

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 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.

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) View outstanding changes

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 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.

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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.

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.

Changes to legislation:

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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. \(t\)](#)