

Commission Implementing Regulation (EU) 2015/262 of 17 February 2015 laying down rules pursuant to Council Directives 90/427/EEC and 2009/156/EC as regards the methods for the identification of equidae (Equine Passport Regulation) (Text with EEA relevance)

CHAPTER II

IDENTIFICATION OF EQUIDAE BORN IN THE UNION

Article 5

Issuing bodies for equidae born in the Union

- 1 The identification document provided for in Article 7 shall be issued by one of the following issuing bodies:
- a for registered equidae referred to in point (e)(i) of Article 2 of this Regulation, by an organisation or association officially approved or recognised in accordance with Article 2(1) of Decision 92/353/EEC, or by an official agency of a Member State, which manages the studbook in which the equine animal has been entered or has been registered and is eligible for entry in accordance with Decision 96/78/EC;
 - b for registered horses referred to in point (e)(ii) of Article 2, by a national branch of an international organisation or association, which manages horses for competition or racing, supervised by the competent authority of the Member State where it has its headquarters;
 - c for equidae for breeding and production referred to in point (g) of Article 2, by:
 - (i) the competent authority for the holding where the equine animal is kept at the time of its identification; or
 - (ii) an issuing body designated and supervised by the competent authority referred to in point (i) to which that task was delegated.
- 2 The competent authority shall only designate issuing bodies referred to in paragraph 1(c)(ii) that comply with the following conditions:
- a there must be an accurate description of the tasks and responsibilities that the issuing body is required to carry out and of the conditions in which it may carry them out;
 - b there must be proof that the issuing body:
 - (i) has the expertise, equipment and infrastructure required to carry out the tasks delegated to it;
 - (ii) has a sufficient number of suitably qualified and experienced staff;
 - (iii) is impartial and free from any conflict of interest as regards the exercise of the tasks delegated to it;
 - (iv) has a model identification document that complies with the requirements provided for in this Regulation;
 - c the issuing body must cooperate closely with the competent authority to prevent and, where necessary, to remedy any cases of non-compliance with the requirements of this Regulation;

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- d there is efficient and effective coordination between the competent authority and the designated issuing body.

3 Where the competent authority has reasonable grounds to conclude that an issuing body engages in acts that do not comply with the requirements laid down in this Regulation, it shall investigate such suspected acts of non-compliance. Identification documents may not be issued by the issuing body until such time as the investigation has been concluded and any instances of non-compliance have been ruled out or remedied.

4 Where, notwithstanding the measures carried out in accordance with paragraph 3, an issuing body referred to in paragraph 1 fails to comply with the requirements laid down in this Regulation, the competent authority shall withdraw the authorisation to issue identification documents for equidae.

Following the withdrawal of the authorisation to issue identification documents, the competent authority shall ensure that equidae under its responsibility continue to be identified in accordance with this Regulation and that the identification documents returned or returning in accordance with Article 34 are taken in custody of that competent authority or an issuing body to which this task was delegated by the competent authority.

Article 6

Information concerning issuing bodies

1 Member States shall draw up and keep up-to-date the list of issuing bodies referred to in Article 5(1) and make that list available to the other Member States, the other issuing bodies and the public on a website established by the competent authority.

2 The list referred to in paragraph 1 shall:

- a include the contact details necessary to comply with the requirements of Article 35 and Articles 37(4), 38(3) and 40(1);
- b comply with the model template set out in point (f) of Section I in Chapter 2 of Annex II to Decision 2009/712/EC and the requirements set out in Annex III to that Decision;
- c be directly accessible through the internet link provided to the Commission in accordance with paragraph 3 and be sufficiently intuitive for non-native speakers.

3 In order to assist the Member States in making the up-to-date lists referred to in paragraph 1 available, the Commission shall establish a website to which each Member State shall provide a direct link to the required information on the website provided for in paragraph 1.

Article 7

Format and content of identification documents issued for equidae born in the Union

1 Equidae born in the Union shall be identified by means of a single identification document for equidae issued for the lifetime of the equine animal in accordance with:

- a the model identification document set out in Part 1 of Annex I;
- b the additional requirements set out in Part 2 of that Annex.

2 Issuing bodies shall ensure that the identification document contains a sufficient number of pages with form fields for the insertion of the information required under the following Sections specified in the model identification document set out in Part 1 of Annex I:

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- a in the case of registered equidae, at least Sections I to IX;
- b in the case of equidae for breeding and production, at least Sections I to IV.

3 Issuing bodies shall ensure that the order and numbering of the Sections in the identification documents as set out in Part 1 of Annex I remain unaltered and that for those Sections, providing the space for multiple entries, a sufficient number of pages is included in the identification document.

4 Issuing bodies are responsible for the secure management of blank and completed identification documents on their premises.

Where, without prejudice to Article 4(1)(a), the rules of procedure of an issuing body so allow, issuing bodies shall ensure that the identification documents referred to in Article 34(1)(c)(ii) and Article 35 are effectively invalidated to prevent any fraudulent use of the document itself and the information it contains, before the document is handed out to the owner in memory of the animal.

5 The competent authority together with the zootechnical authority may adopt administrative procedures to ensure harmonisation of the layout of identification documents issued by issuing bodies referred to in Article 5(1) under their supervision, provided the general requirements in paragraphs 1, 2 and 3 are respected.

Article 8

Obligations of the competent authority as regards the issuing of identification documents for equidae born in the Union

The zootechnical authority and the competent authority shall ensure that on their territory the issuing bodies under their respective responsibility:

- (a) issue identification documents which comply with the requirements provided for in Article 7(1), (2) and (3);
- (b) have the necessary systems in place to verify, when required by the competent authority, whether an identification document declared to be issued by them:
 - (i) is unique, genuine and authentic;
 - (ii) includes, where blank identification documents are printed on stock, a serial number printed at least on the pages containing Sections I, II and III of the identification document.

Article 9

Issuing of identification documents for equidae born in the Union

- 1 Issuing bodies shall only issue identification documents which:
- a comply with the requirements of Article 7(1), (2) and (3);
 - b have Section I thereof duly completed with information verified by or on behalf of the issuing body indicated in point 11 of Part A of Section I;
 - c have Section IV thereof completed, if required by national legislation or by the rules and regulations of the issuing body referred to in point (a) and (b) of Article 5(1);
 - d have Section V thereof completed in accordance with paragraph 2 of this Article.

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2 The issuing body referred to in Article 5(1)(a) shall identify registered equidae referred to in point (e)(i) of Article 2 in accordance with the rules of the studbook referred to in that provision and complete in Section V of the identification document the information in the certificate of origin referred to in the second subparagraph of Article 8(1) of Directive 90/427/EEC and in the Annex thereto.

3 In accordance with the principles of the organisation or association which has established the studbook of the origin of the breed of the registered equine animal, Section V of the identification document shall contain:

- a the full pedigree information;
- b the section of the studbook referred to in Article 2 or 3 of Decision 96/78/EC;
- c where established, the class of the main section of the studbook in which the registered equine animal is entered.

4 For the registration of a horse for competition or racing as referred to in point (e)(ii) of Article 2, the issuing body referred to in Article 5(1)(b) shall either:

- a issue in accordance with points (a) and (b) of paragraph 1 and the rules of that issuing body an identification document complying with the provisions in paragraphs 1, 2 and 3 of Article 7; or
- b recognise and validate the identification document issued for that horse in accordance with paragraph 1 of this Article; or
- c issue a new identification document in accordance with Article 12(3)(c).

Article 10

Derogation from the completion of certain information in Sections I and IV of the identification document

1 By way of derogation from Article 4(1)(a)(ii) and Article 9(1)(b), the competent authority may authorise issuing bodies not to complete by drawing the information referred to in points 12 to 18 of the outline diagram of the identification document, set out in Part B of Section I of Annex I, provided that the following two conditions are fulfilled:

- a a transponder is implanted in accordance with Article 18, or an equivalent authorised alternative method of identity verification is applied in accordance with Article 21;
- b a photograph or print displays sufficient details to depict the equine animal.

2 The issuing bodies referred to in Article 5(1)(a) and (b) may:

- a not avail of the derogation granted in accordance with paragraph 1 of this Article;
- b adapt identification documents issued in accordance with paragraph 1 of this Article to the requirements set out in Article 9(1).

3 By way of derogation from Article 9(1)(c), the information on the owner may be provided in the format of an ownership certificate or registration card recorded in the database established in accordance with Article 38 which refers to:

- a the unique life number of the equine animal;
- b the number of the identification document, where applied, and the transponder code or an authorised alternative method of identity verification in accordance with Article 21.

The ownership certificate or registration card provided for in the first subparagraph shall be returned to the issuing body if the animal died or was sold, lost, stolen, slaughtered or killed.

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Article 11

Applications for identification documents for equidae born in the Union

1 Keepers shall submit an application for identification documents for equidae born in the Union to the appropriate issuing body in the Member State where the holding of the equine animal is located, and shall provide all information necessary to comply with this Regulation.

2 Member States shall set the time limits for the submission of the application provided for in paragraph 1 of this Article necessary to comply with the deadline for identification provided for in Article 12 and Article 13(1).

3 By way of derogation from paragraph 1 of this Article and in accordance with Article 1 of Decision 96/78/EC, the keeper may submit the application provided for in paragraph 1 of this Article to the appropriate issuing body as referred to in points (a) and (b) of Article 5(1) which has its headquarters in a Member State other than the Member State where the holding of the equine animal is located.

Article 12

Deadline for identification of equidae born in the Union

1 Equidae born in the Union shall be identified by an identification document issued in accordance with Article 9 not later than 12 months following the date of birth and in any event before leaving permanently the holding of birth except where such movement takes place in accordance with Article 23(2)(c) as foal at foot of the dam on which the foal depends or in accordance with Article 26(2).

2 By way of derogation from paragraph 1, Member States may decide to limit the maximum permitted period for identifying the equine animal to 6 months or to the calendar year of birth.

3 By way of derogation from paragraphs 1 and 2, a new identification document may be issued in accordance with Article 9 at any time:

- a on request of or by the competent authority, where the existing identification document does not comply with the requirements of Article 7(1),(2) and (3) or certain identification details set out in Section I, II or V have not been entered accurately by the issuing body; or
- b where an equine animal for breeding and production is upgraded to a registered equine animal in accordance with the rules of the issuing body referred to in Article 5(1)(a) and the existing identification document cannot be adapted accordingly; or
- c where a horse is upgraded to or registered as a registered horse referred to in point (e) (ii) of Article 2 in accordance with the rules of the issuing body referred to in Article 5(1)(b) and the existing identification document cannot be adapted accordingly; or
- d where an identification document is issued in accordance with Article 10(1) and cannot be adapted to the requirements of Article 9(1) in accordance with Article 10(2)(b); or
- e in the cases referred to in Article 18(4) and (5) and the existing identification document cannot be adapted accordingly; or
- f where the identification document is confiscated by the competent authority in the context of an investigation.

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In the cases described in the first subparagraph, the existing identification document shall be surrendered to the issuing body to be invalidated and the invalidation of the existing identification document and the issuing of the new identification document shall be recorded in the database established in accordance with Article 38.

Article 13

Derogations concerning the identification of certain equidae living under wild or semi-wild conditions

1 By way of derogation from Article 12, the competent authority may decide that equidae constituting defined populations living under wild or semi-wild conditions in certain areas, to be defined by the competent authority, shall be identified by an identification document issued in accordance with Article 9 or Article 17(4) only when they are:

- a removed from such populations, excluding the transfer under official supervision from one defined population to another; or
- b brought into domestic use.

2 Member States intending to make use of the derogation provided for in paragraph 1 shall notify the Commission, with a reference to this Article, of the populations and the areas concerned which they have defined in accordance with paragraph 1 before making use of that derogation.

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