



CONSILIUM

**COUNCIL OF  
THE EUROPEAN  
UNION**

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RUE DE LA LOI, 175  
B - 1048 Brussels

**Mr. Matthias GROOTE**

Chairman, European Parliament Committee on Environment, Public Health  
and Food Safety

**Subject:**

**Proposal for a Regulation of the European Parliament and of the  
Council amending Regulation (EC) No 1760/2000 as regards electronic  
identification of bovine animals and deleting the provisions on voluntary  
beef labelling**

**Proposal for a Directive of the European Parliament and of the Council  
amending Council Directive 64/432/EEC as regards computer databases  
which are part of the surveillance networks in the Member States**

Dear Mr Groote

Following the informal meetings between the representatives of the three  
institutions, a draft overall compromise package was agreed today by the  
Permanent Representatives' Committee.

I am therefore now in a position to confirm that, should the European  
Parliament adopt its position at first reading, in accordance with Article 294  
paragraph 3 of the Treaty, in the form set out in the compromise package  
contained in the Annex to this letter (subject to revision by the legal linguists  
of both institutions), the Council would, in accordance with Article 294,  
paragraph 4 of the Treaty, approve the European Parliament's position and  
the act shall be adopted in the wording which corresponds to the European  
Parliament's position.

On behalf of the Council I also wish to thank you and Ms Auconie, the  
Rapporteur, for your close cooperation which should enable us to reach  
agreement on this dossier at first reading.

Yours sincerely,

**Arūnas VINCIŪNAS**

Chairman of the Permanent Representatives  
Committee (Part 1)

copy to: **Tonio BORG** Commissioner  
**Sophie AUCONIE** EP Rapporteur

**REGULATION (EU) NO .../2013  
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**of**

**amending Regulation (EC) No 1760/2000 as regards electronic identification of bovine animals and *labelling of beef***

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 Articles 43(2) and 168(4)(b) thereof,

Having regard to the proposal from the European Commission<sup>1</sup>,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>2</sup>,

Having regard to the opinion of the Committee of Regions<sup>3</sup>,

Acting in accordance with the ordinary legislative procedure,

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<sup>1</sup> OJ L xx, xx.xx. xxxx, p. xx.

<sup>2</sup> OJ L xx, xx.xx. xxxx, p. xx.

<sup>3</sup> OJ L xx, xx.xx. xxxx, p. xx.

Whereas:

- (1) In 1997, Union rules on the identification and traceability of bovine animals were re-enforced in the light of the bovine spongiform encephalopathy (BSE) epidemic and the resulting increased need to trace the animal's movement and origin using "conventional ear tags".
- (2) 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<sup>1</sup> provides that each Member State is to establish a system for the identification and registration of bovine animals in accordance with the provisions of that Regulation.
- (3) Regulation (EC) No 1760/2000 establishes a system for the identification and registration of bovine animals comprising ear tags applied on both ears of each animal, computerised databases, animal passports and individual registers kept on each holding.
- (4) Tracing of beef to source via identification and registration is a prerequisite for origin labelling throughout the food chain. *Those measures ensure* consumer protection and public health *and promote consumer confidence.*

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<sup>1</sup> OJ L 204, 11.8.2000, p. 1.

- (5) Regulation (EC) No 1760/2000 and more in particular bovine identification and voluntary beef labelling were listed as "information obligations with special importance in terms of the burdens they impose on businesses" in the Communication from the Commission to the Council and the European Parliament on an "Action Programme for Reducing Administrative Burdens in the EU"<sup>1</sup> .
- (6) The use of electronic identification systems would potentially streamline traceability processes through automated and more accurate reading and recording into the holding register. It would enable also automated reporting of animal movements into the computerised data base and thus improve speed, reliability and accuracy of the system. ***It would improve the management of certain direct payments paid to farmers.***
- (7) Electronic identification systems based on radio frequency identification have considerably improved in the last ten years. That technology allows a faster and more accurate reading of individual animal identity codes directly into data processing systems resulting on a reduction of time needed to trace potential infected animals or infected food, ***leading to improved databases and an increased capacity to react promptly in the event of disease outbreaks***, saving labour costs but at the same time increasing equipment costs.

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<sup>1</sup> COM(2009)0544 final.

- (8) This Regulation is coherent with the fact that electronic identification (EID) has already been introduced in the Union for other animal species than bovine, such as the mandatory system used in small ruminants.
- (9) Given the technological advances in EID, several Member States have decided to start to implement bovine EID on a voluntary basis. Those initiatives are likely to lead to different systems to be developed in individual Member States or by stakeholders. Such a development would impede later harmonisation of technical standards within the Union. ***It should be ensured that the identification systems introduced in the Member States are interoperable and consistent with the relevant ISO or other international technical standards adopted by recognized international standard-setting organizations, with the understanding that those international standards are able to guarantee, at the very least, a higher level of performance than ISO standards.***
- (10) A Report from the Commission to the Council and the European Parliament on the possibility of introduction of electronic identification for bovine animals<sup>1</sup> concludes that it has been demonstrated that radio frequency identification has been developed to the extent that it can be applied in practice. The report also concludes that it is highly desirable to switch to electronic identification of bovine animals within the Union since among other benefits, it will contribute to reduce the administrative burden.

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<sup>1</sup> COM (2005)0009 final.

- (11) According to the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions "Action Plan for the implementation of the EU Animal Health Strategy"<sup>1</sup> the Commission is to simplify information obligations, such as holding registers and passports in the course of the introduction of EID.
- (12) The Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on a new Animal Health Strategy for the European Union (2007-2013) where “Prevention is better than cure”<sup>2</sup>, proposes considering EID for bovine animals as a possible improvement to the existing EU system of identification and registration in order to simplify information obligations (e.g. holding registers, passports) and includes the initiative to implement an electronic bovine passport exchange. That exchange would entail the introduction of electronic identification with real time introduction of data. Such exchange would lead to considerable savings of cost and efforts for the competent authorities of the Member States and other stakeholders and reduce the workload when transferring animal passports data into computerised databases. This Regulation is coherent with that initiative.
- (13) This Regulation is thus expected to contribute to some key objectives of major EU strategies including EU 2020 by improving economic growth, cohesion and competitiveness.

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<sup>1</sup> COM (2008)0545 final.

<sup>2</sup> COM (2007)0539 final.

- (14) Certain third countries have already established rules allowing advanced EID technologies. The Union should establish similar rules to facilitate trade and increase the sector's competitiveness.
- (15) *In the light of the technological development of new types of electronic identifiers, it is appropriate to broaden the scope of the means of identification provided for in Regulation (EC) No 1760/2000 in order to enable their use as an official means of identification. Since introduction of such provisions implies considerable investment it is necessary to allow for a transitional period of 5 years giving the Member States the necessary time to prepare. During that transitional period, conventional ear tags shall continue to be the only official means of identification for the bovine animals.*
- (16) Making EID mandatory throughout the Union *could* have economically adverse effects on certain operators. It is therefore appropriate that , *when EID is recognised as an official means of identification by this Regulation, keepers are able to use it on a voluntary basis.* Under such a *voluntary* regime, EID would be chosen by keepers that are likely to have **█** economic benefits *from it, while other keepers may still continue to identify their animals with two conventional eartags.*

- (17) Member States have very different husbandry systems, farming practices and sector organisations. Member States should therefore be allowed to make EID compulsory on their territory only when they deem it appropriate, after considering all those factors, ***including impact on small farmers, and following consultation with organisations representing the cattle industry.***

***While in intra-EU trade movements the obligation to electronically identify a bovine animal shall fall under the Member State which has made the use of EID compulsory on its territory, this should not imply that MS be obliged to re-identify animals which have already been electronically identified in the MS of dispatch.***

- (18) Animals ***and meat*** entering the Union from third countries should be subject to **■** identification ***and traceability*** requirements that ***provide an equivalent level of protection.***



*(18aa) When live animals are imported in the Union from third countries, they should be subject, upon their arrival, to the same identification requirements that apply to animals born in the Union.*

*(18a) The two official means of identification allocated to one animal shall bear the same identification code. However, during the initial phase of adjustment to the use of electronic identifiers as official means of identification, it could not be excluded that in certain cases, technical limitations of the configuration of an animal's original identification code would prevent its reproduction on an electronic identifier. These cases would appear where the combination of numbers of their existing identification code is such that it cannot be converted into an electronic format. Therefore, specific transitory derogations should be foreseen in order to allow the application of electronic identifier also to those animals, provided that full traceability is ensured and that their individual identification, including the holding on which they are born, is possible.*

(19) Regulation (EC) No 1760/2000 provides that the competent authority is to issue a passport for each animal which has to be identified in accordance with that Regulation. This causes a considerable administrative burden for the Member States. The *competent authorities of Member States have an obligation to set up a computerised databases in accordance with Articles 14 and 18 of Directive 64/432/EC. As these databases have had to be fully operational since 31 December 1999, they should* sufficiently ensure traceability of domestic movements of bovine animals. Passports should therefore be issued only for animals intended for intra-Union trade.

*On the other hand, the provisions of this Regulation should not prevent national provisions by a Member State concerning the issuing of passports for animals not intended for intra-Union trade.*

(19b) *BOVEX, the pilot project for bovine passport exchange between Member States was put in place by the Commission in order to facilitate the data exchange between Member States, while at the same time ensuring the traceability of the animals during their intra-Union movements. Once the data exchange between national computerised databases is fully operational, the requirement of issuing passports in a paper form should no longer apply for animals intended for intra-Union movements. This should contribute to the reduction of administrative burden.*

- (20) Section II of Title II of Regulation (EC) No 1760/2000 lays down rules for a voluntary beef labelling system which provide for the approval of certain labelling specifications by the competent authority of the Member State. The administrative burden and the costs incurred by Member States and economic operators in applying this system are not proportionate to the benefits of the system. *As new legislation came into force since that Regulation was adopted, specific rules on the voluntary labelling became superfluous and should therefore be deleted, without compromising the right of operators to inform consumers through voluntary labelling on the characteristics of the meat, nor the right of the consumers to receive verifiable information. Consequently, as for any other sort of meat, food information which goes beyond mandatory labelling should respect the current horizontal legislation, including Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers<sup>1</sup>.*
- (20a) *In order to prevent risks of fraud in the field of meat labelling and to protect European consumers, the controls and penalties should have a sufficiently dissuasive effect.*

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<sup>1</sup> OJ L 304, 22.11.2011, p. 18.

*(20b) In accordance with Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, the Commission is obliged to submit a report to the European Parliament and the Council regarding the mandatory indication of the country of origin or place of provenance for meat used as an ingredient. That report may be accompanied by a legislative proposal, if appropriate, in order to ensure more transparency in the meat chain and to better inform European consumers.*

*Taking into account the latest problems in relation with the labelling of meat products that have affected the functioning of the food chain, the European Parliament and the Council expect the report to be adopted as early as possible during the second semester of 2013.*

(21) As a consequence of the entry into force of the Lisbon Treaty, the powers conferred under Regulation (EC) No 1760/2000 upon the Commission need to be aligned with Articles 290 and 291 of the Treaty on the Functioning of the European Union (the Treaty).

(22) In order to ensure that the necessary rules for the proper functioning of the identification, registration and traceability of bovine animals and beef are applied, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of requirements for alternative means of identification of bovine animals, special circumstances in which Member States may extend the maximum periods for the application of the means of identification, data to be exchanged between the computerised databases of the Member States, the maximum period for certain reporting obligations, the requirements for means of identification, ***adding of means of identification to the list set out in Annex, the rules concerning the information from the computerised database*** to be included in the passports and in the individual registers to be kept on each holding, ■ the identification and registration of movements of bovine animals when put out to ***seasonal grazing including transhumance***, rules for labelling certain products which should be equivalent to the rules laid down in Regulation (EC) No 1760/2000, ■ the labelling provisions ***pertaining to a simplified presentation*** of the indication of origin ***for cases of very short stay of the animal in the Member State or third country of birth or of slaughter, and definitions and requirements applicable to terms or categories of terms that may be put on the labels of pre-packed fresh and frozen beef and veal***. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.

The Commission, when preparing and drawing-up such delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

- (23) In order to ensure uniform conditions for the implementation of Regulation (EC) No 1760/2000 with respect to the registration of holdings making use of alternative means of identification, technical characteristics and modalities for the exchange of data between the computerised databases of Member States, ***recognition of the full operability of the data exchange system***, the format and design of the means of identification, technical procedures and standards for the implementation of EID, **■ *the rules concerning the configuration of the identification code, the maximum size and composition of certain groups of animals***, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.<sup>1</sup>
- (23a) ***The implementation of this Regulation should be monitored. Consequently, no later than five years after the entry into force of this Regulation in case of the provisions concerning voluntary beef labelling, and nine years in case of the provisions concerning electronic identification, the Commission should submit to the European Parliament and to the Council a report dealing both with the implementation of this Regulation and with the technical and economic feasibility of introducing mandatory electronic identification everywhere in the Union. Those reports shall, if necessary, be accompanied by appropriate legislative proposals.***
- (24) Regulation (EC) No 1760/2000 should therefore be amended accordingly,

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<sup>1</sup> OJ L 55, 28.2.2011, p. 13.

HAVE ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 1760/2000 is hereby amended as follows:

(1) in Article 1, the second sentence of paragraph 2 is deleted.

**(1a) in Article 2, the first indent is replaced by the following:**

***''animal' means a bovine animal within the meaning of Article (2)(b) and (c) of Directive 64/432/EEC, including animals taking part in cultural and sporting events;''***

(2) in Article 3, in the first paragraph, point (a) is replaced by the following:

"(a) means of identification to identify animals individually;"

(3) Article 4 is replaced by the following:

*"Article 4*

***Obligation to identify animals***

1. All animals on a holding shall be identified by at least two **■** means of identification ***listed in Annex and in compliance with rules adopted pursuant to paragraph 1a*** and approved by the competent authority. ***At least one of the means of identification shall be visible and bear a visible identification code.***

***The first subparagraph shall not apply to animals born before 1 January 1998 and not intended for intra-EU trade, which shall be identified by at least one means of identification.***

***In order to ensure the adaptation to technical progress, the Commission shall be empowered to adopt delegated acts in accordance with Article 22b concerning the adding of means of identification to the list set out in Annex, whilst ensuring their interoperability.***

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



*The two means of identification which have been authorised in accordance with the delegated and implementing acts adopted pursuant to paragraph 1a and this paragraph and are applied to one animal shall bear the same unique identification code, which, in connection with the registration of the animals, makes it possible to identify the animal individually together with the holding on which it was born.*

*By way of derogation, in case the characters forming the identification code do not permit the application of an electronic identifier with the same unique identification code, the Member State may allow that, under the supervision of its competent authority, the second means of identification may bear a different code, provided that*

- a) the animal is born before the date of entry into force of the implementing acts referred to in point c) of the second subparagraph of paragraph 1a,*
- b) full traceability is ensured,*

- c) *the individual identification of the animal, including the holding on which it was born, is possible, and*
- d) *the animal is not intended for intra-Union trade.*

*1a In order to ensure adequate traceability and adaptability to technical progress and optimal functioning of the identification system, the Commission shall adopt delegated acts in accordance with Article 22b concerning the requirements for the means of identification set out in Annex, and the transitional measures required for the introduction of a particular means of identification.*

*On the basis of the relevant ISO or other international technical standards adopted by recognized international standard-setting organizations, with the understanding that those international standards are able to guarantee, at the very least, a higher level of performance and reliability than ISO standards, standards, the Commission shall lay down, by means of implementing acts, the necessary rules concerning*

- a) *the format and design of the means of identification,*
- b) *technical procedures for the electronic identification of bovine animals,*
- c) *the configuration of the identification code.*

*Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 23(2).*

2. *With effect from [OJ: please insert the date of five years following the date of entry into force of this Regulation], the Member States shall have the necessary infrastructure in order to provide for the identification of animals on the basis of electronic identifier as an official means of identification in accordance with this Regulation.*

*With effect from [OJ: please insert the date of five years following the date of entry into force of this Regulation], Member States may introduce national provisions to make compulsory the use of an electronic identifier as one of the two means of identification provided for in paragraph 1.*

The Member States that make use of this option shall provide the Commission with the text of such national provisions *and make this information available on the internet. The Commission shall assist the Member States in making this information available to the public by providing on its internet page the links to the internet-based information pages of the Member States.*

3. By way of derogation from paragraph 1, bovine animals intended for cultural and sporting events other than fairs and exhibitions may be identified by alternative means of identification offering equivalent identification standards to those provided for in that paragraph.
4. Holdings making use of alternative means of identification *referred to in paragraph 3* shall be registered in the computerised database.

The Commission shall, by means of implementing acts, lay down the necessary rules concerning such registration. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 23(2).

5. *In order to ensure traceability based on the identification standards equivalent to those provided for in paragraph 1, the Commission shall be empowered to adopt delegated acts in accordance with Article 22b concerning the requirements for the alternative means of identification referred to in paragraph 3, including **transitional measures required for their introduction.**"*

*The Commission may lay down, by means of implementing acts the rules concerning the format and design of the alternative means of identification, including transitional measures required for their introduction. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 23(2).*

- 6. Member States shall communicate to each other and to the Commission the model of means of identification used in their territory. They shall make this information available on the internet. The Commission shall assist the Member States in making this information available to the public by providing on its internet page the links to the internet-based information pages of the Member States.*

- (4) The following Articles 4a to 4d are inserted:

*"Article 4a*

*Time period for the application of the means of identification*

1. The means of identification provided for in Article 4(1) shall be applied within a maximum period from the birth of the animal to be determined by the Member State in which the animal was born. That period shall not be longer than 20 days ■ .

***By way of derogation, for reasons related to the physiological development of the animals, that period may for the second means of identification be extended to up to 60 days following the birth of the animal.***

No animal may leave the holding where it was born before the two means of identification have been applied.

2. ***In order to enable the application of the means of identification in special circumstances involving practical difficulties,*** the Commission shall be empowered to adopt delegated acts in accordance with Article 22b to determine those special circumstances ***under which the Member States may extend the maximum periods for the application of the means of identification for longer periods than provided for in paragraph 1. The Member States that make use of this option shall inform the Commission thereof.***

*Article 4b*

*Identification of animals from third countries*

1. Any animal subject to veterinary checks on animals entering the Union from a third country pursuant to Directive 91/496/EEC and intended for a holding of destination within the territory of the Union shall be identified at the holding of destination with the means of identification provided for in Article 4(1).

The original identification applied to the animal in the third country of origin shall be recorded in the computerised database provided for in Article 5 together with the unique identification code of the [...] means of identification allocated to the animal by the Member State of destination.

However, the first subparagraph shall not apply to animals destined directly for a slaughterhouse situated in a Member State, provided that the animals are slaughtered within 20 days following those veterinary checks.

2. The means of identification of animals referred to in the first subparagraph of paragraph 1 shall be applied within a maximum period to be determined by the Member State in which the holding of destination is located.

That period shall not exceed 20 days following the veterinary checks referred in paragraph 1. ***By way of derogation, for reasons related to the physiological development of the animals, that period may for the second means of identification be extended to up to 60 days following the birth of the animal.*** In any event, the *two* means of identification ***referred to in Article 4(1) first subparagraph*** shall be applied to the animals before they leave the holding of destination.

3. Where the holding of destination is situated in a Member State that has introduced national provisions to make compulsory the use of an electronic identifier as referred to in Article 4(2), the animals shall be identified with that electronic identifier in the holding of destination in the Union, within a period to be determined by the Member State of destination.

That period shall not exceed 20 days following the veterinary checks referred in paragraph 1.

***By way of derogation, for reasons related to the physiological development of the animals, that period may be extended to up to 60 days of their age for the second means of identification.***

In any event, the electronic identifier shall be applied to the animals before they leave the holding of destination.



Article 4c

*Identification of animals moved from one Member State to another*

1. Animals moved from one Member State to another shall retain the **original** means of identification applied to them pursuant to Article 4.

*However, by way of derogation from the first subparagraph, starting from the date referred to in Article 4(2), the competent authority of the Member State of destination may allow:*

- a) *the replacement of one of the means of identification by an electronic identifier without changing the original unique identification code of the animal.*
- b) *the replacement of both means of identification by two new means of identification which shall both bear the same, new unique identification code. This derogation may be applied until 5 years after the date referred to in Article 4(2), in case the characters forming the identification code of a conventional ear tag do not permit the application of an electronic identifier with the same unique identification code, and provided that the animal is born before the date of entry into force of the implementing acts referred to in point (c) of the second subparagraph of paragraph 1a of Article 4.*

2. Where the holding of destination is situated in a Member State that has introduced national provisions to make compulsory the use of an electronic identifier, the animals shall be identified with that electronic identifier **at the latest** ■ in the holding of destination within a maximum period to be determined by the Member State where that holding is located.

The maximum period referred to in *the first subparagraph* shall not exceed 20 days from the date of arrival of the animals on the holding of destination. ***By way of derogation, for reasons related to the physiological development of the animals, that period may for the second means of identification be extended to up to 60 days following the birth of the animal.*** In any event, the *electronic identifier* shall be applied to the animals before they leave the holding of destination.

However, the first subparagraph shall not apply to animals destined directly for a slaughterhouse situated in the territory of the Member State that has introduced national provisions to make compulsory the use of an electronic identifier ■ .

*Article 4d*

*Removal, **modification** or replacement of means of identification*

No means of identification may be removed, *modified* or replaced without the permission of the competent authority. Such permission may only be granted where the removal, *modification* or replacement do not compromise the traceability of the animal *and where its individual identification, including the holding on which is born, is possible.*

*Any replacement of an identification code shall be recorded in the computerised database provided for in Article 5, together with the unique identification code of the original means of identification of the animal.*

(5) Article 5 is amended as follows:

- the second paragraph is deleted and replaced by the following:

"Member States may exchange electronic data between their computerised databases from the date when the Commission recognises the full operability of the data exchange system. ***This must be done in such a way that data protection is guaranteed and any abuse prevented in order to protect the interests of the keeper.***

***In order to ensure the electronic exchange of information between the Member States,*** the Commission shall adopt delegated acts in accordance with Article 22b to lay down the rules concerning the data to be exchanged between computerised databases of Member States.

The Commission shall by means of implementing acts lay down the technical conditions and modalities for such exchange ***and*** recognise the full operability of the data exchange system. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 23(2)."

(6) Article 6 is replaced by the following:

*"Article 6*

- I.* Where a Member State does not exchange electronic data with other Member States in the framework of the electronic exchange system referred to in Article 5:
- (a) the competent authority shall, for each animal that is intended for intra-Union trade, issue a passport based on the information contained in the computerised database set up in that Member State;
  - (b) each animal for which a passport is issued, shall be accompanied by it whenever the animal is moved from one Member State to another;
  - (c) upon arrival of the animal at the holding of destination, the passport accompanying the animal shall be surrendered to the competent authority of the Member State where the holding of destination is located.

2. *In order to allow for the tracing of animal movements back to the holding of origin situated in a Member State, the Commission shall be empowered to adopt delegated acts in accordance with Article 22b to lay down rules concerning the information from the computerised database to be included in the passport, including transitional measures required for their introduction."*

(6a) *The following Article 6 a is added:*

*"Article 6a*

*The provisions of this Regulation should not prevent national provisions by a Member State concerning the issuing of passports for animals not intended for intra-Union trade."*

(7) Article 7 is amended as follows:

(a) paragraph 1 is amended as follows:

(i) the second indent is replaced by the following:

"– report to the competent authority all movements to and from the holding and all births and deaths of animals of the holding, together with the dates of those events, within a maximum period fixed by the Member State; the maximum period shall be at least three days and no longer than seven days following the occurrence of the event; Member States may request the Commission to extend the maximum period of seven days."

(ii) the following second subparagraph is added:

***"In order to take into account practical difficulties in exceptional cases, the Commission shall be empowered to adopt delegated acts in accordance with Article 22b to determine the exceptional circumstances in which Member States may extend the maximum period of seven days provided for in the second indent of the first subparagraph, together with the maximum length of that extension, which shall not exceed 14 days."***

(b) *paragraph 2 is replaced by the following:*

*"In order to ensure the adequate and effective traceability for bovine animals when put out to seasonal grazing , the Commission shall be empowered to adopt delegated acts in accordance with Article 22b, concerning the Member States or part of Member States where special rules for seasonal grazing shall apply, including the time period, specific obligations of the keepers, and rules on the holding registration and registration of movements of such bovine animals, including transitional measures required for their introduction."*

(ba) the following paragraph 5 is added:

"5. By way of derogation from paragraph 4, keeping a [...] register shall be optional for any keeper who

- a) has ■ access to the computerised database *referred to in Article 5* which already contains the information to be included in the register; and
- b) *has the* up-to-date information *entered* directly into the computerised database ■ ."



(c) *the following paragraph 6 is added:*

*"6. In order to ensure the accuracy and reliability of the information to be contained in the holding register provided for in Article 7, the Commission shall be empowered to adopt delegated acts in accordance with Article 22b to lay down the necessary rules concerning the information to be included in that register, including transitional measures required for their introduction."*

(7a) *Article 8 is deleted.*

(8) The following Article 9a is inserted:

*"Article 9a  
Training*

Member States shall ensure that any person responsible for the identification and registration of animals *has received* instructions and guidance on the relevant provisions of this Regulation and of any delegated and implementing acts adopted by the Commission *pursuant to this Regulation.*

*Every time a change is applied to the relevant provisions, the corresponding information is made available to such person responsible.*

*Member States shall ensure that appropriate training courses are available.*

*The Commission shall facilitate sharing of best practices in order to improve the quality of information and training across the Union."*

(9) Article 10 is *deleted*.

■

(10) *Article 12 is replaced by the following:*

**“Article 12**

*For the purposes of this title, the following definitions shall apply:*

- *‘beef’ means all products falling within CN codes 0201, 0202, 206 10 95 and 0206 29 91,*
- *‘labelling’ means the attachment of a label to an individual piece or pieces of meat or to their packaging material, or in the case of non prewrapped products the supply of appropriate information in written and visible form to the consumer at the point of sale,*

- *'organisation' means a group of operators from the same or different parts of the beef trade*
- *'minced meat' means any boned meat that has been minced into fragments and contains less than 1 % salt and that falls within CN codes 0201, 0202, 0206 10 95 and 0206 29 91,*
- *'trimmings' means small pieces of meat recognized as fit for human consumption produced exclusively during trimming operations during the boning of carcasses and/or the cutting up of meat;*
- *'cut meat' means meat which has been cut into small cubes, slices or other individual portions that do not require further cutting by an operator before being bought by the final consumer and can be directly used by that consumer. This definition does not cover minced meat and trimmings."*

(11) Article 13 is amended as follows:

- (a) paragraphs 3 and 4 are deleted;
- (b) in paragraph 5, the introductory phrase of point (a) is replaced by the following:
  - "(a) Operators and organisations shall also indicate on the labels:"

(c) *the following paragraph 6 is added:*

*"In order to avoid unnecessary repetition of the indication on the label of the Member States or third countries where rearing took place, the Commission shall be empowered to adopt delegated acts in accordance with Article 22b pertaining to a simplified presentation for cases of very short stay of the animal in the Member State or third country of birth or of slaughter.*

*The Commission shall, by way of implementing acts, adopt rules concerning the maximum size and composition of the group of animals referred to in paragraphs 1 and (2)(a), taking into account constraints as regards the homogeneity of the groups of animals where these cut meats and trimmings come from. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 23(2)."*

(12) In Article 14, the fourth paragraph is replaced by the following:

*"In order to ensure the conformity with the horizontal rules relating to the labelling in this Section, the Commission shall be empowered to adopt delegated acts in accordance with Article 22b to lay down, on the basis of experience for minced meat, rules equivalent to those in the first three paragraphs of this Article for beef trimmings or cut beef."*

- (13) Article 15 is replaced by the following:

*"Article 15  
Compulsory labelling of beef from third countries*

By way of derogation from Article 13, beef imported into the territory of the Union for which not all the information provided for in Article 13 is available, shall be labelled with the indication:

'origin: non-EU' and 'Slaughtered in (name of third country)'."

- (14) ***Starting from 13 December 2014, the heading of section II of title II shall be replaced by the words 'Voluntary labelling', Articles 16, 17 and 18 are deleted, and Article 15a shall be inserted into section II of title II:***

***'Article 15a  
General rules***

***Food information other than that specified in Articles 13, 14 and 15 which is added to labels voluntarily by operators or organisations marketing beef shall be objective, verifiable by the competent authorities and comprehensible for consumers.***

*That information shall comply with the horizontal legislation on labelling and in particular Regulation (EU) No 1169/2011 of the European Parliament and of the Council.*

*In case operators or organisations marketing beef do not respect the obligations referred to in the first and the second paragraphs, the competent authority shall apply appropriate sanctions as laid down in Article 22.'*

*The Commission shall be empowered to adopt delegated acts in accordance with Art. 22b concerning definitions and requirements applicable to terms or categories of terms that may be put on the labels of pre-packed fresh and frozen beef and veal.*

- (15) Article 19 is *deleted*.
- (16) Articles 20 and 21 are deleted.

(17) Article 22 is *replaced by the following*:

*"Article 22*

- 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 controls which the Commission may carry out pursuant to Article 9 of Regulation (EC, Euratom) No 2988/95.*

*Any sanctions imposed by the Member State on a keeper, operator or organisation marketing beef shall be effective, dissuasive and proportionate.*

*The competent authority shall carry out each year checks identification and registration of animals which shall cover at least 3 % of the holdings.*

*That minimum rate of official controls shall be increased immediately where it is established that provisions on identification and registration of animals have not been complied with.*

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

*Each Member State shall make an annual report to the Commission before 31 August each year on the implementation of the controls.*

2. *Notwithstanding paragraph 1, the competent authority shall impose on a keeper the following administrative penalties:*
  - a) *if one or more animals on a holding comply with none of the provisions laid down in Title I of this Regulation, a restriction shall be imposed on movement of all animals to or from the holding of the keeper concerned;*
  - b) *in the case of animals for which the identification and registration requirements laid down in Title I of this Regulation are not fully complied with, until those requirements are fully complied with, a restriction shall be immediately imposed on the movement of those animals only;*
  - c) *if, on one holding, the number of animals for which the identification and registration requirements laid down in Title I of this Regulation, are not fully complied with is in excess of 20 %, a restriction shall be immediately imposed on the movement of all the animals present on the holding; in respect of holdings of not more than 10 animals, this measure shall apply if more than two animals are not fully identified in accordance with the requirements laid down in Title I of this Regulation;*



- d) if the keeper of an animal cannot prove its identification and traceability, the competent authority shall, where appropriate, on the basis of an assessment of the animal health and food safety risks, order the destruction of the animal without compensation;*
- e) if a keeper fails to report to the competent authority movement to and from his holding in accordance with Article 7(1), second indent, of this Regulation, the competent authority shall restrict the movement of animals to and from that holding;*
- f) if a keeper fails to report to the competent authority the birth or death of an animal in accordance with Article 7(1), second indent, of this Regulation, the competent authority shall restrict the movement of animals to and from that holding.*
- g) in cases of persistent failure by a keeper to pay the charge referred to in Article 9 of this Regulation, Member States may restrict the movement of animals to and from the holding of that keeper.*

3. *Notwithstanding paragraph 1, where operators and organisations marketing beef have labelled beef without complying with their obligations laid down in Title II of this Regulation, the Member States shall as appropriate, and in accordance with the principle of proportionality, require the removal of the beef from the market. Member States may, in addition to the sanctions referred to in paragraph 1:*
- (a) if the meat concerned conforms with relevant veterinary and hygiene rules:*
    - i) authorise that such beef be placed on the market after being properly labelled in accordance with EU requirements, or*
    - ii) authorise that such beef be sent directly for processing into products, other than those indicated in the first indent of Article 12 of this Regulation;*
  - (b) order the suspension or withdrawal of the approval of the operators and organisations concerned.*

4. *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 checks are carried out in accordance with this Regulation.*
  
5. *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. This report shall, where appropriate contain recommendations for Member States on the improvement of compliance with this Regulation."*

(18) The following Articles 22a and 22b are inserted:

*"Article 22a*

*Competent authorities*

Member States shall designate the competent authority or authorities responsible for ensuring compliance with this Regulation and any acts adopted by the Commission on its basis.

They shall inform the Commission and the other Member States of the identity of those authorities.

*Article 22b*

*Exercise of the **delegation***

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power *to adopt delegated acts* referred to in Articles **4(1)**, **4(1a)**, 4(5), 4a(2), 5, **6(2)**, **7(1)**, **7(2)**, **7(6)**, **13(6)**, **14(4)** and **15a** shall be conferred on the Commission for a period of *five years* from\*. *The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.*

*[\*date of entry into force of this Regulation [...]].*

3. The delegation of power referred to in Articles **4(1)**, **4(1a)**, 4(5), 4a(2), 5, **6(2)**, **7(1)**, **7(2)**, **7(6)**, **13(6)**, **14(4)** and **15a** may be revoked at any time by the European Parliament or by the Council. A decision *to revoke* shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Articles **4(1)**, **4(1a)**, 4(5), 4a(2), 5, **6(2)**, **7(1)**, **7(2)**, **7(6)**, **13(6)**, **14(4)** and **15a** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or *of* the Council."

(19) Article 23 is replaced by the following:

*"Article 23  
Committee procedure*

1. The Commission shall be assisted:

for the implementing acts adopted pursuant to *Articles 4(1a), 4(4), 4(5), 5 and 13(6)*, by the Standing Committee on the Food Chain and Animal Health established by Article 58 of Regulation (EC) No 178/2002 of the European Parliament and of the Council.<sup>1</sup>

*That committee is a committee* within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Where the opinion of the Committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the Committee so decides or a simple majority of committee members so requests."

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<sup>1</sup> OJ L 31, 1.2.2002, p. 1.

(19a) *The following Article is inserted:*

***"Article 23a  
Report and legislative developments***

*No later than:*

- Five years for the voluntary labelling provisions, and*
- Nine years for the electronic identification provisions,*

*after the entry into force of this Regulation, the Commission shall submit to Parliament and the Council the corresponding reports dealing with the implementation and impact of this Regulation including, in the first case, the possibility of reviewing the voluntary labelling provisions, and in the second the technical and economic feasibility of introducing mandatory electronic identification everywhere in the Union.*

*Those reports shall, if necessary, be accompanied by appropriate legislative proposals."*

*Article 2*

This Regulation shall enter into force on the twentieth 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.

Done at Brussels,

*For the European Parliament*

*The President*

*For the Council*

*The President*



## **Annex**

### **MEANS OF IDENTIFICATION**

#### **A) CONVENTIONAL EAR TAG**

**WITH EFFECT FROM [OJ, please insert the date: five years following the date of entry into force of this Regulation]:**

#### **B) ELECTRONIC IDENTIFIER IN THE FORM OF AN ELECTRONIC EAR TAG**

#### **C) ELECTRONIC IDENTIFIER IN THE FORM OF A RUMINAL BOLUS**

#### **D) ELECTRONIC IDENTIFIER IN THE FORM OF AN INJECTABLE TRANSPONDER**

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**DIRECTIVE 2013/.../EU**

**OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**of**

**amending Council Directive 64/432/EEC as regards computer databases which are part of the surveillance networks in the Member States**

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),

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 Committee<sup>12</sup>,

Acting in accordance with the ordinary legislative procedure,

Whereas:

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<sup>12</sup> OJ C xx, xx.xx. xxxx, p. xx.

- (1) Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine<sup>13</sup> applies to trade in bovine animals and swine within the Union. That Directive provides that the competent authority in a Member State may introduce a system of surveillance networks. Those networks include a computer database which is to contain at least a number of elements laid down in Directive 64/432/EEC, inter alia the identification code of each animal.
- (2) Regulation of the European Parliament and of the Council (EC) No 1760/2000 of 17 July 2000 *establishes* a system for the identification and registration of bovine animals. *It requires as a general rule that the two official means of identification allocated to one animal shall bear the same identification code. However, during the initial phase of adjustment to the use of electronic identifiers as official means of identification, it could not be excluded that in certain cases, technical limitations of the configuration of an animal's original identification code would prevent its reproduction on an electronic identifier. These cases would appear where the combination of numbers of their existing identification code is such that it cannot be converted into an electronic format. Therefore, specific transitory derogations are foreseen in Regulation (EC) No 1760/2000 in order to allow the application of electronic identifier also to those animals, provided that full traceability is ensured and that their individual identification, including the holding on which they are born, is possible.*
- These possibilities should be reflected in the list of elements of the computer databases laid down in Directive 64/432/EEC.*

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<sup>13</sup> OJ 121, 29.7.1964, p. 1977/64.

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- (4) In the interest of consistency of Union legislation, such element should be added to the list of elements to be included in the computer databases laid down in Directive 64/432/EEC.
- (5) Directive 64/432/EEC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

*Article 1*

In Article 14(3), in part C, point (1) of Directive 64/432/EEC, shall be replaced as follows:

- "(1) for each animal:
- the unique identification code *or codes, as regards the cases set out in Articles 4(1), 4b, 4c(1) and 4d of Regulation 1760/2000,*
  - date of birth,
  - sex,
  - breed or colour of coat,

- identification code of the mother or, in the case of an animal imported from a third country, the unique identification code of the individual means of identification allocated to the animal by the Member State of destination in accordance to Regulation (EC) No 1760/2000,
- identification number of the holding where born,
- identification numbers of all holdings where the animal has been kept and the dates of each change of holding,
- date of death *or* slaughter.
- the type of electronic identifier, if applied to the animal."

### *Article 2*

1. Member States shall adopt and publish, by [\*\*] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions [...].

They shall apply those provisions from [\*\*].

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

*Article 3*

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

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

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