

SUBSIDIARY LEGISLATION 437.84

**BOVINE ANIMALS (IDENTIFICATION AND
REGISTRATION) AND BEEF LABELLING
RULES**

2nd September, 2005

LEGAL NOTICE 311 of 2005.

1. (1) The Title of these rules is the Bovine Animals (Identification and Registration) and Beef Labelling Rules. Title and scope.

(2) The scope of these rules is to implement the provisions found under European Union Parliament and Council Regulation (EC) No 1760/2000 of the 17th July, 2000 laying down a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products.

TITLE I

2. For the purposes of these rules, the following definitions shall apply: Definitions.

"animal" means a bovine animal within the meaning of Article 2(2)(b) and (c) of Directive 64/432/EEC;

"the competent authority" means the Veterinary Services;

"holding" means any establishment, construction or, in the case of an open-air farm, any place situated within the Malta, in which animals covered by these rules are held, kept or handled;

"keeper" means any natural or legal person responsible for animals, whether on a permanent or on a temporary basis, including during transportation or at a market; and

for the purposes of Title II, the following definitions shall apply:

"beef" means all products falling within CN codes 0201, 0202, 0206 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.

3. (1) The system for the identification and registration of bovine animals shall comprise the following elements: Identification and registration system.

- (a) ear tags to identify animals individually;
- (b) computerised databases;
- (c) animal passports;
- (d) individual registers kept on each holding.

(2) The Commission and the Veterinary Services shall have access to all the information covered by these rules. The Member States and the Commission shall take the measures necessary to ensure access to these data for all parties concerned, including consumer organisations having an interest which are recognised by the Member State, provided that the data confidentiality and protection prescribed by national law are ensured.

Ear tags.

4. (1) All animals on a holding born after the 31st December, 1997 or intended for intra-Community trade, shall be identified by an ear tag approved by the Veterinary Services, applied to each ear. Both ear tags shall bear the same unique identification code, which makes it possible to identify each animal individually together with the holding on which it was born. Bovine animals intended for cultural and sporting events, with the exception of fairs and exhibitions, may be identified, instead of by an ear tag, by an identification system offering equivalent guarantees and authorised by the Commission.

(2) The ear tag shall be applied within a period of twenty days as from the birth of the animal and in any case before the animal leaves the holding on which it was born.

(3) Any animal imported from a third country which has passed the checks laid down in European Union Council Directive 91/496/EEC and which remains within Community territory shall be identified on the holding of destination by an ear tag complying with the requirements of these rules, within twenty days following the aforesaid checks, and in any event before leaving the holding:

Provided that it shall not be necessary to identify the animal if the holding of destination is a slaughterhouse situated in the Member State where such checks are carried out and the animal is slaughtered within twenty days of undergoing the checks:

Provided further that the original identification established by the third country shall be recorded in the computerised database provided for in rule 5 or, if this is not yet fully operational, in the registers provided for in rule 3, together with the identification code allocated to it by the Member State of destination.

(4) Any animal from another Member State shall retain its original ear tag.

(5) No ear tag may be removed or replaced without the permission of the Veterinary Services.

(6) The ear tags shall be allocated to the holding, distributed and applied to the animals in a manner determined by the Veterinary Services.

Database.

5. The Veterinary Services shall set up a computerised database in accordance with Articles 14 and 18 of Directive 64/432/EC where they shall store all data required pursuant to the said Directive.

Passport.

6. (1) The Veterinary Services shall for each animal which has to be identified in accordance with rule 4, issue a passport within fourteen days of the notification of its birth, or, in the case

of animals imported from third countries, within fourteen days of the notification of its re-identification by the Member State concerned in accordance with rule 4(3). The Veterinary Services may issue a passport for animals from another Member State under the same conditions. In such cases, the passport accompanying the animal on its arrival shall be surrendered to the Veterinary Services, which shall return it to the issuing Member State.

(2) Whenever an animal is moved, it shall be accompanied by its passport.

(3) In the case of the death of an animal, the passport shall be returned by the keeper to the Veterinary Services within seven days after the death of the animal. If the animal is sent to the slaughterhouse, the operator of the slaughterhouse shall be responsible for returning the passport to the Veterinary Services.

(4) In the case of animals exported to third countries, the passport shall be surrendered by the last keeper to the Veterinary Services at the place where the animal is exported.

7. (1) With the exception of transporters, each keeper of animals shall:

Duties of keeper of animals.

- (a) keep an up-to-date register,
- (b) once the computerised database is fully operational, report to the Veterinary Services all movements to and from the holding and all births and deaths of animals on the holding, along with the dates of these events, within seven days of the event occurring.

(2) Where applicable and having regard to rule 6, each animal keeper shall complete the passport immediately on arrival and prior to departure of each animal from the holding and ensure that the passport accompanies the animal.

(3) Each keeper shall supply the Veterinary Services, upon request, with all information concerning the origin, identification and, where appropriate, destination of animals, which he has owned, kept, transported, marketed or slaughtered.

8. The register shall be in a format approved by the Veterinary Services, kept in manual or computerised form, and be available at all times to the Veterinary Services, upon request, for a minimum period of not less than three years.

Format of register.

9. Member States may charge to keepers the costs of the identification and registration systems referred to in rule 3 and of the controls referred to in this Title.

Costs of identification and registration systems.

10. The measures necessary for the implementation of this Title shall be adopted in accordance with the management procedure referred to in Article 23(2) of European Union Parliament and Council Regulation (EC) No 1760/2000. These measures concern in particular:

Implementation measures.

- (a) provisions concerning ear tags;
- (b) provisions concerning the passport;

- (c) provisions concerning the register;
- (d) minimum level of controls to be carried out;
- (e) application of administrative sanctions;
- (f) transitional measures required to facilitate the application of this Title.

TITLE II

Labelling of beef
and beef products.

11. (1) An operator or an organisation, as defined in rule 2, which -

- (a) is required, by virtue of rules 12 to 14, to label beef at all stages of marketing,
- (b) wishes, by virtue of rules 15 to 17, to label beef at the point of sale in such a way as to provide information, other than that laid down by rule 12, concerning certain characteristics or production conditions of the labelled meat or of the animal from which it derives,

shall do so in accordance with this Title.

(2) This Title shall apply without prejudice to relevant Community legislation, in particular on beef.

Compulsory beef labelling system

General rules.

12. (1) Operators and organisations marketing beef shall label it in accordance with this rule. The compulsory labelling system shall ensure a link between, on the one hand, the identification of the carcass, quarter or pieces of meat and, on the other hand, the individual animal or, where this is sufficient to enable the accuracy of the information on the label to be checked, the group of animals concerned.

(2) The label shall contain the following indications:

- (a) a reference number or reference code ensuring the link between the meat and the animal or animals. This number may be the identification number of the individual animal from which the beef was derived or the identification number relating to a group of animals;
- (b) the approval number of the slaughterhouse at which the animal or group of animals was slaughtered and the Member State or third country in which the slaughterhouse is established. The indication shall read: "Slaughtered in Malta (or name of the Member State or third country) (approval number)";
- (c) the approval number of the cutting hall which performed the cutting operation on the carcass or group of carcasses and the Member State or third country in which the hall is established. The indication shall read: "Cutting in Malta (or name of the Member State or third country) (approval number)".

(3) (a) Operators and organisations shall also indicate on the

labels:

- (i) the Member State or third country of birth;
 - (ii) all Member States or third countries where fattening took place;
 - (iii) the Member State or third country where slaughter took place.
- (b) However, where the beef is derived from animals born, raised and slaughtered:
- (i) in the same Member State, the indication may be given as "Origin: (name of Member State)";
 - (ii) in the same third country, the indication may be given as "Origin: (name of third country)".

13. By way of derogation from rule 12(2)(b) and (c) and (3)(a)(i) and (ii), an operator or organisation preparing minced beef shall indicate on the label the words "prepared in Malta (or name of the Member State or third country)", depending on where the meat was prepared, and "origin" where the State or States involved are not the State of preparation. The obligation provided for in rule 12(3)(a)(iii) shall be applicable to such meat as from the date of application of these rules. However, such operator or organisation may add to the label of the minced beef:

Derogations from the compulsory labelling system.

- (a) one or more of the indications provided for in rule 12, and, or
- (b) the date on which the meat was prepared.

On the basis of experience, and in the light of requirements, similar provisions may be adopted for cut meat and for beef trimmings in accordance with the procedure referred to in Article 23(2) of European Union Parliament and Council Regulation (EC) No 1760/2000.

14. By way of derogation from rule 12, beef imported into the Community for which not all the information provided for in rule 12 is available, in accordance with the procedure referred to in rule 16, shall be labelled with the indication: "Origin: non-EC" and "Slaughtered in: (name of third country)".

Compulsory labelling of beef from third countries.

Voluntary labelling system

15.(1)(a) For labels containing indications other than those provided for in rules 12 to 14, each operator or organisation shall send a specification for approval to the competent authority in which production or sale of the beef in question takes place. The competent authority may also establish specifications to be used provided that use thereof is not compulsory.

General rules.

- (b) Voluntary labelling specifications shall indicate:
- (i) the information to be included on the label,
 - (ii) the measures to be taken to ensure the accuracy of the information,
 - (iii) the control system which will be applied at all stages of production and sale, including the

- controls to be carried out by an independent body recognised by the competent authority and designated by the operator or the organisation. These bodies shall comply with the criteria set out in European Standard EN/45011,
- (iv) in the case of an organisation, the measures to be taken in relation to any member which fails to comply with the specifications.
- (c) Controls by an independent body may be replaced by controls by a competent authority. The competent authority shall in that case have at its disposal the qualified staff and resources necessary to carry out the requisite controls.
- (d) The costs of controls provided for in this rule and in rules 16 and 17 shall be borne by the operator or organisation using the labelling system.
- (2) (a) The approval of any specification shall be subject to the assurance of the competent authority, obtained on the basis of a thorough examination of its components as referred to in sub-rule (1), of the proper and reliable functioning of the labelling system envisaged and, in particular, of any specification which does not ensure a link between, on the one hand, the identification of the carcass, quarter or pieces of meat and, on the other hand, the individual animal or, where this is sufficient to enable the accuracy of the information on the label to be checked, the animals concerned.
- (b) Specifications which provide for labels containing misleading or insufficiently clear information shall also be refused.
- (3) (a) Where the production and, or sale of beef takes place in two or more Member States, the competent authorities of the Member States concerned shall examine and approve the specifications submitted in so far as the elements contained therein relate to operations taking place within their respective territories. In such case, each Member State concerned shall recognise the approvals granted by any other Member State concerned.
- (b) If, within a period to be fixed in accordance with the procedure referred to in Article 23(2) of European Union Parliament and Council Regulation (EC) No 1760/2000, counting from the day following the date of submission of the application, approval has not been refused or given, or supplementary information has not been asked for, the specification shall be considered to be approved by the competent authority.
- (4) Where the competent authorities of all the Member States concerned approve the specification submitted, the operator or organisation concerned shall be entitled to label beef, provided that

the label contains its name or logo.

(5) The competent authority may decide that the name of one or more of its regions may not be used, in particular where the name of a region:

- (a) could give rise to confusion or difficulties in checking,
- (b) is reserved for beef in the framework of Regulation (EEC) No 2081/92.

(6) Where authorisation is given, the name 'Malta' shall appear alongside the name of the region.

16. (1) Where the production of beef takes place, in full or in part, in a third country, operators and organisations shall be entitled to label beef according to this rule and rules 15 and 17 if, in addition to complying with rule 15, they have obtained for their specifications the approval of the competent authority designated for that purpose by each of the third countries concerned.

Voluntary labelling system for beef from third countries.

(2) The validity within the Community of an approval granted by a third country shall be subject to prior notification by the third country to the Commission of:

- (a) the competent authority which has been designated,
- (b) the procedures and criteria to be followed by the competent authority when examining the specification,
- (c) each operator and organisation whose specification was accepted by the competent authority.

17. Without prejudice to any action taken by the organisation itself or the independent control body provided for in rule 15, where it is shown that an operator or organisation has failed to comply with the specification referred to in rule 15(1), the competent authority may withdraw the approval provided for in rule 15(2) or impose supplementary conditions to be respected if its approval is to be maintained.

Sanctions.

General provisions

18. The measures necessary for the implementation of this Title shall be adopted in accordance with the management procedure referred to in Article 23(2) of European Union Parliament and Council Regulation (EC) No 1760/2000. These measures concern in particular:

Detailed rules.

- (a) definition of the size of the group of animals, referred to in rule 12(2)(a);
- (b) definition of the minced beef, beef trimmings or cut beef referred to in rule 13;
- (c) definition of specific indications that may be put on labels;
- (d) measures required to facilitate the transition from the application of Regulation (EC) No 820/97 to application of this Title;
- (e) measures required to resolve specific practical

problems. Such measures, if duly justified, may derogate from certain parts of this Title.

TITLE III

Common
provisions.

19.(1)(a) 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.

(b) Any sanctions imposed on a holder shall be proportionate to the gravity of the breach. The sanctions may involve, where justified, a restriction on movement of animals to or from the holding of the keeper concerned.

(2) Experts from the Commission, in conjunction with the competent authorities, shall make on-the-spot checks to verify that checks relating to compliance with the requirements of those rules are carried out in accordance with Regulation 1760/2000.

(3) The competent authorities shall provide the experts from the Commission with any assistance they may require in the performance of their tasks.

Correlation Table

Regulation (EC) No 820/97	These rules
Article 1	Rule 1
Article 2	Rule 2
Article 3	Rule 3
Article 4	Rule 4
Article 5	Rule 5
Article 6	Rule 6
Article 7	Rules 7 and 8
Article 8	-
Article 9	Rule 9
Article 10	Rule 10
Article 11	-
Article 12	Rule 11
Article 13	Rule 12
Article 14 (1)	Rule 15 (1)
Article 14 (2)	Rule 15 (2)
Article 14 (3)	-
Article 14 (4)	Rule 15 (4)
Article 15	Rule 16
Article 16 (1)	Rule 15 (3)
Article 16 (2)	Rule 15 (3)
Article 16 (3)	Rule 12 (2)(a)
Article 17	Rule 17
Article 18	Rule 18
Article 19	-
Article 20	-
Article 21	Rule 19
Article 22	-