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**COMMISSION IMPLEMENTING REGULATION (EU) .../...**

**of XXX**

**laying down rules on the recording, storing and sharing of written records of official controls performed on livestock vessels.**

(Text with EEA relevance)

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**laying down rules on the recording, storing and sharing of written records of official controls performed on livestock vessels.**

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97<sup>1</sup>, and in particular Article 30(2) thereof,

Whereas:

- (1) Article 20(1) of Regulation (EC) No 1/2005 requires that Member States' competent authorities inspect livestock vessels before any loading of domestic Equidae and domestic animals of bovine, ovine, caprine or porcine species. In particular that the vessel is built and equipped for the number and the type of animals to be transported, and that the equipment referred to in Chapter IV of Annex I remains in good working order.
- (2) Article 19(4) of Council Regulation (EC) No 1/2005 requires Member States' competent authorities to record the certifications of the approval of livestock vessels in an electronic database, in a manner enabling them to be rapidly identified. Member States are currently recording the certifications they issue in their own electronic databases, to which other Member States do not have access. The certification details Member States are recording include the expiry date and information concerning the maximum surface area available for the animals and the type of animals the vessel can transport.
- (3) While a documentary check cannot replace the physical inspection of the vessel itself, an inspection, as part of an official control, of the certification details held in a vessel's certificate of approval can already provide some information on the vessel's compliance with this requirement. The uploading and storage of the certificates of approval along with any certification details in a unique electronic database would allow Member States to record the certificates of approval and other Member States to access this information as and when needed to reduce the administrative burden and facilitate the work of the Member States' competent authorities carrying out these controls.
- (4) Regulation (EU) 2017/625<sup>2</sup> of the European Parliament and of the Council (the Official Controls Regulation) integrates into a single legislative framework the rules

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<sup>1</sup> OJ L 3, 5.1.2005, p. 1

<sup>2</sup> OJ L 93, 7.4.2017, p. 3.

applicable to official controls on animals in order to verify compliance with Union agri-food chain legislation.

- (5) The inspections required by Article 20(1) of Council Regulation (EC) No 1/2005 on livestock vessels before loading domestic Equidae and domestic animals of bovine, ovine, caprine or porcine species on livestock vessels are carried out as part of an official control in accordance with Articles 14(b)(i) and 21(1) of the Official Controls Regulation. Article 13(1) of the Official Controls Regulation requires Member States to keep records of every official control performed, in paper or electronic form. It also lists the information that these records must include. The pre-loading inspections of livestock vessels must therefore be recorded.
- (6) Most livestock vessels call frequently at several EU ports situated in different Member States to load animals for export. Article 9(1)(c) of the Official Controls Regulation requires Member States' competent authorities to perform official controls taking account of the operators' past record as regards the outcome of official controls performed on them and their compliance with EU rules, including Council Regulation (EC) No 1/2005. Member States keep records of the inspections they perform on the livestock vessels for the purposes of Article 20(1) of Regulation (EC) No 1/2005 but do not have access to the outcome of these inspections performed by the other Member States on the same vessels. These records are however necessary to make well-informed decisions when carrying out inspections for the purposes of Article 20(1) of Council Regulation (EC) No 1/2005. Requesting all other Member States to collect and send copies of these controls whenever a livestock vessel calls at a port would cause a lengthy administrative burden on the Member States and unnecessarily lengthen the journeys of the animals waiting at the port, to the detriment of their welfare. It is therefore necessary, for the proper implementation of Article 20(1) of Regulation (EC) No 1/2005, to establish a common electronic database that collects and shares the outcome of the inspection history of livestock vessels carried out by all Member States.
- (7) The Official Controls Regulation also requires that Member States should take into account any publicly available information that may indicate non-compliance of the operators. Under Directive 2009/16/EC on port State control, all EU Member States with maritime ports carry out port State control inspections of foreign merchant vessels which call at their ports. These results of the port State control inspections are objective and verifiable and some may be relevant for the inspections required to be carried out by Article 20(1) of Regulation (EC) No 1/2005, such as detected deficiencies relating to (for example) water-tightness, ventilation, buoyancy or fire-fighting equipment. It is therefore necessary to include the relevant results of these port State control inspections in the common electronic database to enrich the information Member States can access from a unique source.
- (8) It is therefore necessary to lay down implementing rules, in accordance with Article 30(2) of Regulation (EC) No 1/2005, establishing a common electronic database to assist Member States to properly implement the official controls on livestock vessels required by that Regulation.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed.

HAS ADOPTED THIS REGULATION:

*Article 1*

**Purpose and scope**

The purpose of this Regulation is to improve the quality of livestock vessels transporting domestic Equidae and domestic animals of bovine, ovine, caprine or porcine species to and from seaports in the Union by allowing Member States to record, store and share all information necessary to carry out the official controls required by Article 20(1) of Regulation (EC) No 1/2005.

*Article 2*

**Establishment of the electronic database**

1. The Commission shall develop, maintain and update an electronic database to which all Member States shall be connected and which shall contain all the information necessary for the implementation of the inspections required by Article 20(1) of Council Regulation (EC) No 1/2005, including:

- (a) the certification details of the certificates of approval of livestock vessels in a manner enabling Member States to rapidly identify the livestock vessels;
- (b) records of past inspections carried out by Member States' competent authorities on livestock vessels for the purposes of Article 20(1) of Council Regulation (EC) No 1/2005;
- (c) publicly available information on the outcome of controls carried out under Directive 2009/16/EC that is relevant for these inspections.

2. The Commission shall ensure the functioning of this electronic database and provide user support to the Member States.

3. The Commission shall give Member States' competent authorities access to this electronic database for the purposes of Articles 3, 4 and 5 of this Regulation.

4. Member States shall each designate at least one national contact point and communicate that designation and its contact details to the Commission contact point. They shall inform the Commission contact point immediately of any changes in this respect.

5. Each Member State shall be responsible for the data and information its users acting under its responsibility have inserted or produced in the database.

### *Article 3*

#### **Recording the certifications of certificates of approval**

Member States shall record the certifications of certificates of approval of livestock vessels in the electronic database.

### *Article 4*

#### **Keeping of inspection records**

1. Following an inspection, Member States shall record without undue delay the official controls carried out on livestock vessels pursuant to Article 20(1) of Council Regulation (EC) No 1/2005 in the database for electronic keeping.
2. The records of the official controls referred to in Article 4(1) shall contain the details required by Article 13(1) of Regulation (EU) 2017/625.

### *Article 5*

#### **Access to certifications of the certificates of approval and previous inspection records**

1. The Commission shall ensure that the electronic database makes it possible to retrieve any relevant data recorded by the Member States for the purpose of monitoring the implementation of Articles 19 and 20(1) of Regulation (EC) No 1/2005.
2. Member States shall have access to all the information recorded in the electronic database necessary to:
  - (a) verify that the livestock vessel has a valid certificate of approval;
  - (b) carry out well-informed decisions when inspecting livestock vessels during loading and unloading for the purposes of Article 20(1) of Regulation (EC) No 1/2005.

### *Article 6*

#### **Entry into force and application**

This Regulation shall enter into force on the [...] day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Commission  
The President  
[...]*

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