  - (i) are allowed to be moved from a restricted zone subject to emergency measures as provided for in rules adopted pursuant to Article 259;
  - (ii) originate from animals of species subject to those emergency measures;
- b products of animal origin that:
  - (i) are allowed to be moved from a restricted zone subject to disease control measures in accordance with Article 32(1), point (f)(ii) of Article 55(1), Article 56, point (a) of Article 61(1), Article 62(1), Article 64, point (c) of Article 65(1), point (b) of Article 70(1), point (a) of Article 74(1) and Articles 79 and 80 and any rules adopted pursuant to Article 55(2), Articles 63 and 67 and Articles 71(3), 74(4) and 83(2),
  - (ii) originate from animals of species subject to those disease control measures.

The competent authority may decide that such a certificate does not have to be issued for movements of products of animal origin within the Member State concerned when that authority considers that an alternative system is in place ensuring that consignments of such products are traceable and that those products fulfil the animal health requirements for such movements.

2 Operators shall take all necessary measures to ensure that the animal health certificate referred to in paragraph 1 accompanies the products of animal origin from their place of origin to their place of destination.

3 The competent authority shall, upon request by the operator concerned, issue an animal health certificate for movements of products of animal origin as referred to in paragraph 1, provided that the relevant requirements referred to in this Article have been complied with.

4 Articles 148, 149 and 150 and the rules adopted pursuant to Articles 146 and 147 and Article 149(4) shall apply to the animal health certification of movements of products of animal origin as referred to in paragraph 1 of this Article.

5 The Commission shall be empowered to adopt delegated acts in accordance with Article 264 concerning derogations from the animal health certificate requirements provided for in paragraph 1 of this Article and the conditions for such derogations, in respect of movements of products of animal origin which do not pose a significant risk for the spread of diseases due to:

- a the types of products of animal origin concerned;
- b the risk-mitigation measures applied to the products of animal origin, thereby reducing the risks of the spread of diseases;
- c the intended use of the products of animal origin;
- d the place of destination of the products of animal origin.

#### *Article 168*

##### **Content of animal health certificates and delegated and implementing acts**

1 The animal health certificate for products of animal origin provided for in Article 167(1) shall contain at least the following information:

- a the establishment or place of origin and the establishment or place of destination;
- b a description of the products of animal origin concerned;
- c the quantity of the products of animal origin;

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- d the identification of the products of animal origin, when required by point (h) of Article 65(1) or by any rules adopted pursuant to point (a) of the second paragraph of Article 67;
  - e the information needed to demonstrate that the products of animal origin fulfil the movement restriction requirements provided for in Article 166(2) and in any rules adopted pursuant to Article 166(3).
- 2 The animal health certificate referred to in paragraph 1 may include other information required under other Union legislation.
- 3 The Commission shall be empowered to adopt delegated acts in accordance with Article 264 concerning the information to be contained in the animal health certificate provided for in paragraph 1 of this Article.
- 4 The Commission may, by means of implementing acts, lay down rules concerning model forms of animal health certificates for products of animal origin referred to in paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 266(2).

#### *Article 169*

#### **Notification of movements of products of animal origin to other Member States**

- 1 Operators shall:
- a inform the competent authority in their Member State of origin in advance of intended movements of products of animal origin when the consignments in question are required to be accompanied by an animal health certificate in accordance with Article 167(1);
  - b provide all necessary information to enable the competent authority of the Member State of origin to notify the movement in question to the competent authority of the Member State of destination in accordance with paragraph 2.
- 2 The competent authority of the Member State of origin shall, prior to the movement and whenever possible through Traces, notify the competent authority of the Member State of destination of movements of products of animal origin in accordance with the rules adopted pursuant to paragraphs 5 and 6.
- 3 Member States shall use, for the management of notifications, regions designated in accordance with Article 153(3).
- 4 Article 153(4) shall apply to the notification of movements of products of animal origin by operators.
- 5 The Commission shall adopt delegated acts in accordance with Article 264 concerning:
- a the information needed for the notification of movements of products of animal origin as provided for in paragraph 1 of this Article;
  - b the emergency procedures for the notification of movements of products of animal origin in the event of power cuts and other disturbances of Traces.
- 6 The Commission may, by means of implementing acts, lay down rules concerning:
- a the information to be provided by operators to the competent authority of their Member State of origin concerning movements of products of animal origin in accordance with paragraph 1;

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- b notification of movements of products of animal origin to be given by the competent authority of the Member State of origin to the Member State of destination in accordance with paragraph 2;
- c the deadlines for:
  - (i) provision of the information referred to in paragraph 1 by the operator concerned to the competent authority of the Member State of origin;
  - (ii) notification of movements of products of animal origin to be given by the competent authority of the Member State of origin as referred to in paragraph 2.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 266(2).

## CHAPTER 7

### *Scope of national measures*

#### *Article 170*

#### **National measures concerning disease control and movements of animals and germinal products**

- 1 Member States shall remain free to take national measures to control listed diseases as referred to in points (d) and (e) of Article 9(1) with regard to movements of terrestrial animals and germinal products thereof within their own territories.
- 2 Those national measures shall:
  - a take account of the rules on movements of animals and germinal products laid down in Chapters 3 (Articles 124 to 154), 4 (Articles 155 and 156) and 5 (Articles 157 to 165), and shall not be inconsistent with those rules;
  - b not hinder the movement of animals and products between Member States;
  - c not exceed the limits of what is appropriate and necessary in order to prevent the introduction and spread of the listed diseases referred to in points (d) and (e) of Article 9(1).

#### *Article 171*

#### **National measures designed to limit the impact of diseases other than listed diseases**

Where a disease other than a listed disease constitutes a significant risk for the health of kept terrestrial animals in a Member State, the Member State concerned may take national measures to control that disease and may restrict movements of kept terrestrial animals and germinal products, provided those measures do not:

- (a) hinder the movement of animals and products between Member States;
- (b) exceed the limits of what is appropriate and necessary in order to control that disease.

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**Changes and effects yet to be applied to the whole legislation item and associated provisions**

- Art. 17(1A) words substituted by [S.I. 2021/1273 reg. 8Sch. 2 para. \(t\)](#)