

Final Draft (Rev21)  
**COMMISSION REGULATION**  
of  
**implementing Council**  
**Directives 90/426/EEC and**  
**90/427/EEC as regards**  
**methods for the identification**  
**of equidae**

## Scope

- Equidae referred to in Article 1(1) (born or released for free circulation in the Community) **shall not be kept unless** they are identified in accordance with this Regulation.
- ...shall be identified in accordance with this Regulation before 31 December of the year of birth of the equine animal or within six months following the date of birth, whatever date occurs later.
- By way of derogation from the (above) subparagraph, Member States may decide to limit that maximum permitted period for identifying the equine animal to six months.

## Consistency

- As under Community and national legislation, the owner of an equine animal is not necessarily the person responsible for the animal, it is appropriate to clarify that **primarily the keeper of the equine animal**, who may be the owner, **should be responsible** for the identification of equine animals in accordance with the present Regulation.

## Define “keeper”

- **“keeper” means any natural or legal person having ownership of, or in the possession of, or charged with the keeping of**, an equine animal, whether or not for financial reward, and whether or not on a permanent or on a temporary basis, including during transportation, at markets, or during competitions, races or cultural events;

## Permanent marking

- **Member States may authorise the identification of equidae by suitable alternative methods, including marks, that ... ensure that the identity of the equine animal can be verified and that effectively prevent the double issuing of identification documents**
- **the keeper shall provide the means of accessing that identification information or shall, if applicable, bear the costs ...**

## Possible alternatives to a full outline diagram

- ...where a transponder is implanted ..., or an individual, indelible and visible alternative mark is applied in accordance with Article 12, (some) information... in the outline-diagram ... of the identification document may not be completed, or a photograph or print displaying details sufficient to identify the equine animal may be used instead of completing that outline-diagram.

### Derogation for feral/wild equidae

- ...the competent authority may decide that equidae constituting **defined populations living under wild or semi-wild conditions** in certain areas, including nature reserves, to be defined by that authority, **shall be identified** in accordance with Article 5 **only when they are removed** from such areas or brought into **domestic use**.

### Checks required prior to issue of identification documents

#### and transponders

- ...consulting the appropriate papers and electronic records available
- ...checking the animal for any **clinical** signs or marks indicative of any previous identification, ...or that a transponder previously implanted has been surgically removed
- using a reading device (ISO 11785)
- checking for alternative marks

### Implanting transponders

- The issuing body **shall** ensure...implantation of a transponder
- Member States shall lay down the minimum qualification required ... or designate the person or profession.
- The transponder shall be implanted **parenterally under aseptic conditions** between poll and withers in the middle of the neck in the area of the nuchal ligament.
- ...the competent authority may authorise the implantation of the transponder at a different place on the neck of the equine animal, provided that such alternative implantation does not compromise the welfare of the animal and does not increase the risk of migration of the transponder ...

### The identification document **shall accompany ...at all times (except):**

- the identification document can be produced without delay by the keeper;
- moved temporarily on foot
- during transhumance of equidae
- unweaned and accompany their dam
- participating in a training or test ... which requires them to leave the ... venue
- moved or transported in an emergency situation relating to the equine animals themselves or ... to the holding on which they are kept.
- they are accompanied by a smart card (visible: issuing body, ULN; name, sex, colour, photo; electronically: as per id document )
- a temporary document comprising at least a reference to the ULN and where available, the transponder code (max 45 days, intra-Member State)

### Duplicate/replacement documents

- ... the equine animal shall be classified in Part II of Section IX of the duplicate identification document as **not intended for slaughter for human consumption**
- **Excepting, where the animal's identity can be conclusively established ...**for a period of six months where the keeper can satisfactorily demonstrate ...that the equine animal's status as intended for slaughter for human consumption **has not been compromised** by any medicinal treatment .

### Death/disposal

- the transponder shall be protected from subsequent fraudulent use (recovery)
- If not recovered, at least the part containing it deemed not suitable for human consumption
- the identification document shall be rendered invalid at least by stamping it "invalid" on the first page;
- an attestation shall be forwarded to the issuing body

## Medicinal record

- An equine animal shall be deemed to be intended for slaughter for human consumption, unless it is irreversibly declared as not so intended by the signature of the keeper or owner on his/her own discretion or the keeper and the veterinarian responsible
- Prior to any treatment..., the veterinarian responsible shall ascertain the equine animal's status,... shall ensure, ...shall enter... the requisite details ..., shall enter the date of last administration, as prescribed,...shall inform the keeper of the (mrl) date

## Central database

- A Member State **may** decide that the issuing body is to incorporate the information ... relating to equidae born or identified on its territory in a central database or that the issuing body's database is to be networked with that central database

## Timescale

- It shall apply from 1 July 2009.
- This Regulation shall be binding in its entirety and directly applicable in all Member States.
- Equidae ... shall be identified in accordance with this Regulation by 31 December 2009 at the latest