Commission Regulation (EC) No 933/2008 of 23 September 2008 amending the Annex to Council Regulation (EC) No 21/2004 as regards the means of identification of animals and the content of the movement documents (Text with EEA relevance)

COMMISSION REGULATION (EC) No 933/2008

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(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 21/2004 of 17 December 2003 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No 1782/2003 and Directives 92/102/EEC and 64/432/EEC[(1)], and in particular Article 10(1) thereof,

Whereas:

(1) Regulation (EC) No 21/2004 provides that each Member State is to establish a system for the identification and registration of ovine and caprine animals in accordance with the provisions of that Regulation.

(2) That system is to comprise four elements, namely: means of identification to identify each animal (means of identification), up-to-date registers kept on each holding, movement documents and a central register or a computer database. The Annex to that Regulation sets out the requirements for those elements.

(3) Regulation (EC) No 21/2004, as amended by Regulation (EC) No 1560/2007[(2)], provides that electronic identification is to be obligatory as from 31 December 2009.

(4) On 17 November 2007, the Commission submitted a report to the Council on the implementation of electronic identification in sheep and goats[(3)]. That report concludes that Member States should also be allowed to approve new types of identifiers to identify sheep and goats under certain conditions.

(5) Technological developments have taken place in the field of electronic identification. It is therefore appropriate to amend the requirements concerning the means of identification, set out in Regulation (EC) No 21/2004, in order to allow a broader spectrum of technical combinations. The newly developed means of identification, such as injectable identifiers and electronic marks on the pastern, should accordingly be permitted as means of identification pursuant to that Regulation. However, their use should be limited to national movements, taking into account the need to gain further practical experience of using those new means of identification. As electronic identification will become the first means of identification Member States should be

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allowed more flexibility in using conventional means of identification as a second identifier. Part A of the Annex to that Regulation should therefore be amended accordingly.

(6) Part B of the Annex to Regulation (EC) No 21/2004 sets out the information which should be contained in the up-to-date registers kept on each holding. Part of that information is available only at the holding of birth. In the interest of reducing the administrative burdens, it is therefore appropriate to amend that part of the Annex.

(7) Regulation (EC) No 21/2004 provides that, as from 31 December 2009, electronic identification is to be obligatory for all animals born after that date. However, during the first year after 31 December 2009, the majority of animals will only be identified with conventional non-electronic identifiers, since those animals are born before that date. During that year animals with electronic and non-electronic identifiers will be moved and handled together.

(8) The individual animal codes from non-electronic identifiers can only be recorded manually. Manual recording of non-electronic identifiers requires considerable effort on the part of keepers and constitutes a potential source of errors. In addition, it would be burdensome for operators to separate the few animals with electronic identifiers and to record their individual codes. Also, it would be burdensome to request that electronic reading systems are installed for individual recording, as the majority of animals moved would still be identified with conventional non-electronic eartags. Therefore, the date from which the movement document is to contain individual animal codes should be postponed until such time as a substantial part of the sheep and goats population has already been identified by electronic means. The Commission's report on the implementation of electronic identification in sheep and goats also reached that conclusion.

(9) It is therefore appropriate to postpone until 1 January 2011 the date from which the movement document must contain the individual identification code for each animal. The date referred to in point 2 of Part C of the Annex to Regulation (EC) No 21/2004, concerning the movement document, should therefore be amended accordingly.

(10) The particular situation of animals born before 1 January 2010 should be taken into account as regards the requirement to record individual animal codes in the movement document. The risks associated with movements of such animals to a slaughterhouse are limited and do not justify the supplementary administrative burden posed by that requirement. Animals moved directly to a slaughterhouse should therefore be exempted from that requirement regardless of the date of movement of the animals.

(11) In addition, although animals born before 1 January 2010 would still form a substantial part of the sheep and goats population in 2011, the risks associated with their movements would be constantly decreasing, proportionally to the decrease in number of such animals until 31 December 2011. Movements of such animals should therefore be exempted from the requirement to record individual animal codes in the movement document until 31 December 2011. After that date, the vast majority of the sheep and goats population would be electronically identified and manual recording would be necessary only in a small number of cases, as it would only concern old animals which

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are moved to other holdings and not to slaughterhouses. The burden imposed on keepers by such recording after 31 December 2011, as well as the potential sources of error, would then be within acceptable levels.

(12) It is therefore appropriate to provide for certain transitional provisions during the start-up period of the system as regards the recording of individual animal codes in the movement document of animals born before 1 January 2010.

(13) Part C of the Annex to Regulation (EC) No 21/2004 sets out the information which should be contained in the movement document. The identification code of the holding of destination is not always available at the holding of departure. The name and address of the holding of destination or next keeper should be acceptable as an alternative.

(14) Regulation (EC) No 21/2004 should therefore be amended accordingly.

(15) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee of the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 21/2004 is replaced by the text in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 23 September 2008.

For the Commission

Androulla VASSILIOU

Member of the Commission

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ANNEX

ANNEX A.MEANS OF IDENTIFICATION1.The competent authority shall approve means of identification, as provided for in Article 4(1), which must be designed to:
2.The means of identification must display a code providing the following information in the indicated order:

In addition to the codes referred to in points (a) and (b), and provided that the legibility of those codes is not affected, the competent authority may authorise a bar code and the addition of supplementary information by the keeper.
3.The first means of identification referred to in Article 4(2)(a) must comply with the criteria set out in either point (a) or (b):
4.The second means of identification, as provided for in Article 4(2)(b), must comply with the following criteria:
5.

The system referred to in Article 4(2)(c) requires the identification of the animals both by holding and individually, provides for a replacement procedure where a means of identification has become illegible or has been lost, under the control of the competent authority and without compromising traceability between holdings, the objective being to control epizootic diseases, and allows the animals' movements to be traced within the national territory, with the same objective.
6.The electronic identifiers must conform to the following technical characteristics:
7.The identification method referred to in Article 4(3), shall be as follows:

Member States using that alternative method must inform the Commission and the other Member States thereof, in the framework of the Committee referred to in Article 13(1).

If animals identified in accordance with this point are either kept beyond the age of 12 months or are intended for intra-Community trade or export to third countries and in all cases are still kept in the holding of birth, then they must be identified in accordance with points 1 to 4 before leaving that holding.

B. HOLDING REGISTER

1. From 9 July 2005, the holding register must contain at least the following information:

(a) the identification code of the holding;

(b) the address of the holding and the geographical coordinates or equivalent indication of the geographical location of the holding;

(c) the type of production;

(d) the result of the latest inventory referred to in Article 7 and the date on which it was carried out;

(e) the name and address of the keeper;

(f) in the case of animals leaving the holding:

(i) the name of the transporter;

(ii) the registration number of the part of the means of transport carrying the animals;

(iii) the identification code or the name and address of the holding of destination or, in the case of animals moved to a slaughterhouse, the identification code or name of the slaughterhouse and the date of departure;

or a duplicate or a certified copy of the movement document referred to in Article 6;