

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 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

### **[<sup>X1</sup>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.

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## 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).

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