

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 VIII

### COMMON PROVISIONS

#### TITLE I

### PROCEDURAL PROVISIONS

#### *Article 263*

#### **Amendments to Annex III**

The Commission shall be empowered to adopt delegated acts in accordance with Article 264 concerning amendments to Annex III, limited exclusively to taking into account changes in taxonomy.

#### *Article 264*

#### **Exercise of the delegation**

1 The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2 It is of particular importance that the Commission carry out consultations with experts, including Member States' experts, before adopting those delegated acts.

3 The power to adopt delegated acts referred to in Articles 3(5), 5(2) 5(4), 14(3), 16(2), 18(3), 20(3), 29, 31(5), 32(2), 37(5), 39, 41(3), 42(6), 47, 48(3), 53(2), 54(3), 55(2), 58(2), 63, 64(4), 67, 68(2), 68(3), 70(3), 72(2), 73(3), 74(4), 76(5), 77(2), 87(3), 94(3), 97(2), 101(3), 106(1), 109(2), 118, 119, 122(1), 122(2), 125(2), 131(1), 132(2), 135, 136(2), 137(2), 138(3), 139(4), 140, 144(1), 146(1), 147, 149(4), 151(3), 154(1), 156(1), 160(1), 160(2), 161(6), 162(4), 163(5), 164(2), 165(3), 166(3), 167(5), 168(3), 169(5), 176(4), 181(2), 185(5), 189(1), 192(2), 197(3), 200(3), 201(3), 202(3), 203(2), 204(3), 205(2), 211(1), 213(1), 214, 216(4), 218(3), 221(1), 222(3), 223(6), 224(3), 228(1), 230(3), 234(2), 237(4), 239(2), 240(2), 241(2), 242(2), 245(3), 246(3), 249(3), 252(1), 254, 263, 271(2), 272(2), 279(2), and 280(4) shall be conferred on the Commission for a period of five years from 20 April 2016.

The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

4 The delegation of power referred to in paragraph 3 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of

---

*Status: Point in time view as at 09/03/2016.*

*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)*

---

the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

5 As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6 A delegated act adopted pursuant to the provisions listed in paragraph 3 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

7 The Commission shall allow a period of at least six months to elapse between the adoption of the respective initial delegated acts referred to in Articles 3(5), 14(3), 16(2), 20(3), 122(2), 164(2) and 228(1) and the date on which they start to apply.

#### *Article 265*

### **Urgency procedure**

1 Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.

2 Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 264(6). In such a case, the Commission shall repeal the act without delay following the notification of the decision to object by the European Parliament or by the Council.

#### *Article 266*

### **Committee procedure**

1 The Commission shall be assisted by the Standing Committee on Plants, Animals, Food and Feed established by Article 58(1) of Regulation (EC) No 178/2002. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2 Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

3 Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.

4 The Commission shall allow a period of at least six months to elapse between the adoption of the respective initial implementing acts referred to in Articles 25(3), 120, and 228(2), when those implementing acts relate to the implementation of Article 117, and the date on which they start to apply.

---

*Status: Point in time view as at 09/03/2016.*

*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)*

---

## Article 267

### **Data protection**

1 Member States shall apply Directive 95/46/EC of the European Parliament and of the Council<sup>(1)</sup> to the processing of personal data carried out in the Member States pursuant to this Regulation.

2 Regulation (EC) No 45/2001 of the European Parliament and of the Council<sup>(2)</sup> shall apply to the processing of personal data carried out by the Commission pursuant to this Regulation.

## TITLE II

### **PENALTIES**

## Article 268

### **Penalties**

The Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that those rules are implemented. The penalties provided for must be effective, proportionate and dissuasive.

The Member States shall notify those provisions to the Commission by 22 April 2022 at the latest and shall notify it without delay of any subsequent amendments affecting them.

## TITLE III

### **MEMBER STATES' MEASURES**

## Article 269

### **Additional or more stringent measures by Member States**

1 In addition to what follows from other provisions in this Regulation, allowing the Member States to adopt national measures, Member States may apply within their territories measures that are additional to, or more stringent than, those laid down in this Regulation, concerning:

- a responsibilities for animal health as provided for in Chapter 3 of Part I (Articles 10 to 17);
- b notification within Member States as provided for in Article 18;
- c surveillance as provided for in Chapter 2 of Part II (Articles 24 to 30);
- d registration, approval, record-keeping and registers as provided for in Chapter 1 of Title I (Articles 84 to 107), and Chapter 1 of Title II, of Part IV (Articles 172 to 190);
- e traceability requirements for kept terrestrial animals and germinal products as provided for in Chapter 2 of Title I of Part IV (Articles 108 to 123).

---

*Status: Point in time view as at 09/03/2016.*

*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)*

---

2 The national measures referred to in paragraph 1 shall respect the rules laid down in this Regulation and shall not:

- a hinder the movement of animals and products between Member States;
- b be inconsistent with the rules referred to in paragraph 1.

---

**Status:** Point in time view as at 09/03/2016.

**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)

---

- (1) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ([OJ L 281, 23.11.1995, p. 31](#)).
- (2) Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ([OJ L 8, 12.1.2001, p. 1](#)).

**Status:**

Point in time view as at 09/03/2016.

**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.