

Commission Regulation (EC) No 494/98 of 27 February 1998 laying down detailed rules for the implementation of Council Regulation (EC) No 820/97 as regards the application of minimum administrative sanctions in the framework of the system for the identification and registration of bovine animals

COMMISSION REGULATION (EC) No 494/98

of 27 February 1998

laying down detailed rules for the implementation of Council Regulation (EC) No 820/97 as regards the application of minimum administrative sanctions in the framework of the system for the identification and registration of bovine animals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 820/97 of 21 April 1997 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products<sup>(1)</sup>, and in particular Article 10(e) thereof,

Whereas according to Article 21 of Regulation (EC) No 820/97 any sanctions imposed by the Member States should be proportionate to the gravity of the breach; whereas the sanctions may involve, where justified, a restriction on movement of animals to or from the holding of the keeper concerned;

Whereas the sanctions provided for by this Regulation should be applied where non-compliance with the conditions for the identification and registration of bovine animals leads to a presumption in particular of infringements of Community veterinary legislation which may endanger human and animal health; whereas sanctions are also necessary to ensure the proper financing and operation of this system;

Whereas having regard to the second paragraph of Article 21 of Regulation (EC) No 820/97, this Regulation should lay down minimum administrative sanctions, leaving open the possibility for the Member States to establish other national administrative or criminal penalties, taking into account the seriousness of infringements;

Whereas it is necessary to lay down sanctions regarding certain situations where the provisions of Regulation (EC) No 820/97 are not complied with; whereas such situations include non-compliance with all or some of the requirements regarding identification and registration, payment of charges and notification; whereas if on a certain holding the number of animals for which the identification and registration requirements provided for by Regulation (EC) No 820/97 are not fully complied with is in excess of 20 %, the measures should affect all the animals present on the holding;

Whereas if it is not possible to prove the identification of an animal within two working days, it should be destroyed without delay under the supervision of the veterinary authorities and without compensation from the competent authority;

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**Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EC) No 494/98. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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Whereas in view of the timetable for the application of Regulation (EC) No 820/97, this Regulation should enter into force as a matter of urgency;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee for the European Agricultural Guidance and Guarantee Fund,

HAS ADOPTED THIS REGULATION:

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(1) [OJ L 117, 7.5.1997, p. 1.](#)

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**Changes and effects yet to be applied to the whole legislation item and associated provisions**

- Signature words omitted by [S.I. 2019/814 reg. 2\(3\)](#)