

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 VII

EMERGENCY MEASURES

Section 1

Emergency measures concerning movements of animals and products within the Union and means of transport and other material that may have come into contact with such animals and products

Article 257

Emergency measures to be taken by the competent authority of the Member State in the territory of which an outbreak of a listed disease or emerging disease, or a hazard occurred

1 In the event of an outbreak of a listed disease or emerging disease, or the occurrence of a hazard which is likely to constitute a serious risk to animal or public health, the competent authority of the Member State where it occurred shall, depending on the gravity of the situation and the disease or hazard in question, immediately take one or more of the following emergency measures to prevent the spread of the disease or hazard:

- a for listed diseases:
 - (i) referred to in point (a) of Article 9(1), the disease control measures laid down in Chapter 1 of Title II of Part III (Articles 53 to 71);
 - (ii) referred to in point (b) of Article 9(1), the disease control measures laid down in Articles 72 to 75 and 77 to 81 of Chapter 2 of Title II of Part III;
 - (iii) referred to in point (c) of Article 9(1), the disease control measures laid down in Articles 76 to 78 and Articles 80 and 82 of Chapter 2 of Title II of Part III;
- b for emerging diseases and hazards:
 - (i) restrictions on the movement of animals and products originating from the establishments, or, where relevant, the restricted zones or compartments, where the outbreak or the hazard occurred, and on means of transport and other material that may have come into contact with those animals or products;
 - (ii) quarantine of animals and isolation of products;
 - (iii) surveillance and traceability measures;
 - (iv) any emergency disease control measures provided for in Chapter 1 of Title II of Part III (Articles 53 to 71) that are appropriate;
- c any other emergency measure which it deems appropriate in order to effectively and efficiently control and prevent the spread of the disease or hazard.

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2 The competent authority referred to in paragraph 1 shall inform the Commission and the other Member States:

- a immediately of any outbreak or the occurrence of a hazard as referred to in paragraph 1;
- b without delay of the emergency measures taken pursuant to paragraph 1.

Article 258

Emergency measures to be taken by a Member State other than the Member State where the outbreak or hazard occurred

1 The competent authority of a Member State other than the Member State where the outbreak or hazard referred to in Article 257(1) occurred shall, depending on the gravity of the situation and the disease or hazard in question, take one or more of the emergency measures referred to in Article 257(1) where it detects on its territory animals or products from the Member State referred to in Article 257(1) or means of transport or any other material that may have come into contact with such animals and products.

2 The competent authority referred to in paragraph 1 of this Article may, where a serious risk exists pending the adoption of emergency measures by the Commission in accordance with Article 259, take the emergency measures referred to in Article 257(1) on an interim basis, depending on the gravity of the situation with regard to animals or products originating from the establishments or other locations, or where relevant from the restricted zones of the Member State, where the disease or hazard referred to in Article 257(1) occurred, or means of transport or other material that may have come into contact with such animals.

3 A Member State may take measures as referred to in Article 257(1) in the event of an outbreak in a third country or territory bordering the Union of a disease referred to in point (a) of Article 9(1) or an emerging disease in such a third country or territory, in so far as those measures are necessary in order to prevent the spread of the disease into the territory of the Union.

4 The competent authority referred to in paragraph 1 and the competent authority of the Member State referred to in paragraph 3 shall inform the Commission and other Member States:

- a immediately of the outbreak or occurrence of a hazard referred to in paragraph 1;
- b without delay of the emergency measures taken pursuant to paragraphs 1 and 2.

Article 259

Commission emergency measures

1 In the event of an outbreak or the occurrence of a hazard as referred to in Article 257(1), and of emergency measures taken by the competent authorities of the Member States in accordance with Article 257(1) and Article 258(1), (2) and (3), the Commission shall review the situation and the emergency measures taken, and shall adopt, by means of an implementing act, one or more of the emergency measures provided for in Article 257(1) concerning the animals and products in question and means of transport and other material that may have come into contact with those animals or products, in any of the following cases:

- a where the Commission has not been informed of any measures taken pursuant to Article 257(1) and Article 258(1), (2) and (3);
- b where the Commission considers the measures taken pursuant to Article 257(1) and Article 258(1), (2) and (3) to be inadequate;
- c where the Commission considers it necessary to approve or replace the measures taken by the competent authorities of the Member States pursuant to Article 257(1) and Article

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258(1), (2) and (3) in order to avoid unjustified disruptions in the movement of animals and products.

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 serious risks of the spread of a disease or a hazard, the Commission may adopt immediately applicable implementing acts in accordance with Article 266(3).

Section 2

Emergency measures concerning consignments of animals and products originating from third countries and territories, and means of transport and other material, that may have come into contact with such consignments

Article 260

Emergency measures to be taken by the competent authority

Where the competent authority of a Member State becomes aware of animals or products originating from a third country or territory, or of means of transport or materials, which may have come into contact with such animals and products, that are likely to constitute a serious risk in the Union due to possible infection or contamination by listed diseases or emerging diseases or hazards, it shall:

- (a) immediately take one or more of the following emergency measures necessary to mitigate that risk, depending on the gravity of the situation:
 - (i) destruction of the animals and products concerned;
 - (ii) quarantine of animals and isolation of products;
 - (iii) surveillance and traceability measures;
 - (iv) any disease control measures referred to in Chapter 1 of Title II of Part III (Articles 53 to 71), where appropriate;
 - (v) any other emergency measure which it deems appropriate to prevent the spread of the disease or hazard into the Union;
- (b) immediately inform the Commission and the other Member States of the risks associated with the animals and products in question and of the origin of those animals and products by means of Traces, and without delay of the emergency measures taken pursuant to point (a).

Article 261

Commission emergency measures

1 Where a listed disease, an emerging disease or a hazard that is likely to constitute a serious risk occurs or spreads in a third country or territory, or if any other serious animal or public health reason so warrants, the Commission may, by means of an implementing act

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and acting on its own initiative or at the request of a Member State, adopt one or more of the following emergency measures, depending on the gravity of the situation:

- a suspend the entry into the Union of consignments of animals and products, and means of transport or other material, that may have come into contact with such consignments, which may spread that disease or hazard into the Union;
- b establish special requirements for the entry into the Union of animals and products, and of means of transport and other material that may have come into contact with such animals and products, which may spread that disease or hazard into the Union;
- c take any other appropriate emergency disease control measures to prevent the spread of such disease or hazard into the Union.

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 serious risks, the Commission shall, after consulting the Member State concerned, adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 266(3).

Article 262

Emergency measures to be taken by Member States when the Commission does not act

1 Where a Member State has requested the Commission to take emergency measures in accordance with Article 261 and the Commission has not done so, that Member State:

- a may, pending the adoption of emergency measures by the Commission in accordance with paragraph 2 of this Article, take one or more of the emergency measures referred to in point (a) of Article 260 on an interim basis in respect of animals and products, and any means of transport and other material that may have come into contact with such animals and products, originating from the third country or territory referred to in Article 261(1), depending on the gravity of the situation within its territory;
- b shall inform the Commission and the competent authorities of the other Member States of such emergency measures without delay, giving the reason for their adoption.

2 The Commission shall review the situation and the emergency measures taken by the Member State concerned in accordance with paragraph 1 of this Article and shall, where necessary, adopt by means of an implementing act one or more of the emergency measures provided for in Article 261.

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

3 On duly justified imperative grounds of urgency relating to serious risks, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 266(3).

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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. \(t\)](#)