

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 V

### ENTRY INTO THE UNION AND EXPORT

#### CHAPTER 2

#### *Entry into the Union of certain goods other than animals, germinal products and products of animal origin from third countries and territories*

##### *Article 240*

#### **Disease agents and delegated acts**

- 1 Operators, veterinarians, aquatic animal health professionals and animal professionals bringing disease agents into the Union shall:
- a take appropriate measures to ensure that the entry of those disease agents into the Union does not pose a risk to animal health or public health within the Union with regard to listed diseases referred to in point (d) of Article 9(1) and emerging diseases;
  - b take appropriate disease control and preventive measures to ensure that the entry of those disease agents into the Union does not present a risk of bioterrorism.

This paragraph shall also apply to any other natural or legal person bringing such agents into the Union intentionally.

- 2 The Commission shall be empowered to adopt delegated acts in accordance with Article 264 laying down requirements for the entry into the Union of disease agents concerning:
- a the packaging of disease agents;
  - b other risk-mitigation measures required in order to prevent the release and spread of disease agents.

##### *Article 241*

#### **Plant material and delegated and implementing acts**

1 The Member States shall take measures to restrict the entry into the Union of consignments of plant material in the event of an unfavourable disease situation in third countries or territories concerning listed diseases as referred to in point (d) of Article 9(1) or emerging diseases, where this is required by the rules adopted in accordance with paragraph 3 of this Article.

- 2 The Commission shall be empowered to adopt delegated acts in accordance with Article 264 concerning the measures referred to in paragraph 1 of this Article, setting out:
- a specific animal health requirements for the entry into the Union of plant material which acts as a path of transmission of listed or emerging diseases;

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- b requirements in relation to:
  - (i) animal health certification, taking into account the rules provided for in point (a) of Article 237(1) and Article 237(2) and (3); or
  - (ii) declarations or other documents, taking into account the rules provided for in point (b) of Article 237(1).

3 The Commission shall lay down the animal health requirements provided for in paragraph 2 on the basis of the following criteria:

- a whether a listed or emerging disease that can be transmitted by means of plant material represents a serious risk to animal or to human health in the Union;
- b the likelihood that animals of listed species for a particular listed disease or emerging disease will come into direct or indirect contact with the plant material referred to in paragraph 2;
- c the availability and effectiveness of alternative risk-mitigation measures in relation to that plant material, which may eliminate or minimise the risk of transmission referred to in point (a).

4 The Commission may, by means of implementing acts, lay down rules indicating, for the plant material referred to in paragraph 2 of this Article, the codes from the Combined Nomenclature, where such indication is not provided for by other relevant Union rules.

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

#### *Article 242*

#### **Means of transport, equipment, packaging materials, transport water and feed and fodder and delegated and implementing acts**

1 Operators bringing animals and products into the Union shall take the appropriate and necessary disease prevention measures during transport, as provided for in Articles 125(1) and 192(1).

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

- a specific animal health requirements for the entry into the Union of:
  - (i) means of transport for animals and products;
  - (ii) equipment, packaging material or transport water for animals and products, or feed and fodder which may transmit animal diseases;
- b requirements in relation to:
  - (i) animal health certification, taking into account the rules provided for in point (a) of Article 237(1) and Article 237(2) and (3); or
  - (ii) declarations or other documents, taking into account the rules provided for in point (b) of Article 237(1).

3 The Commission shall lay down the animal health requirements provided for in paragraph 2 of this Article in the event of a unfavourable disease situation concerning one or more listed diseases as referred to in point (d) of Article 9(1), or emerging diseases, which present a serious risk to animal and human health in the Union, in:

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- a a neighbouring third country or territory;
- b the third country or territory of origin;
- c a third country or territory of transit.

4 The Commission may, by means of implementing acts, lay down rules indicating, for the goods referred to in point (a) of paragraph 2 of this Article, the codes from the Combined Nomenclature, where such indication is not provided for by other relevant Union rules.

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

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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. \(t\)](#)