

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.

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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. \(t\)](#)