Commission Regulation (EC) No 1082/2003 of 23 June 2003 laying down detailed rules for the implementation of Regulation (EC) No 1760/2000 of the European Parliament and of the Council as regards the minimum level of controls to be carried out in the framework of the system for the identification and registration of bovine animals (Text with EEA relevance)

COMMISSION REGULATION (EC) No 1082/2003

of 23 June 2003

laying down detailed rules for the implementation of Regulation (EC) No 1760/2000 of the European Parliament and of the Council as regards the minimum level of controls to be carried out in the framework of the system for the identification and registration of bovine animals

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97[(1)], and in particular Article 10(d) thereof,

Whereas:

(1) Commission Regulation (EC) No 2630/97 of 29 December 1997 laying down detailed rules for the implementation of Council Regulation (EC) No 820/97 as regards the minimum level of controls to be carried out in the framework of the system for the identification and registration of bovine animals[(2)] has been substantially amended several times[(3)]. In the interests of clarity and rationality the said Regulation should be codified.

(2) It is appropriate to define the minimum level of controls to be carried out in order to ensure proper implementation of the identification and registration system for bovine animals.

(3) The competent authority of each Member State should carry out controls based on a risk analysis. The risk analysis should take into account all relevant factors, including in particular public and animal health considerations.

(4) In principle all the animals on a holding should be covered by the controls. However, where for practical reasons it is not possible to assemble the animals on the holding within 48 hours, the competent authority may provide for an appropriate sampling system.

(5) The competent authority of each Member State should carry out on-the-spot inspections, which should in general be unannounced, as provided for by Council

Changes to legislation: *Commission Regulation (EC) No 1082/2003 is up to date with all changes known to be in force on or before 23 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Regulation (EEC) No 3508/92 of 27 November 1992 establishing an integrated administration and control system for certain Community aid schemes[(4)], as last amended by Commission Regulation (EC) No 495/2001[(5)].

(6) Member States should make an annual report to the Commission giving details of the implementation of the controls.

(7) The Commission should provide the Member States with a model of such a report.

(8) The measures provided for in this Regulation are in conformity with the opinion of the Committee for the European Agricultural Guidance and Guarantee Fund,

HAS ADOPTED THIS REGULATION:

Article 1

The controls provided for in the system for the identification and registration of bovine animals shall at least comply with the minimum requirements set out in Articles 2 to 5.

Article 2

[[F1]1 The competent authority shall carry out checks each year which shall cover at least 3 % of holdings.

2 Where the checks provided for in paragraph 1 reveal a significant degree of non-compliance with Regulation (EC) No 1760/2000, the minimum rate of checks shall be increased in the following annual inspection period.**]**

3 The selection of holdings to be inspected by the competent authority shall be made on the basis of risk analysis.

4 The risk analysis for each holding shall take into account in particular the following:

a the number of animals on the holding, including details of all the animals present and animals identified on the holding;

b public and animal health considerations, and in particular the existence of previous outbreaks of disease;

c the amount of annual bovine premium claimed and/or paid to the holding, compared with the amount paid the previous year;

d significant changes in comparison with situations in previous years;

e results of checks conducted in earlier years, in particular:

(i) the proper keeping of the holding register, as provided for by Commission Regulation (EC) No 2629/97[(6)];

(ii) the proper keeping of passports of the animals present in the holding, as provided for by Regulation (EC) No 2629/97;

f proper communication of the data to the competent authority;

g other criteria to be defined by the Member States.

5 Each inspection shall be the subject of a report standardised at national level setting out the results of the controls and any unsatisfactory findings, the reason for the control and the persons present. The keeper or his representative shall be given the opportunity to sign the report and, as appropriate, to give his observations on its content.

***Changes to legislation:** Commission Regulation (EC) No 1082/2003 is up to date with all changes known to be in force on or before 23 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

6 Copies of the reports referred to in paragraph 5 shall, where they reveal infringements of Regulation (EC) No 1760/2000, be sent without delay to the competent authorities responsible for the implementation of Commission Regulation (EC) No 2419/2001[7].

Textual Amendments

F1 Substituted by Commission Regulation (EU) No 1034/2010 of 15 November 2010 amending Regulation (EC) No 1082/2003 as regards checks concerning the requirements for the identification and registration of bovine animals (Text with EEA relevance).

[F1 Article 3

The competent authority shall check the identification of all animals on the holding.

However, where the number of animals on the holding exceeds 20, the competent authority may decide to check the means of identification of a representative sample of those animals in accordance with internationally recognised standards provided that the number of animals checked is sufficient to detect 5 % of cases of non-compliance with Regulation (EC) No 1760/2000 by the keepers of such animals at a 95 % confidence level.**]**

Textual Amendments

F1 Substituted by Commission Regulation (EU) No 1034/2010 of 15 November 2010 amending Regulation (EC) No 1082/2003 as regards checks concerning the requirements for the identification and registration of bovine animals (Text with EEA relevance).

Article 4

On-the-spot checks shall in general be unannounced. Where advance warning is given, it shall be limited to the strict minimum necessary and as a general rule shall not exceed 48 hours.

Article 5

1 Each Member State shall make an annual report to the Commission, before **[**F2 31 August**]** each year, giving details of the following:

a the number of holdings in the Member State concerned;

[F1 b the number of holdings that have been checked;**]**

c the number of animals which have been inspected;

d any breach found;

e any sanction imposed in accordance with Article 22 of Regulation (EC) No 1760/2000.

2 The information referred to in paragraph 1 shall be transmitted to the Commission following the model structure presented in Annex I.

Textual Amendments

F1 Substituted by Commission Regulation (EU) No 1034/2010 of 15 November 2010 amending Regulation (EC) No 1082/2003 as regards checks concerning the requirements for the identification and registration of bovine animals (Text with EEA relevance).

Changes to legislation: *Commission Regulation (EC) No 1082/2003 is up to date with all changes known to be in force on or before 23 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

F2 Substituted by Commission Regulation (EC) No 499/2004 of 17 March 2004 amending Regulation (EC) No 1082/2003 as regards the time limit and the model for reporting in the bovine sector (Text with EEA relevance).

Article 6

Regulation (EC) No 2630/97 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table set out in Annex III.

Article 7

This Regulation shall enter into force on the 20th day following that of 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.