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

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

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament[(1)],

Having regard to the opinion of the European Economic and Social Committee[(2)],

Whereas:

(1) Pursuant to Article 3(1)(c) of Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market[(3)], animals for intra-Community trade have to be identified in accordance with the requirements of Community rules and be registered in such a way that the original or transit holding, centre or organisation can be traced. Those identification and registration systems had to be extended to the movements of animals within the territory of each Member State by 1 January 1993.

(2) Article 14 of Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC[(4)] states that the identification and registration provided for in Article 3(1)(c) of Directive 90/425/EEC must, except in the case of animals for slaughter and registered equidae, be carried out after the veterinary checks have been made.

(3) Rules concerning the identification and the registration of ovine and caprine animals in particular have been laid down in Directive 92/102/EEC[(5)]. In respect of ovine and caprine animals, experience, and in particular the foot-and-mouth disease crisis, has shown that the implementation of Directive 92/102/EEC has not been satisfactory and is in need of improvement. It is therefore necessary to lay down more stringent and specific rules, as has already been done for bovine animals with 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[(6)].

Changes to legislation: *There are outstanding changes not yet made to Council Regulation (EC) No 21/2004. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) It follows from the structure of Community legislation, and in particular from Regulation (EC) No 1760/2000, that the concepts of keeper and holding as generally used do not refer to veterinary practices or clinics. The scope of those concepts should be defined more explicitly so as to render the legislation more readable.

(5) Directive 92/102/EEC should therefore be amended so that it states clearly that bovine animals are already excluded from its scope and, likewise, to exclude ovine and caprine animals.

(6) Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine[(7)] should also be amended in order to update the references therein to the provisions in Community legislation regarding the identification of the animal species concerned.

(7) In 1998 the Commission launched a large-scale project on the electronic identification of animals (IDEA), and its final report was completed on 30 April 2002. That project demonstrated that a substantial improvement in ovine and caprine animal identification systems could be achieved by using electronic identifiers for those animals, provided that certain conditions concerning the accompanying measures were fulfilled.

(8) The technology for the electronic identification of ovine and caprine animals has been developed to the stage where it can be applied. Pending development of the implementing measures required for the proper introduction of the system of electronic identification Community-wide, an efficient identification and registration system, enabling future developments in the field of implementation of electronic identification on a Community-wide scale to be taken into account, should permit the individual identification of animals and their holding of birth.

(9) To take into account future developments in the field of electronic identification of ovine and caprine animals, and in particular the experience gained in the implementation thereof, the Commission should submit to the Council a report concerning the possible application of the electronic identification system on a Community-wide scale, together with the necessary proposals.

(10) The Commission, in particular in the light of the proceedings conducted by its Joint Research Centre, should also provide detailed technical guidelines, definitions and procedures for the technical characteristics of identifiers and readers, test procedures, acceptance criteria and the certification model for approved test laboratories, the procurement of appropriate identifiers and readers, the application of identifiers, their reading and recovery, the codification of identifiers, a common glossary, a data dictionary and communication standards.

(11) In Member States with a relatively small ovine or caprine animal population, the introduction of an electronic identification system may well not be justified; it is therefore advisable to allow such Member States to make the system optional. Provision should also be made for a rapid procedure to adjust the demographic thresholds below which electronic identification may be made optional.

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(12) In order to permit movements of ovine and caprine animals to be traced, animals should be identified properly and all their movements should be traceable.

(13) It is necessary for keepers of animals to maintain up-to-date information on the animals on their holdings. The minimum information required should be determined on a Community basis.

(14) Each Member State should establish a central register compromising an up-to-date list of all keepers of animals covered by this Regulation who are engaged in this activity in its territory, and containing minimum information laid down on a Community basis.

(15) For the purposes of rapid and accurate tracing of animals, each Member State should create a computer database which will record all holdings in its territory and the movements of the animals.

(16) The nature of the means of identification should be determined on a Community basis.

(17) Persons involved in trade in animals should keep records of their transactions, and the competent authority should have access to those records on request.

(18) In order to ensure that this Regulation is correctly applied, it is necessary to provide for a rapid and efficient exchange of information between Member States on means of identification and related documents. Community provisions relating thereto were adopted by Council Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters[(8)] and by Council Directive 89/608/EEC of 21 November 1989 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of legislation on veterinary and zootechnical matters[(9)].

(19) With a view to guaranteeing the reliability of the arrangements provided for in this Regulation, it is necessary that Member States implement suitable and adequate control measures, without prejudice to Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests[(10)].

(20) In order to take into account the system established by this Regulation for the granting of certain aids under Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers[(11)], that Regulation should be amended accordingly.

(21) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission[(12)],

HAS ADOPTED THIS REGULATION:

Article 1

1 Each Member State shall establish a system for the identification and registration of ovine and caprine animals in accordance with the provisions of this Regulation.

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2 This Regulation shall apply without prejudice to Community rules which may be established for disease eradication or control purposes, and without prejudice to Directive 91/496/EEC and Regulation (EC) No 1782/2003.

Article 2

For the purpose of this Regulation:

(a) 'animal' shall mean any animal of the ovine or caprine species;

(b) 'holding' shall mean any establishment, any structure, or in the case of free-range farming, any environment, in which animals are held, reared or handled on a permanent or temporary basis, except veterinary practices or clinics;

(c) 'keeper' shall mean any natural or legal person with responsibility for animals, even temporarily, except veterinary practices or clinics;

(d) 'competent authority' shall mean the central authority or authorities of a Member State responsible for, or entrusted with, carrying out veterinary checks and implementing this Regulation, or, in the case of monitoring for premiums, the authority entrusted with implementing Regulation (EC) No 1782/2003;

(e) 'intra-Community trade' shall mean trade as defined in Article 2(6) of Directive 91/68/EEC[13].

Article 3

1 The system for the identification and registration of animals shall comprise the following elements:

a means of identification to identify each animal;
b up-to-date registers kept on each holding;
c movement documents;
d a central register or a computer database.

2 The Commission and the competent authority of the Member State concerned shall have access to all information covered by this Regulation. The Member States and the Commission shall take the measures necessary to ensure access to that information for all parties having an interest, including consumers' organisations recognised by the Member State, provided that the data protection and confidentiality requirements prescribed by national law are complied with.

Article 4

1 All animals on a holding born after 9 July 2005**[**F1or for Bulgaria, Romania and Croatia the respective date of accession**]** shall be identified in accordance with paragraph 2 within a period to be determined by the Member State as from the birth of the animal and in any case before the animal leaves the holding on which it was born. That period shall not be longer than six months.

By way of derogation Member States may extend the period, which may not, however, exceed nine months, for animals kept in extensive or free-range farming conditions. Member States concerned shall inform the Commission of the derogation granted. If necessary, implementing rules may be laid down in accordance with the procedure referred to in Article 13(2).

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Animals shall be identified by a first means of identification which complies with the requirements of Section A.1 to A.3 of the Annex, and,

b by a second means of identification approved by the competent authority and conforming to the technical characteristics listed in Section A.4 of the Annex.

c However, until the date referred to in Article 9(3), the second means of identification may be replaced by the system set out in Section A.5 of the Annex, except in the case of animals involved in intra-Community trade.

d Member States which introduce the system referred to in (c) shall apply to the Commission to have it approved under the procedure provided for in Article 13(2). For this purpose the Commission shall examine documentation submitted by Member States and shall conduct the audits necessary to evaluate the system. When those audits have been completed the Commission shall, within 90 days of receipt of the request for approval, submit to the Standing Committee on the Food Chain and Animal Health a report together with a draft of appropriate measures.

3 However for animals intended for slaughter before the age of 12 months and intended neither for intra-Community trade nor for export to third countries, the identification method described in Section A.7 of the Annex may be authorised by the competent authority as an alternative to the means of identification mentioned in paragraph 2.

4 Any animal imported from a third country, which has undergone after 9 July 2005**[**F1or for Bulgaria, Romania and Croatia the respective date of accession**]** the checks laid down by Directive 91/496/EEC and which remains within the territory of the Community shall be identified, in accordance with paragraph 2, at the holding of destination where livestock farming is carried out within a period, to be determined by the Member State, of no more than 14 days from undergoing those checks and, in any event, before leaving the holding.

The original identification established by the third country shall be recorded in the holding register provided for in Article 5 together with the identification code allocated to it by the Member State of destination.

However, the identification provided for in paragraph 1 is not necessary for an animal intended for slaughter if the animal is transported directly from the veterinary border inspection post to a slaughterhouse situated in the Member State where the checks referred to in the first subparagraph are carried out and the animal is slaughtered within five working days of undergoing those checks.

5 Any animal originating in another Member State shall retain its original identification.

6 No means of identification may be removed or replaced without the permission of the competent authority. Where a means of identification has become illegible or has been lost, a replacement bearing the same code shall be applied as soon as possible in accordance with this Article. In addition to the code and distinct from it, the replacement may bear a mark with the version number of the replacement.

However, the competent authority may, under its control, allow the replacement means of identification to bear a different code, provided that the objective of traceability is not compromised, in particular in the case of animals identified in accordance with paragraph 3.

7 The means of identification shall be allocated to the holding, distributed and applied to the animals in a manner determined by the competent authority.

8 Member States shall communicate to each other and to the Commission the model of the means and the method of identification used in their territory.