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Amended 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

EXPLANATORY MEMORANDUM

Regulation (EC) No 1760/2000 of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products¹ 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. Before this and in the light of the Bovine Spongiform Encephalopathy (BSE) crisis Union rules on the identification and traceability of bovine animals were already introduced in 1997. Council Regulation (EC) No 820/97 established a regime of individual traceability of cattle by means of individual identification of animals with two ear tags, a holding register on each holding (e.g. farm, market, slaughterhouse), individual passport for each animal containing data on all movements and reporting all movements to a computerised database that is able to quickly trace animals and identify cohorts in the case of disease. These principles were upheld later in Regulation (EC) No 1760/2000 of the European Parliament and the Council. The ultimate goal was to re-establish consumer confidence in beef and beef products through transparency and full traceability of bovine animals and beef products and also to localise and trace animals for veterinary purposes, which is of crucial importance for the control of infectious diseases. With a view to achieving these objectives, the regime can be considered nowadays to be a success (BSE has been put under control in the EU and consumer confidence has been regained²), demonstrating its effectiveness and efficiency in providing important information to ensure the control of infectious diseases (e.g. Foot and Mouth Disease, Bluetongue) and to ensure traceability of beef.

Regulation (EC) No 1760/2000 (which establishes a system for the identification and registration of bovine animals and labelling of beef and beef products -including voluntary labelling- and includes the elements “double ear tag”, “holding register”, “cattle passport” and “computerised database”) was listed as *“information obligations with special importance in terms of the burdens they impose on businesses”* under the Communication from the Commission to the Council and the European Parliament (COM (2009)544) on an “Action Programme for Reducing Administrative Burdens in the EU”³.

The Action Plan of the new EU Animal Health Strategy⁴ foresees the Commission to simplify information obligations (e.g. holding registers, passports) in the course of introduction of bovine electronic identification (EID). A Regulatory proposal for ordinary legislative procedure is planned in the Commission's Agenda Planning for first semester of 2011.

However, when the current rules for bovine identification were adopted in 1997, EID was not sufficiently developed from the technical point of view as to be applied at that moment for cattle. EID based on radio frequency identification (RFID) has considerably developed during the last 10 years and provides for a faster and more accurate reading of individual animal codes directly into data processing systems, saving labour costs for manual reading but at the same time, increasing equipment costs. Thus, the existing legislation on bovine identification does not reflect these latest technological developments. The use of electronic identifiers could help to reduce the administrative burden and paper-work, for instances when the

¹ OJ L 204, 11.8.2000, p. 1.

² COM (2005) 322 Final-TSE Road Map:

http://ec.europa.eu/food/food/biosafety/tse_bse/docs/roadmap_en.pdf

³ http://www.cc.cec/sg_vista/cgi-bin/repository/getdoc/COMM_PDF_COM_2009_0544_F_EN_ANNEXE.pdf

⁴ Reference COM (2007) 539 final.

holding register is kept on a computerised form (which is the case for a growing percentage of farms), by using automatic reading and by using automatic entry into the register. In addition, a faster and more reliable system will allow, among others, a faster and higher reading accuracy than classical ear-tags, easing the procedure to report animal movements to the central data base and therefore provides for better and faster traceability of infected animals and/or infected food.

Based on the EID current technological advances, several EU Member States have decided on a voluntary basis, to start implementing bovine EID. Experience outside the EU shows also an increasing use of bovine EID. In addition, EID has been already introduced in the EU for several animal species (most of them as mandatory).

The current legal framework does not prohibit Member States from using electronic identifiers on a voluntary basis, but this must be done in addition to the official conventional visible ear tags. As no harmonised technical EU standards have been established, different types of electronic identifiers and readers with different RFID frequencies could be used in different places. Therefore each Member State might select the standards it wants and this approach is likely to lead to a lack of harmonisation jeopardising electronic exchange of data and then the benefits of having EID systems would be lost.

In relation to voluntary beef labelling, there is a need to reduce the excessive administrative burden in the voluntary system which is currently in place. Regulation (EC) No 820/97 established a system for the identification and registration of bovine animals and labelling of beef and beef products, which was further strengthened by Regulation (EC) No 1760/2000. It concerns the compulsory indication of the origin of the cattle (born/fattened/slaughtered) from which the beef originated (this proposal does not include any new provisions in relation to mandatory requirements for beef labelling), compulsory references to the identification code number of the slaughtered animal, and the establishments where the meat has been processed (slaughterhouse and meat cutting plant) and also a *formal Commission approval procedure including a notification requirement for any additional labelling information other than compulsory ones*. Already in 2004 the Commission submitted a report to the Council and the European Parliament on the beef labelling part of Regulation (EC) No 1760/2000⁵ that pointed out deficiencies of the voluntary beef labelling scheme. Those were that the system is not applied in a uniform way in all Member States (*e.g. the administrative practice differs considerably between the Member States*) and that all indications included in the label (including those that are not related to origin, traceability or quality characteristics of the meat) would be subject to a formal approval procedure by the competent authority. The Commission Staff Working Document on Simplification of the CAP⁶ points out the suggestion put forward by the “High Level Group of Independent Stakeholders on Administrative Burdens” (Stoiber Group). The Stoiber Group suggested repealing the notification requirement with regard to the use of additional voluntary labelling indications other than those which are compulsory for beef.⁷

This proposal takes into account the results of the consultations which took place with interested parties and the result of an impact assessment. The impact assessment concluded that introducing bovine EID *on a voluntary basis* as a tool for official identification would

⁵ COM(2004) 316 final.

⁶ SEC(2009)1601 of 16/11/2009 http://ec.europa.eu/agriculture/simplification/sec2009_1601_en.pdf

⁷ http://ec.europa.eu/enterprise/policies/better-regulation/files/hlg_opinion_agriculture_050309_en.pdf, page 7.

allow actors to have time to familiarise themselves with the EID system and to identify the added value it would bring in particular circumstances. This option is preferable as it leaves open to EU Member States and all the private actors involved to organise themselves, so they can evaluate the benefits considering regional differences, different types of production and it is flexible enough to receive support from authorities and stakeholders that will benefit the enforcement of the rules. The voluntary introduction of EID implies that EID would be chosen by the keepers that are likely to have immediate benefits for farm management. This is an individual decision taken for economic reasons (*market driven*) by each operator. Under the voluntary regime, bovine animals could be identified by two conventional ear tags (current system), or by one conventional visible ear tag and one electronic identifier (i.e. an electronic ear tag or a bolus) conforming to EU-harmonised standards that have been officially approved. The proposed introduction of electronic identification on a voluntary basis provides also the option for EU Member States to opt for a mandatory regime in their national territory. In case the Member State opts for the mandatory regime, each bovine animal is to be identified by one conventional visible ear tag and one electronic identifier. An EU mandatory regime may not be the best approach at the moment as some stakeholders (e.g. small farmers) would be disadvantaged economically. However besides cost considerations, it would be ideally the most efficient option in terms of consumer protection (traceability), reduction of administrative burden, and to avoid risks related to the co-existence of two systems of identification. This option would be also partially justifiable in terms of better coherence with EU policies on EID in other animal species (e.g. sheep).

Therefore, as a mandatory implementation of EID might economically affect some operators in a non-advantageous way, the preferred option for introduction of EID is a voluntary regime where EID is considered an acceptable and suitable legal means of identification of bovine animals, with the possibility for Member States to introduce a mandatory regime at national level.

In addition, there is a need to align Regulation (EC) No 1760/2000 in accordance with the Treaty on the Functioning of the European Union.

The entry into force of the Treaty on the Functioning of the European Union ("TFEU") has led to significant changes in the framework for the adoption of delegated and implementing acts. As regards the adoption of delegated and implementing acts, TFEU clearly distinguishes between the two.

- Article 290 TFEU on delegated acts provides for the legislator(s) to control the exercise of the Commission's powers by means of a right of revocation and/or a right of objection.
- Article 291 TFEU on implementing acts provides for the control by Member States of the Commission's implementing powers. A legal framework establishing the mechanisms of such control is set out in Regulation (EU) No 182/2011 of the European Parliament and the Council laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.⁸

⁸ OJ L 55, 28.2.2011 p. 13.

In relation to the adoption of Regulation (EU) No 182/2011, the Commission made the following statement:

"The Commission will proceed to an examination of all legislative acts in force which were not adapted to the regulatory procedure with scrutiny before the entry into force of the Lisbon Treaty, in order to assess if those instruments need to be adapted to the regime of delegated acts introduced by Article 290 of the Treaty on the Functioning of the European Union. The Commission will make the appropriate proposals as soon as possible and no later than at the dates mentioned in the indicative calendar annexed to this declaration."⁹

Regulation (EC) No 1760/2000 is one of the legislative acts that had not been adapted in the past to the regulatory procedure with scrutiny and must therefore be aligned to the new legal framework of delegated and implementing acts.

Regulation (EC) No 1760/2000 should therefore be reviewed and amended accordingly as regards simplification and reducing of administrative burden and introducing new provisions related to bovine identification and voluntary beef labelling.

This proposal replaces the proposal adopted by the Commission on 30 August 2011 (COM 2011(525) final). The only changes introduced in this new proposal concern the provisions of Article 22 aimed at ensuring uniform conditions for the imposition of sanctions in case of non-compliance with the relevant rules on identification of animals and labelling of beef and beef products.

This draft proposal for a Regulation of the Parliament and the Council has no financial implications for the budget of the European Union.

⁹ OJ L 55, 28.2.2011 p. 19.

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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 Commission¹⁰,

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

Having regard to the opinion of the European Economic and Social Committee¹¹,

Having regard to the opinion of the Committee of Regions¹²,

Acting in accordance with the ordinary legislative procedure,

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 products¹³ 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.

¹⁰ OJ L xx, xx.xx. xxxx, p. xx.

¹¹ OJ L xx, xx.xx. xxxx, p. xx.

¹² OJ L xx, xx.xx. xxxx, p. xx.

¹³ OJ L 204, 11.8.2000, p. 1.

- (4) Tracing of beef to source via identification and registration is a prerequisite for origin labelling throughout the food chain ensuring consumer protection and public health.
- (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"¹⁴.
- (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.
- (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, saving labour costs but at the same time increasing equipment costs.
- (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.
- (10) A Report from the Commission to the Council and the European Parliament on the possibility of introduction of electronic identification for bovine animals¹⁵ 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.
- (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"¹⁶ 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

¹⁴ COM (2009) 544 final.

¹⁵ COM (2005) 9 final.

¹⁶ COM (2008) 545 final.

is better than cure”¹⁷, 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.
- (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) Different types of electronic identifiers, such as ruminal boluses, electronic ear tags, and injectable transponders may be used to individually identify animals in addition to the conventional ear tags provided for in Regulation (EC) No 1760/2000. It is therefore appropriate to broaden the scope of the means of identification provided for in that Regulation in order to enable the use of electronic identification.
- (16) Making EID mandatory throughout the Union may have economically adverse effects on certain operators. It is therefore appropriate that a voluntary regime for the introduction of EID is established. Under such a regime, EID would be chosen by keepers that are likely to have immediate economic benefits.
- (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.
- (18) Animals entering the Union from third countries should be subject to the same identification requirements that apply to animals born in the Union.
- (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 computerised databases established by Member States sufficiently ensure traceability of domestic movements of bovine animals. Passports should therefore be issued only for animals intended for intra-Union trade. Once the data exchange between national computerised databases is operational, the requirement of issuing such passports should no longer apply for animals intended for intra-Union trade.
- (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

¹⁷ COM (2007) 539 final.

not proportionate to the benefits of the system. That Section should therefore be deleted.

- (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, the information to be included in the passports and in the individual registers to be kept on each holding, the minimum level of official controls, the identification and registration of movements of bovine animals when put out to summer grazing in different mountain areas, rules for labelling certain products which should be equivalent to the rules laid down in Regulation (EC) No 1760/2000, the definitions of minced beef, beef trimmings or cut beef, the specific indications that may be put on labels, the labelling provisions related to the simplification of the indication of origin, the maximum size and composition of certain groups of animals, the approval procedures related to labelling conditions on packaging of cut meat **and, the administrative sanctions to be applied by the Member States in cases of irregularities non-compliance with Regulation (EC) No 1760/2000.** 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 ~~this~~ 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, the format and design of the means of identification, technical procedures and standards for the implementation of EID, the format of the passports and of the register to be kept on each holding, rules concerning the procedures for the application of the sanctions imposed by the Member States on holders pursuant to Regulation (EC) No 1760/2000, **corrective modalities actions to be taken by the Member States to ensure proper compliance with Regulation (EC) No 1760/2000, in cases irregularities are detected by the Commission services during where on-the-spot checks so justify** controls to Member States, 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.¹⁸

(24) Regulation (EC) No 1760/2000 should therefore be amended accordingly,

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.
- (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 individual means of identification authorised in accordance with Articles 10 and 10a and approved by the competent authority.

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

All means of identification applied to one animal shall bear the same unique identification code, which makes it possible to identify the animal individually together with the holding on which it was born.

2. 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.

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 shall be registered in the computerised database.

¹⁸ OJ L 55, 28.2.2011, p. 13.

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. 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 provisions on their removal and replacement."

- (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:
 - (a) 20 days for the first means of identification;
 - (b) 60 days for the second means of identification.

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

2. Under special circumstances Member States may extend the maximum periods for the application of the means of identification for a longer period than provided for in paragraph 1(a) and (b). The Member States that make use of this option shall inform the Commission thereof.

The Commission shall be empowered to adopt delegated acts in accordance with Article 22b to determine those special circumstances.

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 individual 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. In any event, the means of identification 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. 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 means of identification applied to them pursuant to 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:
 - (a) before being moved to the holding of destination in that Member State;
or
 - (b) 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 point (b) shall not exceed 20 days from the date of arrival of the animals on the holding of destination. In any event, the means of identification 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, provided that the animals are slaughtered within 20 days following those veterinary checks.

Article 4d

Removal or replacement of means of identification

No means of identification may be removed or replaced without the permission and without the control of the competent authority. Such permission may only be granted where the removal or replacement do not compromise the traceability 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.

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:

- (a) lay down the technical conditions and modalities for such exchange;
- (b) 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

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."

(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:

"The Commission shall be empowered to adopt delegated acts in accordance with Article 22b to determine the 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."

(b) the following paragraph 5 is added:

"5. By way of derogation from paragraph 4, keeping an up-to-date register shall be optional for any keeper who:

- (a) has direct access to the computerised database which already contains the information to be included in the register; and
- (b) enters up-to-date information directly into the computerised database within twenty-four hours of the occurrence of the event."

(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 receives instructions and guidance on the relevant provisions of this Regulation and of any delegated and implementing acts adopted by the Commission on the basis of Articles 10 and 10a, and that appropriate training courses are available."

- (9) Article 10 is replaced by the following:

"Article 10

Conferral of powers on the Commission to adopt certain delegated acts

The Commission shall be empowered to adopt delegated acts in accordance with Article 22b to lay down the necessary rules, including transitional measures required for their introduction, concerning:

- (a) the requirements for the means of identification provided for in Article 4;
- (b) the information to be included in the passport provided for in Article 6;
- (c) the information to be included in the register provided for in Article 7;
- (d) the minimum level of official controls to be carried out in accordance to Article 22;
- (e) the identification and registration of movements of bovine animals when put out to summer grazing in different mountain areas."

- (10) The following Article 10a is inserted:

"Article 10a

Conferral of certain implementing powers on the Commission

The Commission may lay down, by means of implementing acts, the necessary rules, including transitional measures required for their introduction, concerning:

- (a) the format and design of the means of identification provided for in Article 4;
- (b) the technical procedures and standards for the implementation of the electronic identification of bovine animals;
- (c) the format of the passport provided for in Article 6;
- (d) the format of the register provided for in Article 7;

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

- (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:"

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

"The Commission shall be empowered to adopt delegated acts in accordance with Article 22b to lay down 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) Articles 16, 17 and 18 are deleted.

(15) Article 19 is replaced by the following:

"Article 19

Conferral of powers on the Commission to adopt certain delegated acts

The Commission shall be empowered to adopt delegated acts in accordance with Article 22b concerning:

- (a) the definitions of minced beef, beef trimmings or cut beef referred to in Article 14;
- (b) the specific indications that may be put on labels;
- (c) the labelling provisions related to the simplification of the indication of origin;
- (d) the maximum size and composition of the group of animals referred to Article 13(2)(a);
- (e) the approval procedures related to labelling conditions on packaging of cut meats; "

(16) Articles 20 and 21 are deleted.

(17) Article 22 is amended as follows:

(a) in paragraph 1, the following third subparagraph is added:

"The Commission shall, by means of implementing acts, lay down the necessary rules, including transitional measures required for their introduction, concerning the procedures for the application of the sanctions referred to in the second subparagraph. Those implementing

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

~~"The Commission shall, by means of implementing acts, lay down the necessary rules, including transitional measures required for their introduction, concerning the procedures and conditions for the application of the sanctions referred to in the second subparagraph".~~

(b) paragraph 4 is replaced by the following:

"4. **Where the Commission deems that the outcome of an on-the-spot check referred to in point (b) of paragraph 2 so justifies, it shall, by means of an implementing act, adopt a decision addressed to the Member State concerned, laying down the necessary corrective action to be taken by that Member State as regards the irregularities spotted, including the level of controls to be carried out by the competent authority in order to ensure proper compliance with this Regulation.**

~~Where the Commission deems that the outcome of checks so justifies, it shall, by means of an implementing act, draw up the necessary measures to ensure proper compliance in particular as regards level of controls, the administrative sanctions, and provision related to the maximum periods referred to in Article 4, 4a, 4b and 4c. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 23(2)."~~

(c) the following new paragraph 4a is inserted:

"4a. The Commission shall be empowered to adopt delegated acts in accordance with Article 22b to lay down the administrative sanctions which Member States shall apply where keepers, operators and organisations marketing beef do not comply with their obligations under this Regulation."

~~(d)~~ paragraphs 5 and 6 are deleted.

(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 delegated powers

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The delegation of power referred to in Articles 4(5) and 4a(2), ~~and in~~ Articles 5, 7, 10, 14 and 19 **and in Article 22(4a)** shall be conferred on the Commission for an indeterminate period of time from*

*[*date of entry into force of this Regulation or from any other date set by the legislator].*

3. The delegation of power referred to in Articles 4(5) and 4a(2), ~~and in~~ Articles 5, 7, 10, 14 and 19 **and in Article 22(4a)** may be revoked at any time by the European Parliament or by the Council. A decision of revocation 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(5) and 4a(2), ~~and~~ Articles 5, 7, 10, 14, and 19 **and in Article 22(4a)** 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 the Council."

(19) Article 23 is replaced by the following:

"Article 23

Committee procedure

1. The Commission shall be assisted:
 - (a) for the implementing acts adopted pursuant to Article 22(1), by the Committee on the Agricultural Funds established by article 41 of Council Regulation (EC) No 1290/2005¹⁹;
 - (b) for the implementing acts adopted pursuant to Article 4(4) and Articles 5, 10a and 22(4), by the Standing Committee on the Food Chain and

¹⁹ OJ L 209, 11.8.2005, p. 1.

Animal Health established by Article 58 of Regulation (EC) No 178/2002 of the European Parliament and of the Council.²⁰

Those committees shall be committees 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."

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, 4.4.2012

For the European Parliament
The President

For the Council
The President

²⁰ OJ L 31, 1.2.2002, p. 1.