Commission Implementing Regulation (EU) 2015/262 of 17 February 2015 laying down rules pursuant to Council Directives 90/427/EEC and 2009/156/EC as regards the methods for the identification of equidae (Equine Passport Regulation) (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2015/262

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 90/427/EEC of 26 June 1990 on the zootechnical and genealogical conditions governing intra-Community trade in equidae[(1)], and in particular Article 4(2)(c) and (d), the second indent of Article 6(2) and the first subparagraph of Article 8(1) thereof,

Having regard to Council Directive 2009/156/EC of 30 November 2009 on animal health conditions governing the movement and importation from third countries of equidae[(2)], and in particular Article 4(4) thereof,

Whereas:

(1) Directive 90/427/EEC lays down the zootechnical conditions governing intra-Union trade in equidae. It requires Member States to ensure that registered equidae being moved are accompanied by an identification document issued by the approved breeding organisations or breeders' associations referred to in that Directive.

(2) Directive 2009/156/EC lays down the animal health conditions for the movement and the importation from third countries of equidae. It provides that registered equidae are to be identified by an identification document issued in accordance with Directive 90/427/EEC or by an international association or organisation which manages horses for competition or racing. Equidae for breeding and production are to be identified by a method established by the Commission.

(3) Commission Regulation (EC) No 504/2008[(3)], which is applicable since 1 July 2009, lays down rules on the identification of equidae born in or imported into the Union, and sets out an identification document (equine passport) for equidae which is a multipurpose document serving animal and public health as well as zootechnical and equestrian sport's needs. With the focus on the identification document as the constitutive element of the equine identification system, that Regulation only provides for the option to incorporate the information contained in the databases of numerous

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issuing bodies into a central database or to network their databases with that central database.

(4) Member States have encountered difficulties in implementing the measures provided for in Regulation (EC) No 504/2008. Those difficulties mainly concern the method of identification of equidae by means of the identification document.

(5) Investigations carried out by Member States have revealed that the identification document is the target of significant fraud. The main risk represents the illegal reintroduction into the food chain of equidae previously excluded from slaughter for human consumption and treated with medicinal products not authorised for food producing animals. Following the adoption of Commission Decision 2000/68/EC[(4)], thousands of equidae have been irreversibly excluded from slaughter for human consumption. The lack of alternatives to the life-long keeping of redundant and unwanted equidae, which have been excluded from slaughter for human consumption, has led to neglect and abandonment with serious animal health and welfare consequences. This situation has been exacerbated by the current economic situation, which makes in many cases the keeping of equidae at the end of their productive life unaffordable. In certain Member States, the problems have reached such proportions that competent authorities have launched programmes for the slaughter of redundant equidae outside the food chain.

(6) During recent years, fly-grazing has emerged as a new phenomenon affecting owners of grazed land, since legally they have become keepers of equidae and unintentionally acquired responsibilities under Regulation (EC) No 504/2008. The unclear status of these equidae may also be relevant for the correct application of Union rules in other areas.

(7) It has become apparent that the information recorded in the database of the issuing body at the time of issuance of the identification document quickly becomes outdated. It is thus extremely difficult, if not completely impractical, for the competent authorities to verify, in the context of certification or an identity check, whether or not an identification document is authentic and the information it contains is current and plausible and was not subject to fraudulent alterations, primarily relating to the status of the animals as intended for slaughter, but also in order to use the more favourable animal health and welfare conditions for movement of registered equidae.

(8) In most Member States the databases of the different passport issuing bodies are not connected with each other, and for legal and administrative reasons a single passport issuing body is not a readily available option. Therefore, the establishment of a central database is considered to be the most effective solution to exchange and synchronise data between the different actors under Directives 90/427/EEC and 2009/156/EC as much as necessary to manage identification documents of equidae with the view to provide not only the required animal health guarantees but also to enable the application of those provisions in Union legislation on animal welfare and public health that have a correct and reliable identification of equidae as a prerequisite.

(9) An inquiry carried out by the Commission in the context of the horsemeat events of 2013 showed that 23 Member States have established a central database, and two

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Member States have a single database for registered equidae and equidae for breeding and production respectively. Three Member States, representing about 20 % of the 6,7 million equidae in the Union, have no centralised database.

(10) It is therefore necessary to review the Union system for the identification of equidae in order to ensure it is safe but also user-friendly.

(11) Imports of equidae into the territories listed in Annex I to Regulation (EC) No 882/2004 of the European Parliament and of the Council[(5)] are subject to the conditions laid down in accordance with Directive 2009/156/EC and are authorised from third countries listed in the Annex to Commission Decision 2004/211/EC[(6)]. Typically, about 4 000 registered equidae and equidae for breeding and production are introduced each year into the Union under the conditions laid down in Commission Decision 93/197/EEC[(7)].

(12) When the customs procedures laid down in Regulation (EU) No 952/2013 of the European Parliament and of the Council[(8)] are applied, it is necessary to refer in addition to Council Regulation (EEC) No 706/73[(9)]. Regulation (EEC) No 706/73 stipulates that as from 1 September 1973, Union rules are applicable in the Channel Islands and the Isle of Man in the matter of veterinary legislation.

(13) Commission Decision 96/78/EC[(10)] lays down criteria for the entry and registration of registered equidae in studbooks for breeding purposes. That Decision requires, amongst other things, that in order to be entered in the main section of a studbook of its breed an equine animal must be identified as foal at foot according to the studbook rules, which should at least require a covering certificate. In the interest of consistency of Union legislation and the ease of its application, the rules concerning the identification document should not compromise the application of the rules on the identification of equidae for the purpose of their entry in studbooks.

(14) The methods for the identification of equidae laid down in this Regulation should also be in line with the principles established by breeding organisations approved in accordance with Commission Decision 92/353/EEC[(11)]. In accordance with that Decision, it is for the organisation or association which maintains the studbook of the origin of the breed to establish principles governing the identification of equidae and on the division of the studbook into classes and on the lineages entered in the studbook.

(15) To ensure a high quality of identification documents and record keeping for all equidae in the Union, Member States should ensure that those systems for the identification of registered equidae which have been entered or registered in studbooks established by approved or recognised breeding organisations or breeders' associations meet, as regards the issuing of identification documents, the conditions established for the designation by the competent authority of bodies issuing identification documents for equidae for breeding and production.

(16) The definition of ‘equidae’, falling strictly within the scope of point (b) of Article 2 of Directive 2009/156/EC, should be in line with the taxonomy used in Union legislation, such as in the appendices to Council Regulation (EEC) No 3626/82[(12)] and Commission Regulation (EU) No 206/2010[(13)].

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(17) As the definition of holding laid down in Council Directive 92/35/EEC[(14)] includes nature reserves in which equidae live in freedom and is thus wider than that laid down in Directive 2009/156/EC, it is appropriate that the definition of holding laid down in this Regulation should also cover nature reserves in which equidae live in freedom.

(18) Veterinary supervision necessary to provide the animal health guarantees required in accordance with Directive 2009/156/EC can only be ensured, where the holding as defined in that Directive is known to the competent authority. Similar requirements result from the application of Part A of Chapter II of Section I of Annex I to Regulation (EC) No 854/2004 of the European Parliament and of the Council[(15)] in relation to equidae as food-producing animals. However, having regard to the frequency with which equidae are moved, it is not appropriate to establish a system whereby equidae should be traceable in real-time. Rather, identification details should be available to the competent authority and for this purpose a central database in each Member State is instrumental to manage information on equidae that are kept in that Member State.

(19) Union legislation distinguishes between owners and keepers of animals. The term ‘keeper’ of animals is defined and used in Regulation (EC) No 1760/2000 of the European Parliament and of the Council[(16)]. By contrast, Directive 2009/156/EC refers to the owner or breeder of the animal. A combined definition of owner and keeper is provided for in Directive 92/35/EEC. As under Union and national legislation, the owner of an equine animal is not necessarily the person responsible for the equine animal, it is appropriate to clarify that primarily the keeper of the equine animal, who may or may not be the owner, should be responsible for the identification of equidae in accordance with this Regulation.

(20) Under legislation in Member States or as a requirement of certain issuing bodies, information on the owner of the animal needs to be entered in the identification document and as a consequence in the database maintained by the issuing body. This information on ownership, and moreover on the change of ownership, may be provided in different formats of ownership certificates or registration cards, including the ‘carte d'immatriculation’ practiced successfully in a Member State.

(21) Council Directive 2008/73/EC[(17)] provides that Member States are to draw up, and keep up-to-date, lists of approved establishments in the veterinary and zootechnical fields and to make them available to the other Member States and to the public. In order to facilitate access by the other Member States and by the public to the lists of approved establishments, the lists should be made available electronically by Member States by means of internet-based information pages. The Commission should assist Member States in making those lists available to the other Member States and to the public by providing the internet address of a website, which should display national links to the internet-based information pages of the Member States.

(22) In order to facilitate the exchange of information by electronic means between Member States, and to ensure transparency and comprehensibility, it is important that lists are presented following a uniform template throughout the Union. Commission Decision 2009/712/EC[(18)] therefore sets out models of the layout of the aforementioned lists on the internet-based information pages established by Member States.

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(23) Regulation (EC) No 504/2008 provides that equidae are not to be kept unless they are identified in accordance with that Regulation. The Commission has had to respond to several complaints concerning domestic horse populations living outside holdings in conditions that were not compatible with those described as semi-wild in that Regulation. It is therefore necessary to clarify, that equidae living in the Union are to be identified and as a second step to provide for a derogation where that condition cannot be met.

(24) Equidae living in the Union should be identified by a lifetime identification document that provides a narrative and a diagrammatical description of the equine animal and records the individual marks of that animal for the purpose of identity verification. These marks may be either inherited, such as more than three whorls, chestnuts, colour marks, rare eye pigment defects, specific muscle depressions, but also detail-rich structures of iris or retina, specific genetic markers (DNA profile) or they may be acquired, such as saddle sore depigmentation and scars, including those from castration of stallions, or a brand.

(25) Identification documents should not be issued unless completed with the required identification details which are to be recorded in the database of the issuing body in accordance with this Regulation.

(26) In addition, the certificate of origin, provided for in Directive 90/427/EEC, to be incorporated in the identification document should mention all necessary information to ensure that equidae which are moved between different studbooks are entered in the class of the studbook the criteria of which they meet.

(27) In accordance with Commission Decision 96/510/EC[(19)], the pedigree and zootechnical certificate for registered equidae must be in conformity with the identification document as laid down in Commission Decision 93/623/EEC[(20)]. As Decisions 93/623/EEC and 2000/68/EC were repealed by Regulation (EC) No 504/2008, it is necessary to clarify that any reference to those Decisions should be construed as reference to this Regulation.

(28) The bodies issuing identification documents for registered equidae should be the organisations or associations which maintain or establish studbooks for registered equidae that are officially approved or recognised by the competent authority of a Member State in accordance with Decision 92/353/EEC, or an official agency of the Member State which manages the studbook in which the equine animal is entered or registered for breeding purposes in accordance with Decision 96/78/EC. Furthermore, national branches of international organisations or associations, which manage horses for competition or racing and have their headquarters in a Member State should also be able to act as a body issuing identification documents for registered horses.

(29) Member States should be afforded more discretion in relation to the issuing bodies that issue identification documents for equidae for breeding and production. It should be possible for those identification documents to be issued by the competent authority for the holding where the equine animal is kept at the time of its identification or an issuing body designated and supervised by that competent authority.