Commission Delegated Regulation (EU) 2020/1625 of 25 August 2020 amending Delegated Regulation (EU) 2019/2035 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for establishments keeping terrestrial animals and hatcheries, and the traceability of certain kept terrestrial animals and hatching eggs (Text with EEA relevance)

COMMISSION DELEGATED REGULATION (EU) 2020/1625

of 25 August 2020

amending Delegated Regulation (EU) 2019/2035 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for establishments keeping terrestrial animals and hatcheries, and the traceability of certain kept terrestrial animals and hatching eggs

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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')[(1)], and in particular Article 118(1) and (2) thereof,

Whereas:

(1) Regulation (EU) 2016/429 lays down rules for the prevention and control of diseases which are transmissible to animals or humans, including, inter alia, rules for establishments keeping terrestrial animals and hatcheries, and for the traceability of certain kept terrestrial animals and hatching eggs within the Union. It also empowers the Commission to adopt rules to supplement certain non-essential elements of that Regulation by means of delegated acts.

(2) Commission Delegated Regulation (EU) 2019/2035[(2)] lays down supplementing rules for registered and approved establishments for kept terrestrial animals and hatching eggs, and for the traceability of certain kept terrestrial animals and hatching eggs. In particular Title II of Part III of that Delegated Regulation lays down rules concerning the traceability of kept ovine and caprine animals, including obligations on operators as regards the means and methods of identification of those animals.

(3) In addition, Article 46 of Delegated Regulation (EU) 2019/2035 provides for certain derogations from the traceability requirements for kept ovine and caprine animals laid down in Article 45 of that act. This includes the possibility for operators keeping ovine and caprine animals less than 12 months old to identify their animals by means of a single electronic eartag with a visible display of the unique registration number and identification code, where those animals are intended to be transported to a slaughterhouse in the same Member State, after undergoing an assembly operation or a fattening operation. After the adoption of Delegated Regulation (EU) 2019/2035,

Changes to legislation: *There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2020/1625. (See end of Document for details)*

the Commission received various comments from certain stakeholders and Member States concerning the potential implications of applying that derogation which was considered too cumbersome for sheep and goat breeders, particularly taking into account the low market price obtained by those breeders for animals slaughtered for human consumption. Taking into account the considerations laid down in Article 118(3) of Regulation (EU) 2016/429, a conventional ear tag or a conventional pastern band could be regarded as ensuring a sufficient level of traceability when young kept ovine and caprine animals from different establishments of origin are moved, after a fattening operation, to a slaughterhouse. Also, a sufficient level of traceability can only be ensured if such movements are recorded in a single database, and therefore take place within the same Member State, which is also a requirement for most of the other derogations provided for in Article 46 of Delegated Regulation (EU) 2019/2035.

(4) Taking into account those considerations, it is appropriate to amend Regulation (EU) 2019/2035 by adding an additional derogation for young kept ovine and caprine animals so that disproportionate burdens and costs are not imposed on operators, while at the same time ensuring the traceability of kept ovine and caprine animals and the smooth functioning of the identification and registration system for those animals.

(5) Moreover, Article 108 of Regulation (EU) 2016/429 requires Member States to have in place a system for the identification and registration of kept terrestrial animals, including kept ovine and caprine animals. That system should have established procedures for its proper functioning, including for the management of derogations, which are applied in the Member States. In order to avoid any risk to animal health, and to ensure the traceability of kept ovine and caprine animals, when certain derogations provided for in Article 46 of Regulation (EU) 2019/2035 are applied, there should be an obligation on Member States to establish procedures regarding the application of such derogations.

(6) As Delegated Regulation (EU) 2019/2035 applies from 21 April 2021, this Regulation should also apply from that date,

HAS ADOPTED THIS REGULATION:

Article 1

Delegated Regulation (EU) 2019/2035 is amended as follows:

(1) in Article 45(4), point (a) is replaced by the following:

(a) one of the means of identification referred to in paragraph 2 of this Article, in accordance with the derogations provided for in Article 46;;

(2) in Article 46, the following paragraph 5 is added:

5. By way of derogation from Article 45(2), operators keeping ovine and caprine animals intended to be transported to a slaughterhouse after undergoing a fattening operation in another establishment may identify each animal at least by a conventional ear tag or a conventional pastern band as listed in points (a) and (b) of Annex III with a visible, legible and indelible display of either the unique registration number of the establishment of birth of the animal, or the identification code of the animal, provided that those animals: