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EUROPEAN COMMISSION

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2010/0309 (COD)
2010/0309 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**on establishing a system for the identification and registration of ovine and caprine
animals**

(Codification)

EXPLANATORY MEMORANDUM

1. In the context of a people's Europe, the Commission attaches great importance to simplifying and clarifying the law of the Union so as to make it clearer and more accessible to citizens, thus giving them new opportunities and the chance to make use of the specific rights it gives them.

This aim cannot be achieved so long as numerous provisions that have been amended several times, often quite substantially, remain scattered, so that they must be sought partly in the original instrument and partly in later amending ones. Considerable research work, comparing many different instruments, is thus needed to identify the current rules.

For this reason a codification of rules that have frequently been amended is also essential if the law is to be clear and transparent.

2. On 1 April 1987 the Commission decided¹ to instruct its staff that all acts should be codified after no more than ten amendments, stressing that this is a minimum requirement and that departments should endeavour to codify at even shorter intervals the texts for which they are responsible, to ensure that their provisions are clear and readily understandable.
3. The Conclusions of the Presidency of the Edinburgh European Council (December 1992) confirmed this², stressing the importance of codification as it offers certainty as to the law applicable to a given matter at a given time.

Codification must be undertaken in full compliance with the normal procedure for the adoption of acts of the Union.

Given that no changes of substance may be made to the instruments affected by codification, the European Parliament, the Council and the Commission have agreed, by an interinstitutional agreement dated 20 December 1994, that an accelerated procedure may be used for the fast-track adoption of codification instruments.

4. The purpose of this proposal is to undertake a codification of 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/EEC³. The new Regulation will supersede the various acts incorporated in it⁴; this proposal fully preserves the content of the acts being codified and hence does no more than bringing them together with only such formal amendments as are required by the codification exercise itself.
5. The codification proposal was drawn up on the basis of a preliminary consolidation, in all official languages, of Regulation (EC) No 21/2004 and the instruments

¹ COM(87) 868 PV.

² See Annex 3 to Part A of the Conclusions.

³ Carried out pursuant to the Communication from the Commission to the European Parliament and the Council – Codification of the Acquis communautaire, COM(2001) 645 final.

⁴ See Annex II to this proposal

amending it, carried out by the Publications Office of the European Union, by means of a data-processing system. Where the Articles have been given new numbers, the correlation between the old and the new numbers is shown in a table contained in Annex III to the codified Regulation.

↓ 21/2004 (adapted)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on establishing a system for the identification and registration of ovine and caprine animals

**(Codification)
(Text with EEA relevance)**

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) 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 Committee⁵,

Acting in accordance with the ordinary legislative procedure,

Whereas:

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- (1) 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/EEC⁶ has been substantially amended several times⁷. In the interests of clarity and rationality the said Regulation should be codified.

↓ 21/2004 recital 1 (adapted)

- (2) 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 market⁸, animals for trade within the Union have to be identified in accordance with the requirements of Union rules and be registered in such a way that the

⁵ OJ C [...], [...], p. [...].

⁶ OJ L 5, 9.1.2004, p. 8.

⁷ See Annex II.

⁸ OJ L 224, 18.8.1990, p. 29.

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.

↓ 21/2004 recital 2

- (3) [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/EEC⁹] provides 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.
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↓ 21/2004 recital 4 (adapted)

- (4) It follows from the structure of Union legislation, and in particular from 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 820/97¹⁰, 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.
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↓ 21/2004 recital 8 (adapted)

- (5) The technology for the electronic identification of ovine and caprine animals has been developed to the stage where it can be applied. The implementing measures provided for the proper functioning of the system of electronic identification Union wide should permit the individual identification of animals and their holding of birth.
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↓ 933/2008 recital 7 (adapted)

- (6) This Regulation provides that, as from 31 December 2009, electronic identification is obligatory for all animals born after that date. However, during the first year after 31 December 2009, the majority of animals should only be identified with conventional non-electronic identifiers, since those animals were born before that date. During that year animals with electronic and non-electronic identifiers should be moved and handled together.
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↓ 1560/2007 recital 5 (adapted)

- (7) A number of Member States had developed the technology necessary for the introduction of electronic identification and gained significant experience with its implementation before 31 of December 2009 . That experience provided

⁹ [OJ L 268, 24.9.1991, p. 56.]

¹⁰ OJ L 204, 11.8.2000, p. 1.

the Commission and the other Member States with valuable information on the technical implications of electronic identification and on its impact.

↓ 21/2004 recital 10

- (8) 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.
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↓ 21/2004 recital 11

- (9) 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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↓ 21/2004 recital 12

- (10) 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.
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↓ 21/2004 recital 13 (adapted)

- (11) 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 Union basis.
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↓ 21/2004 recital 14 (adapted)

- (12) Each Member State should establish a central register comprising 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 Union basis.
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↓ 21/2004 recital 15

- (13) For the purposes of the 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.
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↓ 21/2004 recital 16 (adapted)

- (14) The nature of the means of identification should be determined on a Union basis.

↓ 21/2004 recital 17

- (15) Persons involved in trade in animals should keep records of their transactions, and the competent authority should have access to those records on request.
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↓ 21/2004 recital 18 (adapted)

- (16) 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. ☒ Union ☒ 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 matters¹¹ 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 matters¹².
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↓ 21/2004 recital 19

- (17) 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 interests¹³.
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↓ 21/2004 recital 21

- (18) 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 Commission¹⁴,
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↓ 21/2004

HAVE 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.

¹¹ OJ L 82, 22.3.1997, p. 1.

¹² OJ L 351, 2.12.1989, p. 34.

¹³ OJ L 312, 23.12.1995, p. 1.

¹⁴ OJ L 184, 17.7.1999, p. 23.

↓ 21/2004 (adapted)

2. This Regulation shall apply without prejudice to Union rules which may be established for disease eradication or control purposes, and without prejudice to Directive [91/496/EEC] and Council Regulation (EC) No 73/2009 ¹⁵ .

Article 2

For the purposes of this Regulation , the following definitions shall apply :

- (a) 'animal' means any animal of the ovine or caprine species;
- (b) 'holding' means 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' means any natural or legal person with responsibility for animals, even temporarily, except veterinary practices or clinics;
- (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 (EC) No 73/2009 .

↓ 21/2004

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.

¹⁵ OJ L 30, 31.1.2009, p. 16.

↓ 21/2004 (adapted)
→₁ 1791/2006 Art. 1(1) and
Annex (5)(B)(I)(7)(a)

1. All animals on a holding born after 9 July 2005 →₁ or for Bulgaria and Romania ☒ after ☒ 1 January 2007 ← 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 ☒ from the first subparagraph, ☒ Member States may extend the period, which may not, however, exceed nine months, for animals kept in extensive or free-range farming conditions. The 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. Animals shall be identified by:

- (a) a first means of identification which complies with the requirements of Sections A.1, A.2 and A.3 of Annex I; and,
- (b) second means of identification approved by the competent authority and conforming to the technical characteristics listed in Sections ☒ A.1, A.2 and ☒ A.4 of Annex I.

However, until the date referred to in Article 9(3), the second means of identification ☒ referred to in point (b) of the first subparagraph of this paragraph ☒ may be replaced by the system set out in Section A.5 of Annex I, except in the case of animals involved in trade ☒ within the Union ☒.

Member States which introduce the system referred to in the second subparagraph shall apply to the Commission to have it approved under the procedure referred to 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 application for approval, submit to the Committee ☒ referred to in Article 13(1) ☒ a report together with a draft of appropriate measures.

3. ☒ By way of derogation from paragraph 2, ☒ for animals intended for slaughter before the age of 12 months and intended neither for trade ☒ within the Union ☒ nor for export to third countries, the identification method described in Section A.7 of Annex I may be authorised by the competent authority as an alternative to the means of identification referred to in paragraph 2.

4. Any animal imported from a third country, which has undergone after 9 July 2005 →₁ or for Bulgaria and Romania ☒ after ☒ 1 January 2007 ← the checks laid down by Directive [91/496/EEC] and which remains within the territory of the ☒ Union ☒ 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.

↓ 21/2004

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 shall not be 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.

↓ 21/2004 (adapted)

9. Until the date referred to in Article 9(3), Member States which have introduced electronic identification on a voluntary basis in accordance with the provisions of Sections A.4 and A.6 of Annex I shall ensure that the individual electronic identification number and the characteristics of the means used are mentioned in the relevant certificate pursuant to Council Directive 91/68/EEC ¹⁶ accompanying animals involved in trade within the Union .

↓ 21/2004

Article 5

1. Each keeper of animals, with the exception of the transporter, shall keep an up-to-date register containing at least the information listed in Section B of Annex I.

¹⁶ OJ L 46, 19.2.1991, p. 19.

2. Member States may require keepers to enter further information in the register referred to in paragraph 1, in addition to that listed in Section B of Annex I.
 3. 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.
 4. By way of derogation from paragraph 1, the register of information required by Section B of Annex I shall be optional in any Member State where a centralised computer database which already contains this information is operational.
 5. Each keeper shall supply the competent authority, upon request, with all information concerning the origin, identification and, where appropriate, the destination of animals which the keeper has owned, kept, transported, marketed or slaughtered in the last three years.
 6. Member States shall communicate to each other and to the Commission the model of the holding register used in their territory, and, where applicable the derogation granted from the provisions of paragraph 1.
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↓ 21/2004 (adapted)
→₁ 1791/2006 Art. 1(1) and
Annex (5)(B)(I)(7)(a)

Article 6

1. As from 9 July 2005 →₁ or for Bulgaria and Romania ⊠ from ⊠ 1 January 2007 ← whenever an animal is moved within the national territory between two separate holdings, it shall be accompanied by a movement document based on a model drawn up by the competent authority, containing at least the minimum information listed in Section C of Annex I, and completed by the keeper if the competent authority has not already done this.
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↓ 21/2004

2. Member States may enter further information, in addition to that contained in Section C of Annex I, on the movement document referred to in paragraph 1, or require that such information be entered.
3. The keeper at 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. On request, he shall supply the competent authority with a copy thereof.
4. By way of derogation from paragraph 1, the movement document shall be optional in any Member State where a centralised computer database containing at least the information required by Section C of Annex I, except for the keeper's signature, is operational.
5. Member States shall communicate to each other and to the Commission the model of the movement document used in their territory, and, where applicable, the derogation referred to in paragraph 4.

Article 7

1. Member States shall ensure that the competent authority has a central register of all the holdings relating to keepers of animals in their territory except transporters.
 2. The register shall include the identification code of the holding or, if authorised by the competent authority, that of the keeper, other than the transporter, the occupation of the keeper, the type of production (meat or milk) and the species kept. If the keeper keeps animals permanently, he shall make an inventory of the animals kept at regular intervals fixed by the competent authority of the Member State and in any case at least annually.
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↓ 21/2004 (adapted)
→₁ 1791/2006 Art. 1(1) and
Annex (5)(B)(I)(7)(a)

3. A holding shall remain on the central register until three consecutive years have elapsed with no animals on the holding. With effect from 9 July 2005 →₁ or for Bulgaria and Romania ☒ from ☒ 1 January 2007 ← the register shall be included in the computer database referred to in Article 8(1).

Article 8

1. As from 9 July 2005 →₁ or for Bulgaria and Romania ☒ from ☒ 1 January 2007 ← the competent authority of each Member State shall set up a computer database in accordance with Section D.1 of Annex I.
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↓ 21/2004

2. Each keeper of animals, with the exception of the transporter, shall, within a period of 30 days as regards information relating to the keeper or the holding and within a period of seven days as regards information relating to movements of animals, provide the competent authority with:
 - (a) the information for entry in the central register and the outcome of the inventory, referred to in Article 7(2), and the information required for the setting up of the database referred to in paragraph 1 of this Article;
 - (b) in Member States applying the derogation referred to in Article 6(4), each time an animal is moved, the details of the movement, as set out in the movement document referred to in Article 6.
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↓ 21/2004 (adapted)

3. The competent authority of each Member State ☒ shall have ☒ a computer database containing at least the information listed in Section D.2 of Annex I.
4. Member States may enter in the computer database referred to in paragraphs 1 and 3 further information in addition to that listed in Sections D.1 and D.2 of Annex I.

↓ 21/2004

Article 9

1. Guidelines and procedures for the implementation of electronic identification shall be adopted in accordance with the procedure referred to in Article 13(2).
 2. The decisions referred to in paragraph 1 shall be adopted in order to improve implementation of general electronic identification.
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↓ 1560/2007 Art. 1, pt. 1
(adapted)

3. As from 31 December 2009, electronic identification according to the guidelines referred to in paragraph 1, and in accordance with the relevant provisions of Section A of Annex I, shall be obligatory for all animals born after that date .
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↓ 21/2004 (adapted)

However, Member States in which the total number of ovine and caprine animals is 600 000 or less, may make such electronic identification optional for animals not involved in trade within the Union .

Member States in which the total number of caprine animals is 160 000 or less may also make such electronic identification optional for caprine animals not involved in trade within the Union .

↓ 1560/2007 Art. 1, pt. 2

4. Before 31 December 2009, Member States may introduce the obligatory use of electronic identification for animals born on their territory.
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↓ 21/2004

Article 10

1. 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).

Those measures shall concern in particular:

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

2. In accordance with the procedure referred to in Article 13(2), the following data may be updated:

- (a) the deadlines for providing the information referred to in Article 8(2);
- (b) the demographic thresholds for livestock referred to in the second and third subparagraphs of Article 9(3).

Article 11

1. Member States shall inform each other and the Commission of the identity of the competent authority responsible for ensuring compliance with this Regulation.

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 Annex I, 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 checks provided for shall be without prejudice to any checks 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 penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties 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) if necessary, shall make on-the-spot checks in order to ensure that the checks provided for in 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 Committee referred to in Article 13(1). It may adopt the necessary decisions in accordance with the procedure referred to 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 referred to in Article 13(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, set up by Regulation (EC) No 178/2002 of the European Parliament and of the Council¹⁷.

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.

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Article 14

Regulation (EC) No 21/2004 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 in Annex III.

↓ 21/2004

Article 15

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

↓ 21/2004

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

Done at [...],

For the European Parliament
The President

For the Council
The President

¹⁷ OJ L 31, 1.2.2002, p. 1.

ANNEX I

A. MEANS OF IDENTIFICATION

1. The competent authority shall approve means of identification, as provided for in Article 4(1), which must be designed to:
 - (a) ensure at least one visible and one electronically readable mark;
 - (b) remain attached to the animal without being harmful to it; and
 - (c) be easily removable from the food chain.

2. The means of identification must display a code providing the following information in the indicated order:
 - (a) either the two-letter alpha code or the three-digit numeric code¹⁸, based on ISO 3166, for the Member State in which the holding where the animal was first identified is situated (country code);
 - (b) an individual animal code of no more than 12 digits.

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Belgium	BE	056
Bulgaria	BG	100
Czech Republic	CZ	203
Denmark	DK	208
Germany	DE	276
Estonia	EE	233
Ireland	IE	372
Greece	EL	300
Spain	ES	724
France	FR	250
Italy	IT	380
Cyprus	CY	196
Latvia	LV	428
Lithuania	LT	440
Luxembourg	LU	442
Hungary	HU	348
Malta	MT	470
Netherlands	NL	528
Austria	AT	040
Poland	PL	616
Portugal	PT	620
Romania	RO	642
Slovenia	SI	705
Slovakia	SK	703
Finland	FI	246
Sweden	SE	752
United Kingdom	UK	826

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):
 - (a) an electronic identifier in the form of a ruminal bolus or an electronic eartag, in accordance with the technical characteristics listed in point 6; or
 - (b) an eartag made of non-degradable material, which is tamper-proof and easy to read throughout the lifetime of the animal; it must be non-reusable and the codes referred to in point 2 must be non-removable.
4. The second means of identification, as provided for in Article 4(2)(b), must comply with the following criteria:
 - (a) for animals identified in accordance with point 3(a):
 - (i) an eartag which complies with the criteria set out in point 3(b); or
 - (ii) a mark on the pastern which complies with the criteria for eartags set out in point 3(b); or

↓ 933/2008 Art. 1 and Annex (adapted)
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- (iii) a tattoo, except for animals involved in trade \boxtimes within the Union \boxtimes ;
 - (b) for animals identified in accordance with point 3(b):
 - (i) an electronic identifier which complies with the criteria set out in point 3(a); or
 - (ii) for animals not involved in trade \boxtimes within the Union \boxtimes , an electronic identifier in the form of an electronic mark on the pastern or of an injectable transponder in accordance with the technical characteristics listed in point 6; or

↓ 933/2008 Art. 1 and Annex

- (iii) where electronic identification is not obligatory, pursuant to Article 9(3):
 - an eartag, which complies with the criteria set out in point 3(b),
 - a mark on the pastern, which complies with the criteria for the eartags set out in point 3(b), or
 - a tattoo.

↓ 933/2008 Art. 1 and Annex
(adapted)

5. The system referred to in ~~⊗~~ the second subparagraph of ~~⊗~~ Article 4(2) 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.
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↓ 933/2008 Art. 1 and Annex

6. The electronic identifiers must conform to the following technical characteristics:
- (a) they must be read-only passive transponders applying HDX or FDX-B technology, complying with ISO standards 11784 and 11785;
 - (b) they must be readable by reading devices, complying with ISO standard 11785, capable of reading HDX and FDX-B transponders;
 - (c) the reading distance must be:
 - (i) a minimum of 12 cm for eartags and marks on the pastern when read with a portable readers;
 - (ii) a minimum of 20 cm for ruminal boluses and injectable transponders when read with a portable reader;
 - (iii) a minimum of 50 cm for all types of identifiers when read with a stationary reader.
7. The identification method referred to in Article 4(3), shall be as follows:
- (a) the animals must be identified by an eartag approved by the competent authority, applied to one ear;
 - (b) the eartag must be of non-degradable material, tamper-proof and easy to read; it must be non-reusable and must bear only non-removable codes;
 - (c) the eartag must contain at least the following information:
 - (i) the two-letter country code¹⁹; and
 - (ii) the identification code of the holding of birth or an individual animal code from which the holding of birth can be determined.

¹⁹ See footnote 18.

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).

↓ 759/2009 Art. 1 and Annex
point 1 (adapted)

Animals identified in accordance with this point intended to be kept beyond the age of 12 months or intended for trade within the Union or export to third countries, must be identified in accordance with points 1 to 4 to ensure complete traceability of each animal to the holding of birth.

↓ 506/2010 Art. 1 and Annex
point 1

- 8 By way of derogation from the identification requirement provided for in Article 4(1), the competent authority may decide that the provisions of Section A shall not apply to ovine and caprine animals kept in and moved between zoos approved in accordance with Article 13(2) of Council Directive 92/65/EEC²⁰, provided that the animals are individually identified and traceable.
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↓ 933/2008 Art. 1 and Annex

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;

²⁰ OJ L 268, 14.9.1992, p. 54.

- (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;

- (g) in the case of animals arriving on the holding, the identification code of the holding from which the animal was transferred and the date of arrival;
- (h) information on any replacement of means of identification.

2. From 31 December 2009, the holding register must contain at least the following up-to-date information for each animal born after that date:

- (a) the identification code of the animal;
- (b) in the holding of birth, the year of birth and date of identification;
- (c) the month and the year of death of the animal on the holding;
- (d) if known, the breed and the genotype.

However, for animals identified in accordance with point 7 of Section A, the information set out in (a) to (d) of this point must be provided for each batch of animals having the same identification and must include the number of animals.

3. The holding register must contain the name and signature of the designated or approved officer 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 must be completed by the keeper on the basis of a model drawn up by the competent authority. It must contain at least the following information:

- (a) the identification code of the holding;
- (b) the name and address of the keeper;
- (c) the total number of animals moved;
- (d) the identification code or the name and address of the holding of destination or of the next keeper of the animals or, when animals are moved to a slaughterhouse, the identification code or the name and location of the slaughterhouse, or, in the event of transhumance, the place of destination;
- (e) the data concerning the means of transport and the transporter, including the transporter's permit number;

- (f) the date of departure;
 - (g) the signature of the keeper.
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↓ 759/2009 Art. 1 and Annex
Point 2

2. From 1 January 2011, the keeper of the holding of departure shall record on the movement document the individual identification code of each animal identified in accordance with points 1 to 6 of Section A before the movement takes place.
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↓ 759/2009 Art. 1 and Annex
Point 2 (adapted)

By way of derogation from the first subparagraph, the competent authority may authorise for movements not involving trade within the Union the recording of the individual identification code of each animal at destination on behalf of the keeper of the holding of departure subject to the following conditions:

↓ 759/2009 Art. 1 and Annex
Point 2

- (a) the animals are not transported in the same means of transport as animals from other holdings, unless the batches of animals are physically separated from each other;
 - (b) the holding of destination is approved by the competent authority for the purpose of recording individual animal codes on behalf of the keeper of the holding of departure;
 - (c) procedures are in place to ensure that within 48 hours of the time of departure:
 - (i) the individual identification code of each animal is recorded in accordance with point 2(a) of Section B in the holding register of the holding of departure;
 - (ii) the information relating to the movement is provided to the competent authority to update the computer database in accordance with point 2 of Section D.
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↓ 933/2008 Art. 1 and Annex

3. However, the information provided for in point 2 shall not be obligatory for animals born until 31 December 2009:
- (a) on their movement to a slaughterhouse, directly or via a channelling procedure excluding subsequent movements to any other holding;
 - (b) until 31 December 2011 for all other movements.

D. COMPUTER DATABASE

1. The computer database must contain at least the following information for each holding:

- (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 name and address and occupation of the keeper;
- (d) the species of animals;
- (e) the type of production;

↓ 759/2009 Art. 1 and Annex
Point 3

- (f) the result of the inventory of animals provided for in Article 7(2), and the date when that inventory was carried out, except in Member States where the centralised computer database contains the individual identification code of each animal kept on a holding;

↓ 933/2008 Art. 1 and Annex
(adapted)

- (g) a data field reserved for the competent authority in which it may enter animal health information, for example restrictions on movements, status or other relevant information in the context of Union or national programmes.

↓ 933/2008 Art. 1 and Annex

2. In accordance with Article 8, there must be an entry in the database for each separate movement of animals.

That entry must comprise at least the following information:

- (a) the number of animals being moved;
 - (b) the identification code of the holding of departure;
 - (c) the date of departure;
 - (d) the identification code of the holding of arrival;
 - (e) the date of arrival.
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ANNEX II

Repealed Regulation with list of its successive amendments

Council Regulation (EC) No 21/2004
(OJ L 5, 9.1.2004, p. 8)

Council Regulation (EC) No 1791/2006
(OJ L 363, 20.12.2006, p. 1)

Only as regards the reference to Regulation (EC) No 21/2004 in the fifth indent of Article 1(1) and point 5.B.I.7 of the Annex

Council Regulation (EC) No 1560/2007
(OJ L 340, 22.12.2007, p. 25)

Commission Regulation (EC) No 933/2008
(OJ L 256, 24.9.2008, p. 5)

Commission Regulation (EC) No 759/2009
(OJ L 215, 20.8.2009, p. 3)

Commission Regulation (EU) No 506/2010
(OJ L 149, 15.6.2010, p. 3)

ANNEX III

CORRELATION TABLE

Regulation (EC) No 21/2004	This Regulation
Article 1	Article 1
Article 2, introductory wording, points (a) to (d)	Article 2, introductory wording, points (a) to (d)
Article 2 (e)	-
Article 3	Article 3
Article 4(1)	Article 4(1)
Article 4(2)(a)	Article 4(2) first subparagraph, introductory wording and point (a)
Article 4(2)(b)	Article 4(2), first subparagraph, point (b)
Article 4(2)(c)	Article 4(2) second subparagraph
Article 4(2)(d)	Article 4(2) third subparagraph
Article 4(3) to (9)	Article 4(3) to (9)
Articles 5, 6 and 7	Articles 5, 6 and 7
Article 8(1) to (4)	Article 8(1) to (4)
Article 8(5)	-
Articles 9 to 12	Articles 9 to 12
Article 13(1) and (2)	Article 13(1) and (2)
Article 13(3)	-
Article 14	-
Article 15	-
Article 16	-
-	Article 14
Article 17, first paragraph	Article 15
Article 17, second paragraph	-

Annex

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Annex I

Annex II

Annex III