



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 13.10.1999  
COM(1999) 487 final

99/0204 (COD)  
99/0205 (COD)

Proposals for

**EUROPEAN PARLIAMENT AND COUNCIL REGULATION**

**establishing a system for the identification and registration of bovine animals  
and regarding the labelling of beef and beef products and  
repealing Council Regulation (EC) No 820/97**

**EUROPEAN PARLIAMENT AND COUNCIL REGULATION**

**amending Council Regulation (EC) No 820/97, establishing a system  
for the identification and registration of bovine animals and  
regarding the labelling of beef and beef products**

(presented by the Commission)



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 21.10.1999  
COM(1999) 487 final/2

99/0204 (COD)  
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CORRIGENDUM

Article 22A changé (99/0205 COD)  
au COM(1999) 487 final du 13.10.1999

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3. A Member State in whose territory an inspection is made shall provide the veterinary experts from the Commission with any assistance they may require in the performance of their tasks.

The outcome of the checks made must be discussed with the competent authority of the Member State concerned before a final report is drawn up and circulated.

4. Where the Commission deems that the outcome of checks so justifies, it shall review the situation within the Standing Veterinary Committee. It may adopt the necessary decisions in accordance with the procedure laid down in Article 22A.

5. The Commission shall monitor developments; in the light of such developments and in accordance with the procedure laid down in Article 22A it may amend or repeal the decisions referred to in paragraph 3.

6. Detailed rules for the application of this Article shall be adopted, where necessary, in accordance with the procedure laid down in Article 22A.

#### *Article 22A*

1. For the implementation of Article 22 the Commission shall be assisted by the Standing Veterinary Committee set up by Decision 68/361/EEC acting in accordance with the procedure laid down in Article 5 of Decision 1999/468/EC and in compliance with Article 8 thereof.
2. The period referred to in Article 5(6) of Decision 1999/468/EC shall be three months.

#### *Article 23*

1. Regulation (EC) No 820/97 is hereby repealed.
2. References to Regulation (EC) No 820/97 shall be construed as references to this Regulation and should be read in accordance with the correlation table in Annex I.

#### *Article 24*

This Regulation shall enter into force on the seventh day following its publication in the *Official Journal of the European Communities*.

It shall be applicable from [one month after the day of its entry into force].

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## EXPLANATORY MEMORANDUM

Article 19 of Council Regulation (EC) No 820/97 states that the Commission shall report to the Council on the implementation of beef labelling in the Community, together with proposals before 1 January 2000, when the general rules for a compulsory labelling system must be decided.

The report, which has been submitted as an accompanying document, concludes that two proposals are required. The two proposals are presented here.

An important feature of the proposals is that they are made on a legal basis that differs from that of Regulation No 820/97. The Commission took the Council to the European Court of Justice when Regulation No 820/97 was adopted under the former Article 43 of the Treaty. The judgement on Case C-269/97 is still pending. In these proposals, in line with Commission policy on this matter, Article 152 of the new Treaty is taken as the legal basis because since the entry into force of the Amsterdam Treaty it expressly mentions in paragraph 4, under b) "by way of derogation from Article 37, measures in the veterinary and phytosanitary fields which have as their direct objective the protection of public health". It is clear, therefore, that the authors of the Treaty wanted to change the former case-law of the Court, as has been pleaded before the Court by the Commission in case C-269/97. The subject matter of the proposals have as their direct objective the protection of public health. As a consequence, Article 152 is the correct legal basis.

The first proposal lays down general rules for a compulsory system, introduced in two separate steps. A compulsory beef labelling system shall be introduced which is obligatory in all Member States. Operators and organisations marketing beef shall indicate on the label information about certain characteristics of the beef and the point of slaughter of the animal or animals from which that beef was derived. The compulsory beef labelling system shall be reinforced from 1 January 2003. Operators and organisations marketing beef shall, in addition, indicate on the label information concerning origin, in particular where the animal or animals from which the beef was derived were born, reared and slaughtered.

The second proposal prolongs the existing provisions for labelling in order to give time for the regulation proposed above to be adopted under the co-decision procedure. The Commission considers that the regulation proposed above should be adopted within less than 14 months and therefore proposes that the temporary prolongation in this proposal should run no further than 1 January 2001. The consequence of not adopting this temporary prolongation would be that the compulsory labelling system, based on origin, currently laid down in Regulation (EC) No 820/97, would come into force on 1 January 2000 with no general rules to guide it. This would create a very uncertain and unsatisfactory situation for beef consumers and operators not only in the Community but also in third countries. Such an unsatisfactory situation can only be avoided by prolonging the current arrangements laid down in Council Regulation (EC) No 820/97.

However, if Council and Parliament fail to come to a decision before 31 December 1999, the Commission has to reserve the possibility to present to Council an urgent proposal, for adoption before the end of the 1999, based on the existing Article 19 of

Regulation No 820/97 (i.e. a decision reached by qualified majority of the Council on a proposal from the Commission). Such a proposal would be made in order to avoid a legal void through the automatic lapse in the voluntary system.

Proposal for a

**EUROPEAN PARLIAMENT AND COUNCIL REGULATION**

**establishing a system for the identification and registration of bovine animals  
and regarding the labelling of beef and beef products and  
repealing Council Regulation (EC) No 820/97**

**99/0204 (COD)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 152 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(2)</sup>,

Having regard to the opinion of the Committee of the Regions <sup>(3)</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

- (1) Article 19 of Council Regulation (EC) No 820/97 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products <sup>(4)</sup>, lays down that a compulsory beef labelling system shall be introduced, which shall be obligatory in all Member States, from 1 January 2001 onwards. On the basis of a Commission proposal, the same Article also states that the general rules for that compulsory system shall be decided before that date.
- (2) It is appropriate to include those general rules into Regulation (EC) No 820/97. For reasons of clarity that Regulation should be repealed and replaced by a new Regulation.
- (3) As a consequence of the instability in the market in beef and beef products caused by the bovine spongiform encephalopathy crisis, the improvement in the transparency of the conditions for the production and marketing of the products concerned, particularly as regards traceability, has exerted a positive influence on consumption of beef. To maintain and strengthen this consumer

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<sup>(1)</sup> OJ C

<sup>(2)</sup> OJ C

<sup>(3)</sup> OJ C

<sup>(4)</sup> OJ L 117, 7.5.1997, p. 1. Regulation as amended by Regulation (EC) No [ ] .

confidence in beef, it is necessary to develop the framework in which the information is made available to consumers on the label.

- (4) To this end it is essential to establish, on the one hand, an efficient system for the identification and registration of bovine animals at the production stage and, on the other hand, a specific Community labelling system in the beef sector based on objective criteria at the marketing stage.
- (5) By means of the guarantees provided for such an improvement, certain public interest requirements will also be attained, in particular the protection of human and animal health. Therefore, the appropriate legal basis for this Regulation is Article 152 of the Treaty.
- (6) As a result, consumer confidence in the quality of beef and beef products will be encouraged.
- (7) Article 3(1)(c) of Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market<sup>(5)</sup> states that animals for intra-Community trade must be identified in accordance with the requirements of Community rules and be registered in such a way that the original or transit holding, centre or organisation can be traced, and that before 1 January 1993 these identification and registration systems are to be extended to the movements of animals within the territory of each Member State.
- (8) Article 14 of Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC<sup>(6)</sup> states that the identification and registration as provided for in Article 3(1)(c) of Directive 90/425/EEC of such animals must, except in the case of animals for slaughter and registered equidae, be carried out after the said checks have been made.
- (9) The management of certain Community aid schemes in the field of agriculture requires the individual identification of certain types of livestock. The identification and registration systems must, therefore, be suitable for the application and control of such measures.
- (10) It is necessary to ensure the rapid and efficient exchange of information between Member States for the correct application of this Regulation. Community provisions have been established by Council Regulation (EEC) No 1468/81 of 19 May 1981 on mutual assistance between the administrative authorities of the Member States and the co-operation between the latter and the Commission to ensure the correct application of the law on customs or

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<sup>(5)</sup> OJ L 224, 18.8.1990, p. 29. Directive as last amended by Directive 92/118/EEC (OJ L 62, 15.3.1993, p. 49)

<sup>(6)</sup> OJ L 268, 24.9.1991, p. 56; Directive as last amended by Directive 96/43/EC (OJ L 62, 1.7.1996, p. 1).

agriculture matters<sup>(7)</sup> and by Council Directive 89/608/EEC of 21 November 1989 on mutual assistance between the administrative authorities of the Member States and co-operation between the latter and the Commission to ensure the correct application of legislation on veterinary and zootechnical matters<sup>(8)</sup>.

- (11) The current rules concerning the identification and the registration of bovine animals have been laid down in Council Directive 92/102/EEC of 27 November 1992 on the identification and registration of animals <sup>(9)</sup> and Council Regulation (EC) No 820/97. Experience has shown that the implementation of that Directive for bovine animals has not been entirely satisfactory and needs further improvement. It is therefore necessary to adopt a specific regulation for bovine animals in order to reinforce the provisions of the Directive.
- (12) For the introduction of an improved identification system to be accepted, it is essential not to impose excessive demands on the producer in terms of administrative formalities. Feasible time limits for its implementation must be laid down.
- (13) For the purpose of rapid and accurate tracing of animals for reasons relating to the control of Community aid schemes, each Member State must create a computerised data base which will record the identity of the animal, all holdings on its territory and the movements of the animals, in accordance with the provisions of Council Directive 97/12/EC of 17 March 1997 amending and updating Directive 64/432/EEC on health problems affecting intra-Community trade in bovine animals and swine <sup>(10)</sup>, which clarifies the health requirements concerning this data base.
- (14) Steps must be taken to ensure that the technical conditions exist to guarantee the best communication possible by the producer with the data base and a comprehensive use of data bases.
- (15) In order to permit movements of bovine animals to be traced, animals must be identified by an eartag applied in each ear and in principle accompanied by a passport throughout any movement. The characteristics of the eartag and of the passport must be determined on a Community basis. In principle a passport must be issued for each animal to which an eartag has been allocated.
- (16) Animals imported from third countries pursuant to Directive 91/496/EEC must be subject to the same identification requirements.
- (17) Every animal must keep its eartag throughout its life.

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<sup>(7)</sup> OJ L 144, 2.6.1981, p. 1. Regulation as last amended by Regulation (EC) No 515/97 (OJ L 82, 22.3.1997, p. 1).

<sup>(8)</sup> OJ L 351, 2.12.1989, p. 34.

<sup>(9)</sup> OJ L 355, 5.12.1992, p. 32. Directive as last amended by the Act of Accession of Austria, Finland and Sweden.

<sup>(10)</sup> OJ L 109, 25.4.1997, p. 1.

- (18) The Commission is examining on the basis of work performed by the Joint Research Centre the feasibility of using electronic means for the identification of animals.
- (19) Keepers of animals, with the exception of transporters, must maintain an up-to-date register of the animals on their holdings. The characteristics of the register must be determined on a Community basis. The competent authority must have access to these registers on request.
- (20) Member States may spread the costs arising from the application of these measures over the entire beef sector.
- (21) The authority or authorities responsible for the application of each Title in this Regulation should be designated.
- (22) In the context of the labelling system set up by this Regulation, beef shall be taken to mean certain products referred to in Article 1(1) of Council Regulation (EC) No 1254/99 of 17 May 1999 on the common organisation of the market in beef and veal <sup>(1)</sup>.
- (23) A compulsory beef labelling system shall be introduced which is obligatory in all Member States. Under this compulsory system, operators and organisations marketing beef shall indicate on the label information about certain characteristics of the beef and the point of slaughter of the animal or animals from which that beef was derived.
- (24) The compulsory beef labelling system shall be reinforced from 1 January 2003. Under this compulsory system, operators and organisations marketing beef shall, in addition, indicate on the label information concerning origin, in particular where the animal or animals from which the beef was derived were born, reared and slaughtered.
- (25) The date of 1 January 2003 is the earliest date by which it is feasible to introduce the compulsory labelling of origin. The principal reason for not introducing compulsory labelling of origin before 1 January 2003 is that full information on movements made by bovine animals in the Community is only required for animals born after 1 January 1998.
- (26) In terms of the public interest requirement, the compulsory beef labelling system shall also apply to beef imported into the Community. However, provision must be made for the fact that not all the information required for the indication of origin on the label may be available to a third country operator or organisation. It is therefore necessary to state the minimum information that shall be indicated on the label by third countries.
- (27) For operators or organisations producing and marketing minced beef, beef trimmings or cut beef and operators or organisations exporting beef from third countries to the Community, who may not be in a position to provide all the

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<sup>(1)</sup> OJ L 160, 26.6.1999, p. 21.

information required under the compulsory beef labelling system, exceptions ensuring a certain minimum number of indications must be provided.

- (28) The objective of labelling is to give the maximum transparency in the marketing of beef. It is therefore appropriate that those operators and organisations that choose to market their beef under a label which ensures traceability to the individual animal, should be permitted to label beef with a specific logo.
- (29) For all indications other than those falling under the compulsory beef labelling system, a Community framework for such beef labelling is also required. The diversity of descriptions of marketed beef in the Community means that the establishment of a voluntary beef labelling system is most appropriate. An efficient labelling system depends on the possibility of tracing back any labelled beef to the animal or animals of origin. The labelling arrangements of an operator or organisation shall be valid only once a specification has been submitted to the competent authority within a certain delay. In order to identify correctly the person responsible for the information on the label, operators and organisations shall be entitled to label beef only if the label contains their name or their identifying logo. In order to ensure that labelling specifications may be recognised across the Community, it is necessary to provide for the mutual exchange of information between Member States.
- (30) Operators and organisations importing beef from third countries into the Community may also wish to label their products according to the voluntary beef labelling system. Provisions should thus be made for imported beef to be included in that system. These provisions must ensure that labelling arrangements relating to imported beef are of equivalent reliability to those set up for Community beef.
- (31) The change from the arrangements in Title II of Regulation (EC) No 820/97 to those in this Regulation could give rise to difficulties that are not dealt with in this Regulation. In order to deal with that eventuality, provision should be made for the Commission to adopt the necessary transitional measures. The Commission should also be authorised to solve specific practical problems.
- (32) With a view to guaranteeing the reliability of the arrangements provided for by this Regulation, it is necessary to oblige the Member States to carry out adequate and efficient control measures. These controls shall be without prejudice to any controls that the Commission may carry out by analogy with Article 9 of Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests<sup>(12)</sup>. The competent authorities of the Member States shall be authorised to withdraw their approval of any specification in the event of irregularities.
- (33) Appropriate penalties should be laid down in the event of a breach of the provisions of this Regulation.

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<sup>(12)</sup> OJ L 312, 23.12.1995, p. 1. Regulation as last amended by Regulation (EC) No 1036/99 (OJ L 127, 21.5.1999, p. 4).

HAVE ADOPTED THIS REGULATION:

## TITLE I

### Identification and registration of bovine animals

#### *Article 1*

1. Each Member State shall establish a system for the identification and registration of bovine animals (hereinafter referred to as 'animals'), in accordance with this Title.

2. This Title shall apply without prejudice to Community rules for disease eradication or control purposes and without prejudice to Directive 91/496/EEC and Regulation (EEC) No 3508/92. However, those provisions of Directive 92/102/EEC, which relate specifically to bovine animals shall no longer apply from the date on which those animals must be identified in accordance with this Title.

#### *Article 2*

For the purposes of this Title:

- 'animal' shall mean a bovine animal within the meaning of Article 2 of Directive 97/12/EC,
- 'holding' shall mean any establishment, construction or, in the case of an open-air farm, any place situated within the territory of the same Member State, in which animals covered by this Regulation are held, kept or handled,
- 'keeper' shall mean any natural or legal person responsible for animals, whether on a permanent or on a temporary basis, including during transportation or at a market,
- 'competent authority' shall mean the central authority or authorities in a Member State responsible for, or entrusted with, carrying out veterinary checks and implementing this Title or, in the case of the monitoring of premiums, the authorities entrusted with implementing Regulation (EC) No 3508/92.

#### *Article 3*

The system for the identification and registration of bovine animals shall comprise the following elements:

- (a) eartags to identify animals individually;

- (b) computerised databases;
- (c) animal passports;
- (d) individual registers kept on each holding.

The Commission and the competent authority of the Member State concerned shall have access to all information under this Title. The Member States and the Commission shall take the measures necessary to ensure access to this data for all parties concerned, including consumer organisations having a particular interest which are recognised by the Member State, provided that the data confidentiality and protection prescribed by national law are ensured.

#### *Article 4*

1. All animals on a holding born after 1 January 1998 or intended for intra-Community trade after 1 January 1998 shall be identified by an eartag approved by the competent authority, applied to each ear. Both eartags shall bear the same unique identification code, which makes it possible to identify each animal individually together with the holding on which it was born. By way of derogation from the above requirement, animals born before 1 January 1998 which are intended for intra-Community trade after that date may be identified in accordance with Directive 92/102/EEC until 1 September 1998. By way of further derogation from the above requirement, animals born before 1 January 1998 which are intended for intra-Community trade after that date with a view to immediate slaughter may be identified in accordance with Directive 92/102/EEC until 1 September 1999. Bovine animals intended for cultural and sporting events (with the exception of fairs and exhibitions) may, instead of by an eartag, be identified by an identification system offering equivalent guarantees that has been recognised by the Commission.

2. The eartag shall be applied within a period to be determined by the Member State as from the birth of the animal and in any case before the animal leaves the holding on which it was born. That period may not be longer than 30 days up to and including 31 December 1999, and not longer than 20 days thereafter.

However, at the request of a Member State and in accordance with the procedure referred to in Article 10, the Commission may determine the circumstances in which Member States may extend the maximum period.

No animal born after 1 January 1998 may be moved from a holding unless it is identified in accordance with this Article.

3. Any animal imported from a third country which has passed the checks laid down in Directive 91/496/EEC and which remains within Community territory shall be identified on the holding of destination by an eartag complying with the requirements of this Article, within a period to be

determined by the Member State of at most 20 days of undergoing the aforesaid checks, and in any event before leaving the holding.

However, it is not necessary to identify the animal if the holding of destination is a slaughterhouse situated in the Member State where such checks are carried out and the animal is slaughtered within 20 days of undergoing the checks.

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

4. Any animal from another Member State shall retain its original eartag.
5. No eartag may be removed or replaced without the permission of the competent authority.
6. The eartags shall be allocated to the holding, distributed and applied to the animals in a manner determined by the competent authority.
7. Not later than 31 December 2001 the Parliament and Council, acting on the basis of a report from the Commission accompanied by any proposals and in accordance with the procedure provided for in Article 95 of the Treaty, shall decide on the possibility of introducing electronic identification arrangements in the light of progress achieved in this field.

#### *Article 5*

The competent authority of the Member States shall set up a computerised database in accordance with Articles 14 and 18 of Directive 97/12/EC.

The computerised databases shall become fully operational no later than 31 December 1999, after which they shall store all data required pursuant to the aforementioned Directive.

#### *Article 6*

1. As from 1 January 1998, the competent authority shall, for each animal which has to be identified in accordance with Article 4, issue a passport within 14 days of the notification of its birth, or, in the case of animals imported from third countries, within 14 days of the notification of its re-identification by the Member State concerned in accordance with Article 4(3). The competent authority may issue a passport for animals from another Member State under the same conditions. In such cases, the passport accompanying the animal on its arrival shall be surrendered to the competent authority, which shall return it to the issuing Member State.

However, at the request of a Member State and in accordance with the procedure referred to in Article 10, the Commission may determine the circumstances under which the maximum period may be extended.

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

3. By way of derogation from the first sentence of paragraph 1 and from paragraph 2, Member States:

- which have a computerised database which the Commission deems to be fully operational before 1 January 2000 in accordance with Article 5 may determine that a passport is to be issued only for animals intended for intra-Community trade and that those animals shall be accompanied by their passports only when they are moved from the territory of the Member State concerned to the territory of another Member State, in which case the passport shall contain information based on the computerised database.

In these Member States, the passport accompanying an animal imported from another Member State shall be surrendered to the competent authority on its arrival,

- may until 1 January 2000 authorise the issue of collective animal passports for herds moved within the Member State concerned provided that such herds have the same origin and destination and are accompanied by a veterinary certificate.

4. In the case of the death of an animal, the passport shall be returned by the keeper to the competent authority within seven days after the death of the animal. If the animal is sent to the slaughterhouse, the operator of the slaughterhouse shall be responsible for returning the passport to the competent authority.

5. In the case of animals exported to third countries, the passport shall be surrendered by the last keeper to the competent authority at the place where the animal is exported.

#### *Article 7*

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

- keep an up-to-date register,
- once the computerised database is fully operational, report to the competent authority all movements to and from the holding and all births and deaths of animals on the holding, along with the dates of these events, within 15 days and, as from 1 January 2000, within seven days of the event occurring. However, at the request of a Member State and in accordance with the procedure referred to in Article 10, the Commission may determine the circumstances in which Member States may extend the maximum period.

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

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

4. The register shall be in a format approved by the competent authority, kept in manual or computerised form, and be available at all times to the competent authority, upon request, for a minimum period to be determined by the competent authority but which may not be less than three years.

#### *Article 8*

Member States shall designate the authority responsible for ensuring compliance with this Title. They shall inform each other and the Commission of the identity of this authority.

#### *Article 9*

Member States may charge to keepers as referred to in Article 2 the costs of the systems referred to in Article 3 and of the controls referred to in this Title.

#### *Article 10*

Without prejudice to Article 8 of Council Decision 1999/468/EC<sup>(13)</sup>, the Commission shall adopt detailed rules for the implementation of this Title in accordance with the procedure laid down in Article 13 of Council Regulation (EC) 1258/99<sup>(14)</sup>. These detailed rules shall cover in particular:

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

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<sup>(13)</sup> OJ L 184, 17.7.1999, p. 23.

<sup>(14)</sup> OJ L 160, 26.6.1999, p. 103.

## **TITLE II**

### **Labelling of beef and beef products**

#### *Article 11*

An operator or an organisation, as defined in Article 12, which:

- is required, by virtue section I of this Title, to label beef at the point of sale and/or,
- wishes, by virtue of section II of this Title, to label beef at the point of sale in such a way as to provide information, other than that laid down by Article 13, concerning certain characteristics or production conditions of the labelled meat or of the animal from which it derives,

shall do so in accordance with this Title.

However, this Title shall apply without prejudice to the provisions laid down in Council Directive 79/112/EEC.

#### *Article 12*

For the purposes of this Title, the following definitions shall apply:

- 'beef' shall mean all products falling within CN codes 0201, 0202, 0206 10 95 and 0206 29 91,
- 'labelling' shall mean the attachment of a label to an individual piece or pieces of meat or to their packaging material, including the supply of information to the consumer at the point of sale,
- 'organisation' shall mean a group of operators from the same or different parts of the beef trade.

### **SECTION I**

#### **COMPULSORY EC BEEF LABELLING SYSTEM**

#### *Article 13* *General rules*

1. Operators and organisations marketing beef in the Community shall label it in accordance with the provisions of this Article.

The compulsory labelling system shall ensure a link between, on the one hand, the identification of the carcass, quarter or pieces of meat and, on the other hand, the individual animal or, where this is sufficient to enable the accuracy of the information on the label to be checked, the group of animals concerned.

2. The label shall contain the following indications:

- a reference number or reference code ensuring the link between the meat and the animal or animals. This number may be the identification number of the individual animal from which the beef was derived or the identification number relating to a group of animals,
- the approval number of the slaughterhouse at which the animal or group of animals was slaughtered and the region or Member State or third country in which the slaughterhouse is established. The indication shall read: "Slaughtered in [name of the region or Member State or third country] [approval number]",
- the approval number of the de-boning hall at which the carcass or group of carcasses were de-boned and the region or Member State or third country in which the de-boning hall is established. The indication shall read: "De-boned in: [name of the region or Member State or third country] [approval number]",
- the category of animal or animals from which the beef was derived,
- date of slaughter of the animal or group of animals from which the beef was derived,
- ideal minimum maturation period of the beef.

3. However, Member States where sufficient details are available in the identification and registration system for bovine animals, provided for in Title I, may decide that, for beef from animals born, raised and slaughtered in the same Member State, supplementary items of information must also be indicated on labels.

4. A compulsory system as provided for in paragraph 3 must not lead to any disruption of trade between the Member States.

The implementation arrangements applicable in those Member States intending to apply the provisions of paragraph 3 shall require prior approval from the Commission.

5. As from 1 January 2003, operators and organisations shall indicate also on the labels:

- Member State, region or holding, or third country, of birth,
- all Member States, regions or holdings, or third countries, where fattening took place,

- Member State, region or slaughterhouse, or third country, where slaughter took place,
- Member State, region or de-boning hall, or third country, where de-boning took place.

However, where the beef is derived from animals born, raised, slaughtered and de-boned:

- in the same Member State, the indication may be given as either "Origin: [name of Member State]", or "Origin: EC";
- in more than one Member State, the indication may be given as either "Origin: EC", or "Origin: more than one Member State of the EC";
- in one or more Member State and one or more third country, the indication may be given as "Origin: EC and Non-EC";
- in one or more third country, the indication may be given as either "Origin: [name of third country or countries]", or "Origin: Non-EC".

#### *Article 14*

##### *Derogations from the Compulsory labelling system*

1. By way of derogation from Article 13(2), the first three indents of Article 13(5) and Article 13(6), an operator or organisation producing minced beef, beef trimmings or cut beef shall at least indicate on the label the Member States, regions or de-boning halls, or third countries, where production of the beef took place.

Where this beef is produced:

- in the same region or Member State, the indication may be given as either "Produced in: [name of region or Member State]", or "Produced in the EC",
- in more than one Member State, the indication may be given as either "Produced in: [names of Member States]" or "Produced in the EC",
- in one or more Member State and one or more third country, the indication may be given as either "Produced in: [names of Member States and third countries]" or "Produced in EC and Non-EC countries",
- in one or more third country, the indication may be given as either "Produced in: [name of third country or countries]", or "Produced in Non-EC countries".

2. By way of derogation from the sixth indent of Article 13(2), an operator or organisation may label veal without indicating the minimum maturation of the meat.

*Article 15*  
*Compulsory labelling for beef from third countries*

By way of derogation from Article 13, beef imported into the Community, for which all the information provided for in Article 13 is not available, shall be labelled with the indication:

"Origin: Non-EC", or "Slaughtered in: [name of third country]".

*Article 16*  
*Beef traceable to the individual animal*

An operator or organisation that ensures a link between the identification of the beef and the individual animal from which the beef was derived, shall be entitled to label beef with a specific logo.

## SECTION II

### VOLUNTARY LABELLING SYSTEM

*Article 17*  
*General rules*

1. For labels containing indications other than those provided for in Section I of this Title, each operator or organisation shall submit a specification for information to the competent authority of each Member State in which production or sale of the beef in question takes place. Such prior notification shall be made at least one month before labelling of beef takes place. The competent authority may also establish specifications to be used in the Member State concerned, provided that use thereof is not compulsory.

Voluntary labelling specifications shall indicate:

- the information to be included on the label,
- the measures to be taken to ensure the accuracy of the information,
- the control system which will be applied at all stages of production and sale, including the controls to be carried out by an independent body recognised by the competent authority and designated by the operator or the organisation. These bodies shall comply with the criteria set out in European Standard EN/45011,
- in the case of an organisation, the measures to be taken in relation to any member which failed to comply with the specifications.

Member States may decide that controls by an independent body can be replaced by controls by a competent authority. The competent authority shall

in that case have at its disposal the qualified staff and resources necessary to carry out the requisite controls.

The costs of controls provided for under this Title shall be borne by the operator or organisation using the labelling system.

2. A specification shall also ensure a link between, on the one hand, the identification of the carcass, quarter or pieces of meat and, on the other hand, the individual animal or, where this is sufficient to enable the accuracy of the information on the label to be checked, the animals concerned.

3. A label shall provide information that:

- has been the subject of prior notification to the competent authority;
- is correct and verifiable in accordance with the specification as transmitted to the competent authority;
- is clear, not misleading and is common to any beef which is mixed from different animals.

4. If, within one month from the day following the date of submission of the specification, the competent authority has not raised objection to nor requested supplementary information on the specification, the operator or organisation concerned shall be entitled to label beef, in accordance with the specification, provided that the label contains its name or logo.

5. Where the production and/or sale of beef takes place in two or more Member States, the competent authorities of the Member States shall:

- assist one another mutually to ensure effective interchange of information on the labelling specifications operating in any other Member State;
- recognise the specifications operating in any other Member State.

#### *Article 18*

##### *Voluntary labelling system for beef from third countries*

1. Where the production of beef takes place, in full or in part, in a third country, operators and organisations shall be entitled to label beef according to this Section on condition that they have previously submitted their specifications to the competent authority, designated for that purpose by each third country concerned, and that the competent authority has not raised objection nor requested further information on the specification within one month of having received the specification.

2. The validity within the Community of any specification operating in a third country shall be subject to prior notification by the third country to the Commission of:

- the competent authority which has been designated;

- the procedures and criteria to be followed by the competent authority when examining the specification;
- each operator and organisation whose specification was accepted by the competent authority.

The Commission shall transmit these notifications to the Member States.

Where, on the basis of the above notifications, the Commission reaches the conclusion that the procedures and/or criteria applied in a third country are not equivalent to the standards set out in this Regulation, the Commission shall, after consultation with the third country concerned, decide that specifications from that third country shall not be valid within the Community.

#### *Article 19* *Sanctions*

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

### **SECTION III**

#### **GENERAL PROVISIONS**

#### *Article 20* *Detailed rules*

1. Without prejudice to Article 8 of Council Decision 1999/468/EC, the Commission shall adopt, in accordance with the procedure laid down in Article 43 of Council Regulation (EC) No 1254/99, detailed rules for the application of this Title and, in particular,

- definition of the maximum number of animals in a group, referred to in Article 13,
- definition of the categories of animals, referred to in the fourth indent of Article 13(2),
- definition of the minced beef, beef trimmings or cut beef, referred to in Article 14(1),
- definition of the logo, referred to in Article 16,
- definition of specific indications that may be put on labels.

2. The Commission shall also adopt, in accordance with the same procedure:

- (a) measures required to facilitate the transition from the application of Regulation (EC) No 820/97 to application of the present Title;
- (b) measures required to resolve specific practical problems. Such measures, if duly justified, may derogate from certain parts of this Title.

#### *Article 21*

#### *Designation of Competent Authorities*

Member States shall designate the competent authority or authorities responsible for implementing this Title, no later than six months after the entry into force of this Regulation.

### **TITLE III**

#### **Common provisions**

#### *Article 22*

1. Member States shall take all the necessary measures to ensure compliance with the provisions of this Regulation. The controls provided for shall be without prejudice to any controls, which the Commission may carry out by analogy with Article 9 of Regulation (EC, Euratom) No 2988/95.

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

2. Whenever uniform application of the requirements of this Regulation renders it necessary, veterinary experts from the Commission may, in conjunction with the competent authorities:

(a) verify that the Member states are complying with the said requirements;

(b) make on-the-spot checks to ensure that the checks are carried out in accordance with this Regulation.

3. A Member State in whose territory an inspection is made shall provide the veterinary experts from the Commission with any assistance they may require in the performance of their tasks.

The outcome of the checks made must be discussed with the competent authority of the Member State concerned before a final report is drawn up and circulated.

4. Where the Commission deems that the outcome of checks so justifies, it shall review the situation within the Standing Veterinary Committee. It may adopt the necessary decisions in accordance with the procedure laid down in Article 22A.

5. The Commission shall monitor developments; in the light of such developments and in accordance with the procedure laid down in Article 22A it may amend or repeal the decisions referred to in paragraph 3.

6. Detailed rules for the application of this Article shall be adopted, where necessary, in accordance with the procedure laid down in Article 22A.

#### *Article 22A*

1. The Commission shall be assisted by the Standing Veterinary Committee established by Decision 68/361/EEC in accordance with the procedure laid down in paragraph 2 below.
2. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time-limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 205(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.
3. If the European Parliament indicates, in a Resolution setting out the grounds on which it is based, that draft implementing measures, the adoption of which is contemplated and which have been submitted to a committee pursuant to the present regulation adopted under Article 251 of the Treaty, would exceed the implementing powers provided for in this Regulation, the Commission shall re-examine the draft measures. Taking the Resolution into account and within the time-limits of the procedure under way, the Commission may submit new draft measures to the committee, continue with the procedure or

submit a proposal to the European Parliament and the Council on the basis of the Treaty. The Commission shall inform the European Parliament and the committee of the action which it intends to take on the Resolution of the European Parliament and of its reasons for doing so.

4. The Commission shall, without prejudice to paragraph 3, adopt the measures envisaged if they are in accordance with the opinion of the committee.
5. If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken and shall inform the European Parliament.
6. If the European Parliament considers that a proposal submitted by the Commission pursuant to the Regulation adopted in accordance with the procedure laid down in Article 251 of the Treaty exceeds the implementing powers provided for in this Regulation, it shall inform the Council of its position.
7. The Council may, where appropriate in view of any such position, act by qualified majority on the proposal, within three months from the date of referral to the Council.

If within that period the Council has indicated by qualified majority that it opposes the proposal, the Commission shall re-examine it. It may submit an amended proposal to the Council, re-submit its proposal or present a legislative proposal on the basis of the Treaty.

If on the expiry of that period the Council has neither adopted the proposed implementing act nor indicated its opposition to the proposal for implementing measures, the proposed implementing act shall be adopted by the Commission.

#### *Article 23*

1. Regulation (EC) No 820/97 is hereby repealed.
2. References to Regulation (EC) No 820/97 shall be construed as references to this Regulation and should be read in accordance with the correlation table in Annex I.

#### *Article 24*

This Regulation shall enter into force on the seventh day following its publication in the *Official Journal of the European Communities*.

It shall be applicable from [one month after the day of its entry into force].

Done at Brussels,

*For the European Parliament  
The President*

*For the Council  
The President*

Annex

CORRELATION TABLE

Regulation (EC) No 820/97	This regulation
Article 1	Article 1
Article 2	Article 2
Article 3	Article 3
Article 4	Article 4
Article 5	Article 5
Article 6	Article 6
Article 7	Article 7
Article 8	Article 8
Article 9	Article 9
Article 10	Article 10
Article 11	Article 24
Article 12	Article 11
Article 13	Article 12
Article 14(1)	Article 17(1)
Article 14(2)	Article 17(2)
Article 14(3)	Article 17(5)
Article 14(4)	Article 17(4)
Article 15	Article 18
Article 16(1)	Article 17(3)
Article 16(2)	Article 17(3)
Article 16(3)	Article 13(2), first indent
Article 17	Article 19
Article 18	Article 20

Article 19	-
Article 20	Article 21
Article 21	Article 22
Article 22	Article 24

<b>FINANCIAL STATEMENT</b>			Fiche/99/008.doc	
			Date: 20/08/99	
1.	BUDGET HEADING: B1-21	APPROPRIATIONS: EUR 4 916 million		
2.	TITLE:  Proposal for a European Parliament and Council Regulation establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97.			
3.	LEGAL BASIS:  Article 152 of the Treaty			
4.	AIMS:  To lay down the general provisions for the identification and registration of bovine animals and for the compulsory labelling of beef and beef products related to origin, while retaining voluntary arrangements for indications other than origin.			
5.	FINANCIAL IMPLICATIONS	12 MONTH PERIOD (EUR million)	CURRENT FINANCIAL YEAR (1999) (EUR million)	FOLLOWING FINANCIAL YEAR (2000) (EUR million)
5.0	EXPENDITURE - CHARGED TO THE EC BUDGET (REFUNDS/INTERVENTION) - NATIONAL AUTHORITIES - OTHER	-	-	-
5.1	REVENUE - OWN RESOURCES OF THE EC (LEVIES/CUSTOMS DUTIES) - NATIONAL	-	-	-
5.0.1	ESTIMATED EXPENDITURE	2001	2002	2003
5.1.1	ESTIMATED REVENUE	-	-	-
5.2	METHOD OF CALCULATION:			
6.0	CAN THE PROJECT BE FINANCED FROM APPROPRIATIONS ENTERED IN THE RELEVANT CHAPTER OF THE CURRENT BUDGET?			YES NO
6.1	CAN THE PROJECT BE FINANCED BY TRANSFER BETWEEN CHAPTERS OF THE CURRENT BUDGET?			YES NO
6.2	WILL A SUPPLEMENTARY BUDGET BE NECESSARY?			YES NO
6.3	WILL APPROPRIATIONS NEED TO BE ENTERED IN FUTURE BUDGETS?			YES NO
OBSERVATIONS:  The measure as such has no direct impact for the budget.				

Proposal for a

**EUROPEAN PARLIAMENT AND COUNCIL REGULATION**

**amending Council Regulation (EC) No 820/97, establishing a system  
for the identification and registration of bovine animals and  
regarding the labelling of beef and beef products**

**99/0205 (COD)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 152 thereof,

Having regard to the proposal from the Commission<sup>(1)</sup>,

Having regard to the opinion of the Economic and Social Committee<sup>(2)</sup>,

Having regard to the opinion of the Committee of the Regions<sup>(3)</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

- (1) Article 19 of Council Regulation (EC) No 820/97, establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products<sup>(4)</sup>, lays down that a compulsory beef labelling system shall be introduced, which shall be obligatory in all Member States, from 1 January 2000 onwards. On the basis of a Commission proposal, the same Article also states that the general rules for that compulsory system shall be decided before that date.
- (2) The Commission has submitted to the Council a proposal for a regulation replacing Regulation (EC) No 820/97 and including the general rules for the compulsory beef labelling system. The procedures required for the adoption of that regulation are not likely to be completed before 1 January 2000.
- (3) In principle, the consequence of not adopting a new regulation would be that the compulsory system, based on origin, would immediately come into force with no general rules to guide it. This would create a very uncertain and

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<sup>(1)</sup> OJ C

<sup>(2)</sup> OJ C

<sup>(3)</sup> OJ C

<sup>(4)</sup> OJ L 117, 7.5.1997, p. 1.

unsatisfactory situation for beef operators not only in the Community but also in third countries.

- (4) Such an unsatisfactory situation can be avoided by prolonging the current voluntary arrangements laid down in Council Regulation (EC) No 820/97 and by delaying the entry into force of the compulsory labelling system laid down in Article 19 of the same Regulation, by one year.
- (5) The primary aim of the beef labelling system is protection of public health since it is intended to maintain and strengthen consumer confidence in beef which had been gravely affected by the BSE crisis. The appropriate legal basis for this Regulation is therefore Article 152 of the Treaty.
- (6) It is therefore necessary to amend Council Regulation (EC) No 820/97.

HAVE ADOPTED THIS REGULATION:

*Article 1*

Article 19 Council Regulation (EC) No 820/97 is hereby replaced by the following:

*"Article 19*

1. A compulsory beef-labelling system shall be introduced which shall be obligatory in all Member States from 1 January 2001 onwards. However, this compulsory system shall not exclude the possibility for a Member State to decide to apply the system merely on an optional basis to beef sold in that same Member State. The labelling system provided for in this Regulation shall apply until 31 December 2000.

On the basis of the report provided for in paragraph 3, the Parliament and the Council, in accordance with the procedure provided for in Article 152 of the Treaty, shall therefore take a decision before 1 January 2001 on the general rules for a compulsory beef-labelling system to apply as from that date, in accordance with the Community's international commitments.

2. Save where otherwise decided by the Parliament and the Council, the labelling system compulsory as from 1 January 2001 shall, in accordance with the Community's international commitments, in addition to the labelling information referred to in Article 16(3), also require indication of the Member State or third country where the animal from which the beef is derived was born, the Member States or third countries where the animal was raised and the Member State or third country where the animal was slaughtered.

3. Member States shall submit to the Commission, by 1 May 1999, reports on the implementation of the labelling system for beef. The Commission shall submit to the European Parliament and the Council a report on the situation regarding the implementation of beef labelling systems in the different Member States.

4. However, Member States where there is a sufficiently developed identification and registration system for bovine animals may before 1 January 2001 impose a compulsory labelling system for beef from animals born, fattened and slaughtered on their territory. Furthermore, they may decide that one or more of the items of information referred to in Article 16(1) and (2) must be indicated on labels.

5. A compulsory system as provided for in paragraph 4 must not lead to any disruption of trade between the Member States. The implementation arrangements applicable in those Member States intending to apply the provisions of paragraph 4 shall require prior approval from the Commission.

6. By 1 January 2001, the Parliament and the Council, in accordance with the procedure provided for in Article 152 of the Treaty, shall take a decision as to whether compulsory indication of data other than those provided for in paragraph 2 and extension of the scope of this Regulation to products other than those indicated in the first indent of Article 13 are possible and desirable."

#### *Article 2*

This regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

It shall be applicable from 1 January 2000.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

<b>FINANCIAL STATEMENT</b>			Fiche/99/007.doc		
			Date: 20/08/99		
1. BUDGET HEADING: BI-21			APPROPRIATIONS: EUR 4 916 million		
2. TITLE:  Proposal for a European Parliament and Council Regulation amending Council Regulation (EC) N° 820/97, establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products.					
3. LEGAL BASIS:  Article 152 of the Treaty					
4. AIMS:  To prolong by one year the voluntary labelling arrangements and delay by one year the compulsory labelling arrangements, laid down in Regulation 820/97, until 1.1.2001.					
5. FINANCIAL IMPLICATIONS		12 MONTH PERIOD (EUR million)	CURRENT FINANCIAL YEAR (1999) (EUR million)	FOLLOWING FINANCIAL YEAR (2000) (EUR million)	
5.0 EXPENDITURE					
- CHARGED TO THE EC BUDGET (REFUNDS/INTERVENTION)		-	-	-	
- NATIONAL AUTHORITIES					
- OTHER					
5.1 REVENUE					
- OWN RESOURCES OF THE EC (LEVIES/CUSTOMS DUTIES)		-	-	-	
- NATIONAL					
		2001	2002	2003	2004
5.0.1 ESTIMATED EXPENDITURE		-	-	-	-
5.1.1 ESTIMATED REVENUE		-	-	-	-
5.2 METHOD OF CALCULATION: -					
6.0 CAN THE PROJECT BE FINANCED FROM APPROPRIATIONS ENTERED IN THE RELEVANT CHAPTER OF THE CURRENT BUDGET?				YES NO	
6.1 CAN THE PROJECT BE FINANCED BY TRANSFER BETWEEN CHAPTERS OF THE CURRENT BUDGET?				YES NO	
6.2 WILL A SUPPLEMENTARY BUDGET BE NECESSARY?				YES NO	
6.3 WILL APPROPRIATIONS NEED TO BE ENTERED IN FUTURE BUDGETS?				YES NO	
OBSERVATIONS:  The measure as such has no direct impact for the budget.					

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