

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 II

### **DISEASE NOTIFICATION AND REPORTING, SURVEILLANCE, ERADICATION PROGRAMMES, DISEASE-FREE STATUS**

#### CHAPTER 4

#### *Disease-free status*

#### Article 37

#### **Compartments**

1 A Member State may apply to the Commission for recognition of the disease-free status of compartments for listed diseases referred to in point (a) of Article 9(1), and for the protection of the disease-free status of such a compartment in the event of an outbreak of one or more of those listed diseases in its territory, provided that:

- a the introduction of the listed disease or listed diseases covered by the application can be effectively prevented at compartment level, taking into account the disease profile;
- b the compartment covered by the application is subject to a single common biosecurity management system designed to ensure the disease-free status of all establishments forming part of it; and
- c the compartment covered by the application has been approved by the competent authority for the purposes of movements of animals and products thereof in accordance with:
  - (i) Articles 99 and 100 for compartments keeping terrestrial animals and products thereof;
  - (ii) Articles 183 and 184 for compartments keeping aquaculture animals and products thereof.

2 A Member State may apply to the Commission for recognition of the disease-free status of compartments for one or more of the listed diseases referred to in points (b) and (c) of Article 9(1), provided that:

- a the introduction of the listed disease or listed diseases covered by the application can be effectively prevented at compartment level, taking into account the disease profile;
- b one or more of the following conditions are complied with:
  - (i) the conditions laid down in Article 36(1) are fulfilled;
  - (ii) the establishments of the compartment covered by the application have started or resumed their activities and have established a common biosecurity management system designed to ensure the freedom from disease of that compartment;

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**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](#)

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- c the compartment covered by the application is subject to a single common biosecurity management system designed to ensure the disease-free status of all establishments forming part of it; and
- d the compartment covered by the application has been approved by the competent authority for the purposes of movements of animals and products thereof in accordance with:
  - (i) Articles 99 and 100 for compartments keeping terrestrial animals and products thereof;
  - (ii) Articles 183 and 184 for compartments keeping aquaculture animals and products thereof.

3 Applications by Member States for recognition of the disease-free status of compartments in accordance with paragraphs 1 and 2 shall include evidence demonstrating that the conditions laid down in those paragraphs are fulfilled.

4 The Commission shall, by means of implementing acts:

- a recognise, subject to amendments where necessary, the disease-free status of compartments, when the conditions laid down in paragraph 1 or paragraph 2 and in paragraph 3 are fulfilled;
- b determine for which of the listed diseases referred to in points (a), (b) and (c) of Article 9(1) the disease-free compartments may be established.

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

5 The Commission shall be empowered to adopt delegated acts in accordance with Article 264 concerning provisions supplementing those contained in this Article, on:

- a the requirements for recognition of the disease-free status of compartments as provided for in paragraphs 1 and 2 of this Article, based on the profile of the listed diseases referred to in points (a), (b) and (c) of Article 9(1), concerning at least:
  - (i) surveillance results and other evidence needed to substantiate freedom from disease;
  - (ii) biosecurity measures;
- b the detailed rules for the approval by the competent authority of the disease-free status of compartments as provided for in paragraphs 1 and 2; and
- c rules concerning compartments which are located in the territory of more than one Member State.

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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.

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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. \(t\)](#)