

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 I

TERRESTRIAL ANIMALS, GERMINAL PRODUCTS AND PRODUCTS OF ANIMAL ORIGIN FROM TERRESTRIAL ANIMALS

CHAPTER 5

Movements within the Union of germinal products

Section 3

Animal health certification and notification of movements

Article 161

Operators' obligations concerning animal health certification for movements of germinal products of kept animals of the bovine, ovine, caprine, porcine and equine species and germinal products of poultry and delegated acts

1 Operators shall only move germinal products of kept animals of the bovine, ovine, caprine, porcine and equine species and germinal products of poultry to another Member State where such products are accompanied by an animal health certificate issued by the competent authority of the Member State of origin in accordance with paragraph 3;

2 In cases where germinal products of kept animals are allowed to leave a restricted zone subject to:

- a disease control measures as provided for in point (f)(ii) of Article 55(1), Articles 56, 64 and 65, Article 74(1) and Article 79, and the rules adopted pursuant to Article 55(2), Article 67, Articles 71(3) and 74(4), Article 83(2), or
- b emergency measures as provided for in Articles 257 and 258 and the rules adopted pursuant to Article 259,

and those germinal products are of species subject to those disease control or emergency measures, operators shall only move such germinal products within a Member State or from one Member State to another Member State when they are accompanied by an animal health certificate issued by the competent authority of the Member State of origin in accordance with Article 149(1), unless derogations have been granted from the animal health certification requirement in accordance with the rules referred in this subparagraph.

The competent authority may decide that such a certificate does not have to be issued for movements of germinal products within the Member State concerned when that authority considers that an alternative system is in place ensuring that the consignment of such germinal products is traceable and that those germinal products comply with the animal health requirements for such movement.

3 Operators shall take all necessary measures to ensure that the animal health certificate referred to in paragraph 1 accompanies the germinal products from their place of origin to their place of destination.

4 The competent authority shall, upon request by an operator, issue an animal health certificate for the movements of germinal products referred to in paragraph 1, provided that the relevant requirements referred to in Chapter 5 of Title I of Part IV have been complied with.

5 Articles 148, 149 and 150, and the rules adopted pursuant to Articles 146 and 147 and Article 149(4), shall apply to the animal health certification of the germinal products referred to in paragraph 1 of this Article. Article 151(1) and the rules adopted pursuant to Article 151(3) shall apply to the self-declaration of movements of germinal products.

6 The Commission shall be empowered to adopt delegated acts in accordance with Article 264 concerning derogations from the animal health certificate requirements provided for in paragraph 1 of this Article as regards movements of germinal products of kept animals of the bovine, ovine, caprine, porcine and equine species and germinal products of poultry which do not pose a significant risk for the spread of listed diseases due to:

- a the nature of the germinal products concerned or the species of animal that those products come from;
- b the methods of production and processing at the germinal product establishment;
- c the intended use of the germinal products;
- d alternative risk-mitigation measures in place for the type and category of germinal products and the germinal product establishment;
- e the place of destination of the germinal products, when the place of destination is in the same Member State as the place of origin but the germinal products pass through another Member State in order to reach the place of destination.

Article 162

Content of animal health certificates

1 The animal health certificate for the germinal products provided for in Article 161 shall contain at least the following information:

- a the germinal product establishment of origin and the establishment or place of destination;
- b the type of the germinal products and the species of kept donor animals;
- c the volume or number of the germinal products;
- d the marking of the germinal products, when required by Articles 121(1) and by any rules adopted pursuant to Article 122(1);
- e the information needed to demonstrate that the germinal products of the consignment fulfil the movement requirements for the relevant species as provided for in Articles 157 and 159 and in any rules adopted pursuant to Article 160.

2 The animal health certificate for germinal products as provided for in Article 161 may include other information required under other Union legislation.

3 The Commission shall adopt delegated acts in accordance with Article 264 concerning the information to be contained in the animal health certificate pursuant to paragraph 1 of this Article;

4 The Commission shall be empowered to adopt delegated acts in accordance with Article 264 concerning animal health certification for different types of germinal products and of different animal species.

5 The Commission may, by means of implementing acts, lay down rules concerning model forms of animal health certificates for germinal products. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 266(2).

Article 163

Notification of movements of germinal products of kept animals of the bovine, ovine, caprine, porcine and equine species and germinal products of poultry to other Member States

1 Operators shall:

- a inform the competent authority in their Member State of origin in advance of the intended movement of germinal products of kept animals of the bovine, ovine, caprine, porcine and equine species and germinal products of poultry to another Member State when:
 - (i) the germinal products in question are required to be accompanied by an animal health certificate in accordance with Article 161(1) or (2);
 - (ii) notification of movement is required in accordance with delegated acts adopted pursuant to point (a) of paragraph 5 of this Article for germinal products, taking into account paragraph 3 of this Article;
- b provide all the necessary information to enable the competent authority of the Member State of origin to notify the movement of the germinal products to the competent authority of the Member State of destination in accordance with paragraph 2.

2 The competent authority of the Member State of origin shall notify, prior to the movement in question and whenever possible through Traces, the competent authority of the Member State of destination of any movement of germinal products of kept animals of the bovine, ovine, caprine, porcine and equine species and germinal products of poultry in accordance with the rules adopted pursuant to paragraphs 5 and 6.

3 Member States shall use, for the management of notifications, regions designated in accordance with Article 153(3).

4 Article 153(4) shall apply to the notification of germinal products by operators.

5 The Commission shall adopt delegated acts in accordance with Article 264 concerning:

- a the requirement for advance notification by operators of movements of germinal products between Member States in accordance with point (a)(ii) of paragraph 1 of this Article, where traceability of such movements is necessary in order to ensure compliance with the animal health requirements for movements laid down in Sections 1 and 2 (Articles 157 to 160);
- b information necessary to notify movements of germinal products as provided for in paragraph 1 of this Article;

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- c the emergency procedures for the notification of movements of germinal products in the event of power cuts and other disturbances of Traces.
- 6 The Commission may, by means of implementing acts, lay down rules concerning:
- a the provision of information on movements of germinal products by operators to the competent authority of their Member State of origin in accordance with paragraph 1;
 - b notification by the competent authority of the Member State of origin to the Member State of destination of movements of germinal products in accordance with paragraph 2;
 - c the deadlines for:
 - (i) the provision of the information referred to in paragraph 1 by the operator to the competent authority of the Member State of origin;
 - (ii) notification by the competent authority of the Member State of origin of movements of germinal products as referred to in paragraph 2.

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