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DG SANCO's Explanatory Note

on Article 4 of Regulation (EC) No 998/2003 of the European Parliament and of the Council regarding identification of pet animals

Legal background

Regulation (EC) No 998/2003 of the European Parliament and of the Council lays down the rules applicable to the non-commercial movement of pet animals, notably dogs, cats and ferrets, within and into the European Union.

Article 4 of that Regulation¹ provides that during an eight-year transitional period expiring on 3 July 2011, a pet dog, cat or ferret shall be regarded as identified where it bears either

(a) a clearly readable tattoo, or

(b) an electronic identification system (transponder),

and that after the transitional period, only the method referred to in point (b) shall be accepted as the means of identifying an animal.

The issue

The issue to be addressed here is whether pet dogs, cats and ferrets identified with a tattoo before 3 July 2011 need to be re-identified with a microchip if they are to be moved to another Member State after that date.

DG SANCO position

In essence, Article 4, paragraph (1) of the Regulation requires identification of pet animals from the moment the Regulation became applicable. At that moment, no uniform rules existed, and Article 4(1) therefore required a certain result to be achieved, namely the identification of pet animals either by tattoo or electronically.

The aim of the transitional period during which Member States were allowed to permit tattooing for the identification of pet animals, was to allow for the gradual introduction of electronic identification by the end of that period.

Article 4(4) thus deals with a different situation, namely that at the end of the transitional period, when all pet animals to be moved between Member States have already been identified by either of the two methods. In that situation, all the legislator had to foresee and did indeed foresee was that after the expiry of the transitional period, only electronic identification could be used as a method to identify pet animals.

¹ Article 4 also provides that Member States which required animals entering their territory to be identified with a transponder on the entry into force of the Regulation are authorised to continue to do so during the transitional period. These provisions concern the UK, Ireland and Malta.

As a result, when the provisions of Article 4 are read in conjunction with Article 5 which provides that "*when being moved*" an animal has to "*be identified in accordance to Article 4*", it refers to the means of identification on which the owner was entitled to rely when identifying the pet animal during the transitional period or after its expiry.

Therefore, if an animal bears a clearly readable tattoo, and is accompanied by proof that the tattooing was done before 3/07/2011, it must be considered as being identified in accordance with Article 4 of the Regulation.