

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 VI

### **NON-COMMERCIAL MOVEMENTS OF PET ANIMALS INTO A MEMBER STATE FROM ANOTHER MEMBER STATE OR FROM A THIRD COUNTRY OR TERRITORY**

#### *CHAPTER I*

#### **General provisions**

##### *Article 244*

#### **Scope of Part VI**

- 1 This Part shall apply to the non-commercial movement of pet animals into a Member State from another Member State or from a third country or territory.
- 2 It shall apply without prejudice to:
  - a Council Regulation (EC) No 338/97<sup>(1)</sup>;
  - b any national measures adopted, published and made available to the public by Member States to restrict the movement of certain species or breeds of pet animals on the basis of considerations other than those relating to animal health.

##### *Article 245*

#### **General provisions**

- 1 Non-commercial movements of pet animals that fulfil the animal health requirements laid down in this Part shall not be prohibited, restricted or impeded on animal health grounds other than those resulting from the application of this Part.
- 2 Where the non-commercial movement of a pet animal is carried out by an authorised person, it may only take place within five days from the movement of the pet owner.
- 3 The Commission shall be empowered to adopt delegated acts in accordance with Article 264 concerning requirements supplementing the rules laid down in paragraph 2 of this Article in relation to the following:
  - a documentation of the non-commercial movement of a pet animal carried out by an authorised person;
  - b granting of derogations from the period referred to in paragraph 2 of this Article.
- 4 The Commission may, by means of implementing acts, lay down requirements for the layout, languages and validity of the declaration authorising an authorised person in writing to carry out the non-commercial movement of a pet animal on behalf of the pet owner. Those

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

#### *Article 246*

### **Maximum number of pet animals**

1 The number of pet animals of the species listed in Part A of Annex I which may be moved during a single non-commercial movement shall not exceed five.

2 By way of derogation from paragraph 1, the number of pet animals of the species listed in part A of Annex I may exceed five if the following conditions are fulfilled:

- a the non-commercial movement in question is for the purpose of participating in a competition, exhibition or sporting event or training for such an event;
- b the pet owner or the authorised person concerned submits written evidence that the pet animals are registered either to attend an event as referred to in point (a), or with an association organising such events;
- c the pet animals are more than six months old.

3 In order to prevent commercial movements of pet animals of the species listed in Part B of Annex I from being fraudulently disguised as non-commercial movements, the Commission shall be empowered to adopt delegated acts in accordance with Article 264 concerning rules setting the maximum number of pet animals of those species which may be moved during a single non-commercial movement.

## *CHAPTER 2*

### ***Conditions applicable to non-commercial movements of pet animals into a Member State from another Member State***

#### *Article 247*

### **Conditions applicable to non-commercial movements of pet animals of the species listed in Part A of Annex I**

Pet animals of the species listed in Part A of Annex I shall not be moved into a Member State from another Member State unless:

- (a) they are individually identified by a physical means of identification in accordance with the rules adopted pursuant to point (a) of Article 252(1);
- (b) they fulfil the relevant prevention and risk-mitigation measures adopted pursuant to point (b) of Article 252(1) in relation to listed diseases as referred to in point (d) of Article 9(1);
- (c) they are accompanied by an identification document duly completed and issued in accordance with the rules adopted pursuant to point (d) of Article 254.

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## Article 248

### **Conditions applicable to non-commercial movements of pet animals of the species listed in Part B of Annex I**

1 In so far as the Commission has adopted a delegated act pursuant to point (b) of Article 252(1) with regard to pet animals of one of the species listed in Part B of Annex I, non-commercial movements of pet animals of that species into a Member State from another Member State shall be subject to compliance with the conditions laid down in paragraph 2 of this Article.

2 Pet animals of the species referred to in paragraph 1 may be moved into a Member State from another Member State only if:

- a they are identified or described, either individually or in groups, in accordance with the rules adopted pursuant to point (a) of Article 252(1);
- b they comply with the relevant prevention and risk-mitigation measures adopted pursuant to point (b) of Article 252(1) in relation to listed diseases as referred to in point (d) of Article 9(1);
- c they are accompanied by an identification document duly completed and issued in accordance with the rules adopted pursuant to point (d) of Article 254;

3 Pending the adoption of the relevant delegated acts referred to in paragraph 1, Member States may apply national rules to non-commercial movements of pet animals of the species listed in Part B of Annex I into their territory from another Member State, provided that such rules are:

- a applied proportionately to the risk to public or animal health associated with non-commercial movements of pet animals of those species; and
- b not stricter than those applied to movements of animals of those species in accordance with Part IV.

## CHAPTER 3

### **Conditions applicable to non-commercial movements of pet animals into a Member State from a third country or territory**

## Article 249

### **Conditions applicable to non-commercial movements of pet animals of the species listed in Part A of Annex I**

1 Pet animals of the species listed in Part A of Annex I shall not be moved into a Member State from a third country or territory unless:

- a they are individually identified by a physical means of identification in accordance with the rules adopted pursuant to point (a) of Article 252(1);
- b they comply with the relevant prevention and risk-mitigation measures adopted pursuant to point (b) of Article 252(1) in respect of listed diseases as referred to in point (d) of Article 9(1);
- c they are accompanied by an identification document duly completed and issued in accordance with the rules adopted pursuant to point (d) of Article 254.

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2 Pet animals of the species listed in Part A of Annex I may be moved into a Member State from a third country or territory other than those listed pursuant to Article 253(1)(d) only through a point of entry listed for that purpose. Each Member State shall draw up a list of those points of entry within its territory and shall make that list available to the public.

3 The Commission shall be empowered to adopt delegated acts in accordance with Article 264 concerning the conditions for granting derogations from paragraph 2 of this Article.

#### *Article 250*

### **Conditions applicable to non-commercial movements of pet animals of the species listed in Part B of Annex I**

1 In so far as the Commission has adopted a delegated act pursuant to point (b) of Article 252(1) with regard to pet animals of one of the species listed in Part B of Annex I, non-commercial movements of pet animals of that species into a Member State from a third country or territory shall be subject to compliance with the conditions laid down in paragraph 2 of this Article.

2 Pet animals of the species referred to in paragraph 1 may be moved into a Member State from a third country or territory only if:

- a they are identified or described, either individually or in groups, in accordance with the rules adopted pursuant to point (a) of Article 252(1);
- b they comply with the relevant prevention and risk-mitigation measures adopted pursuant to point (b) of Article 252(1) in relation to listed diseases as referred to in point (d) of Article 9(1);
- c they are accompanied by an identification document duly completed and issued in accordance with the rules adopted pursuant to point (d) of Article 254;
- d when coming from a third country or territory other than those listed pursuant to point (d) of Article 253(1), they enter through a point of entry listed for that purpose. Each Member State shall draw up a list of those points of entry within its territory and shall make that list available to the public.

3 Pending the adoption of the relevant delegated acts referred to in paragraph 1, Member States may apply national rules to non-commercial movements of pet animals of the species listed in Part B of Annex I into their territory from a third country or territory, provided that such rules are:

- a applied proportionately to the risk to public or animal health associated with non-commercial movements of pet animals of those species; and
- b not stricter than those applied to the entry into the Union of animals of those species in accordance with Part V.

#### *Article 251*

### **Derogation from the conditions applicable to non-commercial movements of pet animals between certain countries and territories**

By way of derogation from Articles 249 and 250, non-commercial movements of pet animals between the following countries and territories may continue under the conditions laid down by the national rules of those countries and territories:

- (a) San Marino and Italy;

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- (b) the Vatican and Italy;
- (c) Monaco and France;
- (d) Andorra and France;
- (e) Andorra and Spain;
- (f) Norway and Sweden;
- (g) the Faeroe Islands and Denmark;
- (h) Greenland and Denmark.

## CHAPTER 4

### **Identification and prevention and risk-mitigation measures**

#### *Article 252*

#### **Delegation of powers concerning the identification of pet animals and prevention and risk-mitigation measures**

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

- a detailed species-specific requirements for:
  - (i) the means of identification of pet animals of the species listed in Annex I provided for in point (a) of Article 247, point (a) of Article 248(2), point (a) of Article 249(1) and point (a) of Article 250(2);
  - (ii) the application and use of those means of identification;
- b detailed species-specific requirements for the prevention and risk-mitigation measures to ensure that pet animals do not pose a significant risk for the spread of listed diseases as referred to in point (d) of Article 9(1) due to movements of pet animals of the species listed in Annex I as provided for in point (b) of Article 247, point (b) of Article 248(2), point (b) of Article 249(1) and point (b) of Article 250(2).

2 Where, in the case of emerging risks, imperative grounds of urgency so require, the procedure provided for in Article 265 shall apply to rules adopted pursuant to point (b) of paragraph 1 of this Article.

3 The species-specific prevention and risk-mitigation measures authorised by a delegated act adopted pursuant to point (b) of paragraph 1 of this Article shall be based on adequate, reliable and validated scientific information and applied proportionately to the risk to public or animal health associated with non-commercial movements of pet animals likely to be affected by listed diseases as referred to in point (d) of Article 9(1).

4 The delegated acts provided for in point (b) of paragraph 1 may also comprise the following:

- a rules for the categorisation of Member States or parts thereof according to their animal health status and their surveillance and reporting systems with regard to certain diseases that are likely to be spread by movements of pet animals of the species listed in Annex I;

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- b the conditions that Member States are to fulfil in order to remain eligible for the application of the prevention and risk-mitigation measures referred to in point (b) of paragraph 1;
- c the conditions for applying and documenting the prevention and risk-mitigation measures referred to in point (b) of paragraph 1;
- d the criteria for granting and, where appropriate, documenting derogations in certain specified circumstances from the application of the prevention and risk-mitigation measures referred to in point (b) of paragraph 1;
- e the criteria for granting and documenting derogations in certain specified circumstances from the conditions referred to in Articles 247 to 250.

### *Article 253*

#### **Implementing acts concerning prevention and risk-mitigation measures**

1 The Commission shall, by means of implementing acts, as regards pet animals of the species listed in Part A of Annex I:

- a lay down rules on the format, layout and languages of any documents required under points (c) and (d) of Article 252(4);
- b adopt a list of Member States that comply with the conditions referred to in point (d) of Article 252(4) and remove Member States from that list should any change occur in relation to those conditions;
- c adopt a list of Member States that comply with the rules for categorisation of Member States or parts thereof referred to in point (a) of Article 252(4) and remove Member States from that list should any change occur in relation to those rules;
- d adopt a list of third countries and territories that comply with the conditions referred to in point (d) of Article 252(4) and remove third countries or territories from that list should any change occur in relation to those conditions.

2 The Commission may, by means of implementing acts, as regards pet animals of the species listed in Part B of Annex I, adopt a list of third countries and territories that comply with the conditions referred to in point (d) of Article 252(4) and remove third countries or territories from that list should any change occur in relation to those conditions.

3 The implementing acts referred to in paragraphs 1 and 2 of this Article shall be adopted in accordance with the examination procedure referred to in Article 266(2).

4 On duly justified imperative grounds of urgency relating to serious risks, the Commission shall adopt immediately applicable implementing acts updating the lists referred to in points (b) and (d) of paragraph 1 of this Article in accordance with the procedure referred to in Article 266(3).

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## CHAPTER 5

### **Identification documents**

#### *Article 254*

#### **Delegation of powers concerning identification documents**

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

- (a) entries for the insertion of the information to be included in the identification documents referred to in point (c) of Article 247, point (c) of Article 248(2), point (c) of Article 249(1) and point (c) of Article 250(2);
- (b) the distribution of blank identification documents as referred to in point (c) of Article 247;
- (c) the conditions for granting derogations in relation to the format of the identification documents provided for in point (c) of Article 247 and point (c) of Article 249(1);
- (d) the issue, completion and, where applicable, endorsement of the identification documents provided for in point (c) of Articles 247, point (c) of Article 248(2), point (c) of Article 249(1) and point (c) of Article 250(2).

#### *Article 255*

#### **Implementing acts concerning identification documents**

1 The Commission shall adopt implementing acts laying down the model for identification documents as referred to in point (c) of Article 247 and point (c) of Article 249(1). That model shall contain the respective entries referred to in point (a) of Article 254, as well as requirements concerning the languages, layout, validity or security features of those identification documents.

- 2 The Commission may, by means of implementing acts, adopt:
- a the model for identification documents as referred to in point (c) of Article 248(2) and point (c) of Article 250(2), which are to contain the respective entries referred to in point (a) of Article 254, as well as requirements concerning the languages, layout, validity or security features of those identification documents;
  - b the rules necessary for transition to the model identification document referred to in point (c) of Article 247.

3 The implementing acts referred to in paragraphs 1 and 2 of this Article shall be adopted in accordance with the examination procedure referred to in Article 266(2).

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## CHAPTER 6

### **Information obligations**

#### *Article 256*

### **Information obligations**

1 Member States shall provide the public with clear and easily accessible information concerning the animal health requirements applicable to non-commercial movements of pet animals, including:

- a conditions for the grant of certain derogations referred to in point (d) of Article 252(4);
- b conditions for the grant of derogations referred to in point (e) of Article 252(4);
- c requirements for the application of the means of identification referred to in point (a) (ii) of Article 252(1);
- d conditions applicable to non-commercial movements into Member States' territories of pet animals of the species referred to in Part B of Annex I, which are laid down by their national rules as provided for in Articles 248(3) and 250(3);
- e conditions applicable to non-commercial movements into Member States' territories of pet animals from certain countries and territories laid down by their national rules as referred to in Article 251;
- f any relevant information concerning certain prevention and risk-mitigation measures as referred to in point (b) of Article 252(1).

2 Member States shall establish internet-based information pages providing the information referred to in paragraph 1, and shall communicate the internet address of those pages to the Commission.

3 The Commission shall assist the Member States in making that information available to the public by providing on its internet page:

- a links to the internet-based information pages of the Member States;
- b the information referred to in points (a) and (d) of paragraph 1, and the information made available to the public as referred to in point (b) of Article 244(2) in additional languages, as appropriate.

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- (1) Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein ([OJ L 61, 3.3.1997, p. 1](#)).

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