



COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

COUNCIL REGULATION

**establishing a system for the identification and registration of ovine and caprine animals
and amending Regulation (EEC) No 3508/92**

(presented by the Commission)

EXPLANATORY MEMORANDUM

Council Directive 92/102/EEC on the identification and registration of animals, introduces arrangements to identify and register bovine, ovine, caprine and porcine animals.

One of the basic objectives of this Directive is the tracing of animals for veterinary purposes, which is of crucial importance for the control of contagious diseases. It must be possible to determine rapidly and conveniently the place of origin of an animal or carcass and its movements throughout the Community. The purpose of this is to prevent the further spread of diseases.

In the interest of control of contagious diseases and the rapid tracing of animals in the event of an outbreak of a contagious disease, productive livestock must be adequately identified and registered according to the same requirements in all Member States.

Experience and in particular the foot and mouth disease crisis has shown that the implementation of this Directive with regard to ovine and caprine animals has not been satisfactory.

It is proposed to introduce a Regulation for the identification and registration of ovine and caprine animals which will reinforce the provisions of the current Directive, in particular, with regard to the introduction in each Member State of an identification system that ensures that animals bear an identification mark and all movements are recorded, with the aim of tracing animals for health reasons.

In 1998 the Commission launched a large scale project on livestock electronic identification (IDEA) and the final report was completed on 30 April 2002. This project has demonstrated that a substantial improvement in ovine and caprine animal identification systems can be reached by using electronic identifiers for these animals provided a number of conditions concerning the accompanying measures are fulfilled.

The technology of electronic identification of ovine and caprine animals has been developed to such a stage that it can be applied. However, the implementing measures required for the proper introduction of the system of electronic identification on a Community scale have not yet been developed although the final report of the IDEA project provides recommendations. To take into account future developments within this field the Commission can introduce provisions for electronic identification on a Community scale when appropriate. The proposed identification and registration system provides for eartags and authorisation of the use of electronic identifiers to identify ovine and caprine animals individually enabling the holding of birth to be identified, movement documents, registers of animals on each holding and a central register of holdings. Furthermore, the system provides for the establishment of a computer database, which will include as a first step the central register of holdings and as a second step records of each separate movement of animals.

For reasons of rapid and accurate tracing ovine and caprine animals must, throughout any movement, be identified and accompanied by a movement document.

This proposal implies also an improvement of the information tools for sheep policy formulation and evaluation and this aspect has also been taken into account.

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**establishing a system for the identification and registration of ovine and caprine animals
and amending Regulation (EEC) No 3508/92**

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 Commission¹,

Having regard to the opinion of the European Parliament²,

Having regard to the opinion of the European Economic and Social Committee³,

Having regard to the opinion of the Committee of the Regions⁴,

Whereas:

- (1) Under 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 market⁵ as last amended by Directive 92/118/EEC⁶, animals for intra-Community trade must 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. Before 1 January 1993 these identification and registration systems are to be extended to the movements of animals within the territory of each Member State.

¹ OJ C , , p. .

² OJ C , , p. .

³ OJ C , , p. .

⁴ OJ C , , p. .

⁵ OJ L 224, 18.8.1990, p. 29.

⁶ OJ L 62, 15.3.1993, p. 49.

- (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/EEC⁷ as last amended by Directive 96/43/EC⁸, states that the identification and registration provided for in Article 3 (1) (c) of Directive 90/425/EEC of such animals 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 in particular ovine and caprine animals have been laid down in Council Directive 92/102/EEC of 27 November 1992 on the identification and registration of animals⁹, as amended by the Act of Accession of Austria, Finland and Sweden. 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 needs improvement. It is therefore necessary to lay down more stringent and specific rules.
- (4) In 1998 the Commission launched a large scale project on livestock electronic identification (IDEA), and its final report was completed 30 April 2002. That project has demonstrated that a substantial improvement in ovine and caprine animal identification systems can be achieved by using electronic identifiers for those animals provided certain conditions concerning the accompanying measures are fulfilled.
- (5) The technology of electronic identification in ovine and caprine animals has been developed to such a stage that it can be applied. Pending the development of the implementing measures required for the proper introduction of the system of electronic identification on a Community-wide scale 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 the animals and the holding of birth of the animals.
- (6) To take into account future developments within the field of electronic identification of ovine and caprine animals, and in particular the experience gained in its implementation thereof, the Commission should submit to the Council a report concerning the possible implementation of the system of electronic identification on a Community-wide scale.
- (7) The Joint Research Centre of the Commission shall provide detailed technical guidelines, definitions and procedures in the areas of technical characteristics of identifiers and readers; test procedures, acceptance criteria and certification model for agreed test laboratories; procurement of appropriate identifiers and readers; application of identifiers, their reading and recovery; codification of identifiers; common glossary, data dictionary and communication standards.

⁷ OJ L 268, 24.9.1991, p. 56.

⁸ OJ L 16, 22.1.1996, p. 3.

⁹ OJ L 355, 5.12.1992, p. 32.

- (8) In order to permit movements of ovine and caprine animals to be traced, animals should be identified properly and accompanied by a movement document throughout any movement.
- (9) Keepers of animals should maintain an up-to-date register of the animals on their holdings. The requirements with regard to the register should be determined on a Community basis.
- (10) In each Member State, a central register should be established comprising an up-to-date list of all holdings which keep animals covered by this Regulation and are situated on its territory, specifying the species, the number of animals kept and their keepers, and the type of production.
- (11) For the purpose of rapid and accurate tracing of animals each Member State should create a computer database which will record all holdings on its territory and the movements of the animals.
- (12) The content of the means of identification, the movement document, the holding register, the central register of holdings and the computer database should be determined on a Community basis.
- (13) Persons involved in the trade of animals should keep records of their transactions, and the competent authority should have access to these records on request.
- (14) In order to ensure the correct application of this Regulation, it is necessary to provide with a rapid and efficient exchange of information about means of identification and related documents between Member States. Community provisions relating thereto have been established by Council Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and co-operation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters¹⁰ and by Council Directive 89/608/EEC of 21 November 1989 on mutual assistance between the administrative authorities of the Member States and co-operation between the latter and the Commission to ensure the correct application of legislation on veterinary and zootechnical matters¹¹.
- (15) With a view to guaranteeing the reliability of the arrangements provided for in this Regulation, it is necessary that Member States carry out adequate and efficient control measures, without prejudice to Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests¹².

¹⁰ OJ L 82, 22.3.1997, p. 1.

¹¹ OJ L 351, 2.12.1989, p.34.

¹² OJ L 312, 23.12.1995, p. 23.

- (16) In order to take into account the system established by this Regulation for the granting of certain aids under Council Regulation (EEC) No 3508/92 of 27 November 1992 establishing an integrated administration and control system for certain Community aid schemes¹³, as last amended by Commission Regulation (EC) No 495/2001¹⁴ it is necessary to amend that Regulation accordingly.
- (17) Since the measures necessary for the implementation of this Regulation are measures of general scope within the meaning of Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred to the Commission¹⁵, they should be adopted by use of the regulatory procedure provided for in Article 5 of that Decision.

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.

The provisions of Directive 92/102/EEC, which relate specifically to ovine and caprine animals, shall no longer apply from the date on which these animals must be identified in accordance with this Regulation.

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 (EEC) No 3508/92.

Article 2

For the purpose of this Regulation:

- (a) “animal” means an animal of the ovine or caprine species within the meaning of Article 2(1) and 2(2) of Council Directive 91/68/EEC¹⁶;
- (b) “holding” means any agricultural or other premises located in the territory of a Member State, other than means of transport, where animals are being bred or kept on a permanent or temporary basis;
- (c) “keeper” means any natural or legal person responsible, even on a temporary basis, for animals;
- (d) “competent authority” means 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 (EEC) No 3508/92.

¹³ OJ L 355, 5.12.1992, p. 1.

¹⁴ OJ L 72, 14.3.2001, p. 6.

¹⁵ OJ L 184, 17.7.1999, p. 23.

¹⁶ OJ L 46, 19.2.1991, p. 19.

Article 3

1. The system for the identification and registration of animals shall comprise the following elements:
 - (a) means of identification to identify animals individually;
 - (b) up-to-date registers kept on each holding;
 - (c) movement documents;
 - (d) a central register;
 - (e) 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 concerned having an interest, including consumers organisations recognised by the Member State, provided that the data protection and confidentiality requirements prescribed by national law are ensured.

Article 4

1. All animals on a holding born after 1 July 2003 or intended for intra-Community trade after 1 July 2003 shall be identified in accordance with Section A of the Annex 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 one month.

By way of derogation Member States may extend the period to six months for animals kept in extensive farming conditions and in free range. 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).

2. The means of identification shall comply with the requirements set out in Section A of the Annex.
3. Any animal imported from a third country after 1 July 2003 which has passed the checks laid down by Directive 91/496/EEC and which remains within the Community territory shall be identified in accordance with Section A of the Annex on the holding of destination within a period to be determined by the Member State of at most 14 days after undergoing those checks, and, in any event, before leaving the holding.

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

However, it is not necessary to identify the animal 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 14 days after undergoing the checks.

4. Any animal originating in another Member State shall retain its original identification.
5. 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 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.
6. The means of identification shall be allocated to the holding, distributed and applied to the animals in a manner determined by the competent authority.
7. Member States shall communicate to each other and to the Commission the model of the means and the method of identification used within their territory.

Article 5

1. Each keeper of animals shall keep an up-to-date register in accordance with Section B of the Annex.
2. The register shall be in a format approved by the competent authority, kept in manual or computerised form, and be available at all times on the holding and to the competent authority, upon request, for a minimum period to be determined by the competent authority but which may not be less than three years.
3. Each keeper shall supply the competent authority, upon request, with all information concerning the origin, identification and where appropriate, the destination of animals which he or she has owned, kept, transported, marketed or slaughtered in the last three years.
4. Member States shall communicate to each other and to the Commission the model of the holding register used within their territory.

Article 6

1. As from 1 July 2003 whenever an animal is moved, it shall be accompanied by a movement document issued by the competent authority and completed by the keeper in accordance with Section C of the Annex.
2. The keeper of the holding of destination shall keep the movement document for a minimum period to be determined by the competent authority but which may not be less than three years.
3. Member States shall communicate to each other and to the Commission the model of the movement document used within their territory.

Article 7

Member States shall ensure that the competent authority has a central register of all the holdings situated on its territory which keep animals.

This register shall include the identification code of the holding and specify the species and the number of animals kept, their keepers and the type of production. The number of animals kept shall be updated at regular intervals.

A holding shall remain on the central register until three consecutive years have elapsed with no animals on the holding.

Article 8

The competent authority of the Member States shall set up a computer database in accordance with Section D of the Annex and by the dates specified therein.

Article 9

1. Further guidelines and procedures for the implementation of electronic identification shall be adopted according to the procedure referred to in Article 13(2).
2. The decisions referred to in paragraph 1 shall be adopted in order to implement general electronic identification by 1 July 2006. If necessary, the Commission shall submit to the Council by 31 December 2005 a report on the experience gained with regard to the implementation of electronic identification, accompanied by appropriate proposals amending if appropriate, the date by which general electronic identification should be implemented.

Article 10

Amendments to the Annexes and measures necessary for the implementation of this Regulation shall be adopted in accordance with the procedure referred to in Article 13(2). These measures concern in particular:

- (a) minimum level of controls to be carried out;
- (b) application of administrative sanctions;
- (c) transitional provisions for the start-up period of the system.

Article 11

1. Member States shall designate the competent authority responsible for ensuring compliance with this Regulation. They shall inform each other and the Commission of the identity of this authority.
2. Member States shall ensure that any person responsible for the identification and registration of animals has received instruction and guidance on the relevant provisions of the Annex, and that appropriate training courses are available.

Article 12

1. Member States shall take all the necessary measures to ensure compliance with the provisions of this Regulation. The controls provided for shall be without prejudice to any control which the Commission may carry out pursuant to Article 9 of Regulation (EC, Euratom) No 2988/95.
2. Member States shall lay down the rules on sanctions applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The sanctions provided for must be effective, proportionate and dissuasive.
3. Experts from the Commission in conjunction with the competent authorities:
 - (a) shall verify that the Member States are complying with the requirements of this Regulation;
 - (b) shall make on-the-spot checks to ensure that the controls provided for under paragraph 1 are carried out in accordance with this Regulation.
4. A Member State in whose territory an on-the-spot check is made shall provide the experts from the Commission with any assistance they may require in the performance of their tasks.

The outcome of the checks made must be discussed with the competent authority of the Member State concerned before a final report is drawn up and circulated.
5. When the Commission deems that the outcome of checks so justifies, it shall review the situation within the Standing Committee on the Food Chain and Animal Health, referred to in Article 13(1). It may adopt the necessary decisions in accordance with the procedure laid down in Article 13(2).
6. The Commission shall monitor developments in the situation. In the light of such developments and in accordance with the procedure laid down in Article 12(2) it may amend or repeal the decisions referred to in paragraph 5.
7. Detailed rules for the application of this Article shall be adopted, where necessary, in accordance with the procedure referred to in Article 13(2).

Article 13

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, instituted by Article 58 of Regulation (EC) No 178/2002 of the European Parliament and of the Council¹⁷.

¹⁷ OJ L 31, 1.2.2002, p. 1.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

The period referred to in Article 5 (6) of Decision 1999/468/EC shall be set at three months.

Article 14

Article 5 of Regulation (EEC) No 3508/92 is replaced by the following :

“Article 5

The system for the identification and registration of animals to be taken into account for the granting of aid governed by this Regulation shall be set up in accordance 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 and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97^{*} and Council Regulation (EC) No .../2002 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EEC) No 3508/92^{**}.”

* OJ L 204, 11.8.2000, p. 1.

** OJ L[...], [...], p. [...].

Article 15

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Communities*.

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

Done at Brussels,

For the Council
The President

ANNEX

A. Means of identification

1. Animals are identified by an eartag approved by the competent authority, applied to each ear. Member States may authorise the replacement of the second eartag with an electronic identifier approved by the competent authority and responding to the technical characteristics listed in point 5. From the date referred to in Article 9(2) the replacement of the second eartag with an electronic identifier is obligatory. Both eartags or the eartag and the electronic identifier approved by the competent authority shall bear the same unique identification code, which makes it possible to identify each animal individually together with the holding on which it was born.
2. The eartags shall be applied on a place easily visible at distance.
3. The eartags and the electronic identifier shall contain a code that allows to identify at least the name, the code or the logo of the competent authority or of the central competent authority of the Member State which allocated the eartag and the electronic identifier, and the following characters:
 - the first positions shall identify the Member State of the holding where the animal is first identified. For this purpose two-letter or three digit country codes¹ shall be used in accordance with ISO 3166;
 - the characters following the country code shall be numeric and shall not exceed 12.

In addition to the information provided for in this paragraph, a bar code may be authorised by the competent authorities of the Member States.

4. The eartags shall be of flexible plastic material, tamper-proof and easy to read throughout the lifetime of the animal and of a design, which will remain attached to the animal without being harmful to it. The eartags shall not be re-usable and shall consist of two parts, a male part and a female part, and each part shall carry only non-removable inscriptions as provided for in point 3.

¹	Austria	AT	040
	Belgium	BE	056
	Denmark	DK	208
	Finland	FI	246
	France	FR	250
	Germany	DE	276
	Greece	EL	300
	Ireland	IE	372
	Italy	IT	380
	Luxembourg	LU	442
	Netherlands	NL	528
	Portugal	PT	620
	Spain	ES	724
	Sweden	SE	752
	United Kingdom	UK	826

5. The electronic identifier shall respond to the following technical characteristics:
 - read-only passive transponders applying the HDX or FDX-B technology, complying with the ISO standard 11785;
 - the electronic identifiers must be readable by reading devices, corresponding to the ISO standard 11785, capable of reading HDX and FDX-B transponders;
 - the reading distance for portable readers must be minimum 12 cm for eartags and minimum 20 cm for bolus type, and for stationary readers minimum 50 cm for eartags and bolus type.
6. However for animals intended for slaughter before the age of six months the following identification method may be authorised by the competent authority:
 - the animals are identified by an eartag approved by the competent authority, applied to each ear. Both eartags shall bear the same inscription;
 - the eartags shall be of flexible plastic material, tamper-proof, easy to read and of a design, which will remain attached to the animal without being harmful to it. The eartags shall not be reusable and shall carry only non-removable inscriptions;
 - The eartags shall contain at least the two-letter country code, the identification code of the holding of birth and the month of birth.

Member States using this method shall inform the Commission and Member States in the framework of the Committee referred to in Article 13(1).

If animals identified in accordance with this point are kept beyond the age of six months or are intended for intra-Community trade or export to third countries, they must be identified in accordance with points 1 to 4.

B. Holding register

The register shall contain at least the following:

1. For the holding the information on:
 - the identification code of the holding,
 - the address of the holding and the geographic co-ordinates or equivalent geographic indication of the holding,
 - the type of production,
 - the name and address of the keeper,
 - up-to-date information on the number of animals.

2. For each animal the up-to-date information on:
 - the identification code of the animal,
 - the month and year of birth,
 - the sex,
 - the breed and genotype if known,
 - the identification code of the holding of destination, or in the event of animals moved to a slaughterhouse the identification code of the slaughterhouse,
 - the month of death of the animal on the holding,
 - replacement of eartags and electronic identifiers,
 - in the case of animals departing from the holding the identification code of the holding to which the animal was transferred, as well as the date of departure,
 - in the case of animals arriving on the holding the identification code of the holding, from which the animal was transferred, as well as the date of arrival.

However for animals identified in accordance with point 6 of Section A, the information provided for in point 2 of this Section shall be provided for each batch of animals having the same identification, and shall include the number of animals.

3. The name and signature of the representative of the competent authority who has checked the register and the date on which the check was carried out.

C. Movement document

1. The movement document issued by the competent authority shall contain at least the following:
 - the name of issuing authority;
 - the date of issue of the movement document;
 - the identification code of the holding;
 - name and address of the keeper.

2. In addition to the information mentioned in paragraph 1 the movement document shall contain at least the following fields to be completed by the keeper for animals to be moved from the holding:

(a) For each animal:

- the identification code,
- the month and year of birth,
- the sex,
- the breed and genotype if known,
- the identification code of the holding of destination, or in the event of animals moved to a slaughterhouse the identification code of the slaughterhouse,
- the date of departure,
- the data concerning the means of transport and the transporter.

(b) The signature of the keeper.

However for animals identified in accordance with point 6 of Section A, the movement document shall contain at least the following fields to be completed by the keeper for animals to be moved from the holding:

(a) For each batch of animals:

- the identification code of the holding of birth,
- the month of birth,
- the number of animals,
- the identification code of the holding of destination, or in the event of animals moved to a slaughterhouse the identification code of the slaughterhouse,
- the date of departure,
- the data concerning the means of transport and the transporter.

(b) The signature of the keeper.

D. Computer database

1. From 1 July 2004 the computer database shall contain at least the following information for each holding:
 - the country code and the identification code consisting of not more than 12 figures (apart from the country code);
 - address of the holding;
 - the geographic co-ordinates or equivalent geographic indication of the holding;
 - name and address of the keeper;
 - species of animals;
 - type of production;
 - number of animals;
 - a data field where it is possible for the competent authority to enter sanitary information for example restrictions on movements, status or other relevant information in the context of Community or national programmes;
 - a data field for recording premium related information and/or farm policy and support information..
2. From 1 July 2005 there shall be an entry in the database for each separate movement of animals. The entry shall comprise at least the following:
 - the number of animals being moved,
 - the identification code of the holding of departure,
 - the date of departure,
 - the identification code of the holding of arrival,
 - the date of arrival.