

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 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.

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.

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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:

- 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;

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- (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:

- (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;

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- (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.

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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. \(t\)](#)