Regulation (EU) No 653/2014 of the European Parliament and of the Council of 15 May 2014 amending Regulation (EC) No 1760/2000 as regards electronic identification of bovine animals and labelling of beef

REGULATION (EU) No 653/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 15 May 2014

amending Regulation (EC) No 1760/2000 as regards electronic identification of bovine animals and labelling of beef

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) and Article 168(4)(b) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[(1)],

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure[(2)],

Whereas:

(1) In 1997, Council Regulation (EC) No 820/97[(3)] reinforced Union rules on the identification and traceability of bovine animals in the light of the bovine spongiform encephalopathy (BSE) epidemic and the resulting increased need to trace the origin and movement of animals using conventional ear tags.

(2) Regulation (EC) No 1760/2000 of the European Parliament and of the Council[(4)] provides that each Member State is to establish a system for the identification and registration of bovine animals in accordance with that Regulation.

(3) Regulation (EC) No 1760/2000 establishes a system for the identification and registration of bovine animals comprising ear tags applied to both ears of each animal, computerised databases, animal passports and individual registers kept at each holding.

(4) Tracing of beef back to source via identification and registration is a prerequisite for origin labelling throughout the food chain. Those measures ensure consumer protection and public health and promote consumer confidence.

(5) Regulation (EC) No 1760/2000 and, more specifically, bovine identification and voluntary beef labelling systems were listed as information obligations with special importance in terms of the burdens they imply to businesses in the Communication from the Commission of 22 October 2009 entitled ‘Action Programme for Reducing Administrative Burdens in the EU — Sectoral Reduction Plans and 2009 Actions’.

(6) The use of electronic identification ('EID') systems could potentially streamline traceability processes through automated and more accurate reading and recording into the holding register. Moreover, it would enable automated reporting of animal movements to the computerised database and thus improve the speed, reliability and accuracy of the traceability system. The use of EID systems would also improve the management of certain direct payments to farmers.

(7) EID systems based on radio frequency identification have considerably improved over the last 10 years. That technology allows a faster and more accurate reading of individual animal identity codes directly into data processing systems. This results in a reduction of the time needed to trace potentially infected animals or food, leading to improved reliability of databases and an increase in the capacity to react promptly in the event of disease outbreaks, saving labour costs even if it involves an increase in equipment costs.

(8) This Regulation is coherent with the fact that EID systems have already been introduced in the Union for non-bovine animal species, such as the mandatory system used in ovine and caprine animals.

(9) Given the technological advances in EID systems, several Member States have decided to start to implement bovine EID on a voluntary basis. Those initiatives are likely to lead to the development of different systems in individual Member States and by different stakeholders. The development of differing systems would impede the subsequent harmonisation of technical standards within the Union. The interoperability of the Member State EID systems should be ensured, as should their consistency with the relevant ISO standards or other international technical standards adopted by recognised international standard-setting organisations, with the understanding that those international standards are able to guarantee, at the very least, a higher level of performance than ISO standards.

(10) The Report from the Commission of 25 January 2005 on the possibility of introduction of EID for bovine animals concluded that it had been demonstrated that radio frequency identification had been developed to the extent that it could already be applied in practice. That report also concluded that it was highly desirable to switch to EID of bovine animals within the Union since, among other benefits, it would contribute to the reduction of the administrative burden.

(11) According to the Communication from the Commission of 10 September 2008 entitled 'Action Plan for the implementation of the EU Animal Health Strategy' the Commission is to simplify information obligations, such as holding registers and animal passports in the course of the introduction of EID systems.

(12) The Communication from the Commission of 19 September 2007 entitled 'A new Animal Health Strategy for the European Union (2007-2013) where 'Prevention is better than cure' ' proposes considering EID for bovine animals as a possible improvement to the existing Union system of identification and registration in order to simplify information obligations, such as holding registers and animal passports, and suggests implementing an electronic bovine passport exchange. That exchange

would entail the introduction of EID with real time insertion of data. Such an exchange would lead to considerable savings in terms of costs and efforts for the competent authorities of the Member States and other stakeholders and would reduce the workload when transferring animal passports data into computerised databases. This Regulation is consistent with that initiative.

(13) This Regulation is thus expected to contribute to some key objectives of major Union strategies including the Europe 2020 strategy for smart, sustainable and inclusive growth by improving economic growth, cohesion and competitiveness.

(14) Certain third countries have already established rules allowing advanced EID technologies. The Union should establish similar rules to facilitate trade and increase the competitiveness of the sector.

(15) In the light of the technological development of new types of electronic identifiers, it is appropriate to broaden the scope of the means of identification provided for in Regulation (EC) No 1760/2000 in order to enable the use of electronic identifiers as an official means of identification. Since the introduction of the corresponding provisions implies considerable investment, it is necessary to allow for a transitional period of five years to give the Member States the necessary time to prepare. During that transitional period conventional ear tags will continue to be the only official means of identification for bovine animals.

(16) Making EID mandatory throughout the Union could have economically adverse effects on certain operators. It is therefore appropriate that, once EID becomes an official means of identification, its use by keepers should be voluntary. Under such a voluntary regime, EID would be chosen by keepers who are likely to benefit economically from it, while it should be possible for other keepers to continue to identify their animals with two conventional ear tags.

(17) Member States have very different husbandry systems, farming practices and sector organisations. Member States should therefore be allowed to make EID compulsory on their territory only when they deem it appropriate, after considering all of those factors, including impacts on small farmers, and following consultation with organisations representing the cattle industry. During intra-Union animal trade movements the obligation to electronically identify a bovine animal should fall to the Member State which has made the use of EID compulsory on its territory. This should not imply that that Member State is obliged to re-identify animals which have already been electronically identified in the Member State of dispatch.

(18) Animals and meat entering the Union from third countries should be subject to identification and traceability requirements that provide an equivalent level of protection.

(19) When live animals are imported into the Union from third countries, they should be subject, on arrival, to the same identification requirements that apply to animals that are born in the Union.

(20) The two official means of identification allocated to one animal should bear the same identification code. However, during the initial phase of adjustment to the

use of electronic identifiers as an official means of identification, it could not be excluded that, in certain cases, technical limitations related to the configuration of an animal's original identification code could prevent the reproduction of that code on an electronic identifier. This could occur where the characters forming an animal's existing identification code prevent that code from being converted into an electronic format. Therefore, specific transitory derogations should be provided for in order to allow the application of an electronic identifier also to those animals, provided that full traceability is ensured and that the animals can be identified individually, including the holding on which they were born.

(21) Regulation (EC) No 1760/2000 provides that the competent authority is to issue a passport for each animal which has to be identified in accordance with that Regulation. This causes a considerable administrative burden for Member States. The competent authorities of Member States have an obligation to set up a computerised database in accordance with Articles 14 and 18 of Council Directive 64/432/EEC[(5)]. Since those databases have had to be fully operational since 31 December 1999, they should sufficiently ensure traceability of domestic movements of bovine animals. Passports should therefore be issued only for animals intended for intra-Union trade. However, this Regulation should not preclude national provisions concerning the issuing of passports for animals not intended for intra-Union trade.

(22) BOVEX, the pilot project for bovine passport exchange between Member States, was put in place by the Commission in order to facilitate data exchange between Member States, while at the same time ensuring the traceability of the animals during their intra-Union movements. Once the data exchange between national computerised databases is fully operational, the requirement of issuing animal passports in a paper form should no longer apply to animals intended for intra-Union movements. This should contribute to the reduction of the administrative burden of Member States and economic operators.

(23) Section II of Title II of Regulation (EC) No 1760/2000 lays down rules for a voluntary beef labelling system which provide for the approval of certain labelling specifications by the competent authority of the Member State concerned. The administrative burden borne and the costs incurred by Member States and by economic operators in applying that system are not proportionate to the benefits of the system. Since new legislation has entered into force following the adoption of that Regulation, specific rules on the voluntary labelling system have become superfluous and should therefore be deleted. However, the right of operators to inform consumers through voluntary labelling on the characteristics of the meat and the right of the consumers to receive verifiable information should not be compromised. Consequently, as for any other sort of meat, food information on beef which goes beyond mandatory labelling should respect the current horizontal legislation, including Regulation (EU) No 1169/2011 of the European Parliament and of the Council[(6)].

(24) To prevent risks of fraud in meat labelling and to protect European consumers, applicable controls and penalties should have a sufficiently dissuasive effect.

(25) In accordance with Regulation (EU) No 1169/2011, the Commission submitted a report to the European Parliament and the Council regarding the mandatory indication of

the country of origin or place of provenance of the meat used as an ingredient. That report was to be accompanied by a legislative proposal, if appropriate, in order to ensure more transparency throughout the meat chain and to better inform European consumers. Taking into account the latest problems in relation to the labelling of meat products that have affected the functioning of the food chain, the European Parliament and the Council expected the report to be adopted as early as possible during the second semester of 2013 and it was finally adopted on 17 December 2013.

(26) As a consequence of the entry into force of the Lisbon Treaty, the powers conferred under Regulation (EC) No 1760/2000 upon the Commission need to be aligned with Articles 290 and 291 of the Treaty on the Functioning of the European Union (TFEU).

(27) In order to ensure that the necessary rules for the proper functioning of the identification, registration and traceability of bovine animals and of beef are applied, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of the requirements for alternative means of identification of bovine animals; the special circumstances in which Member States are to be permitted to extend the maximum periods for the application of the means of identification; data to be exchanged between the computerised databases of the Member States; the maximum period for certain reporting obligations; the requirements for the means of identification; the addition of means of identification to the list set out in Annex I; the rules concerning the information from the computerised database to be included in the animal passports and in the individual registers to be kept on each holding; the identification and registration of movements of bovine animals when put out to seasonal grazing including transhumance; rules for labelling certain products which should be equivalent to the rules laid down in Regulation (EC) No 1760/2000; the labelling provisions relating to a simplified presentation of the indication of origin for cases of very short stay of an animal in the Member State or third country of birth or of slaughter; and the definitions and requirements applicable to terms or categories of terms that may be put on the labels of pre-packed fresh and frozen beef and veal. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up such delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

(28) In order to ensure uniform conditions for the implementation of Regulation (EC) No 1760/2000 with respect to the registration of holdings making use of alternative means of identification; technical characteristics and detailed arrangements for the exchange of data between the computerised databases of Member States; recognition of the full operability of the data exchange systems; the format and design of the means of identification; technical procedures and standards for the implementation of EID; the rules concerning the configuration of the identification code, the maximum size and composition of certain groups of animals, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[7].