



STATUTORY INSTRUMENTS.

S.I. No. 591 of 2022



BOVINE IDENTIFICATION REGULATIONS 2022

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S.I. No. 591 of 2022

BOVINE IDENTIFICATION REGULATIONS 2022

I, CHARLIE MCCONALOGUE, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by sections 36 of the Animal Health and Welfare Act 2013 (No. 15 of 2013) and, in relation to Regulation 14 of these Regulations, section 3 of the European Communities Act 1972 (No. 27 of 1972), make the following Regulations:

Citation and commencement

1. These are the Bovine Identification Regulations.

Interpretation

2. (1) In these Regulations –

“conventional ear-tag” means an ear-tag of a type mentioned in point (a) of Annex III to Commission Delegated Regulation (EU) 2019/2035 of 28 June 2019¹, that conforms to the technical specifications set down in Part 1 of Annex II to Commission Implementing Regulation (EU) 2021/520 of 24 March 2021 and that is approved within the meaning of Regulation 10;

“electronic identification device” means a conventional ear-tag incorporating an electronic identifier bearing the unique identification code of a bovine that conforms to the technical specifications set down in Part 1 and Part 2 of Annex II to Commission Implementing Regulation (EU) 2021/520 of 24 March 2021 and that is approved within the meaning of Regulation 10.

(2) Where the context so requires or admits, a word or expression that is used in these Regulations and that is also used in Commission Delegated Regulation (EU) 2019/2035 of 28 June 2019 or Commission Implementing Regulation (EU) 2021/520 of 24 March 2021², has, in these Regulations, the same meaning as in Commission Delegated Regulation (EU) 2019/2035 of 28 June 2019 or, as the case may be, Commission Implementing Regulation (EU) 2021/520 of 24 March 2021.

Application

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

(2) A person may, in accordance with these Regulations, identify a bovine born before the making of these Regulations, and, where he or she does so,

¹ O.J. L 314 of 5 December 2019, 115; http://data.europa.eu/eli/reg_del/2019/2035/oj

² O.J. L 104 of 25 March 2021, 39; http://data.europa.eu/eli/reg_impl/2021/520/oj

these Regulations apply to that bovine in place of the corresponding provisions of the European Communities (Bovine Identification) Regulations 2009.

Possession, etc. of bovine

4. (1) A person shall not have a bovine to which these Regulations apply in his or her possession or under his or her control, move, transport, sell or supply the bovine unless the bovine is identified with –

- (a) a conventional ear-tag, which bears the identification code of the bovine within the meaning of Commission Delegated Regulation (EU) 2019/2035 of 28 June 2019, that is attached one ear, and
- (b) an electronic identification device that incorporates an electronic identifier bearing the identification code of the bovine within the meaning of Commission Delegated Regulation (EU) 2019/2035 of 28 June 2019, that is attached to the ear to which subparagraph (a) does not refer.

(2) Despite paragraph (1), a person may have a bovine to which these Regulations apply that is not identified in accordance with that provision in his or her possession or under his or her control on the land or premises where the bovine was born if it has not attained the age of 20 days.

Time limit for attaching means of identification

5. A person who has a bovine to which these Regulations apply that is not identified in accordance with Regulation 4 in his or her possession or under his or her control shall, no later than 20 days after birth or before the bovine leaves the land or premises where born, whichever occurs first, identify the bovine in accordance with Regulation 4.

Attaching means of identification

6. (1) A person shall not attach a conventional ear-tag or an electronic identification device to a bovine or cause or permit another person to attach a conventional ear-tag or electronic identification device to a bovine unless -

- (a) the conventional ear-tag is supplied by a person approved in accordance with Regulation 9,
- (b) the electronic identification device is supplied by a person approved in accordance with Regulation 9
- (c) the conventional ear-tag is securely attached to one ear, and
- (d) the electronic identification device that incorporates an electronic identifier bearing the same identification code as the conventional ear-tag mentioned in subparagraph (c) is securely attached to the ear to which subparagraph (c) does not refer.

(2) A person who has a bovine in his or her possession or under his or her control shall maintain an appropriate supply of conventional ear-tags and electronic identification devices and store them in a secure place.

(3) A person other than a manufacturer or supplier of conventional ear-tags or electronic identification devices shall not without lawful authority have in his or her possession or under his or her control, sell, supply, purchase or acquire a conventional ear-tag or an electronic identification device that relates to a bovine that is in the possession or under the control of another person.

Replacing means of identification

7. If a conventional ear-tag or electronic identification device becomes detached from a bovine, is lost or becomes illegible (and not otherwise), the person who is in possession or control of the bovine shall replace the ear-tag or electronic identification device with a conventional ear-tag or electronic identification device bearing the same information.

Tampering with means of identification, etc.

8 (1) A person shall not tamper with, interfere with, deface or alter a conventional ear-tag or an electronic identification device and shall not, without lawful authority, have possession or control of an ear-tag or electronic identification device that has been tampered or interfered with, defaced, or altered.

(2) A person shall not have in his or her possession or under his or her control, sell, supply or acquire a bovine to which is attached a conventional ear-tag or electronic identification device that has been tampered with, interfered with, defaced, or altered.

Approval of manufacture, sale, supply, etc.

9 (1) The persons approved for the purposes of these Regulations to manufacture, sell and supply –

- (a) conventional ear-tags, and
- (b) electronic identification devices,

are mentioned in the Schedule.

(2) Despite paragraph (1), the Minister may grant an approval for the purposes of these Regulations in respect of–

- (a) the manufacture, sale and supply of a type of conventional ear-tag, or
- (b) the manufacture, sale and supply of a type of electronic identification devices that incorporate an electronic identifier bearing the identification code of a bovine within the meaning of Commission Delegated Regulation (EU) 2019/2035 of 28 June 2019,

suspend or revoke an approval or refuse an application.

(3) The Minister may attach conditions to an approval under this Regulation, vary or revoke a condition or attach a new condition,

(4) Despite the generality of paragraph (3), a condition of an approval under this Regulation, may relate to—

- (a) the provision of documents relating to bovines whether in legible or non-legible form,
- (b) technical, including information management, systems relating to bovine identification,
- (c) matters relating to ordering and providing means of identification,
- (d) arrangements for access to, and interaction with, the Minister's Animal Identification and Movement System (AIM),
- (e) technical standards relating to means of identification,
- (f) technical standards relating to applicators,
- (g) the provision of conventional tags and electronic identification devices,
- (h) the provision of information relating to means of identification, applicators, other equipment, documents, and related matters to interested persons, including, but not limited to, the operation of a Helpdesk,
- (i) security of means of identification, equipment, records and information,
- (j) time limits for the supply of means of identification,
- (k) documentation and other records that may be used as part of the bovine identification system,
- (l) the form and content of records,
- (m) the period for which records are to be maintained,
- (n) the provision of undertakings by a person to whom approval relates, and
- (o) tag loss rate.

(5) An application for approval under paragraph (3) or Regulation 10 shall be in a form and contain such information and be accompanied by any material (including a sample of the means of identification subject to the application) that the Minister may require.

(6) An approval issued under this Regulation is valid for 3 years from the date it issues.

(7) Without prejudice to the generality of paragraph (3), the Minister may refuse an application or suspend or revoke an approval under this Regulation, if in his or her opinion—

- (a) the applicant or person to whom the approval is granted has been convicted of, or committed, an offence, whether he or she has been convicted or not, under the Act,
- (b) the applicant or person to whom the approval is granted has failed to comply with a condition of an approval,
- (c) in relation to an application, information required has not been furnished or information that is false or misleading in a material respect has been furnished,

- (d) the applicant or person to whom the approval is granted is not a fit and proper person to be approved,
 - (e) the person to whom an approval is granted contravenes a condition of the approval, or
 - (f) the person to whom the approval is granted ceases to carry out the activity to which the approval relates,
- (8) The Minister shall, if he or she proposes to refuse an application or suspend or revoke an approval under this Regulation—
- (a) notify the applicant or person to whom the approval is granted of the proposal and the reason for the proposal, and that he or she may make representations in relation to the proposal to the Minister within 30 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 the person to whom the approval is granted of the decision and the reasons for the decision.
- (9) A person –
- (a) other than a person approved for the purposes of this Regulations shall not manufacture, sell and supply a conventional ear-tag or an electronic identification device, or
 - (b) shall not contravene a condition to an approval under this Regulation

Approval of means of identification

10 (1) The Minister may grant an approval for the purposes of these Regulations in respect of a type of-

- (a) conventional ear-tag, or
- (b) electronic identification device,

if, in the opinion of the Minister, it conforms to the technical specifications set down in Part 1 of Annex II to Commission Implementing Regulation (EU) 2021/520 of 24 March 2021 and, also, in the case of an electronic identification device, Part 2 of that Annex, and is suitable for, and durable in, Irish conditions.

(2) Despite the generality of paragraph (2), the Minister shall refuse an application or revoke an approval in respect of a type of conventional ear-tag or electronic identification device if, in his or her opinion -

- (a) the type of ear-tag does not conform to a technical specification set down in Part 1, or, as the case may be, Part 2, of Annex II to Commission Implementing Regulation (EU) 2021/520 of 24 March 2021, or
- (b) the result of a test, or experience, suggests that the type of ear-tag is not suitable for, or durable in, Irish conditions.

(3) The Minister shall, if he or she proposes to refuse an application or revoke an approval under this Regulation—

- (a) notify the applicant or person to whom the approval is granted of the proposal and the reason for the proposal, and that he or she may make representations in relation to the proposal to the Minister within 30 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 the person to whom the approval is granted of the decision and the reasons for the decision.

Publication of information

11. The Minister may publish such information in relation to approvals granted under Regulation 10 or Regulation 11 as he or she considers appropriate on the website of the Minister's Department of State and in any other manner (if any) that the Minister may determine.

Data Sharing

12. Without prejudice to any other power to do so, information, including personal data (within the meaning of Article 4 of Regulation (EU) of the European Parliament and of the Council of 27 April 2016 and section 69 of the Data Protection Act 2018), held by the Minister or another person for the purposes of these Regulations may be exchanged with other persons (whether within the state or otherwise) for such purposes.

Penal provisions

13. Regulations 4, 5, 6, 7, 8 and 9 (9) are penal provisions to which section 36 (4) (b) of the Animal Health and Welfare Act 2013 applies.

Amendment of European Communities (Identification of Bovines) Regulations 2007

14. The European Communities (Identification of Bovines) Regulations 2007 are amended, by the insertion after Regulation 8, of-

“8A The Bovines Identification Regulations 2022 apply to a bovine to which those Regulations apply and to a bovine mentioned in Regulation 4 (2) of those Regulations in place of the corresponding provision of these Regulations.”.

Schedule

Regulation 9 (1)

1. Agri Health Limited
Clones Road
Monaghan
Co. Monaghan
H18YW57
2. Cormac Tagging Ltd.
Browns Grove
Tuam
Co. Galway
3. Datamars Agri Limited
1 Newlands Business Park
Newlands Cross
Dublin 22
4. Mullinahone Co-operative Dairy Society Limited
Mullinahone
Tipperary



GIVEN under my Official Seal,
23 August, 2022.

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 provide for the introduction of mandatory bovine electronic identification and align bovine tag standards with the requirements of Commission Delegated Regulation (EU) 2019/2035 of 28 June 2019 and the technical specifications set down in Part 1 of Annex II to Commission Implementing Regulation (EU) 2021/520 of 24 March 2021. The regulations also establish a system for the approval of bovine tags and tag suppliers.

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Le ceannach díreach ó
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BÓTHAR BHAILE UÍ BHEOLÁIN,
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