

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 II

**AQUATIC ANIMALS AND PRODUCTS OF
ANIMAL ORIGIN FROM AQUATIC ANIMALS**

CHAPTER I

Registration, approval, record-keeping and registers

Section 4

Record-keeping and traceability

Article 186

Record-keeping obligations of operators of aquaculture establishments

1 Operators of aquaculture establishments subject to the requirement of registration in accordance with Article 173, or approval in accordance with Article 181(1), shall keep and maintain records containing at least the following information:

- a the species, categories and quantities (numbers, volume or weight) of aquaculture animals on their establishment;
- b movements of aquaculture animals and products of animal origin obtained from those 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 animal health certificates, in paper or electronic form, required to accompany movements of aquaculture animals arriving at the aquaculture establishment in accordance with Article 208 and the rules adopted pursuant to points (a) and (c) of Article 211(1) and Article 213(2);
- d mortality in each epidemiological unit and other disease problems at the aquaculture establishment as relevant for the type of production;
- e biosecurity measures, surveillance, treatments, test results and other relevant information as appropriate for:
 - (i) the species and categories of the aquaculture animals on the establishment;

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- (ii) the type of production at the aquaculture establishment;
- (iii) the type and size of the aquaculture 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 Aquaculture 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 points (c), (d) and (e) of paragraph 1, provided that traceability is ensured.

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

- a keep them in such a way that the tracing of the place of origin and destination of aquatic animals can be guaranteed;
- b make them available to the competent authority on request;
- c retain them for a minimum period to be prescribed by the competent authority, which may not be less than three years.

By way of derogation from the requirement that the records are to be kept on their establishment concerned, as set out in the first subparagraph, when it is physically not possible to keep the records on that establishment, they shall be kept in the office from which the business is administered.

Article 187

Record-keeping obligations of disease control aquatic food establishments

1 Operators of disease control aquatic food establishments subject to approval in accordance with Article 179 shall keep and maintain records of:

- a all movements into and from their establishment of aquaculture animals and products of animal origin obtained from such animals;
- b discharge of water and relevant biosecurity measures.

2 Operators of disease control aquatic food establishments shall:

- a keep the records provided for in paragraph 1 on their establishment and shall make them 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.

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

Article 188

Record-keeping obligations of transporters

1 Transporters of aquatic animals intended for aquaculture establishments or to be released into the wild shall keep and maintain records in relation to:

- a the species, categories and quantities (numbers, volume or weight) of aquatic animals transported by them;

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- b mortality rates of the aquaculture animals and wild aquatic animals in question during transport, in so far as is practicable for the type of transport and the species of aquaculture animals and wild aquatic animals transported;
- c aquaculture establishments and disease control aquatic food establishments visited by the means of transport;
- d any exchange of water that took place during transport, specifying the sources of new water and sites of release of water;
- e the cleaning and disinfection of the means of transport.

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, provided that traceability is ensured.

- 3 Transporters shall keep the records provided for in paragraph 1:
- 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 189

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 186, 187 and 188, as regards information to be recorded by operators in addition to that provided for in Articles 186(1), 187(1) and 188(1).

- 2 The Commission shall take the following matters into account when adopting the delegated acts provided for in paragraph 1:
- a the risks posed by each type of aquaculture establishment or transport;
 - b the species and categories of aquatic animals kept on the aquaculture establishment concerned, or transported to or from that establishment;
 - c the type of production of the establishment;
 - d typical movement patterns for the type of aquaculture establishment or disease control aquatic food establishment;
 - e the numbers, volume or weight of aquatic animals kept on the establishment or transported to or from it.

Article 190

Implementing powers concerning exemptions from the record-keeping requirements

The Commission may, by means of implementing acts, lay down rules concerning the types of aquaculture establishments and operators that may be exempted by Member States from the record-keeping requirements provided for in Articles 186 and 188, as regards:

- (a) operators of certain categories of aquaculture establishments and transporters;

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- (b) aquaculture establishments keeping, or transporters transporting, respectively, a small number of aquaculture animals or a small number of aquatic animals;
- (c) certain species and categories of aquatic animals.

When adopting those implementing acts, the Commission shall base those acts on the criteria provided for in Article 189(2).

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. \(t\)](#)