



STATUTORY INSTRUMENTS.

S.I. No. 290 of 2023

ANIMAL HEALTH (IDENTIFICATION AND TRACING) REGULATIONS
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**ANIMAL HEALTH (IDENTIFICATION AND TRACING) REGULATIONS
2023**

I, CHARLIE MCCONALOGUE, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by section 36 of the Animal Health and Welfare Act 2013 (No. 15 of 2013), and having regard to Article 269 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016¹, hereby make the following regulations:

Part 1: Preliminary and general

Citation

1. These Regulations may be cited as the Animal Health (Identification and Tracing) Regulations 2023.

Definitions

2. (1) In these Regulations-

“Act” means Animal Health and Welfare Act 2013;

“Regulation 2016/429” means Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016;

“Regulation 2019/2035” means Commission Delegated Regulation (EU) 2019/2035 of 28 June 2019², as amended by Commission Delegated Regulation (EU) 2020/1625 of 25 August 2020³ and Commission Delegated Regulation (EU) 2021/2168 of 21 September 2021⁴;

“Regulation 2021/520” means Commission Implementing Regulation (EU) 2021/520 of 24 March 2021⁵ (as amended by Commission Implementing Regulation (EU) 2021/1064 of 28 June 2021)⁶;

“relevant animal” means an animal of the bovine, ovine or porcine species.

(2) A word or expression that is used in these Regulations and that is also used in Regulation 2016/429, Regulation 2019/2035 or Regulation 2021/520 has, unless the contrary intention appears, the same meaning in these Regulations that it has in Regulation 2016/429, Regulation 2019/2035 or Regulation 2021/520.

¹ OJ L 84, 31.3.2016, p. 1

² OJ L 314, 5.12.2019, p. 115

³ OJ L 366, 4.11.2020, p. 1

⁴ OJ L 438, 8.12.2021, p. 38

⁵ OJ L 104, 25.3.2021, p. 39

⁶ OJ L 229, 29.6.2021, p. 8

Application

3. (1) Subject to paragraph (2), these Regulations apply to a relevant animal born after the making of these Regulations.

(2) A person may, in accordance with these Regulations, identify a relevant animal born before the making of these Regulations, and, where he or she does so, these Regulations apply to that relevant animal in place of the corresponding provisions of the European Union (Animal Identification and Tracing) Regulations 2023.

(3) For the avoidance of doubt, provisions contained in the European Union (Animal Identification and Tracing) Regulations 2023 specifying time periods for the application of means of identification apply to the means of identification referred to in Parts 3 and 4 of these Regulations.

Part 2: Bovine animals

Bovine passports

4. (1) The Minister may, for each bovine animal which is required to be identified in accordance with Article 112 of Regulation 2016/429, issue a passport or cause a passport to be issued in respect of the bovine, in a format approved by the Minister, within 14 days of the notification of its birth, or, in the case of animals imported into the State, within 14 days of the notification of its re-identification.

(2) A person shall not, without lawful authority, have possession or control of a bovine—

- (a) aged 27 days old or more, or
- (b) under 27 days if it has been moved from the establishment of birth,

unless the person has possession or control of the passport for the bovine.

(3) A person shall not move a bovine unless the bovine is accompanied by its passport.

(4) An operator of an establishment shall complete the passport immediately on arrival and prior to departure of each bovine from an establishment.

(5) In the case of the death of a bovine—

- (a) if the bovine is sent to the slaughterhouse, the operator of the slaughterhouse shall return the passport to the Minister, or
- (b) in all other cases, the passport shall be returned by the operator to the Minister

within seven days after the death of the bovine.

(6) In the case of a bovine being exported from the State, the passport shall be surrendered by the last operator to the Minister at the place where the bovine is exported from.

(7) A passport remains the property of the Minister and shall be produced for inspection or surrendered on request to an authorised officer.

(8) An authorised officer may for the purposes of this Regulation issue a permit and may attach such terms and conditions to it as he or she considers appropriate.

(9) In this Regulation, “passport” means a record of bovine birth registration issued by the Minister.

Part 3: Ovine animals

Ovine animals intended for direct slaughter in the State

5. (1) An operator keeping an ovine referred to in Article 45(1) of Regulation 2019/2035 that is intended to be moved directly to a slaughterhouse before the age of 12 months shall, in place of the requirements of Article 45(1) of Regulation 2019/2035 for such animal to be identified by either a conventional ear tag or conventional pastern band, ensure that each ovine is identified by at least a single electronic identification device displaying -

- (a) the unique registration number of the establishment of birth of the animal, and
- (b) the identification code of the animal.

(2) In this Regulation, “electronic identification device” means an electronic ear tag as listed in point (c) of Annex III to Regulation 2019/2035, that conforms to the technical specifications set down in Parts 1 and 2 of Annex II to Regulation 2021/520 and that is approved by the Minister for an ovine in accordance with those Regulations and the European Union (Animal identification and tracing) Regulations 2023.

Part 4: Porcine animals

Porcine animal identification tagging

6. (1) An operator of an establishment keeping a porcine referred to in Article 52(1) of Regulation 2019/2035 shall, in addition to the requirements of that Article for such animal to be identified by a particular means of identification –

- (a) where the porcine is moving other than to slaughter –
 - (i) identify the porcine with a conventional ear tag in the left ear displaying the unique registration number of the establishment of birth of the porcine, and
 - (ii) where the porcine has been moved from the establishment of birth (other than to an establishment within the same supply chain), identify the porcine with an additional

conventional ear tag in the right ear, displaying the registration number of the establishment of residence, or

- (b) where the porcine is a breeding animal—
 - (i) identify the porcine with a conventional ear tag in the left ear displaying the unique registration number of the establishment of birth and a unique animal identification number issued in a format determined by the Minister, and
 - (ii) where the porcine has been moved from the establishment of birth (other than to an establishment within the same supply chain), identify the porcine with an additional conventional ear tag in the right ear displaying the unique registration number of the establishment of residence and a unique animal identification number issued in a format determined by the Minister.

(2) In this Regulation:

“conventional ear tag” means an ear tag as listed in point (a) of Annex III to Regulation 2019/2035, that conforms to the technical specifications set down in Part 1 of Annex II to Regulation 2021/520 and that is approved by the Minister for a porcine animal in accordance with those Regulations and the European Union (Animal Identification and Tracing) Regulations 2023;

“establishment of birth” includes, where a supply chain has been approved by the Minister under the European Union (Animal Identification and Tracing) Regulations 2023, the last establishment of the supply chain of birth.

Part 5: Penalties

Penal provisions

7. Regulations 4(2)(3)(4)(5)(6) and (7), 5(1), and 6(1) are penal provisions to which section 36 (4) (a) of the Act applies.



GIVEN under my Official Seal,
1 June, 2023.

CHARLIE MCCONALOGUE,
Minister for Agriculture, Food and the Marine.

EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation)

The regulations provides for requirements in relation to livestock traceability including the need for a bovine passport and the electronic identification of sheep going directly to slaughter.

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