

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 2

Movements within the Union of aquatic animals

Section 1

General requirements for movements

Article 191

General requirements for movements of aquatic animals

- 1 Operators shall take appropriate measures to ensure that the movement of aquatic 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 aquatic animals into an aquaculture establishment or for human consumption purposes, or release them into the wild, if the animals in question fulfil the following conditions:
 - a they come, except in the case of wild aquatic animals, from establishments that have been:
 - (i) registered by the competent authority in accordance with Article 173,
 - (ii) approved by that competent authority in accordance with Articles 181 and 182, when required by Article 176(1), Article 177 or Article 178, or
 - (iii) granted a derogation from the registration requirement laid down in Article 173.
 - b they are not subject to:
 - (i) movement restrictions affecting the species and categories concerned in accordance with the rules laid down in Article 55(1), Article 56, Article 61(1), Articles 62, 64 and 65, point (b) of Article 70(1), Article 74(1), Article 79 and

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Article 81 and the rules adopted pursuant to Article 55(2), Articles 63 and 67 and Articles 70(3), 71(3), 74(4) and 83(2); or

- (ii) the emergency measures laid down in Articles 257 and 258 and the rules adopted pursuant to Article 259.

However, operators may move those aquatic animals where derogations from the movement restrictions for such movements or release are provided for in Title II of Part III (Articles 53–83) or derogations from emergency measures are provided for in rules adopted pursuant to Article 259.

3 Operators shall take all necessary measures to ensure that aquatic animals, after leaving their place of origin, are consigned directly to the final place of destination.

Article 192

Disease prevention measures in relation to transport

1 Operators shall take the appropriate and necessary disease prevention measures to ensure that:

- a the health status of aquatic animals is not jeopardised during transport;
- b transport operations of aquatic animals do not cause the potential spread of listed diseases as referred to in point (d) of Article 9(1) to humans or animals en route, and at places of destination;
- c cleaning and disinfection of equipment and means of transport and other adequate biosecurity measures are taken, as appropriate to the risks involved with the transport operations concerned;
- d any exchanges of water and discharges of water during the transport of aquatic animals intended for aquaculture or release into the wild are carried out at places and under conditions which do not jeopardise the health status with regard to the listed diseases referred to in point (d) of Article 9(1) of:
 - (i) the aquatic animals being transported;
 - (ii) any aquatic animals en route to the place of destination;
 - (iii) aquatic animals at the place of destination.

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 equipment and means of transport in accordance with point (c) of paragraph 1 of this Article and the use of biocidal products for such purposes;
- b other appropriate biosecurity measures during transport as provided for in point (c) of paragraph 1 of this Article;
- c water exchanges and discharges of water during transport as provided for in point (d) of paragraph 1 of this Article.

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Article 193

Change of intended use

- 1 Aquatic animals which are moved for destruction or slaughter in accordance with the following measures shall not be used for any other purpose:
 - a any of the disease control measures provided for in point (c) of Article 32(1) and Article 55(1), Articles 56, 61, 62, 64, 65 and 70, Articles 74(1) and (2) and Articles 79, 80, 81 and 82 and in the rules adopted pursuant to Article 55(2), Articles 63 and 67, Articles 70(3), 71(3) and 74(4), and Article 83(2);
 - b emergency measures as provided for in Articles 257 and 258 and in rules adopted pursuant to Article 259.
- 2 Aquatic animals moved for human consumption, aquaculture, release into the wild or any other purpose, shall not be used for any purpose other than the intended one.
- 3 By way of derogation from paragraph 2, the competent authority of the place of destination may authorise a change of use of aquatic animals for a purpose other than that originally intended, provided that the new use does not pose a higher risk to the health status of the aquatic animals at the place of destination than the originally intended use.

Article 194

Obligations of operators at the place of destination

- 1 Operators of aquaculture establishments and disease control aquatic food establishments receiving aquatic animals and operators receiving aquatic animals for release into the wild shall, before the aquatic animals are unloaded:
 - a check that, where required, one of the following documents is present:
 - (i) the animal health certificates provided for in Article 208(1), Article 209 and Article 223(1) and in the rules adopted pursuant to Articles 189, 211 and 213;
 - (ii) the self-declaration documents provided for in Article 218(1) and in the rules adopted pursuant to Article 218(3) and (4);
 - b inform the competent authority of the place of destination, after checking the aquatic animals received, of any irregularity with regard to:
 - (i) the aquatic animals received;
 - (ii) the documents referred to in point (a)(i) and (ii).
- 2 In the event of any irregularity as referred to in point (b) of paragraph 1, the operator shall isolate the aquatic 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 195

General requirements in respect of movements of aquaculture animals passing through Member States but intended for export from the Union to third countries or territories

Operators shall ensure that aquaculture 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 191, 192 and 193.

Section 2

Aquatic animals intended for aquaculture establishments or release into the wild

Article 196

Abnormal mortalities or other serious disease symptoms

1 Operators shall only move aquatic animals from an aquaculture establishment or from the wild to another aquaculture establishment, or release them into the wild, if the animals in question:

- a show no disease symptoms; and
- b originate from an aquaculture establishment or environment where there are no abnormal mortalities with an undetermined cause.

2 By way of derogation from paragraph 1, the competent authority may, on the basis of an evaluation of the risks involved, authorise the movement or release of aquatic animals as referred to in that paragraph, provided that the animals in question originate from a part of the aquaculture establishment or from the wild that is independent of the epidemiological unit where the abnormal mortalities or other disease symptoms have occurred.

If the movement or release referred to in this paragraph is to be made to another Member State, it shall only be authorised by the competent authority if the competent authorities of the Member State of destination and, where relevant, of the Member States of passage have given their consent to such movement or release.

Article 197

Movements of aquaculture animals intended for Member States, zones or compartments which have been declared disease-free or which are subject to an eradication programme, and delegated acts

1 Operators shall only move aquaculture animals of listed species relevant for one or more of the listed diseases referred to in points (b) or (c) of Article 9(1) to an aquaculture establishment, or for release into the wild, in a Member State, zone or compartment which has been declared free of those listed diseases in accordance with Article 36(4) or 37(4), if the animals in question originate from a Member State, or a zone or compartment thereof, which has been declared free of those diseases.

2 Operators shall only move aquaculture animals of listed species relevant for one or more of the listed diseases referred to in points (b) or (c) of Article 9(1) to an aquaculture

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establishment, or for release into the wild, in a Member State, zone or compartment subject to an eradication programme for one or more of those listed diseases as provided for in Article 31(1) or (2), if the animals in question originate from a Member State, or a zone or compartment thereof, which has been declared free of those listed diseases.

3 The Commission shall be empowered to adopt delegated acts in accordance with Article 264 concerning derogations from the movement or release requirements laid down in paragraphs 1 and 2 of this Article which do not pose a significant risk for the spread of listed diseases as referred to in point (d) of Article 9(1) on account of:

- a the species, categories, and life stage of the aquaculture animals concerned;
- b the type of establishment of origin and of destination;
- c the intended use of the aquaculture animals;
- d the place of destination of the aquaculture animals;
- e treatments, processing methods and other special risk-mitigation measures applied at the place of origin or destination.

Article 198

Derogations by Member States concerning the obligation of operators for movement of aquaculture animals between Member States, zones or compartments which are subject to an eradication programme

By way of derogation from Article 197(1) and (2), Member States may authorise operators to move aquaculture animals into a zone or compartment for which an eradication programme has been established in accordance with Article 31(1) and (2) as regards the listed diseases referred to in points (b) and (c) of Article 9(1), from another zone or compartment for which such a programme has also been established for the same listed diseases, provided that such movement will not jeopardise the health status of the Member State, zone or compartment of destination.

If such movements are to be made to another Member State, the competent authority shall only authorise them if the competent authorities of the Member State of destination and, where relevant, of the Member States of passage, have given their consent to them.

Article 199

Member States' measures concerning the release of aquatic animals into the wild

Member States may require that aquatic animals may be released into the wild only if they originate from a Member State, or a zone or compartment thereof, which has been declared disease-free in accordance with Article 36(1) or Article 37(1) as regards one or more of the listed diseases referred to in points (b) and (c) of Article 9(1) for which the species of aquatic animals to be moved is a listed species, regardless of the health status of the area where those aquatic animals are to be released.

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Article 200

Movements of wild aquatic animals intended for Member States, or zones or compartments thereof, which have been declared disease-free or which are subject to an eradication programme, and delegated acts

- 1 Articles 196, 197 and 198 shall apply to movements of wild aquatic animals intended for an aquaculture establishment or for release into the wild.
- 2 Operators shall take the appropriate and necessary disease prevention measures when moving wild aquatic animals between habitats to ensure that:
 - a such movements do not pose a significant risk for the spread of listed diseases as referred to in point (d) of Article 9(1) to aquatic animals at the place of destination; and
 - b risk-mitigation or other adequate biosecurity measures are in place where necessary to ensure compliance with point (a).
- 3 The Commission shall be empowered to adopt delegated acts in accordance with Article 264 concerning the disease prevention and risk-mitigation measures to be taken by operators as provided for in paragraph 2 of this Article. Pending the adoption of such delegated acts, the competent authority of the place of destination may decide on such measures.

Section 3

Aquatic animals intended for human consumption

Article 201

Movements of live aquaculture animals intended for human consumption in Member States, or in zones or compartments thereof, which have been declared disease-free or which are subject to an eradication programme, and delegated acts

- 1 Operators shall only move live aquaculture animals of listed species relevant for listed diseases as referred to in points (b) or (c) of Article 9(1) intended for human consumption to a Member State, or to a zone or compartment thereof, which has been declared disease-free in accordance with Article 36(4) or Article 37(4) or for which a eradication programme has been established in accordance with Article 31(1) or (2), as regards one or more of the listed diseases referred to in points (b) and (c) of Article 9(1), if the animals in question originate from a Member State, or a zone or compartment thereof, which has been declared disease-free in accordance with Article 36(4) or Article 37(4).
- 2 By way of derogation from paragraph 1 of this Article, Member States may authorise operators to introduce live aquaculture animals into a zone or compartment for which an eradication programme has been established in accordance with Article 31(1) or (2) as regards the listed diseases referred to in points (b) and (c) of Article 9(1), from another zone or compartment for which such a programme has also been established as regards the same diseases within that Member State, provided that such movement will not jeopardise the health status of the Member State or of the zone or compartment thereof.
- 3 The Commission shall be empowered to adopt delegated acts in accordance with Article 264 concerning the derogations provided for in paragraph 2 of this Article in respect

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of movements of live aquaculture animals which do not pose a significant risk of spreading of diseases on account of:

- a the species, categories, and live stage of the aquaculture animals concerned;
- b the methods of keeping the aquaculture animals and the type of production in the aquaculture establishments of origin and of destination;
- c the intended use of the aquaculture animals;
- d the place of destination of the aquaculture animals;
- e treatments, processing methods and other special risk-mitigation measures applied at the place of origin or the place of destination.

Article 202

Movements of live wild aquatic animals intended for Member States, or zones or compartments thereof, which have been declared disease-free or which are subject to an eradication programme, and delegated acts

1 Article 201(1) and (2) and the rules adopted pursuant to Article 201(3) shall apply to movements of live wild aquatic animals intended for human consumption and which are intended for Member States, or zones or compartments thereof, which have been declared disease-free in accordance with Articles 36(4) or 37(4) or which are subject to an eradication programme in accordance with Article 31(1) or (2), where the measures adopted pursuant thereto are necessary in order to ensure that 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) to aquatic animals at the place of destination.

2 Paragraph 1 of this Article shall also apply to live aquatic animals not covered by the definition of aquaculture animals contained in Article 4(7).

3 The Commission shall be empowered to adopt delegated acts in accordance with Article 264 concerning movement requirements for wild aquatic animals intended for human consumption, supplementing paragraphs 1 and 2 of this Article.

Section 4

Derogations from Sections 1 to 3 (Articles 191 to 202) and additional risk-mitigation measures

Article 203

Aquatic animals intended for confined establishments for aquaculture and delegated acts

1 Operators shall only move aquatic animals to a confined establishment for aquaculture if the animals in question fulfil the following conditions:

- a they originate from another confined establishment for aquaculture;
- 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 of animals at the confined establishment for aquaculture of destination, except where the movement in question is authorised for scientific purposes.

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

- a detailed rules for movements of aquaculture animals to confined establishments for aquaculture in addition to those provided for in paragraph 1 of this Article;
- b specific rules for movements of aquaculture animals to confined establishments for aquaculture where the risk-mitigation measures in place guarantee that such movements do not pose a significant risk for the health of aquaculture animals within that confined establishment for aquaculture and the surrounding establishments.

Article 204

Movements of aquatic 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 aquatic animals into the territory of the Member State of destination, for scientific purposes, where those movements do not fulfil the requirements of Sections 1 to 3 (Articles 191 to 202), with the exception of Article 191(1) and (3) and Articles 192, 193 and 194.

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

- a the competent authorities of the places of destination and origin:
 - (i) have agreed on the conditions for such movements;
 - (ii) ensure that the necessary risk-mitigation measures are in place so that movements of the aquatic animals in question do not jeopardise the health status in places en route and in the places 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 the 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, 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 205

Other specific uses of aquatic animals, specific requirements and derogations and delegation of powers

1 Operators shall take the necessary preventive measures to ensure that movements of aquatic animals intended for the specific purposes or uses listed in point (a)(i) to (vi) of paragraph 2 of this Article do not pose a risk for the spread of listed diseases as referred to in point (d) of Article 9(1) to aquatic animals at the place of destination.

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

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- a specific requirement supplementing the rules laid down in Sections 1 to 3 (Articles 191 to 202) and for movements of aquatic animals for the following purposes:
 - (i) zoos, pet shops, wholesalers and garden ponds;
 - (ii) exhibitions;
 - (iii) sports fishing, including fishing baits;
 - (iv) cultural and similar events;
 - (v) commercial aquaria; or
 - (vi) health care and other similar uses.
- b derogations from Sections 1 to 3 (Articles 191 to 202) with the exception of Article 191(1) and (3) and Articles 192, 193 and 194 for the movements of aquatic animals referred to in point (a) of this paragraph, provided that adequate biosecurity provisions are in place to ensure that those movements do not pose a significant risk to the health status of the place of destination.

Article 206

Implementing power to adopt temporary rules for movements of specific species or categories of aquatic 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 aquatic animals where:

- a the movement requirements provided for in Article 196, Article 197(1), Articles 198 and 199, Article 200(1) and (2), Article 201 and Articles 202(1), 203(1), 204(1) and (2) and the rules adopted pursuant to Articles 197(3), 200(3), 202(3), 203(2) and 204(3) and Article 205 do not efficiently mitigate the risks posed by the movement of those aquatic 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 4 (Articles 191 to 207).

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 a listed disease representing a risk of a highly significant impact and taking into account the matters referred to in Article 205, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure provided for in Article 266(3).

Article 207

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 Article 203(2), Article 204(3) and Articles 205 and 206, the Commission shall base those rules on:

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

Section 5

Animal health certification

Article 208

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

1 Operators shall only move aquaculture animals if they are accompanied by an animal health certificate issued by the competent authority of the Member State of origin in accordance with Article 216(1), where the animals in question are of listed species for the listed diseases referred to in points (b) and (c) of Article 9(1) and are intended for introduction into a Member State, or a zone or compartment thereof, which has been declared disease-free in accordance with Articles 36(4) and 37(4) or for which an eradication programme has been established as provided for in Article 31(1) or (2) as regards one or more of the listed diseases referred to in points (b) and (c) of Article 9(1).

2 Operators shall only move aquaculture animals if they are accompanied by an animal health certificate issued by the competent authority of the Member State of origin in accordance with Article 216(1), where the animals in question are of listed species for the relevant disease(s) referred to in points (a) and (b) of Article 9(1) and are allowed to leave a restricted zone subject to disease control measures as provided for in point (f)(ii) of Article 55(1), Articles 56 and 64 or Articles 65(1), 74(1), 79 and rules adopted pursuant to Article 55(2), Articles 67 and 68, Articles 71(3), 74(4) and 83(2) and Article 259 for one or more of the listed diseases referred to in points (a) and (b) of Article 9(1).

3 Operators shall take all necessary measures to ensure that the animal health certificate accompanies the aquaculture animals from their place of origin to their final place of destination, unless specific measures are provided for in rules adopted pursuant to Article 214.

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Article 209

[^{X1}Obligation of operators to ensure that other aquatic animals are accompanied by an animal health certificate]

1 In cases where, due to the risk involved with the movement of aquatic animals other than aquaculture animals, animal health certification is required in accordance with the rules provided for in point (a) of Article 211(1), operators shall only move those aquatic animals 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 216(1).

2 Article 208 shall also apply to aquatic animals other than aquaculture animals intended for an aquaculture establishment or release into the wild. Where the competent authority of the Member State of origin concludes that certification is not feasible due to the nature of the place of origin of the aquatic animals in question, it may authorise their movement without an animal health certificate subject to the consent of the competent authority of the place of destination.

3 This Article shall not apply to wild aquatic animals harvested or caught for direct human consumption.

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 210

Grant of derogations by Member States in respect of national animal health certification

By way of derogation from the animal health certification requirements laid down in Articles 208 and 209, Member States may grant derogations for movements of certain consignments of aquatic animals without an animal health certificate within their territories provided that they have in place an alternative system to ensure that consignments of such animals are traceable and those consignments comply with the animal health requirements for such movements provided for in Sections 1 to 4 (Articles 191 to 207).

Article 211

Delegation of powers and implementing acts concerning animal health certification in respect of aquatic animals

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

- a the requirement for animal health certification for movements of aquatic animals other than aquaculture animals as referred to in Article 209(1), in cases where animal health certification is imperative in order to ensure that the movement in question

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complies with the following animal health requirements for the listed species of animals concerned:

- (i) the requirements provided for in Sections 1 to 4 (Articles 191 to 207) and the rules adopted pursuant to those Sections;
 - (ii) disease control measures as provided for in Article 55(1), Article 56, Article 61(1), Articles 62 and 64, and Article 65(1), Article 74(1), and Articles 79 and 80 or the rules adopted pursuant to Article 55(2), Articles 63, 67 and 68, and Articles 71(3), 74(4) and 83(2);
 - (iii) emergency measures as provided for in the rules adopted pursuant to Article 259;
- b special rules for animal health certification as provided for in Articles 208 and 209 where specific risk-mitigation measures are taken by the competent authority to ensure:
- (i) the traceability of the aquatic animals being moved;
 - (ii) that the aquatic animals being moved fulfil the animal health requirements for movements provided for in Sections 1 to 4 (Articles 191 to 207);
- c derogations from the animal health certificate requirements provided for in Articles 208 and 209 and the conditions for such derogations for movements of aquatic animals which do not pose a significant risk of the spread of diseases, on account of:
- (i) species, the categories or live stage of the aquatic animals concerned;
 - (ii) the methods of keeping and the type of production of those species and categories of aquaculture animals;
 - (iii) the intended use of the aquatic animals; or
 - (iv) the place of destination of the aquatic animals.

2 The Commission shall, by means of implementing acts, lay down rules concerning the obligation of operators, as provided for in Article 209(2), to ensure that wild aquatic animals intended for an aquaculture establishment are accompanied by an animal health certificate.

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

Article 212

Contents of animal health certificates

1 The animal health certificate referred to in Articles 208, 209 and 210 shall contain at least the following information:

- a the establishment or place of origin, the establishment or place of destination and, where relevant for the spread of diseases, any establishment or place visited en route;
- b a description, including the species and category, of the aquatic animals concerned;
- c the quantity (number, volume or weight) of aquatic animals;
- d the information needed to demonstrate that the aquatic animals fulfil the relevant animal health requirements in respect of movements provided for in Sections 1 to 4 (Articles 191 to 207).

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2 The animal health certificate may include other information required under other Union legislation.

Article 213

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 the content of animal health certificates as provided for in Article 212(1):

- a detailed rules on the content of those animal health certificates provided for in Article 212(1) for different species and categories of aquatic animals;
- b additional information to be contained in the animal health certificate provided for in Article 212(1).

2 The Commission may, by means of implementing acts, lay down rules concerning the model forms for the animal health certificates.

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

Article 214

Delegation of powers concerning specific types of movements of aquatic animals to the place of destination

The Commission shall be empowered to adopt delegated acts in accordance with Article 264 concerning specific measures supplementing the requirements for animal health certification provided for in Article 208 and 209 for the following types of movements of aquatic animals:

- (a) movements of aquatic 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 the destination in another Member State or at the external border of the Union;
 - (iv) they were rejected in a third country or territory;
- (b) movements of aquaculture animals intended for exhibitions and for sporting, cultural and similar events, and their subsequent return to their place of origin.

Article 215

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

Operators shall:

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- (a) provide the competent authority with all the information necessary to complete the animal health certificate provided for in Articles 208 and 209 and in the rules adopted pursuant to Articles 211, 213 and 214, in advance of the intended movement;
- (b) where necessary, ensure that the aquatic animals in question are subjected to documentary, identity and physical checks as provided for in Article 216(3) and in the rules adopted pursuant to Article 216(4).

Article 216

Responsibility of the competent authority for animal health certification and delegated acts

1 The competent authority shall, upon request by an operator, issue an animal health certificate for the movement of aquatic animals, where required by Articles 208 and 209, or by rules adopted pursuant to Articles 211 and Article 214, provided that the following animal health requirements have been complied with, as relevant:

- a those provided for in Article 191, Article 192(1), Articles 193, 195 and 196, Article 197(1), Articles 198 and 199, Article 200(1) and (2), Article 201, Article 203(1) and Article 204(1) and (2);
- b those provided for in delegated acts adopted pursuant to Articles 192(2), 197(3), 200(3), 201(3), 202(3), 203(2) and 204(3) and Article 205;
- c those provided for in implementing acts adopted pursuant to Article 206.

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 aquatic animals covered by it must 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 where appropriate, that the aquatic animals covered by it fulfil the requirements of this Chapter, taking into account the species and categories of aquatic animals concerned and the animal health requirements.

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 aquatic 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 aquatic animals;
- c the duration of the validity of animal health certificates.

Status: Point in time view as at 31/01/2020.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) 2016/429 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

Article 217

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 216(1) where such electronic animal health certificates:

- (a) contain all the information that the model form of animal health certificate is required to contain in accordance with Article 212(1) and the rules adopted pursuant to Article 213;
- (b) ensure the traceability of the aquatic animals in question and the link between those animals and the electronic animal health certificate;
- (c) ensure that 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.

Article 218

Self-declaration by operators for movements of aquaculture animals to other Member States and delegated acts

1 Operators at the place of origin shall issue a self-declaration document for movements of aquaculture 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 aquaculture animals, where they are not required to be accompanied by an animal health certificate as provided for in Articles 208 and 209 or in any rules adopted pursuant to Articles 211 and Article 214.

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

- a their places of origin and destination, and, when relevant, any places en route;
- b the means of transport
- c a description of the aquaculture animals, and their categories, species and quantity (numbers, volume or weight), as relevant for the animals concerned;
- d the information needed to demonstrate that the aquaculture animals fulfil the movement requirements provided for in Sections 1 to 4 (Articles 191 to 207).

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 aquaculture animals;
- b additional information to be contained in the self-declaration document to the one provided for in paragraph 2 of this Article.

4 The Commission may, by means of implementing acts, lay down rules for a model form of the self-declaration document provided for in paragraph 1.

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

Status: Point in time view as at 31/01/2020.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) 2016/429 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

Section 6

Notification of movements of aquatic animals to other Member States

Article 219

Obligation of operators concerning the notification of movements of aquatic animals to other Member States

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

- a the aquatic animals are required to be accompanied by an animal health certificate issued by the competent authority of the Member State of origin in accordance with Articles 208 and 209 [^{X1}and any rules adopted pursuant to Articles 211 and 214;]
- b the aquatic animals are required to be accompanied by an animal health certificate for aquatic animals [^{X1}when they are being moved from a restricted zone as referred to in Article 208(2);]
- c the aquaculture animals and wild aquatic animals being moved are intended for:
 - (i) an establishment subject to registration in accordance with Article 173 or approval in accordance with Articles 176 to 179;
 - (ii) release into the wild;
- d notification is required in accordance with delegated acts adopted pursuant to Article 221.

2 For the purposes of the notification provided for in paragraph 1 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 movement to the competent authority of the Member State of destination in accordance with Article 220(1).

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 220

Responsibility of the competent authority to notify movements of aquatic animals 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 aquatic animals as referred to in Article 219, unless a derogation has been granted in accordance with point (c) of Article 221(1) as regards such notification.

2 The notification referred to in paragraph 1 shall be carried out prior to the movement in question and, whenever possible, through Traces.

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Changes to legislation: There are outstanding changes not yet made to Regulation (EU) 2016/429 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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 Member State of origin may authorise the operator concerned to notify, partially or completely, movements of aquatic animals through Traces to the competent authority of the Member State of destination.

Article 221

Delegation of powers and implementing acts for the notification of movements of aquatic animals 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 219, of movements between Member States of aquatic animals of species or categories other than those referred to in points (a), (b) and (c) of Article 219(1), where traceability of such movements is necessary in order to ensure compliance with the animal health requirements laid down in this Chapter;
- b the information needed in order to notify movements of aquatic animals as provided for in Articles 219 and 220(1);
- c derogations from the notification requirements provided for in point (c) of Article 219(1) for species and categories of aquatic animals or types of movements which pose an insignificant risk;
- d the emergency procedures for notification of movements of aquatic animals in the event of power cuts or other disturbances of Traces;
- e the requirements for the designation of regions by Member States as provided for in Article 220(3).

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

- a the details of notifications by:
 - (i) operators to the competent authority of the Member State of origin of movements of aquatic animals in accordance with Article 219;
 - (ii) the competent authority of the Member State of origin to the Member State of destination of movements of aquatic animals in accordance with Article 220(1);
- b the deadlines for:
 - (i) the provision by operators of the necessary information referred to in Article 219(2) to the competent authority of the Member State of origin;
 - (ii) the notification of movements by the competent authority of the Member State of origin as referred to in Article 220(1).

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

Status:

Point in time view as at 31/01/2020.

Changes to legislation:

There are outstanding changes not yet made to Regulation (EU) 2016/429 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.