



STATUTORY INSTRUMENTS.

**S.I. No. 254 of 2023**

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EUROPEAN UNION (ANIMAL IDENTIFICATION AND TRACING)  
REGULATIONS 2023

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ARRANGEMENT OF REGULATIONS

Part 1

Preliminary and general

1. Citation
2. Application
3. Interpretation
4. Delegation of official activities

Part 2

Registration, approval, record-keeping and registers

5. Establishments and certain types of operators: register
6. Establishment: registration
7. Establishments: approval
8. Records: relevant animals
9. System of traceability
10. Identification, movement and tracing documents
11. Identification, animal of the bovine species
12. Identification, animal of the ovine or caprine species
13. Identification, animal of the equine species
14. Identification, animal of the porcine species
15. Information
16. Approval of means of identification, ear tags, electronic identifiers, etc.
17. Means and documentation of identification
18. Delegation of tasks to issuing body for equine animals
19. Records
20. Forgery
21. Official Controls and other official activities

Part 3  
Registers, approvals, authorisations and permits

- 22. Registration
- 23. Authorisations and Approvals

Part 4  
Enforcement

- 24. Appointment of authorised officer
- 25. Functions of authorised officer
- 26. Search warrant
- 27. Identification notice
- 28. Compliance notice
- 29. Appeal against compliance notice
- 30. Seizure and detention for non-compliance with a compliance notice
- 31. Obstruction and false statements
- 32. Directions and permits

Part 5  
Penalties and Evidence

- 33. Penalties and prosecutions
- 34. Costs
- 35. Persons not of full age

Part 6  
Procedural

- 36. Service
- 37. Fees
- 38. Evidence on certificate etc
- 39. Fixed Payment Notice
- 40. Data sharing

Part 7  
Revocations and Transitional Measures

41. Revocations, savers etc

S.I. No. 254 of 2023

EUROPEAN UNION (ANIMAL IDENTIFICATION AND TRACING)  
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I, CHARLIE MCCONALOGUE, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), for the purpose of giving effect to Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016<sup>1</sup>, Commission Delegated Regulation (EU) 2019/2035 of 28 June 2019<sup>2</sup> (as amended by Commission Delegated Regulation (EU) 2020/1625 of 25 August 2020<sup>3</sup> and Commission Delegated Regulation (EU) 2021/2168 of 21 September 2021<sup>4</sup>); Commission Delegated Regulation (EU) 2020/688 of 17 December 2019<sup>5</sup>, Commission Implementing Regulation (EU) 2021/520 of 24 March 2021<sup>6</sup> (as amended by Commission Implementing Regulation (EU) 2021/1064 of 28 June 2021<sup>7</sup>); Commission Implementing Regulation (EU) 2021/963 of 10 June 2021<sup>8</sup>, Commission Implementing Regulation (EU) 2022/1345 of 1 August 2022<sup>9</sup>, Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017<sup>10</sup> (as amended by Commission Delegated Regulation (EU) 2019/478 of 14 January 2019<sup>11</sup> and Commission Delegated Regulation (EU) 2019/2127 of 10 October 2019<sup>12</sup>) and Commission Delegated Regulation (EU) 2022/671 of 4 February 2022<sup>13</sup> (in so far as they relate to the identification and registration of bovine, porcine, ovine, caprine and equine animals), hereby make the following regulations:

**Part 1**

**Preliminary and general**

**Citation**

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

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<sup>1</sup> OJ L 84, 31.3.2016, p. 1

<sup>2</sup> OJ L 314, 5.12.2019, p. 115

<sup>3</sup> OJ L 366, 4.11.2020, p. 1

<sup>4</sup> OJ L 438, 8.12.2021, p. 38

<sup>5</sup> OJ L 174, 3.6.2020, p. 140

<sup>6</sup> OJ L 104, 25.3.2021, p. 39

<sup>7</sup> OJ L 229, 29.6.2021, p. 8

<sup>8</sup> OJ L 213, 16.6.2021, p. 3

<sup>9</sup> OJ L 202, 2.8.2022, p. 27

<sup>10</sup> OJ L 95, 7.4.2017, p. 1

<sup>11</sup> OJ L 321, 12.12.2019, p. 111

<sup>12</sup> OJ L 321, 12.12.2019, p. 111

<sup>13</sup> OJ L 122, 25.4.2022, p. 17

## Application

2. (1) These Regulations apply to the identification and registration of bovine, porcine, ovine, caprine and equine animals.

(2) These Regulations do not apply to germinal products of the species mentioned in paragraph (1).

(3) Without prejudice to the provisions of these Regulations setting out minimum standards for the identification and registration of relevant animals, Regulations made in accordance with Article 269(1)(d) and (e) of Regulation 2016/429 regarding additional or more stringent measures by Member States for registration, approval, record-keeping and registers and traceability requirements for kept terrestrial animals, apply to a relevant animal to which those Regulations apply in place of the corresponding provision of these Regulations, those Regulations include the Bovine Identification Regulations (S.I. No. 591 of 2022).

## Interpretation

3. (1) In these Regulations-

“accompanied” includes, in relation to a document in non-legible form, that document downloaded in legible form to an electronic device;

“Act” means Animal Health and Welfare Act 2013;

“authorised officer” means –

- (a) a person appointed under Regulation 24,
- (b) an authorised officer appointed under section 37 of the Act,
- (c) an authorised officer appointed under section 49 of the Food Safety Authority of Ireland Act 1998 (No. 29 of 1998),
- (d) a member of the Garda Síochána,
- (e) an officer of the Revenue Commissioners, or
- (f) a person who, immediately before the making of these Regulations, was an authorised officer under the Regulations revoked by Regulation 41;

“documentation of identification” includes identification documents, movement documents and other documents for identifying and tracing kept animals, referred to in Article 110 of Regulation 2016/429;

“EU identification and registration Regulations” mean Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016, Commission Delegated Regulation (EU) 2019/2035 of 28 June 2019 (as amended by Commission Delegated Regulation (EU) 2020/1625 of 25 August 2020 and Commission Delegated Regulation (EU) 2021/2168 of 21 September 2021); Commission Delegated Regulation (EU) 2020/688 of 17 December 2019, Commission Implementing Regulation (EU) 2021/520 of 24 March 2021 (as amended by Commission Implementing Regulation (EU) 2021/1064 of 28 June 2021); Commission Implementing Regulation (EU) 2021/963 of 10 June 2021, and Regulation 2022/1345;

“means of identification” means the means of identification listed in points (a) to (g) of Annex III of Regulation 2019/2035;

“Minister” means Minister for Agriculture, Food and the Marine;

“Official Control Regulations” means Regulation 2017/625, Regulation 2021/963 and Commission Delegated Regulation (EU) 2022/671 of 4 February 2022;

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

“Regulation 2017/625” means Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 (as amended by Commission Delegated Regulation (EU) 2019/478 of 14 January 2019 and Commission Delegated Regulation (EU) 2019/2127 of 10 October 2019);

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

“Regulation 2020/688” means Commission Delegated Regulation (EU) 2020/688 of 17 December 2019;

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

“Regulation 2021/963” means Commission Implementing Regulation (EU) 2021/963 of 10 June 2021;

“Regulation 2022/1345” means Commission Implementing Regulation (EU) 2022/1345 of 1 August 2022;

“relevant animal” means an animal of the bovine, porcine, ovine, caprine or equine species;

“veterinary practitioner” means a veterinary practitioner registered under Part 4 of the Veterinary Practice Act 2005 (No. 22 of 2005).

(2) A word or expression that is used in these Regulations and that is also used in the EU identification and registration Regulations or the Official Control Regulations has, unless the contrary intention appears, the same meaning in these Regulations that it has in the EU identification and registration Regulations or the Official Control Regulations.

### **Delegation of official activities**

4. (1) The implantation of a microchip into an equine as part of the equine identification process is delegated to private veterinary practitioners in accordance with Article 14 of Regulation 2016/429.

(2) A private veterinary practitioner shall not carry out an activity referred to in paragraph (1) other than in accordance with the EU identification and registration Regulations, the Official Control Regulations and the delegation.

(3) A veterinary practitioner shall not contravene article 12 of Regulation 2016/429 in respect of the responsibilities of veterinarians.

## Part 2

### Registration, approval, record-keeping and registers

#### Establishments and certain types of operators: register

5. (1) The Minister shall, in accordance with Article 101 of Regulation 2016/429 or an act referred to in that Article, establish and maintain a register of registered or approved establishments and certain types of operators, to be known as the register of establishments and operators.

(2) Article 279 of Regulation 2016/429 or an act referred to in that Article, shall apply to the register referred to in paragraph (1) in respect of existing operators and establishments.

(3) An operator of a registered or approved establishment or a registered operator shall provide up to date information on the matters pertaining to the registration to enable the Minister to maintain the register.

#### Establishment: registration

6. (1) An operator may apply to the Minister for entry of an establishment onto the register of establishments and operators in accordance with Article 84 of Regulation 2016/429.

(2) An application for registration referred to in paragraph (1) shall, in addition to the requirements of Regulation 22, provide evidence of the requirements referred to in Article 84(1) of Regulation 2016/429 and any act referred to in Article 86 of that Regulation, in particular, Article 2 of Regulation 2022/1345.

(3) A person shall not operate an establishment keeping terrestrial animals without first being registered by the Minister on the register referred to in paragraph (1).

(4) An operator entered on the register referred to in paragraph (1) shall–

- (a) comply with the requirements of an operator specified in Article 84(2) of Regulation 2016/429, and
- (b) provide up to date information on the matters referred to in Article 18 of Regulation 2019/2035 and Article 2 of Regulation 2022/1345 to enable the Minister to maintain the register.

#### Establishments: approval

7. (1) A person may apply to the Minister for approval to operate an establishment where such type of establishment is referred to in Article 94(1) of Regulation 2016/429 or an act referred to in that Article, in particular, Article 9 of Regulation 2019/2035.

(2) An application for approval referred to in paragraph (1) shall, in addition to the requirements of Regulation 23, provide evidence of the requirements referred to in Articles 94, 96 and 97 of Regulation 2016/429 or an act referred to in those Articles, in particular Article 4 of Regulation 2022/1345.

(3) A person shall not operate an establishment referred to in paragraph (1) as an establishment without first being approved by the Minister.

(4) An operator of an establishment referred to in paragraph (1) that is approved shall comply with the requirements of an operator specified in Articles 94 (2), 96(2) and 97(1) of Regulation 2016/429 and an act referred to in Articles 94(3), 96(3) or 97(2) of that Regulation , in particular, where the establishment is approved in accordance with Chapters 3 or 4 of Title I of Part II of Regulation 2019/2035, provide up to date information on the matters referred to in Article 21 of that Regulation to enable the Minister to maintain the register.

### **Records: relevant animals**

8. (1) A person shall not contravene Article 102 of Regulation 2016/429 or an act referred to in Article 106, in respect of the record-keeping obligations of an operator of an establishment referred to in that Article.

(2) Without prejudice to the generality of paragraph (1), a person shall not contravene Title III of Part II of Regulation 2019/2035, in particular:

- (a) Article 22 in respect of the record-keeping obligations of operators of all establishments keeping terrestrial animals;
- (b) Article 23 in respect of the record-keeping obligations of operators of establishments keeping bovine, ovine, caprine and porcine animals;
- (c) Article 24 in respect of the record-keeping obligations of operators of establishments keeping equine animals.

(3) The period prescribed for the purpose of maintaining records referred to in point (b) of paragraph (3) of Article 102 of Regulation 2016/429 is—

- (a) in the case of bovine animals: 7 years, and
- (b) in the case of other relevant animals: 3 years.

### **System of traceability**

9. The Minister shall establish (or where already established, continue in existence as if established under this Regulation) and maintain—

- (a) a system for the identification and registration of kept terrestrial animals referred to in Article 108 of Regulation 2016/429 to incorporate the—
  - (i) Irish Bovine Animal Identification System;
  - (ii) National Sheep Identification System (NSIS);
  - (iii) National Goat Identification System (NGIS);

- (iv) National Pig Identification and Tracing System (NPITS);
- (v) Equine Traceability System, and
- (b) a computer database of kept terrestrial animals referred to in Article 109 of Regulation 2016/429 known as “Animal Identification & Movement” (AIM) which shall incorporate the data required in respect of the identification systems referred to in paragraph (a).

#### **Identification, movement and tracing documents**

10. An authority, body or natural person authorised, or to whom responsibility is delegated, under Article 108(5)(c) of Regulation 2016/429 to ensure the practical application of the identification and registration system shall not contravene Regulation 2016/429 in respect of the system for identification and registration of kept terrestrial animals.

#### **Identification, animal of the bovine species**

11. (1) A person shall not contravene Article 112 of Regulation 2016/429 or an act referred to in Articles 118, 119 or 120, in respect of the identification of a kept animal of the bovine species.

(2) Without prejudice to the generality of paragraph (1), a person shall not contravene—

- (a) Title I of Part III of Regulation 2019/2035, in particular, Article 38 in respect of the obligations on operators keeping bovine animals as regards the means and methods of identification of kept bovine animals, their application and use, or
- (b) Regulation 2021/520 in respect of the traceability of kept bovine animals.

(3) A person shall not be in possession of a kept animal of the bovine species unless—

- (a) the up to date information required by Article 109(1)(a) of Regulation 2016/429 and Article 42 of Regulation 2019/2035 has been transmitted, in accordance with the deadlines and procedures specified in Regulation 2021/520, to the Minister for recording on the computerised database referred to in Article 109, and
- (b) where required by Article 112(1)(b) of Regulation 2016/429, the identification document contains the up to date information specified in Article 44 of Regulation 2019/2035.

(4) Without prejudice to the generality of paragraph (1), a person shall not contravene Article 81 of Regulation 2019/2035 or Article 17 of Regulation 2021/520 in respect of obligations on operators as regards the means and methods of identification of kept bovine animals after their entry into the Union.

(5) The applicable period set in the State pursuant to the following Articles of Regulation 2021/520 is as follows—

- (a) for Article 3, the deadline is 7 days, and
- (b) for Article 13, the deadline is 20 days or on leaving the establishment of birth, if that date is earlier.

(6) Notwithstanding this Regulation, the Minister may provide in separate legislation for, amongst other things, the substitution of the conventional ear tag for kept bovine animals in accordance with Article 269 of Regulation 2016/429 and Article 41(1) of Regulation 2019/2035. These Regulations are in addition to, and not in substitute for that legislation, which includes the Bovine Identification Regulations (S.I. No. 591 of 2022) and Part 2 of the Animal Health (Identification and Tracing) Regulations 2023.

### **Identification, animal of the ovine or caprine species**

12. (1) A person shall not contravene Article 113 of Regulation 2016/429 or an act referred to in Articles 118, 119 or 120, in respect of identification of a kept animal of the ovine or caprine species.

(2) Without prejudice to the generality of paragraph (1) and subject to paragraph (3), a person shall not contravene—

- (a) Title II of Part III of Regulation 2019/2035, in particular, Article 45 in respect of the obligations on operators of kept ovine and caprine animals as regards the means and methods of identification of those animals, their application and use, or
- (b) Regulation 2021/520 in respect of the traceability of kept ovine and caprine animals.

(3) An operator keeping a caprine animal may avail of the derogation provided for at Article 48(2) of Regulation 2019/2035 in respect of the means of identification of caprine animals that are not intended to be moved from the State.

(4) A person shall not be in possession of a kept ovine or caprine animal unless—

- (a) the up to date information required by Article 109(1)(b) of Regulation 2016/429 and Article 49 of Regulation 2019/2035 has been transmitted, in accordance with the deadlines and procedures specified in Regulation 2021/520, to the Minister for recording on the computerised database referred to in Article 109, and
- (b) where required by Article 113(1)(b) of Regulation 2016/429, the identification document contains the up to date information specified in Article 50 of Regulation 2019/2035.

(5) Without prejudice to the generality of paragraph (1), a person shall not contravene Article 81 of Regulation 2019/2035 or Article 17 of Regulation 2021/520 in respect of obligations on operators as regards the means and

methods of identification of kept ovine or caprine animals after their entry into the Union.

(6) The applicable period set in the State pursuant to the following Articles of Regulation 2021/520 is as follows—

- (a) for Article 3, the deadline is 7 days, and
- (b) for Article 14, the deadline is 9 months or on leaving the establishment of birth, if that date is earlier.

(7) Notwithstanding this Regulation, the Minister may provide in separate legislation for the substitution of the conventional ear tag for kept ovine animals referred to in Article 45(1) of Regulation 2019/2035 in accordance with Article 269 of Regulation 2016/429. These Regulations are in addition to, and not in substitute for that legislation, [which includes Part 3 of the Animal Health (Identification and Tracing) Regulations 2023].

### **Identification, animal of the equine species**

13. (1) A person shall not contravene Article 114 of Regulation 2016/429 or an act referred to in Articles 118, 119 or 120, in respect of the identification and registration of a kept animal of the equine species.

(2) Without prejudice to the generality of paragraph (1), a person shall not contravene—

- (a) Title IV of Part III of Regulation 2019/2035, in particular—
  - (i) Article 58 in respect of the obligations on operators keeping equine animals as regards the means and methods of identification of those animals, their application and use, and
  - (ii) Article 66 in respect of the obligations on operators of kept equine animals as regards the single lifetime identification document, or
- (b) Parts I, II or III of Regulation 2021/963, in particular—
  - (i) Article 3 in respect of the role of operators and owners;
  - (ii) if the person is a body responsible for issuing single lifetime identification documents for equine animals, provide the Minister with up to date information referred to in Article 4;
  - (iii) Article 6 in respect of recording identification details in the computer database;
  - (iv) Article 9 in respect of the deadlines and obligations for the registration of equine animals in the computer database,
  - (v) Article 11 in respect of the time periods for the application of the means of identification;
  - (vi) Article 12 in respect of the measures to detect the previous identification of equine animals;

- (vii) Article 13 in respect of the procedures and operational rules for the means and method of identification which shall only be applied by a practicing veterinarian;
- (viii) Article 14 in respect of the removal, modification or replacement of the means of identification and the deadlines for such operations;
- (ix) (I) Article 15 in respect of measures to be taken concerning the means of identification in the case of slaughter, killing or death of equine animals, and
  - (II) in the case of the slaughter, killing or death of an equine animal, an operator shall cooperate with the Minister to ensure that the means of identification is protected from subsequent fraudulent use by its retrieval and destruction or disposal in situ;
- (x) (I) Article 17 in respect of the minimum requirements as regards the format, design and content of single lifetime identification documents, and
  - (II) the format for the single lifetime identification document in the state is the extended format specified in point (b) of Article 17(1) where Sections IV to X are not required to be completed in respect of registered equidae;
- (xi) Article 18 in respect of the minimum requirements as regards the technical specifications of the single lifetime identification documents;
- (xii) Article 19 in respect of the recording of the transponder code in the identification document;
- (xiii) Article 20 in respect of the use of plastic cards, smart cards or digital applications on portable electronic devices together with the single lifetime identification documents;
- (xiv) Article 21 in respect of the time periods for identification;
- (xv) Article 22 in respect of the applications for identification documents for equine animals born in the Union and issuing and delivery of such documents;
- (xvi) Article 23 in respect of the operational rules for the single lifetime identification document;
- (xvii) Article 24 in respect of the derogation for movement or transport of equine animals accompanied by a temporary identification document;
- (xviii) Article 25 in respect of the issuing of duplicate identification documents;
- (xix) Article 26 in respect of the issuing of replacement identification documents;

- (xx) (I) Article 27 in respect of the measures to be taken by the Minister in respect of the single lifetime identification document in the case of slaughter, killing, death or loss of equine animals, and
  - (II) surrender the single lifetime identification document to the Minister or an official, servant or agent of the Minister in attendance so that the activities specified at points (a), (b) and (c) of Article 27(1) can be carried out and processed in accordance with procedures determined by the Minister;
- (xxi) Article 28(4) and (5) in respect of the obligations on delegated bodies to ensure the transmission of information after the slaughter, killing, death or loss of equine animals;
- (xxii) Article 29 in respect of obligations of operators as regards the management of the identification documents to ensure the lifetime identification of the equine animal;
- (xxiii) Article 30 in respect of obligations as regards the management of identification documents to ensure the lifetime identification of the equine animal;
- (xxiv) Article 32 in respect of the responsibility to provide a validation mark referred to in Article 92(2)(a) of Delegated Regulation (EU) 2020/688;
- (xxv) Article 33 in respect of the issuing of the licence referred to in Article 92(2)(b) of Delegated Regulation (EU) 2020/688;
- (xxvi) Article 34 in respect of the information on the owner in Section IV of the single lifetime identification document;
- (xxvii) Article 35 in respect of the completion of information on vaccination and health testing in Sections VII, VIII and IX of the single lifetime identification document;
- (xxviii) Article 36 in respect of the identification of equine animals which have entered the Union;
- (xxix) Article 37 in respect of the application for identification documents for equine animals which have entered the Union and are released for free circulation;
- (xxx) Article 38 in respect of the exclusion from and delay of the slaughter of an equine animal for human consumption;
- (xxxi) Article 39 in respect of the obligation of the veterinarian responsible in relation to the documentation of the status of an equine animal as intended for or excluded from slaughter;
- (xxxii) Article 40 in respect of the obligations of the veterinarians in relation to documentation of the status of equine animals as intended for or excluded from slaughter for human consumption;

- (xxxiii) Article 41 in respect of the obligations of operators of equine animals in relation the documentation of the status of an equine animal as intended for or excluded from slaughter for human consumption;
- (xxxiv) Article 42 in respect of the ad hoc identification of equine animals in the case of a medical indication;
- (xxxv) Article 43 in respect of the movements and transport of equine animals for slaughter;
- (xxxvi) Article 44 in respect of the use of medication records in single lifetime identification documents in accordance with Article 4 of Directive 96/22/EC.

- (3) A person shall not be in possession of a kept equine animal unless–
  - (a) the up to date information required by Article 109(1)(d) of Regulation 2016/429 and Article 64 of Regulation 2019/2035 has been transmitted to the Minister for recording on the computerised database referred to in Article 109 of Regulation 2016/429, and
  - (b) where required by Article 114(1)(c) of Regulation 2016/429, the single lifetime identification document contains the up to date information specified in Article 65 of Regulation 2019/2035.
- (4) Without prejudice to the generality of paragraph (1), a person shall not contravene Article 83 of Regulation 2019/2035 in respect of obligations on operators as regards the means and methods of identification of kept animals of the equine species after their entry into the Union.
- (5) The applicable period set in the State–
  - (a) pursuant to the following Articles of Regulation 2021/963 is–
    - (i) for Article 9, the deadline is 7 days,
    - (ii) for Article 14, the deadline is 30 days,
    - (iii) for Article 21, the deadline is 12 months from the date of birth of the equine, or on leaving the establishment of birth, if that date is earlier, and
  - (b) pursuant to Article 59(3)(b) of Regulation 2019/2035 the deadline is 6 months from the date of birth of the animal.

### **Identification, animal of the porcine species**

14. (1) A person shall not contravene Article 115 of Regulation 2016/429 or an act referred to in Articles 118, 119 or 120, in respect of the identification and registration of a kept animal of the porcine species.

(2) Without prejudice to the generality of paragraph (1), a person shall not contravene–

- (a) Title III of Part III of Regulation 2019/2035, in particular, Article 52 in respect of the obligations on operators keeping porcine

animals as regards the means and methods of identification of kept porcine animals, their application and use, or

- (b) Regulation 2021/520 in respect of the traceability of kept porcine animals.

(3) A person shall not be in possession of a kept porcine animal unless—

- (a) the up to date information required by Article 109(1)(c) of Regulation 2016/429 and Article 56 of Regulation 2019/2035 has been transmitted, in accordance with the deadlines and procedures specified in Regulation 2021/520 to the Minister for recording on the computerised database referred to in Article 109, and
- (b) where required by Article 115(1)(b) of Regulation 2016/429, the identification document contains the up to date information specified in Article 57 of Regulation 2019/2035.

(4) Without prejudice to the generality of paragraph (1), a person shall not contravene Article 81 of Regulation 2019/2035 or Article 17 of Regulation 2021/520 in respect of obligations on operators as regards the means and methods of identification of kept porcine animals after their entry into the Union.

(5) The applicable period set in the State pursuant to the following Articles of Regulation 2021/520 is as follows—

- (a) for Article 3, the deadline is 7 days, and
- (b) for Article 15, the deadline is 9 months.

(6) Notwithstanding this Regulation, the Minister may provide in separate legislation for the substitution of the means of identification for kept porcine animals referred to in Article 52 of Regulation 2019/2035 in accordance with Article 269 of Regulation 2016/429. These Regulations are in addition to, and not in substitute for that legislation, [which includes Part 4 of the Animal Health (Identification and Tracing) Regulations 2023].

## **Information**

15. An operator shall furnish to the Minister or an authorised officer, on request, all information regarding the origin, identification, sale, supply or disposal by other means of a relevant animal that is or was on his or her establishment or under his or her control.

**Approval of means of identification, ear tags, electronic identifiers, etc.**

16. (1) A person may apply to the Minister for approval of the manufacture, sale, supply and use of the means of identification listed in points (a) to (g) of Annex III of Regulation 2019/2035, for use with a particular species of relevant animal, in accordance with Article 41(2)(b), 48(3)(b), 55(1)(b) or 59(2)(b) of that Regulation.

(2) An application for approval referred to in paragraph (1) shall, in addition to the requirements of Regulation 23, provide evidence of the requirements referred to in Regulation 2019/2035, Regulation 2021/520 or Regulation 2021/963 in respect of the approval of each means of identification and may include a requirement to provide a sample of the means of identification.

(3) The Minister shall refuse an application or revoke an approval if, in his or her opinion—

- (a) the means of identification does not conform with Regulation 2019/2035, Regulation 2021/520 or Regulation 2021/963, or
- (b) the result of a test or experience suggests that the means of identification is not suitable for or durable in Irish conditions.

(4) A person shall not attach an ear-tag that may be confused with an approved ear-tag or cause or permit another person to attach an ear-tag to a relevant animal unless:

- (a) it is an approved ear-tag,
- (b) where required, an ear-tag is securely attached to each ear of the relevant animal, and
- (c) each ear-tag bears the same sequence of numbers and relates to the establishment where the relevant animal was born or first registered.

(5) An operator shall maintain sufficient supply of approved ear-tags or electronic identifiers to meet the identification requirements for the number of relevant animals on the premises and store them in a secure place.

(6) A person, other than a manufacturer or supplier of an approved means of identification, shall not without lawful authority, have in his or her possession or under his or her control, sell, supply, purchase or acquire an approved ear-tag unless it is appropriate to an animal that is on his or her premises or under his or her control.

(7) A person, other than a manufacturer or supplier of an approved means of identification, shall not be in possession of an approved injectable transponder referred to in point (e) of Annex III of Regulation 2019/2035 for use in the identification of an equine animal unless that transponder has been supplied by an equine issuing body approved in accordance with Regulation 18.

### **Means and documentation of identification**

17 (1) A person shall not remove or modify a means of identification attached to a bovine, ovine, caprine or porcine animal without first having obtained authorisation to do so from the Minister in accordance with Article 18 of Regulation 2021/520.

(2) If an approved means of identification attached to a relevant animal is lost or becomes illegible, the operator with responsibility for the relevant animal shall replace it—

- (a) in accordance with Article 19 of Regulation 2021/520, and
- (b) within 7 days of observing that the means of identification has become illegible or has been lost or before the animal leaves the holding, if that date is earlier.

(3) A person shall not tamper with, deface or otherwise alter, or interfere with an approved means of identification and shall not, without lawful authority, have possession or control of an approved means of identification that has been tampered with, defaced or otherwise altered or interfered with.

(4) A person shall not have possession or control of, sell, supply or acquire a means of identification which could be confused with an approved means of identification.

(5) A person shall not have possession or control of, sell, supply or acquire a relevant animal to which a means of identification referred to in paragraphs (3) or (4) is attached.

(6) A person shall not, without legal authority, have possession or control of a relevant animal—

- (a) where the animal is older than the applicable period for that animal specified in Regulation 11(5)(b), 12(6)(b) or 14(5)(b), or
- (b) where the animal is less than the applicable period for that animal, if it has been moved from the establishment of its birth—

unless—

- (i) it is identified with approved means of identification,
- (ii) details of the relevant animal have been entered in the record maintained in accordance with Regulation 8 and Article 102 of Regulation 2016/429,
- (iii) an identification document has been issued in respect of the relevant animal, and
- (iv) details of the relevant animal have been notified to the Minister.

(7) A person shall not acquire, move, sell, supply, slaughter or export a relevant animal unless it conforms with paragraph (6).

(8) Notwithstanding paragraph (6) or (7), a person may have possession or control of, move, or slaughter a relevant animal in accordance with a permit issued by an authorised officer.

(9) A person shall not, except in accordance with a permit, transfer responsibility for a relevant animal to another person unless the identity document relating to the relevant animal, where required under EU identification and registration Regulations, is duly completed and transferred to the second mentioned person.

(10) When a bovine animal is slaughtered, the owner or person in charge of the establishment where it is slaughtered shall within seven days, surrender the identity document duly completed, to the Minister.

(11) When an equine animal is slaughtered, the animal's identification document shall be retained by an official, servant or agent of the Minister in accordance with Article 27 of regulation 2021/963.

(12) A person shall not be in possession of a single lifetime identification document for an equine animal unless—

- (a) the single lifetime identification document is accompanying the equine animal the subject of the document in accordance with the EU identification and registration Regulations, or
- (b) the single lifetime identification document is duly invalidated in accordance with Article 28(5) of Regulation 2021/963.

(13) An operator shall furnish to the Minister or an authorised officer, on request, all information regarding the origin, identification, sale, supply or disposal by other means of a relevant animal that is or was on his or her premises or under his or her control.

### **Delegation of tasks to issuing body**

18. (1) The following bodies are designated issuing bodies for the purpose of issuing identification documents for bovine animals or, as the case may be, equine animals and the drawing-up of models as provided for in points (a), (b) and (c) of Article 110(1) of Regulation 2016/429 and their approval shall continue in force until their expiry and are deemed to have been, in relation to issuing identification documents, granted under these Regulations:

- (a) for equidae: Weatherby's Ireland GSB Limited Tara Court Dublin Road Naas Co Kildare;
- (b) for equidae: Horse Sport Ireland Beech House Millennium Park Naas Co Kildare;
- (c) for equidae: Connemara Pony Breeder's Society The Showgrounds Clifden Co. Galway;
- (d) for equidae: Irish Piebald & Skewbald Association, trading as Leisure Horse Ireland Furbo Hill Spiddal Co Galway;
- (e) for equidae: Kerry Bog Pony Co-op Society Rosetown Lodge Newbridge Co Kildare;
- (f) for equidae: Irish Warmblood Studbook Ltd 14 Carrowgar Ogonnelloe, Scarriff, Co. Clare;

- (g) for equidae: Irish Harness Racing Association Ltd Dundee House Summerhill South Cork;
- (h) for bovines: Capita Customer Solutions Limited West Cork Business and Technology Park, Co. Cork.

(2) A person may apply to the Minister for approval of the status of issuing body and the Minister may, in accordance with Article 108(5)(c) of Regulation 2016/429 and Chapter III of Title II of Regulation 2017/625, delegate to a separate legal person (the issuing body) certain tasks, including the issuing of identification documents for bovine or equine animals and the drawing-up of models as provided for in points (a), (b) and (c) of Article 110(1) of Regulation 2016/429.

(3) An application for approval referred to in paragraph (2) shall, in addition to the requirements of Regulation 23, provide such information as the Minister may reasonably require to consider the application.

(4) A person shall not purport to be an issuing body or issue an identification document for a bovine animal or kept equine animal without holding an approval under this Regulation.

(5) Where specific tasks are delegated to an issuing body under paragraph (1) or (2), the issuing body shall—

- (a) comply with the obligations of the Minister in relation to such tasks under these Regulations, the EU identification and registration Regulations and the Official Control Regulations,
- (b) communicate the outcome of the tasks performed to the Minister on a regular basis and as requested by the Minister,
- (c) immediately inform the Minister whenever the outcome of the task indicates non-compliance or points to the likelihood of non-compliance, unless specific arrangements established between the Minister and the delegated body provide otherwise, and
- (d) give the Minister access to its premises and facilities and cooperate with, and provide assistance to, the Minister.

(6) The Minister may require the issuing body, in relation to the task delegated, to—

- (a) provide the Minister with any relevant information which the Minister has reasonable cause to believe the issuing body is able to give, and
- (b) make available to the Minister for inspection any relevant records which the Minister has reasonable cause to believe are held by the issuing body or are otherwise within the control of the issuing body (and, if they are kept in computerised form, to make them available in a legible form).

(7) The Minister may copy any records made available under paragraph (6)(b).

(8) A person shall not—

- (a) fail, without reasonable excuse, to comply with a requirement under paragraph (5) or (6), or
- (b) in purported compliance with such a requirement, furnish information which he or she knows to be false or misleading in any material particular or recklessly furnish information which is false or misleading in any material particular.

(9) A delegation made under, or referred to in, paragraph (1) or (2) may be withdrawn by the Minister pursuant to Article 33(b) of Regulation 2017/625.

(10) For the purposes of paragraph (5) or (6), the term “issuing body” includes any member, officer or employee of an issuing body.

(11) The Minister may refuse an application for approval—

- (a) if, in the opinion of the Minister, legislation relating to bovine animals or kept equine animals, as the case may be, has not or is not likely to be complied with by the applicant,
- (b) where the applicant has been convicted of an offence under legislation relating to bovine or equine animals, the Act, EU identification and registration Regulations or the Criminal Justice (Theft and Fraud) Offences Act 2001 (No. 50 of 2001), within the period of 5 years prior to the making of the application, or
- (c) in the case of registered equine animals, the applicant is not an approved breed society in accordance with Article 4(3) of Regulation (EU) 2016/1012 of the European Parliament and of the Council of 8 June 2016 and Regulations 5 and 26 of the European Union (Animal Breeding) Regulations 2021 (S.I. No. 227 of 2021).

(12) Where the Minister is considering refusing an application for an approval, the Minister shall notify the applicant of the reasons for the proposed refusal and afford the applicant an opportunity to make written representations to the Minister not later than 14 days from the date of issue of the notification.

(13) The Minister shall notify the applicant of his or her decision. If the decision is to refuse the application, the Minister in the notification shall inform the applicant of his or her right to appeal the decision under paragraph (24).

(14) Where the Minister considers that the holder of an approval is not complying with relevant legislation, he or she may, subject to paragraph (18), by notice, withdraw or suspend for such period as he or she decides, the approval.

(15) Where the holder of an approval fails to cooperate with the Minister in accordance with the EU identification and registration Regulations or the Official Control Regulations, the Minister may, subject to paragraph (18), by notice, withdraw or suspend for such period as he or she deems necessary, the approval.

(16) Where the holder of an approval fails to—

- (a) establish and maintain systems of verification required of an issuing body for conditions set out in Regulation 2019/2035 and

Regulation 2021/520 or Regulation 2021/963, as the case may be,  
or

(b) provide such evidence of verification to the Minister on request  
the Minister may, subject to paragraph (18), by notice, withdraw or suspend for  
such period as he or she deems necessary, the approval.

(17) Where the holder of an approval is convicted of an offence under the EU identification and registration Regulations, the Act or the Criminal Justice (Theft and Fraud) Offences Act 2001 (No. 50 of 2001) in relation to bovine or equine matters the Minister may, subject to paragraph (18), by notice withdraw the approval.

(18) The Minister shall, unless he or she considers the circumstances warrant otherwise, before the withdrawal or suspension of an approval, notify the holder of the reasons for the proposed withdrawal or suspension and allow the holder to make representations in writing to him or her not later than 14 days from the date of service of the notification.

(19) Where the Minister, having considered any representation made to him or her under paragraph (18), decides to withdraw or suspend an approval, he or she shall notify the holder of the decision and inform the holder of his or her right to appeal the decision under paragraph (24).

(20) Subject to paragraph (25), where an approval is withdrawn or suspended, the holder, where requested by the Minister, shall, not later than 21 days following the notification of the withdrawal or suspension, give to the Minister all documents, including digital data, stud-books and databases connected with the issuing of identification documents to which the approval relates.

(21) A person shall not issue an identification document for a bovine or equidae where approval held by the person is withdrawn or suspended.

(22) A person, who has had an approval held by him or her withdrawn or suspended, shall not, while the approval is withdrawn or suspended, offer, advertise or engage in the provision of services that may be provided by a designated issuing body.

(23) The Minister may publish details of persons who have had an approval withdrawn or suspended under this Regulation.

(24) A person aggrieved by a decision of the Minister to refuse him or her an application for an approval or to withdraw or suspend an approval may, not later than 14 days following the decision, appeal the decision to a judge of the District Court within whose district he or she carries, or intends to carry, on the business of issuing identification documents.

(25) Where a person makes an appeal referred to in paragraph (24) in relation to the withdrawal or suspension of an approval, he or she may make an application to a judge of the District Court within whose district the appeal is made that the withdrawal or suspension stands suspended until the appeal is determined or withdrawn.

(26) The judge may, on the hearing of an appeal referred to in paragraph (25), confirm the decision or allow the appeal, with or without modification.

(27) The decision of the District Court is final other than an appeal from the decision on a specified point of law to the High Court.

(28) Where an equine animal is first identified after the dates set down in Article 58(2) of Regulation 2019/2035, the issuing body shall issue a duplicate or replacement identification document, in respect of the animal in accordance with Regulation 2019/2035 and Regulation 2021/963.

(29) Where an issuing body issues a duplicate or replacement identification document in respect of an equine animal, it shall clearly mark the document as such and, if a declaration is not already made in Part II of Section II of the identification document in accordance with EU identification and registration Regulations, classify the animal as not intended for slaughter for human consumption in accordance with the Article concerned.

(30) An issuing body shall immediately (and in all circumstances no later than 15 days from the date of recording the information) furnish to the Minister—

- (a) the information referred to in Article 42 or, as the case may be, Article 64 of Regulation 2019/2035,
- (b) the information on the identification details contained in the identification documents referred to in Article 44 of Regulation 2019/2035 or, as the case may be, lodged in accordance with Article 29 of Regulation 2021/963, and
- (c) any other information the Minister may require

for the purpose of including the information in the database established in accordance with Article 109 of Regulation 2016/429.

(31) Without prejudice to the foregoing, an issuing body shall comply with the requirements made of an issuing body or a delegated body under the EU identification and registration Regulations or the Official Control Regulations.

(32) The Minister may, where the Minister believes that it is beneficial to the effective management of the sector, limit the number of issuing bodies approved in the State, or limit the number of issuing bodies approved for a particular species or breed of animal.

## **Records**

19. A person who is required to maintain a record pursuant to the EU identification and registration Regulations or as a condition of an authorisation, recognition or approval under these Regulations shall maintain the record for a period of not less than 3 years (or where, in relation to a particular type or class of record, a longer period is specified in the EU identification and registration Regulations or these Regulations, for that specified period) and make it available on request to an authorised officer.

Forgery

20. (1) A person shall not forge or utter knowing it to be forged—
- (a) a document or record referred to in these Regulations,
  - (b) an application,
  - (c) a notification,
  - (d) documentation of identification,
  - (e) a means of identification,
  - (f) a register or
  - (g) a record purporting to be maintained under Regulation 19, a requirement or direction of an authorised officer under Regulation 25 (if the requirement or direction is in writing), an identification notice under Regulation 27, a compliance notice under Regulation 28 or notice under Regulation 39, a certificate or other document purporting to be issued, granted or given under these Regulations,

(in this Regulation referred to as “a forged document”).

(2) A person shall not alter with intent to defraud or deceive, or to utter knowing it to be so altered—

- (a) a document or record referred to in these Regulations,
- (b) an application,
- (c) a notification,
- (d) documentation of identification,
- (e) a means of identification,
- (f) a register or
- (g) a record purporting to be maintained under Regulation 19, a requirement or direction of an authorised officer under Regulation 25 (if the requirement or direction is in writing), an identification notice under Regulation 27, a compliance notice under Regulation 28 or notice under Regulation 39, a certificate or other document purporting to be issued, granted or given under these Regulations,

(in this Regulation referred to as “an altered document”).

(3) A person shall not have, without lawful authority, in his or her possession or under his or her control a forged document or an altered document.

**Official Controls and other official activities**

21. (1) A person—
- (a) being a delegated body to which specific official control tasks have been delegated or an official laboratory, shall comply with an obligation of confidentiality in accordance with Article 8,

- (b) being an operator, shall report the arrival of an animal or goods in accordance with Article 9(7),
- (c) being an operator, shall comply with a requirement (obligations of operators) in accordance with Article 15,
- (d) being an operator, organic control authority or delegated body, shall comply with a requirement (specific rules on official controls and other official activities for organic production and labelling of organic products) in accordance with Article 25,
- (e) being a body or natural person to which certain official control tasks or certain tasks related to other official activities have been delegated, shall comply with an obligation in accordance with Article 32,
- (f) being an operator of an official laboratory, shall comply with an obligation in accordance with Article 38,
- (g) being an operator, shall present a consignment referred to in Article 47(1) at a border control post in accordance with Article 47(5),
- (h) being an operator, shall present original official certificates or documents at a border control post in accordance with Article 50(1),
- (i) being an operator, shall split a consignment in accordance with Article 50(3),
- (j) being an operator, shall complete the Common Health Entry Document (CHED) in accordance with Article 56(1) or (3),
- (k) being an operator, shall provide prior notification in accordance with Article 56(4),
- (l) being an operator, shall comply with a direction in accordance with Article 69(1),
- (m) being an operator, shall re-dispatch a consignment in accordance with Article 72,
- (n) being an operator, shall issue an official attestation in accordance with Article 91, or
- (o) otherwise shall not contravene a provision (mentioned in this Regulation)

of Regulation No 2017/625.

(2) A person shall not contravene a delegated or implementing act referred to in Regulation 2017/625 and mentioned in these Regulations, in particular, Commission Delegated Regulation (EU) 2022/671 of 4 February 2022, which relates to identification and registration.

(3) Where a sample of an animal or product is purchased or taken for analysis, testing or inspection pursuant to Regulation 25, the authorised officer shall ensure that the operator whose animal or product is being analysed, tested

or inspected has, in accordance with Article 35 of Regulation No 2017/625, the right to a second expert opinion, at the operator's own expense.

### **Part 3**

#### **Registers, approvals, authorisations and permits**

#### **Registration**

22. (1) The Minister may enter the name of a person in a register, attach conditions to registration, vary a condition or refuse an application in relation to any of the registers specified in paragraph (2).

(2) Entry onto a register may be granted by the Minister in respect of an application for the register of operators of establishments referred to in Regulation 6(1), in accordance with Article 84(1) of Regulation 2016/429;

(3) An application for registration shall be in a form that contains such information as the Minister may request.

(4) The register shall contain the names of persons registered in it and such other identifying particulars of those persons as the Minister considers appropriate and may include a unique identifying number.

(5) The Minister may make available to another member state or to the Commission, a register in accordance with Article 101 of Regulation 2016/429.

(6) A person entered on the register shall provide such updated information as the Minister may reasonably require to maintain the register.

(7) Without prejudice to the generality of paragraph (1), the Minister may revoke or suspend an entry from the register on notice in writing to the person named in the register.

(8) If the Minister proposes to refuse an application, impose or vary a condition or to revoke or suspend entry onto the register under paragraph (7), he or she shall-

- (a) notify the applicant or registered operator of the proposal and the reasons for the proposal, and that he or she may make representations in relation to the proposal to the Minister within 14 days of notification,
- (b) consider a representation duly made before deciding whether to proceed with, modify or annul the proposal, and
- (c) notify the applicant or registered operator of the decision and the reasons for the decision.

(9) The Minister shall maintain and publish, in a manner that he or she considers appropriate, a register referred to in paragraph (2).

(10) Where a person or establishment is removed from a register, any authorisation attaching to that person or establishment is also revoked.

## **Authorisations and Approvals**

23. (1) The Minister may grant an authorisation or approval, attach conditions to an authorisation or approval, revoke or vary a condition, insert a new condition, suspend, withdraw an authorisation or approval or refuse an application in relation to any of the matters specified in paragraph (2).

(2) An authorisation or approval may be granted by the Minister in respect of an application:

- (a) for an approval referred to in Regulation 7(2)(a) to approve a type of establishment referred to in Article 94(1) of Regulation 2016/429, in accordance with that Article and any act referred to in that Article;
- (b) for an approval mentioned in Regulation 14(3) to approve an establishment as a supply chain establishment for the purposes of Article 53 of Regulation 2019/2035;
- (c) for an approval referred to in Regulation 16(1) to approve one of the means of identification listed in points (a) to (g) of Annex III of Regulation 2019/2035, applicable to animals of the bovine species, in accordance with Article 41(2)(b) of Regulation 2019/2035;
- (d) for an approval referred to in Regulation 16(1) to approve one of the means of identification listed in points (a) to (g) of Annex III of Regulation 2019/2035, applicable to animals of the ovine or caprine species in accordance with Article 48(3)(b) of Regulation 2019/2035;
- (e) for an approval referred to in Regulation 16(1) to approve one of the means of identification listed in points (a) to (g) of Annex III of Regulation 2019/2035, applicable to animals of the porcine species, in accordance with Article 55(1)(b) of Regulation 2019/2035;
- (f) for an approval referred to in Regulation 16(1) to approve one of the means of identification listed in points (a) to (g) of Annex III of Regulation 2019/2035, applicable to animals of the equine species, in accordance with Article 59(2)(b) of Regulation 2019/2035;
- (g) for an approval referred to in Regulation 18 for designation in accordance with Article 108(5)(c) of Regulation 2016/429;
- (h) for an authorisation or approval referred to in the EU identification and registration Regulations and where such authorisation or approval is not referred to in this paragraph.

(3) An application for an authorisation or approval shall be made in a form, be accompanied by any material and contain any particulars that the Minister specifies.

(4) The Minister shall not consider an application for an authorisation or approval, if the application does not contain all the material and particulars

sought by the Minister or is not accompanied by the fee (if any) set under Regulation 37.

(5) The Minister shall not grant an authorisation or approval unless he or she is satisfied—

- (a) that the applicant is qualified and competent to carry out the activity the subject of the authorisation or approval, or
- (b) where the subject of the authorisation or approval relates to the use of an item, that such item satisfies the criteria specified in the relevant Regulations.

(6) Without prejudice to the generality of paragraph (1), the Minister may refuse an application, suspend or withdraw an authorisation or approval, if, in the opinion of the Minister—

- (a) the applicant or person to whom an authorisation or approval is granted fails to comply with a condition attached to the authorisation or approval,
- (b) the applicant or person to whom an authorisation or approval is granted is not a fit and proper person to hold an authorisation or approval,
- (c) in relation to the application, information required has not been furnished or information that is false or misleading has been furnished, or
- (d) it is necessary, incidental, supplementary or consequential for the purposes of giving effect to an act of the institutions of the European Union relating to animal health.

(7) Without prejudice to the generality of paragraph (1), the Minister may refuse an application or suspend or withdraw an authorisation or approval if the applicant or person to whom an authorisation or approval is granted is convicted of an offence under these Regulations or an offence relating to animal health or welfare.

(8) Other than in the case of paragraph (9), if the Minister proposes to suspend or withdraw an authorisation or approval or to refuse an application, he or she shall—

- (a) notify the applicant or holder of the authorisation or approval in writing of the proposal and of the reasons for the proposal, and that he or she may make representations to the Minister in relation to the proposal within 14 days of the notification,
- (b) consider a representation duly made, and
- (c) notify the applicant or holder of the authorisation or approval in writing of the decision and the reasons for the decision.

(9) If the Minister is of the opinion that it is necessary to give effect to an act of an institution of the European Union, he or she may withdraw an authorisation or approval, in accordance with paragraph (10).

(10) If the Minister withdraws an authorisation or approval, in accordance with paragraph (9), he or she shall—

- (a) notify the applicant or holder of the authorisation or approval, in writing of the decision and the reasons for the decision, and that he or she may make representations to the Minister in relation to the decision within 14 days from the date of the notification,
- (b) consider a representation made, and
- (c) confirm, modify or annul the decision and notify the holder of the authorisation or approval in writing of the decision and the reasons for the decision.

(11) A person to whom an authorisation or approval is granted shall make such returns to the Minister as and when, and in such form as, the Minister may direct.

(12) An authorisation or approval issued under this Regulation shall be valid for a period that the Minister may determine.

## **Part 4**

### **Enforcement**

#### **Appointment of authorised officer**

24. (1) The Minister may appoint in writing such persons or classes of persons as he or she considers appropriate to be authorised officers for the exercise of all or any of the functions conferred on an authorised officer under these Regulations, as specified in the appointment.

(2) The chief executive of a local authority may appoint in writing such persons as he or she considers appropriate to be authorised officers for the exercise of all or any of the functions conferred on an authorised officer under these Regulations, as specified in the appointment, within the functional area of that authority or such other local authority with which it has entered into an agreement.

(3) The Minister or chief executive may terminate the appointment of an authorised officer appointed by him or her, whether or not the appointment was for a fixed period or specified purpose.

(4) An appointment as an authorised officer ceases—

- (a) if it is terminated pursuant to paragraph (3),
- (b) if it is for a fixed period, on the expiry of that period,
- (c) if it is for a specified purpose, on the completion of that purpose, or
- (d) if the person appointed is an officer of the Minister or local authority or member of a class of person, upon the person ceasing to be such an officer or member.

(5) Nothing in paragraph (4) is to be construed so as to prevent the Minister or chief executive from reappointing as an authorised officer a person to whom that paragraph relates.

(6) An authorised officer appointed under this Regulation shall be furnished with a warrant of his or her appointment and, when exercising a power conferred on him or her, the officer, an authorised officer within the meaning of the Act, an authorised officer within the meaning of the Food Safety Authority of Ireland Act 1998, an officer of the Revenue Commissioners or a member of the Garda Síochána shall, if requested by a person affected, produce the warrant or evidence that he or she is such an officer or member to the person.

### **Functions of authorised officer**

25. (1) For the purposes of these Regulations, the Official Control Regulations or the EU identification and registration Regulations an authorised officer may—

- (a) enter and inspect, at all reasonable times, any premises if he or she is carrying out an official control or other official activity for the purposes of these Regulations or the EU identification and registration Regulations or where he or she has reasonable grounds for believing that—
  - (i) a relevant animal, means of identification, documentation of identification or other thing to which these Regulations or the EU identification and registration Regulations relates is, may be or has been present,
  - (ii) a record relating to a relevant animal, means of identification, documentation of identification or other thing to which these Regulations or the EU identification and registration Regulations relates is, may be or has been present,
  - (iii) equipment, machinery, a vehicle, a vessel or other thing used in connection with a relevant animal, means of identification, documentation of identification or other thing to which these Regulations or the EU identification and registration Regulations relates is, may be or has been present,
- (b) examine a relevant animal, means of identification, documentation of identification, equipment, machinery or other thing used in connection with a relevant animal, means of identification, documentation of identification or other thing to which these Regulations or the EU identification and registration Regulations relates,
- (c) require the name and address of the owner, or person in possession or control of a relevant animal, means of identification, documentation of identification, equipment, machinery, a document, a vehicle or a vessel used in connection with a relevant animal, means of identification, documentation of

identification or other thing to which these Regulations or the EU identification and registration Regulations relates, or require details of place of departure, journey or destination,

- (d) inspect a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment, machinery, a computerised information management system or other thing used in connection with a relevant animal, means of identification, documentation of identification or other thing to which these Regulations or the EU identification and registration Regulations relates and require the person in charge or control of such to refrain from moving it,
- (e) require the owner, person in possession or control of any premises, equipment, machinery, a computerised information management system, a vehicle, a vessel or other thing used in connection with a relevant animal, means of identification, documentation of identification or other thing to which these Regulations or the EU identification and registration Regulations relates, to produce to the officer such records (and in the case of a record stored in non-legible form, produce to him or her a copy in a legible form) that are in the person's possession or procurement, or under the person's control, as the officer may reasonably require,
- (f) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form) or extracts from the record that the officer finds or is produced to him or her during an inspection,
- (g) make a record, including by means of writing, sound recording, photograph, video or other means, or
- (h) take, without making a payment, samples from a relevant animal, means of identification, documentation of identification or other thing to which these Regulations or the EU identification and registration Regulations relates, or any article, substance or liquid as he or she may reasonably require and carry out or cause to be carried out on the samples such tests, analyses, examinations or inspections as he or she considers necessary or expedient and mark or otherwise identify it.

(2) An authorised officer may require a person to give information regarding the ownership and identity of a relevant animal, means of identification, documentation of identification, equipment, machinery, a vehicle, a vessel or other thing used in connection with a relevant animal, means of identification, documentation of identification or other thing to which these Regulations or the EU identification and registration Regulations relates as is in the person's knowledge or procurement.

- (3) Where an authorised officer has reasonable grounds for believing that—
- (a) an offence is being or has been committed under these Regulations, or

- (b) evidence of an offence to which subparagraph (a) relates may be, is or has been on any land or premises, or in a vehicle, a vessel, an aircraft, a railway wagon, a container, equipment or machinery,

the officer may, in addition to the powers exercisable by him or her under paragraph (1):

- (i) search the land or premises;
- (ii) search the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery (including any computerised information management system);
- (iii) require a person in charge or control of the vehicle, vessel, aircraft, railway wagon, container, equipment or machinery to—
  - (I) refrain from moving it, or move it to a location where it may be searched,
  - (II) give information regarding its place of departure, journey or destination, and
  - (III) where the equipment or machinery is part of a computerised information management system, provide assistance (including passwords) to enable access to such devices or systems;
- (iv) seize and detain a relevant animal, means of identification, documentation of identification or other thing to which these Regulations or the EU identification and registration Regulations relates and mark or otherwise identify it;
- (v) detain a vehicle, vessel, aircraft, railway wagon, equipment, machinery (including any computerised information management system) or container for such reasonable period necessary for the purposes of permitting an inspection or a search under this Regulation either at the place where it was first detained or require it to be moved to such other location as the authorised officer requires;
- (vi) remove any equipment, machinery (including any computerised information management system), books, documents or records and detain them for such reasonable period necessary for the purpose of his or her functions under these Regulations;
- (vii) give such direction to a person who has a relevant animal, means of identification, documentation of identification or other thing to which these Regulations or the EU identification and registration Regulations relates, or who has equipment, machinery, vehicle or vessel or other thing used in connection with a relevant animal, means of identification, documentation of identification or other thing to which these Regulations or the EU identification

and registration Regulations relates in his or her possession or under his or her control or who has information relating to such, as the authorised officer may reasonably consider necessary for the purposes of these Regulations.

(4) An authorised officer shall not enter, except with the consent of the occupier, a private dwelling unless he or she has obtained a search warrant under Regulation 26 other than where he or she has reasonable grounds for believing that before a search warrant could be sought in relation to the dwelling under Regulation 26, any evidence of an offence referred to in paragraph (3)(a) is being or is likely to be disposed of or destroyed.

(5) An authorised officer, when exercising a function under this Regulation, may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the function.

(6) An authorised officer may use reasonable force, if necessary, to exercise his or her functions under these Regulations.

(7) Where, in the course of exercising a function under these Regulations, an authorised officer finds or comes into possession of anything that the officer has reasonable grounds for believing to be evidence of an offence or suspected offence under these Regulations, the officer may seize and retain it for use in evidence in proceedings for an offence under these Regulations.

(8) An authorised officer is not liable in any proceedings for anything done in the purported exercise of his or her powers under these Regulations if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.

(9) A member of the Garda Síochána may stop a vehicle or vessel, for the purposes of these Regulations and may require it to be moved for inspection to such place as he or she directs.

(10) A person who has—

- (a) a relevant animal, means of identification, documentation of identification or other thing to which these Regulations or the EU identification and registration Regulations relates, or
- (b) equipment, machinery, a vehicle, a vessel or other thing used in connection with a relevant animal, means of identification, documentation of identification or other thing to which these Regulations or the EU identification and registration Regulations relates

in his or her possession or under his or her control, or information or a record relating to any of them, shall give such—

- (i) assistance to an authorised officer, or person who accompanies the officer, and
- (ii) information to an authorised officer on request being made, in that behalf by the officer, as the officer may reasonably require for the exercise of his or her functions under these Regulations.

(11) The owner or person in charge of any premises used in connection with a relevant animal, means of identification, documentation of identification or other thing to which these Regulations or the EU identification and registration Regulations relates shall, if required by an authorised officer, where it is practicable and possible, provide suitable equipment or facilities or a suitable part of the plant or establishment for the officer to carry out his or her functions under these Regulations.

(12) An authorised officer may require a person to give to the officer such information as is in the person's power or procurement as regards any premises specified by the officer including—

- (a) whether or not the premises is used, either partly or wholly, for or in connection with a relevant animal, means of identification, documentation of identification or other thing to which these Regulations or the EU identification and registration Regulations relates,
- (b) the name of the owner, occupier or person who is in charge of the premises, and
- (c) whether or not the premises is let and, if let, the name and address of the person to whom, and the period of time for which, it is let.

(13) Where an authorised officer seizes and detains a relevant animal under these Regulations, the officer may also seize and detain any unweaned animal dependent on that relevant animal.

(14) Nothing in section 17 of the Industrial and Provident Societies Act 1893 prevents an authorised officer from exercising a function conferred on him or her by these Regulations.

### **Search warrant**

26. (1) If a judge of the District Court is satisfied by information on oath of an authorised officer that there are reasonable grounds for believing—

- (a) evidence of or relating to the commission or intended commission of an offence under these Regulations is to be found on a premises,
- (b) there is or was a relevant animal, means of identification, documentation of identification, equipment or other thing made, used or adapted for use (including manufacture and transport) in connection with a relevant animal, means of identification, documentation of identification or other thing to which these Regulations or the EU identification and registration Regulations relates, or
- (c) a document or other record related to a thing to which subparagraph (a) or (b) refers is or may be on the premises,

the judge may issue a search warrant.

(2) A search warrant under this Regulation shall be expressed and operate to authorise a named authorised officer, accompanied by such authorised officers

or other persons as the named authorised officer thinks necessary, at any time, within one month from the date of issue of the warrant, on production if so requested of the warrant, to enter (if necessary by use of reasonable force) the premises, vehicle, vessel or aircraft named in the warrant.

(3) If a premises is entered under a warrant issued under this Regulation, an authorised officer so entering may exercise all or any of the powers conferred on an authorised officer under these Regulations.

### **Identification notice**

27. (1) An authorised officer may, by notice in writing require an operator to identify a relevant animal, in accordance with Articles 10, 15 and 20 of Regulation 2017/625 or an act mentioned in those Articles.

(2) If a person fails to comply with paragraph (1) an authorised officer shall destroy or cause to be destroyed a relevant animal in accordance with Article 138(2) of Regulation 2017/625.

(3) If an authorised officer destroys or causes to be destroyed a relevant animal in accordance with Article 138(2) of Regulation 2017/625, the costs (including ancillary costs) may be recovered by the Minister—

- (a) by deducting the costs from any moneys due or becoming due to the operator or owner of the relevant animal, or
- (b) as a simple contract debt in a court of competent jurisdiction.

(4) A person shall not move an animal in respect of which a notice under this Regulation has been served except in accordance with a permit.

### **Compliance notice**

28. (1) Where an authorised officer is of the opinion that—

- (a) these Regulations or the EU identification and registration Regulations are not being or have not been complied with, or there are reasons to believe that these Regulations or the EU identification and registration Regulations will not be complied with,
- (b) it is necessary for the protection of human health, animal health or the environment including the prevention, control or eradication of a disease, or
- (c) it is necessary, ancillary or supplementary for the EU identification and registration Regulations to have full effect,

the officer may serve a notice (“compliance notice”) stating that opinion to the person—

- (i) who appears to be the owner, occupier, or person in charge of the premises,
- (ii) who is an officer of, or represents, a designated issuing body,

- (iii) who is an officer of, or represents, a third party designated by breed societies or breeding operations in accordance with Article 27(1)(b) of Regulation No 2016/1012, or
- (iv) who appears to be in possession or control of a relevant animal, means of identification, documentation of identification or other thing

to which the notice relates.

(2) A compliance notice shall—

- (a) require the person to whom it is served to take such action as specified in the notice,
- (b) inform the person to whom it is served that he or she may appeal the notice in the District Court under Regulation 29, and
- (c) state that if the person to whom it is served fails to comply with the notice, he or she commits an offence and is liable to a penalty set out in Regulation 33(2).

(3) A compliance notice may require that—

- (a) a relevant animal, means of identification, documentation of identification or other thing to which these Regulations or the EU identification and registration Regulations relates be dealt with in a manner specified in the notice,
- (b) a relevant animal, means of identification, documentation of identification or other thing to which these Regulations or the EU identification and registration Regulations relates be detained, disposed of or destroyed in such manner and at a place (if any) as the officer specifies in the notice,
- (c) a person give to an authorised officer any documents, records or database relating to an approval granted under EU identification and registration Regulations or these Regulations, or approval or registration granted under—
  - (i) the European Union (Food and Feed Hygiene) Regulations 2020 (S.I. No. 22 of 2020), or
  - (ii) the European Union (Animal By-Products) Regulations 2014 (S.I. No. 187 of 2014), and
- (d) a specified activity cease on a premises,
- (e) a specified activity take place only in a manner specified in the notice,
- (f) entry onto a premises specified in the notice is prohibited or restricted,
- (g) movement or further movement of a relevant animal, means of identification, documentation of identification or other thing to which these Regulations or the EU identification and registration Regulations relates is prohibited, either absolutely or unless such conditions as may be specified in the notice are complied with,

- (h) require a person to return a relevant animal, means of identification, documentation of identification or other thing to which these Regulations or the EU identification and registration Regulations relates, to the place of departure by a route which in the opinion of the authorised officer is the most direct or prudent,
  - (i) a measure within the meaning of Article 137(2) or Article 138(2) of Regulation 2017/625 be taken as specified in the notice,
  - (j) a specified operation or activity may only be carried out under and in accordance with such terms and conditions as are specified in the notice,
  - (k) a person to cease issuing identification documents or maintaining a stud-book or both, or
- (l) the movement of a relevant animal be restricted.
- (4) A person to whom a compliance notice is served shall comply with the compliance notice until the notice expires, is withdrawn under paragraph (6) or is annulled under Regulation 29, and not cause or permit another person to contravene the terms of the notice.
- (5) A compliance notice may specify a time limit within which it is to be complied with.
- (6) A compliance notice may be modified or withdrawn in a further notice and the earlier notice has effect subject to the modification or withdrawal.
- (7) A compliance notice may require the owner, occupier, operator or person in charge of any premises, a relevant animal, means of identification, documentation of identification, vehicle, vessel, machinery (including any computerised information management system), equipment or other thing to which the EU identification and registration Regulations relates to choose between two or more of the requirements specified in the notice.
- (8) A compliance notice shall include an address for service of an appeal under Regulation 29.

### **Appeal against compliance notice**

29. (1) A person to whom a compliance notice is served may, within 7 days from the date of service of the notice, appeal the notice to the Judge of the District Court having jurisdiction in the District Court district—

- (a) where the relevant animal, means of identification, documentation of identification, premises, vehicle, machinery (including any computerised information management system), equipment, vessel or other thing to which the EU identification and registration Regulations relates which is the subject of the notice, is situated, or
- (b) where the person bringing the appeal ordinarily resides or carries on business,

on the grounds that the notice is unreasonable having regard to these Regulations or the EU identification and registration Regulations.

(2) Notice of an appeal shall contain a statement of the grounds upon which it is alleged that the notice or any of the terms of the notice are unreasonable and shall be served on the authorised officer who served the compliance notice at the address included on the notice in accordance with Regulation 28 not later than 48 hours prior to the hearing of the appeal.

(3) A person bringing an appeal shall lodge a copy of the notice or appeal with the District Court Clerk concerned not later than 48 hours prior to the hearing of the appeal.

(4) On the hearing of an appeal a Judge of the District Court may confirm, modify or annul a notice.

(5) A person, including a person on whom a compliance notice has been served, who —

- (a) pending the determination of an appeal, shall not deal with a relevant animal, means of identification, documentation of identification, premises, vehicle, vessel, machinery (including any computerised information management system), equipment or other thing to which the notice relates, other than in accordance with the terms of the compliance notice, or
- (b) if the notice is confirmed or modified on appeal, deal with a relevant animal, means of identification, documentation of identification, any premises, vehicle, vessel, equipment, machinery (including any computerised information management system) or other thing to which the notice relates other than in accordance with the terms of the compliance notice as confirmed or modified.

(6) In this Regulation “appeal” means an appeal under paragraph (1).

### **Seizure and detention for non-compliance with a compliance notice**

30. (1) Without prejudice to an appeal under Regulation 29, if—

- (a) a person in control of a relevant animal, means of identification, documentation of identification or other thing to which a compliance notice relates, or in control of a premises, vessel, vehicle, equipment, machinery (including any computerised information management system) or other thing used in connection with a relevant animal, means of identification, documentation of identification or other thing to which a compliance notice relates fails to comply with the terms of a compliance notice within the time specified,
- (b) an authorised officer has reasonable grounds for believing that the terms of a compliance notice, whether or not modified under Regulation 29(4), will not be complied with, or
- (c) a compliance notice has been confirmed with or without modification under Regulation 29(4) and the notice has not been complied with,

an authorised officer may at any time seize the relevant animal, means of identification, documentation of identification or other thing to which a compliance notice relates, or seize the vessel, vehicle, equipment, machinery (including any computerised information management system) or other thing used in connection with a relevant animal, means of identification, documentation of identification or other thing to which a compliance notice relates.

(2) If the relevant animal, means of identification, documentation of identification or other thing to which a compliance notice relates, a vessel, vehicle, equipment, machinery (including any computerised information management system) or other thing used in connection with a relevant animal, means of identification, documentation of identification or other thing to which a compliance notice relates is seized in accordance with paragraph (1), an authorised officer may—

- (a) sell, destroy or dispose of the relevant animal, means of identification, documentation of identification or other thing to which a compliance notice relates or cause it to be sold, destroyed or be disposed of, or
- (b) take such other measures in relation to the relevant animal, means of identification, documentation of identification or other thing to which a compliance notice relates, or in relation to the vessel, vehicle, equipment, machinery (including any computerised information management system) or other thing used in connection with a relevant animal, means of identification, documentation of identification or other thing to which a compliance notice relates as the authorised officer considers appropriate in the circumstances.

(3) Any profits arising out of the sale, destruction or disposal of a relevant animal, means of identification, documentation of identification or other thing to which a compliance notice relates in accordance with paragraph (2) shall be paid to the owner of the relevant animal, means of identification, documentation

of identification or other thing to which a compliance notice relates less any expenses incurred in connection with the seizure, sale, destruction or disposal.

(4) The costs (including ancillary costs) of a measure taken under this Regulation are recoverable by the Minister—

- (a) as a simple contract debt in a court of competent jurisdiction from the person who was the owner of the relevant animal, means of identification, documentation of identification or other thing to which these Regulations or the EU identification and registration Regulations relates or from the person who was the owner of the means of transport at the time the measure was carried out, or
- (b) by deducting the costs from any sum payable from the Minister to a person on whom a notice has been served.

(5) The costs of any action required by a compliance notice shall be borne by the owner of a premises, relevant animal, means of identification, documentation of identification or other thing to which the notice relates.

### **Obstruction and false statements**

31. (1) A person shall not—

- (a) obstruct, interfere with or impede an authorised officer, or any person who accompanies an authorised officer, in the course of exercising a function conferred on the officer under these Regulations,
- (b) fail or refuse, without reasonable cause, to comply with a requirement of an authorised officer under Regulation 25,
- (c) fail, without reasonable cause, to give assistance or requested information to an authorised officer in accordance with Regulation 25,
- (d) in purporting to give information to an authorised officer for the exercise of the officer's functions under these Regulations—
  - (i) make a statement that he or she knows to be false or misleading in a material particular or recklessly make a statement which is false or misleading in a material particular, or
  - (ii) intentionally fail to disclose a material particular,
- (e) tamper or otherwise interfere with a sample taken under Regulation 25, or
- (f) aid or abet a contravention of these Regulations or the EU identification and registration Regulations.

(2) A statement or admission made by a person pursuant to a requirement under Regulation 25(10)(ii) is not admissible in evidence in proceedings brought against the person for an offence (other than an offence under this Regulation for failing to give information or giving false information) under these Regulations.

### **Directions and permits**

32. (1) Where not explicitly provided for in a Regulation, an authorised officer may, nevertheless, issue a direction to a person relating to a requirement in the Regulation, either verbally or in writing by giving it directly to the person concerned or leaving it at the premises or premises concerned or by any other method as the Minister considers appropriate.

(2) The Minister or an authorised officer may revoke or amend a direction issued under these Regulations.

(3) A direction under these Regulations remains in force until it is amended or revoked by another direction unless the direction specifically states otherwise.

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

## **Part 5**

### **Penalties and Evidence**

#### **Penalties and prosecutions**

33 (1) A person who contravenes Regulation 4(2) or (3), 5(3), 6(2)(3) or (4), 7(3)(4) or (5), 8(1) or (2), 10, 11(1)(2)(3) or (4), 12(1)(2)(4) or (5), 13(1)(2)(3) or (4), 14(1)(2)(3) or (4), 15, 16(4)(5)(6) or (7), 17(1) to (7) or (9)(10)(11)(12) or (13), 18(4)(5)(6)(8)(20)(21)(22)(28)(29)(30) or (31), 19, 20, 21, 23(11), 25(10)(11) or (12), 27(4), 28(4), 29(5), or 31(1) commits an offence.

(2) A person who commits an offence under these Regulations is liable—  
 (a) on summary conviction, to a class A fine, or  
 (b) on conviction on indictment to a fine not exceeding €500,000, or to imprisonment for a term not exceeding 3 years, or to both.

(3) An offence under these Regulations may be prosecuted summarily by the Minister or the local authority in whose functional area the offence is alleged to have been committed.

(4) If an offence under these Regulations is committed by a body corporate and is proven to have been so committed with the consent, connivance or approval of or to have been attributable to the wilful neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate or a person who was purported to act in any such capacity, that person, as well as the body corporate, commits an offence and is liable to be proceeded against and punished as if he or she was guilty of the offence.

(5) If the affairs of a body corporate are managed by its members, paragraph (4) applies in relation to the acts and defaults of a member in connection with the functions of management as if the member were a director or manager of the body corporate.

(6) In proceedings alleging a contravention of these Regulations, it is a defence for the defendant to show he or she acted in accordance with a lawful derogation or transitional measure laid down by an act of an institution of the European Union relevant to the subject of the offence it is alleged that he or she committed.

### **Costs**

34. Where a person is convicted of an offence under these Regulations, the court shall, unless it is satisfied that there are special and substantial reasons for not so doing, order the person to pay to the prosecutor the costs and expenses, measured by the court, incurred by the prosecutor or other person in relation to the investigation, detection and prosecution of the offence, including costs and expenses incurred in the taking of samples and the carrying out of tests, examinations and analyses.

### **Persons not of full age**

35. A person, being of full age, who has actual care and control of a person who is—

- (a) under the age of 16 years, and
- (b) the apparent operator or person in possession or control of a relevant animal,

is, for the purposes of these Regulations, regarded as being the operator, or owning, possessing or being in control of the animal.

## **Part 6**

### **Procedural**

#### **Service**

36. (1) An identification notice or compliance notice shall, subject to paragraph (2), be addressed to the person concerned by name and may be served on or given to the person—

- (a) by giving it to the person, his or her employee, servant or agent,
- (b) by leaving it at the address at which the person ordinarily resides, normally carries out business, or, if an address for service has been furnished, at that address,
- (c) by sending it by post in a prepaid registered letter to the address at which the person ordinarily resides or, if an address for service has been furnished, at that address,
- (d) if the address at which the person ordinarily resides cannot be ascertained by reasonable enquiry and the compliance notice relates to a premises, by delivering it to the premises or by affixing it in a conspicuous position on or near the premises,

- (e) by sending it by means of electronic mail to a device or facility for the reception of electronic mail where such an electronic mail address has been furnished by the person, but only if the sender's facility for the reception of electronic mail generates a message confirming a receipt of the electronic mail confirming successful transmission of the notification, notice or document.
- (2) If an identification or compliance notice is to be served on or given to a person who is the owner or occupier of a premises and the name of the person cannot be ascertained by reasonable enquiry, it may be addressed to the person by using the words "the owner" or "the occupier".
- (3) A person shall not, at any time within 6 months after an identification or compliance notice is affixed under paragraph (1)(d), remove, damage or deface the notification or compliance notice without lawful authority.
- (4) For the purposes of this Regulation, a company within the meaning of the Companies Act 2014 is considered to be ordinarily resident at its registered office and every other body corporate or unincorporated body is considered to be ordinarily resident at its principal office or place of business.

### Fees

37. (1) The Minister may determine a fee in respect of—
- (a) an application for approval of means of identification,
  - (b) purchase of means of identification,
  - (c) notification of registration of birth of a relevant animal,
  - (d) issue of an identification document,
  - (e) a late, incomplete, or inaccurate notification,
  - (f) postage costs, or
  - (g) the performance of a function under these Regulations,
- such fee not exceeding the cost, estimated by the Minister, of providing the service to which the fee relates and different fees may be charged for different classes of notification or functions.
- (2) A fee under paragraph 1 may be charged in respect of one or more of the matters referred to in that paragraph.
- (3) Where the Minister charges a fee in relation to one or more matters specified in paragraph (1), the application will not be considered nor the matter dealt with unless the fee has been paid.
- (4) As an alternative to the fees the Minister may determine a charge covering some or all of the matters listed in paragraph (1) to be paid either when ordering means of identification or at registration and that means of identification will not issue or registration will not be made if the charges are not paid.
- (5) A person who (a) receives a notification or (b) supplies approved means of identification shall not accept the notification or supply the means of

identification unless the notification or application for means of identification is accompanied by the appropriate fee (if any).

(6) A person who receives monies under paragraph 4 shall remit the monies to the Minister in accordance with the directions of the Minister.

(7) A fee payable pursuant to this Regulation shall be disposed of for the benefit of the Exchequer in such manner as the Minister for Finance may direct.

### **Evidence on certificate etc**

38. (1) A certificate purporting to be signed by an officer of the Minister and to certify that on a specific day or days or during the whole of a specified period—

- (a) a person was or was not the holder of an approval granted under Regulation 23,
- (b) a person or establishment was or was not authorised under Regulation 23, or
- (c) that a particular authorisation or approval, referred to in this paragraph, was subject to a particular condition or conditions,

is, without proof of the signature of the person purporting to sign the certificate or that he or she is an officer of the Minister, evidence, unless the contrary is shown, of the matters stated in the certificate.

(2) In proceedings for an offence under these Regulations the court may, if it considers that the interests of justice so require, direct that oral evidence of any matter stated in a certificate under paragraph (1) or (2) be given, and the court may for the purpose of receiving oral evidence adjourn the matter.

### **Fixed Payment Notice**

39. (1) If an officer of the Minister, authorised by the Minister in that behalf, has reasonable grounds for suspecting that a person is committing or has committed an offence under these Regulations, he or she may serve a notice in writing (“fixed payment notice”) on that person stating that—

- (a) the person is alleged to have committed the offence,
- (b) the person may during the period of 28 days beginning on the date of the notice make to the Minister, at the address specified in the notice, a payment of €250 accompanied by the notice,
- (c) the person is not obliged to make the payment, and
- (d) a prosecution in respect of the alleged offence will not be instituted during the period specified in the notice and, if the payment specified in the notice is made during that period, no prosecution in respect of the alleged offence will be instituted.

(2) Where a fixed payment notice is served under paragraph (1)—

- (a) the person to whom the notice applies may, during the period specified in the notice, make to the Minister, at the address

specified in the notice, the payment specified in the notice accompanied by the notice,

- (b) the Minister may receive the payment, issue a receipt for it and retain the money so paid, and any payment so received shall not be recoverable in any circumstances by the person who made it, and
- (c) a prosecution in respect of the alleged offence shall not be instituted in the period specified in the notice, and if the payment so specified is made during that period, no prosecution in respect of the alleged offence shall be instituted.

(3) In proceedings for an offence under these Regulations, the onus of proving that a payment pursuant to a notice under this Regulation has been made lies on the person on whom the fixed payment notice was served.

(4) In proceedings for an offence referred to in paragraph (1) it is a defence for the accused to show that he or she has made a payment in accordance with this Regulation pursuant to a fixed payment notice issued in respect of that offence.

### **Data Sharing**

40. Without prejudice to any other power to do so—

- (a) Information held by the Minister for the purposes of these Regulations may be transferred by the Minister to an issuing body, and
- (b) Information held by an issuing body for the purposes of these Regulations may be transferred by the issuing body to the Minister.

## **Part 7**

### **Revocations and Transitional Measures**

#### **Revocations, savers etc**

41. (1) The following are revoked:

- (a) the Diseases of Animals Act 1966 (National Pig Identification and Tracing System) Order 2002 (S.I. No. 341 of 2002);
- (b) the European Communities (Goat Identification) Regulations 2005 (S.I. No. 792 of 2005);
- (c) the European Communities (Identification and registration of pigs) Regulations 2008 (S.I. No. 470 of 2008);
- (d) the European Communities (Identification of Bovines) Regulations 2009 (S.I. No. 77 of 2009);

- (e) the Diseases of Animals Act 1966 (National Pig Identification and Tracing System) (Amendment) Order 2010 (S.I. No. 364 of 2010);
  - (f) the European Communities (Sheep Identification) Regulations 2011 (S.I. No. 309 of 2011);
  - (g) the European Communities (Equine) Regulations 2011 (S.I. No. 357 of 2011);
  - (h) the Control On Places Where Horses Are Kept Regulations 2014 (S.I. No. 113 of 2014);
  - (i) the European Union (Identification of Equidae) Regulations 2016 (S.I. No. 62 of 2016);
  - (j) the European Union (Identification of Equidae) (Amendment) (No. 2) Regulations 2016 (S.I. No. 470 of 2016);
  - (k) the European Communities (Sheep Identification) (Amendment) Regulations 2019 (S.I. No. 243 of 2019).
- (2) Where a transitional measure mentioned in Regulation 2016/429 or in an act referred to in that Regulation is applicable and such transitional measure requires the continuation of a provision revoked by paragraph (1) the relevant provision of the Regulations revoked by paragraph (1) shall continue to apply as if that provision had not been revoked for so long as the transitional measure permits.
- (3) An application for an authorisation, recognition or approval (within the meaning of the Regulations revoked by paragraph (1) that remains to be determined on commencement of these Regulations is, after the commencement of these Regulations, considered to be an application for an authorisation, recognition or approval under the equivalent provision of these Regulations and may be determined as if made under these Regulations.
- (4) An authorisation, recognition or approval granted under the Regulations revoked by paragraph (1) and in force immediately before the making of these Regulations continues in force after such making as if granted under these Regulations.
- (5) An authorised officer appointed under the Regulations revoked by paragraph (1) and holding office immediately before the commencement of these Regulations continues in office after such commencement as if appointed under these Regulations.
- (6) Any reference made in an instrument to Regulations revoked by paragraph (1) shall be construed as a reference to these Regulations.



L.S.

GIVEN under my Official Seal,  
13 May, 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.)*

These regulations transpose Regulation (EU) 2016/429 (Animal Health Law) in relation to animal identification and traceability.

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