



Swedish Board of Agriculture

Animals Section

10 October 2023

Ref. No 5.3.16-17350/2023

Impact assessment

In accordance with the Ordinance (2007:1244) on Regulatory Impact Assessment, an authority that is considering new or amended rules should investigate the cost-related and other impacts of the rules to the extent needed for the particular case and document the investigation procedure in an impact assessment.

This impact assessment covers the draft amendment to the Swedish Board of Agriculture's Regulations and general advice (SJVFS 2021:13) on registration, approval, traceability, movement, entry and export with regard to animal health.

Introduction

An overview of the regulations affected by the draft amendments is provided in the table below.

Chapter	Section	Relates to	Remarks
Chapter 1	Section 2	Definition of closed aquaculture facility	The definition is deleted and the term is described instead in the relevant provision in Chapter 3, Section 4.
Chapter 1	Section 2	Definition of own establishment	The definition is amended by clarifying the operator concerned.
Chapter 1	Section 2	Definition of substitute tag	The term 'substitute tag' is amended to 'substitute mark'.
Chapter 2	Section 2	Addition of the type of information that is to be included in the registration of an establishment	The registration shall include coordination numbers if available.
Chapter 2	Section 2a	Signature when registering an establishment	Requirement added for signature on registration.
Chapter 2	Sections 6 and 7	Fee for registered establishment.	Addition to the effect that the fee must be paid to the Swedish Board of Agriculture.

Chapter 2	Section 12	Use of means of identification and time periods for marking	Indication added that reindeer covered by the Reindeer Husbandry Act (1971:437) shall be marked in accordance with that Act. Addition to the effect that the time period for the marking of cervid and camelid animals is nine months.
Chapter 2	Section 12a	Replacement marks and substitute marks	Time period added within which the operator must have replaced a means of identification that has become illegible or has been lost. The conditions under which substitute marks can be used have also been clarified.
Chapter 2	Section 12b	Marking	Addition to the effect that it is possible to replace conventional ear tags for bovine animals with electronic means of identification and, for ovine and caprine animals, to replace the electronic ear tag with a conventional one.
Chapter 2	Section 12c	Approval and assignment of tattoos for porcine animals.	Provision added on the approval and assignment of tattoos for porcine animals.
Chapter 2	Sections 13 to 13c	Design of identification codes	Requirements added for the design of the identification codes.

Chapter 2	Section 16	Marking of porcine animals in a supply chain.	Wording changed from 'in Swedish territory' to 'in the country'.
Chapter 2	Section 18	Requirements in order to have means of identification approved.	Addition to the effect that the requirements laid down in the Regulation must be met.
Chapter 2	Section 19	Derogation for bovine animals of breeds reared specifically for traditional cultural and sporting events.	The derogation for bovine animals of breeds reared especially for traditional cultural and sporting events has been removed.
Chapter 2	Section 28	Changing the minimum period for keeping records	Period changed from three to five years.
Chapter 2	Section 44	Movement of horses between Sweden, Norway, Denmark and Finland	A transitional provision in force until October 2021 has been deleted.
Chapter 2	Sections 44b and 44 c	Movement of horses between Norway and Sweden near the border for certain purposes	Movement of horses between Norway and Sweden near the border for certain purposes may take place without animal health certification and prior notification. The provision is based on an agreement between Sweden and Norway.
Chapter 3	Section 4	Conditions for permission to farm alien species	Description added of what a closed aquaculture facility is in this context.
Chapter 3	Section 15	Fee for a registered establishment or a group of registered establishments.	Addition to the effect that the fee must be paid to the Swedish Board of Agriculture.

A General Information

1. Description of the problem and desired outcome

Chapter 1, Section 2 and Chapter 3, Section 4 Definition of closed aquaculture facility and conditions for permission to farm alien species

Chapter 1, Section 2 of JK3 contains a definition of ‘closed aquaculture facility’ referring to Council Regulation (EC) No 708/2007, which is an EU Regulation on alien species. That Regulation is not linked to animal health.

The definition of a closed aquaculture facility in Council Regulation 708/2007 is as follows: a facility where aquaculture is conducted in an aquatic medium, which involves recirculation of water and which is separated from the wild aquatic medium by barriers preventing the escape of reared specimens or biological material that might survive and subsequently reproduce.

There is now a definition of ‘closed facility’ in a delegated act for the EU Animal Health Regulation; see Article 2(6) of Regulation (EU) 2020/691. The definition of a closed facility in the delegated act is: an aquaculture establishment, the waste water from which is subjected to treatment which is capable of inactivating agents of listed diseases or emerging diseases, before it is discharged into open waters.

Thus, the definition in Regulation (EC) No 708/2007 is intended to prevent the survival and reproduction of alien species, while the definition in Regulation (EU) 2020/691 is intended to prevent the spread of infection. The first definition shall be used only for the provisions of SJVFS 2021:13 concerning conditions for farming permission. We therefore propose to delete the definition of a closed aquaculture facility in Chapter 1, Section 2. Since the term ‘closed facility’ is found only in a single provision in SJVFS 2021:13, our intention is to remove the definition from these regulations and instead spell out what is meant in the relevant section, namely Chapter 3, Section 4.

Chapter 1, Section 2 Definition of own establishment

Regulation (EU) 2016/429 defines the term ‘operator’. The definition is *any natural or legal person having animals or products under his responsibility, including for a limited duration of time, but excluding pet keepers and veterinarians*. In other words, according to that definition, the operator may be, for example, transporters, the owner of the animals or someone who is looking after the animals. By modifying the definition of own establishment in the regulations, our intention is to clarify that it is the operator of the establishment that is meant.

Chapter 1, Section 2 Definition of substitute mark

Swedish Board of Agriculture | 551 82 Jönköping | +46 (0) 36-15 50 00

www.jordbruksverket.se | jordbruksverket@jordbruksverket.se

The word ‘substitute tag’ (Swedish: ‘reservbricka’) has been replaced by the word ‘substitute mark’ (Swedish: ‘reservmärke’) because that is how it is written in Regulation (EU) 2016/429. Chapter 2, Section 12a specifies when the mark may be used.

In Chapter 1, Section 2 an addition has been made to the information that registration must contain

When registering an establishment, the operator of the establishment may specify the personal identity number, coordination number or corporate identity number either in the e-service or on the form. Specification of the coordination number was allowed previously and this adjustment to the provisions reflects how registration is carried out in practice, namely that both the personal identity number, the coordination number or corporate identity number can and must be specified when registering an establishment.

Chapter 2, Section 2a Signature when registering an establishment

The registration of an establishment, on paper or e-service, shall be made by the operator of the establishment. It is necessary, in our view, that the operator of the establishment confirms the information at the time of registration. It is important to avoid the risk of someone taking over the establishment as the consequences for the operator of the establishment can be significant, not least in the context of EU support.

We already require a bank ID when logging in to the e-service and a signature on paper, but this has not been laid down in regulations. The previous regulations, which were repealed in connection with the introduction of the EU Animal Health Regulation, included requirements for the use of a bank ID when registering a place of production in the electronic e-service. So, introducing requirements for a signature or electronic signing depending on how the establishment is being registered means we have a clearer legal basis to require this from the registering party.

Chapter 2, Sections 6 and 7 Fee for registered establishment

Clarification that the fee must be paid to the Swedish Board of Agriculture.

Chapter 2, Section 12 Marking of reindeer

In this provision, we want to clarify which reindeer are covered by the provisions and to specify the rules that apply to reindeer kept under the Reindeer Husbandry Act (1971:437).

The basis for this is set out in Article 74 of Regulation (EU) 2019/2035¹ where it is clear that operators keeping reindeer may use alternative methods approved by the competent authority. Article 16(4) of Regulation (EU) 2021/520² also stipulates that exceptions can be made by the competent authority. Our proposed clarification in Section 12 specifies that reindeer kept in accordance with the Reindeer Husbandry Act (1971:437) shall be marked in accordance with that Act. Reindeer not kept in accordance with that Act shall be marked as other cervids.

Chapter 2, Section 12 Time period for marking cervid and camelid animals

Article 16(1) of Regulation (EU) 2021/520 provides that operators shall ensure that means of identification are applied to kept cervid and camelid animals before the expiry of a maximum time period to be determined by the Member State. The maximum time period shall not exceed nine months.

¹ Commission Delegated Regulation (EU) 2019/2035 of 28 June 2019 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for establishments keeping terrestrial animals and hatcheries, and the traceability of certain kept terrestrial animals and hatching eggs.

² Commission Implementing Regulation (EU) 2021/520 of 24 March 2021 laying down rules for the application of Regulation (EU) 2016/429 of the European Parliament and of the Council as regards the traceability of certain kept terrestrial animals

In this amendment to the regulations, we propose a time period of nine months within which cervid and camelid animals have to be marked. We see no reason to set a time period shorter than that allowed by the Regulation. Our assessment is that infection control is not adversely affected.

Chapter 2, Section 12a Time period within which means of identification that have become illegible or have been lost must be replaced and provisions governing the substitute mark

Article 19(3) of Regulation (EU) 2021/520 provides that the means of identification referred to in point 1 shall be replaced as soon as possible and before the expiry of the maximum time period to be determined by the Member State whose competent authority authorised operators to replace the means of identification, and before the animals are moved to another establishment.

In the past, no maximum time period has been laid down and the interpretation has been that a lost or illegible means of identification should be replaced immediately in order to avoid consequences. Our intention is to set a maximum time period of one month from the means of identification becoming illegible or having been lost within which the operator must have applied a new means of identification to the animal (replacement mark). For animals that are kept outdoors without any housing options at the place where they are kept and that have a legible remaining means of identification, a maximum time period of three months is proposed. A three-month time period increases the possibility of marking the animals when they are collected to be moved from the site. Regardless of whether it is possible to mark animals when they are collected, this longer time period provides more time to make the arrangements for marking animals even in places where conditions are poor. This makes it easier for animal keepers and means fewer possible stress situations for the animals concerned. If one or more animals have lost both marks, the shorter time period of one month applies even though the animals are kept outdoors without any housing options at the place where they are kept. This is to ensure traceability. There is no risk of penalties for deficient marking if the replacement mark is applied to the animal within the time period. Since the Regulation requires the animals to be marked as soon as possible, our assessment is that the time period of one and three months respectively is a reasonable maximum time period for the marks to be ordered, manufactured, sent and applied to the animal. It must be reasonable to implement the measures, as soon as possible, and the time period must not be too long so that there is a high risk of the second mark also being lost, meaning that the animal cannot be identified.

Substitute marks are marks that can be ordered from the same manufacturer as other marks, but on substitute marks only the country code SE and the establishment's registration number are embossed. The individual code may be marked by hand where an animal needs to be marked with a substitute mark. Substitute marks are intended to be available at the establishment in order to be able to mark an animal that has lost a mark quickly, but temporarily within the time period. EU regulations require ear tags for bovine, ovine, caprine, porcine, camelid and cervid animals to visibly, legibly and indelibly display the animal's identification code³. Our assessment is that a substitute mark where the identification code is marked by hand, for example with permanent pen, meets the requirements that it should be visible, legible and indelible for the period of one or three months. A substitute mark may therefore only be used during the time period while waiting for the replacement mark. In addition, our assessment is that animals identified with an ear tag in each ear may only replace one of them with a substitute mark during the time period. During the time period, the animals may be moved to another establishment, including the establishment and slaughterhouse of

³ See Article 38(1)(a), Article 45(1) and (2), Article 52, Article 73(1)(a) and Article 73(2)(a) of Commission Delegated Regulation (EU) 2019/2035.

another operator, if the animal is marked with a substitute mark in one ear and the original or replacement mark in the other ear. The substitute mark is not considered to compromise traceability⁴ when used in combination with an original or replacement mark. Substitute marks can only be ordered for animals born on the establishment because the operator of the establishment can only order substitute marks with the registration number of his establishment. Substitute marks do not need to be used while waiting for the replacement mark. The animal may be marked in only one ear for one month or three months respectively, but may not be moved to another establishment.

Substitute marks have been used for a long time and we are aware that the time frames might be perceived as a tightening of the rules. In the past, the rules stated that substitute marks should be used temporarily. Since the term ‘temporarily’ was never defined and the matter has never been examined before a court, there has been uncertainty as to how long substitute marks can be used. As a result, many operators have used substitute marks as a more or less permanent solution. This was never the purpose of substitute marks. The idea of substitute marks is that there should be a solution that makes identification more reliable, meaning there is no risk that the animal completely loses its ear markings while waiting for the regular ear tags. In conclusion, we do not regard this amendment as a tightening of the rules, rather as a clarification which more closely reflects the purpose of substitute marks and the provisions of EU regulations.

Chapter 2, Section 12b Possibility of replacing conventional ear tags with electronic means of identification for bovine animals and, for ovine and caprine animals, of replacing the electronic ear tag with a conventional one.

No substantive changes to this section. This has been allowed in the past, but since all the other provisions from the Regulation which allow the Member State or the competent authority to permit derogations from the general rule have been expressly included in the regulations, we believe that this provision should also be included. It has been included mainly in order to achieve greater clarity about the rules that apply but also to improve consistency with the other parts of the regulations.

Chapter 2, Section 12c Approval and assignment of tattoos for porcine animals

The provisions of Article 55(2) of Regulation (EU) 2019/2035 provide that Member States shall establish procedures for application by manufacturers for approval of the means of identification for porcine animals kept in their territory and for application by operators keeping porcine animals for the means of identification to be allocated to their establishment.

These provisions are written so as to apply to all types of means of identification. For porcine animals, a conventional ear tag, an electronic ear tag, an injectable transponder or a tattoo may be relevant under different circumstances.

The actual circumstances surrounding tattooing differ from the other means of identification. There is no actual manufacturer of tattoos in the same sense as for the other marks; each operator can tattoo his pigs as prescribed. If we were to regard all of these as manufacturers who must apply for approval of means of identification each time they mark a pig, that would constitute an unreasonable workload both for them and for the Swedish Board of Agriculture. In addition, it is likely that the wording of the Regulation, which combines requirements for tattooing with requirements for other means of identification, is inadvertent rather than deliberate. Therefore, we believe that approval based on the regulations meets the requirement well without creating unreasonable consequences.

The same reasoning applies to the requirement for applications from operators keeping porcine animals for means of identification to be assigned to their establishment. No physical

⁴ See Article 19 of Commission Implementing Regulation (EU) 2021/520.

means of identification are assigned in the case of tattoos, as is the case for the other means of identification. In addition, the assignment of the other means of identification is handled by the operator placing an order with the manufacturer whose systems are linked to our IT systems. The assignment is automated. Here too, tattoos are different and the requirements for assignment need to be further regulated in detail. In addition, there is no requirement for the means of identification to be unique for each animal, since the animals must be marked with the unique registration number of the establishment of birth of the animal or the last establishment in a supply chain.

We therefore deem it appropriate to include in the regulations that means of identification complying with the requirements set out in Article 52, i.e. tattoos containing the unique registration number of the establishment of birth of the animal or the last establishment in a supply chain, shall be assigned to operators.

Chapter 2, Section 13 Design of identification codes for cervid and camelid animals

Article 73 of Regulation (EU) 2019/2035 provides that cervid and camelid animals shall be marked with ear tags or injectable transponders. Under Article 75 of that Regulation, those means of identification must be approved by the competent authority and the Member State shall establish procedures for the allocation of means of identification.

Article 12 of Regulation (EU) 2021/520 provides that the identification code shall contain the country code and a maximum of 12 numeric characters.

In Sweden, we have long used a system where the registration number of the establishment of birth comprises the first six of these 12 digits. We have also applied this to cervid and camelid animals marked with ear tags. It is important to continue with this system to ensure unique IDs. In order to have a basis in law for imposing this requirement, our intention is to add to Section 13, stipulating how the identification code on ear tags for cervid and camelid animals should be configured in Sweden.

In Section 13, we believe it is also necessary to provide for the requirements for the configuration of the identification code in injectable transponders for cervid and camelid animals in order to ensure that each identification code is unique. Since we consider it unlikely that any manufacturer would want to produce injectable transponders containing the registration number of the birth establishment, like in the ear tags, our belief here is that the manufacturer's code assigned by the International Committee for Animal Recording (ICAR) can ensure that the injectable transponder is unique. We have investigated interest among manufacturers to use the registration number of the establishment of birth but since the need for this type of injectable transponder is small, they do not want to produce short number series.

Chapter 2, Section 13b-13c Design of identification codes for parrots, dogs, cats and ferrets

Our assessment is that there is a need to regulate the requirements for the configuration of the identification code in injectable transponders for parrots, dogs, cats and ferrets. This requirement is needed to ensure that each identification code is unique. EU Regulations already require an alphanumeric code, but by imposing a requirement in the regulations for this to be unique, it is further ensured that it is, for example, the right parrot for which the health certificate has been issued.

In assessing the requirements to be imposed, we have aligned the requirements with those that are imposed on other animal species, wanting to ensure that the requirements correspond to the chips manufactured for other animal species. The manufacturer's code assigned by the International Committee for Animal Recording (ICAR) can ensure that the injectable transponder is unique and must therefore be included in the identification code that can be approved by the Swedish Board of Agriculture. In addition to the requirement that the

manufacturer's code be stated, the Swedish Board of Agriculture assigns a number sequence at the time of approval.

Chapter 2, Section 16 Marking of porcine animals in the supply chain.

Wording changed from 'in Swedish territory' to 'in the country'. The term *in the country* is deemed easier to understand than the current wording *in Swedish territory*.

Chapter 2, Section 18 Requirements in order to have means of identification approved

We have made an addition to the effect that the means of identification that a manufacturer applies to have approved must also comply with the requirements of Commission Implementing Regulation (EU) 2021/520. This is already a requirement, through direct applicability of the Regulation, but this amendment provides clarification.

Chapter 2, Section 19 Derogations concerning the identification of bovine animals

Section 19, paragraph 4 lays down the possibility for derogations for breeds of bovine animals reared specifically for traditional cultural and sporting events. Article 40 of Regulation (EU) 2019/2035 enables the Member State to allow derogations as regards the identification of these animals. We are now proposing that this possibility of derogation be removed in Sweden. The possibility for derogation provided for in Regulation (EU) 2019/2035 is included in order to facilitate the marking of animals used in bullfighting. We believe no bovine animals are reared in Sweden for any events that can be used for this derogation. Therefore, regulation is unnecessary.

Chapter 2, Section 28 Records must be kept for at least five years

Articles 102 to 105 of Regulation (EU) 2016/429 require operators to keep records for a minimum period to be determined by the competent authority, but for at least three years. For several years, it has been stipulated in the Swedish Board of Agriculture's regulations that these records must be kept for at least three years.

There are provisions on record keeping that are based on other regulations where the information to be recorded may be the same in some cases. The information is therefore kept in many cases as a single record despite the fact that fundamentally different regulations impose the requirements for what should be recorded. For an operator, it is often not clear that there are different regulations. Instead, the operator is interested in the obligations that he has in relation to record keeping.

Article 108 of Regulation (EU) 2019/6 provides that keepers of animals shall keep records of the medicinal products they use and, if applicable, a copy of the veterinary prescription. Article 108(5) provides that the information in these records must be kept for at least five years.

As we should make it easier for the operator to know what obligations he has and to avoid misunderstandings, we believe that the time frame for keeping records resulting from Regulation (EU) 2016/429 should be harmonised with requirements for record keeping in other regulatory frameworks. We therefore propose that records be kept for at least five years.

Chapter 2, Section 44 Movement of horses

Sweden, Norway, Denmark and Finland have an agreement on exemptions from the health certificate requirement for the movement of registered horses to and from certain competitions and other events. Due to some delays in the application of the movement rules under the AHL, there have been two provisions in the section, one referring to the rules as of 16 October 2021 and one referring to the rules as of 17 October 2021. As 17 October 2021

has now passed, the section has been adjusted linguistically to contain only the rules that apply now.

Chapter 2, Sections 44b and 44c Movement of horses between Norway and Sweden near the border for certain purposes

Prior to the application of Regulation (EU) 2016/429, certain keepers of animals near the border with Norway could be exempted from the requirement for health certificates or health statements for movements of horses across the border. This possibility was provided for in the previous Directive 2009/156/EU. An exemption had to be granted by the authorities in both Sweden and Norway and mainly concerned certain regular movements, for example to train on the other side of the border, touring across the border or because the keeper owned properties on both sides of the border.

Article 139 of Regulation (EU) 2016/429 provides for certain possibilities for derogations from health certificates and pre-notification requirements for cross-border movements. A condition for the derogation is that the movement takes place between establishments located near the border of each country. The conditions for applying the derogation shall be agreed between the Member State of origin and the Member State of destination.

Norway and Sweden have entered into an agreement to apply the derogation for movements between the countries from and to establishments near the border of each country. The agreement governs the areas that are regarded as being near the border of the two countries, the purposes of the movements for which the derogation applies, the time periods for the return of the animals to the country of origin and other conditions that apply to different types of movement. Compared to previous rules, it is easier now that the derogation is included in the regulations with clear conditions. Thus, individual permission granted to each operator wishing to move animals will not be required. Therefore, for those who are able to benefit from the derogation, there will be a clear simplification. Compared to how the previous possibility was applied, a larger part of both Sweden and Norway will also be regarded as being near the border.

Chapter 3, Section 15 Fee for a registered establishment or a group of registered establishments

As in Chapter 2 Sections 6 and 7, it has been clarified that the fee must be paid to the Swedish Board of Agriculture.

Clarification

In the following points and sections, we have outlined the proposed amendments that we believe need to be specifically mentioned. Proposed amendments that are not mentioned are not deemed to have any impact on the question posed. Several of the proposed amendments that are not outlined below are minor editorial changes or changes that are already applied in practice but which we have considered need to be clarified by amending regulations.

2. Description of alternative solutions for the stated objectives and effects if no regulation is put in place

Definition of closed aquaculture facility

If no change is made, there may be misunderstandings as to when the definition in EU animal health law and the definition in Regulation (EC) No 708/2007 shall apply.

One alternative could be to use the definition from the EU Animal Health Regulation also for Chapter 3, Section 4. However, this would mean a stricter interpretation, which is not our

intention.

Identification and registration

There is no possibility of laying down the provisions other than in regulations. If the draft regulations as set out above were not implemented, in some cases there would often be no clear provision on how and when animals should be marked. In several cases, the draft regulations also clarify the rules already in force.

Movement of horses

The alternative is to have no derogations, which would mean that all operators moving horses across the border would have to have, inter alia, health certificates in connection with the movement.

3. Information concerning those affected by the regulation

Definition of closed aquaculture facility

Since there is no substantive change, no one is significantly affected, but it is good that the rules are clear and cannot be misunderstood.

Identification and registration

Operators of establishments who are responsible, inter alia, for the identification and registration of their animals. Manufacturers and suppliers of identification marks which, according to Regulation (EU) 2019/2035, need to be approved and assigned by the Swedish Board of Agriculture.

Movement of horses

Operators keeping horses or organising various events in the area regarded as being near the border, both in Sweden and Norway.

4. Information regarding the authorisations on which the Board's decision-making power is based

Closed aquaculture facility

The amendments linked to closed aquaculture facilities are based on the authorisation in Chapter 2, Section 18 of the Ordinance (1994:1716) on fishing, aquaculture and the fishing industry (the Fishing Ordinance).

Identification and registration

The amendments linked to identification and registration are based on the authorisation in Sections 2 and 9 of the Ordinance (2006:815) on animal testing, etc.

Movement of horses

The amendments linked to the movement of horses are based on the authorisation in Section 3a of the Ordinance (1994:1830) on the import of live animals, etc.

5. Information on the costs and other impacts of the regulation and an impact comparison of the considered regulatory alternatives

Definition of closed aquaculture facility

The amendments do not entail any substantive changes. There will therefore be no cost-related or other impacts.

Time period within which means of identification that have become illegible or have been lost must be replaced and provisions governing the substitute mark

In Chapter 2, Section 12a, third paragraph, we propose that the substitute mark may be used during the time period of one or three months if the animals were born at the establishment where they are kept. In the regulations that govern this today, animals that have lost a means of identification can be temporarily marked with a substitute mark.

The purpose of using a substitute mark is to enable the operator of the establishment, who is responsible for the identification of the animals, to mark animals with a substitute mark while waiting for a embossed replacement mark and thus to know the identity of the animal in the event that the other ear tag is lost or becomes illegible.

The current proposal clarifies how long a substitute mark may be used. There has previously been a lack of clarity concerning how long a substitute mark was to be used, but by allowing it to be used temporarily the intention previously was also that it could be used for a short period of time while waiting for the replacement mark.

We are aware that the use of the substitute mark may have been applied differently and in some cases applied for a longer time and even when an animal was moved to another establishment. However, this was never the intention of the provision on temporary use.

The proposed clarification on how long a substitute mark can be used does not lead to any cost-related impacts as the intention is that it can be used while waiting for the replacement mark and a replacement mark should be applied as soon as possible after the regular mark has been lost or becomes illegible. The fact that, in some cases, substitute marks have been incorrectly used in practice and contrary to the intention, as there was a lack of clarity in the previous regulation, does not mean that the clarification we are making in this regulation constitutes a tightening of the rules.

Amended minimum period for keeping records

Our assessment is that there will be no cost implications from the need to keep records concerning identification and registration for five years instead of three years. In some cases, extra storage may be required, but since other records need to be kept for five years and the records are often kept together, we consider having the same minimum period for keeping the records to be a simplification.

Movement of horses

Introducing the derogation reduces the cost for operators moving horses across the border where the derogation applies. These operators do not need to have a health certificate for the movement and therefore do not incur the cost of at least SEK 2 260 per certificate according to the 2023 tariff. The fact that the derogation is now included as a general exemption in the regulations also means a relief in administrative burden for operators who are not required to apply for an individual exemption as was previously required. The Board is also spared the cost of dealing with the individual exemptions.

6. Assessment of whether the regulation is in line with or exceeds Sweden's obligations as a Member State of the European Union

The regulation is in line with the obligations arising from Sweden's accession to the European Union.

The proposals for the configuration of identification codes follow the EU Animal Health Regulation as regards the country code and the number of characters in the alphanumeric code, but the proposal regulates in greater detail what the alphanumeric code should contain. Article 269 of Regulation (EU) 2016/429 allows Member States to adopt stricter national rules as regards traceability requirements for kept terrestrial animals.

Amended minimum period for keeping records

Regulation (EU) 2016/429 requires records to be kept for a minimum period to be determined by the Member State, but at least three years. A minimum period of five years is proposed here in order to harmonise with other legislation where records must be kept for at least five years. Support for this proposal can also be found in Article 102 and Article 269 of Regulation (EU) 2016/429.

7. Assessment as to whether special consideration must be given to the date of entry into force and whether special information initiatives are required

There is no need for special consideration to be given to the date of entry into force, but the earlier the entry into force the better, not least to be able to make earlier use of the provisions being introduced and clarified.

Time period within which means of identification that have become illegible or have been lost must be replaced and provisions governing the substitute mark

Information initiatives will be required particularly with regard to the introduction of the time period within which the replacement mark must be applied and with regard to the clarification on the use of substitute marks.

This part is important because it is the biggest change we are making with this draft and the absence of marks can lead to injunctions accompanied by fines and deductions from support payments.

B Municipalities and county councils

Mark with an 'x' below

The rule change is not expected to have an impact on municipalities or county councils.

The impact assessment therefore does not contain a description in item 8.

The regulation is deemed to impact municipalities or county councils.

8. Description of impact on municipalities or county councils

Click or tap here to enter text.

C Enterprises

An enterprise herein refers to a legal or natural person engaged in business activities, i.e. the sale of goods and/or services professionally and independently. Being engaged in business activities professionally should be interpreted broadly.

Mark with an 'x' below

The regulation is not deemed to significantly impact the working conditions, competitiveness or other conditions of enterprises. For this reason, the impact assessment does not contain any description of the points in Section C.

The regulation is deemed to significantly impact the working conditions, competitiveness or other conditions of enterprises.

9. How many entities are affected, which sectors do they operate in and how large are they?

Identification and registration

The draft regulations are aimed at anyone keeping certain terrestrial animals.

Movement of horses

It is difficult to calculate the number of enterprises because there are many uncertainties. It is unclear to what extent horse husbandry is carried out by entities in company form that have an interest in these movements. A very rough estimate is that about 1 000 enterprises are affected. Most likely, the overwhelming majority of those that move horses under the simplified rules are micro-enterprises. Operators organising events, such as competitions near the border, might also be affected by the fact that more participants on the other side of the border are able to participate without having to obtain a health certificate. This is likely to be seen as a simplification. In some of these cases, the horses may be moved without a health certificate either on the basis of Chapter 2, Section 44 or on the basis of Chapter 2, Section 44b.

10. Description of how much time the enterprises may need to adjust to the regulation and what the implications are in terms of the enterprises' administrative costs

Time period within which means of identification that have become illegible or have been lost must be replaced and provisions governing the substitute mark

In Chapter 2, Section 12a, third paragraph, we propose that the substitute mark may be used during the time period of one or three months if the animals were born at the establishment where they are kept. In the regulations that govern this today, animals that have lost a means of identification can be temporarily marked with a substitute mark.

The proposed clarification on how long a substitute mark can be used does not lead to any new administrative costs for enterprises, as the intention in the past was also that the substitute mark could be used while waiting for the replacement mark. A replacement mark shall be applied as soon as possible after the regular mark has been lost or becomes illegible.

Amended minimum period for keeping records

Our assessment is that administrative costs remain unchanged despite the fact that the minimum period for keeping records is increasing from three to five years. In some cases, extra storage may be required, but since other records need to be kept for five years and the records are often kept together, we consider having the same minimum period for keeping the records to be a simplification. Currently, many operators of establishments are exempt from keeping records and keepers of bovine animals have the possibility to report additional information to the Central Register of Bovine Animals (CDB) and therefore do not need to keep separate records at the establishment. Many of those required to keep records use electronic stall records provided by external companies. These companies were invited to comment on the impact that an extended minimum period may have on their work and their systems. They replied that there was no impact.

Movement of horses

Introducing the derogation reduces the cost for operators moving horses across the border where the derogation applies. They do not need to have a health certificate for the movement and therefore do not incur the cost of at least SEK 2 260 per certificate according to the 2023 tariff. Administrative costs are regarded as being unchanged because the required self-

declaration contains essentially the same information as the records to be kept for the movement.

11. Description of any other costs the draft regulation may entail for enterprises and the operational changes enterprises may need to adopt as a result of the draft regulation

Movement of horses

The proposed amendment to Chapter 2, Section 44b entails reduced costs. Introducing the derogation reduces the cost and the administrative burden for operators moving horses across the border where the derogation applies. They do not need to have a health certificate for the movement and therefore do not incur the administrative burden of obtaining such a certificate or the cost of at least SEK 2 260 per certificate according to the 2023 tariff. The fact that the derogation is now included as a general exemption in the regulations also means a relief in administrative burden for operators who are not required to apply for an individual exemption for each movement as was previously required.

12. Description of the extent to which the regulation may affect the enterprises' competitive environment

There is no significant impact on competitive conditions.

The hope with the regulation in Chapter 2, Sections 44 and 44b is that it will strengthen the competitiveness of enterprises in those parts of Sweden where the derogation applies.

13. Description of how the regulation may impact enterprises in other respects

The regulation in Chapter 2, Sections 44 and 44b should constitute a simplification for enterprises in the area concerned.

14. Description of whether special consideration should be given to small enterprises when drafting the regulations

The rules in Chapter 2, Sections 44 and 44b are likely to affect mostly small and micro-enterprises. No particular consideration needs to be given.

D Impact on rural areas

Description of how the proposal affects rural areas

There is no major impact on rural areas. The new Chapter 2 Section 44b may make it easier for keepers of horses and operators in rural areas that are regarded as being near the border as it will be easier to access events in Norway and to attract customers or participants from Norway for events. This could therefore have a positive impact on rural areas.

E Consultation

Description of any early consultation

The Swedish Board of Agriculture has consulted the Swedish Veterinary Agency (SVA), the Swedish Agency for Marine and Water Management (HaV) and a representative from the county administrative boards concerning the amendment to the definition of aquaculture facility.

We have had early consultation with representatives from the Milk and Meat divisions of the Federation of Swedish Farmers (LRF), Sveriges Nötköttproducenter, Fåravelsförbundet and

Svenska Getavelsförbundet regarding the introduction of a time period within which the replacement mark has to be applied and the use of substitute marks.

We have also liaised with inspectors at the county administrative boards.

At an early stage, we also contacted Elitlamm, Växa Sverige and Hencol who provide electronic stall records in order to find out whether there were any obstacles in their systems and whether they would need time to adapt their systems to a minimum period of five years instead of three years.

Contact person

Chapter 1, Section 2 and Chapter 3, Section 4 (definition of aquaculture facilities): Klara Eskilsson

(klara.eskilsson@jordbruksverket.se)

Chapter 2 (identification and registration): Milan Mirosavljevic and Jennie Ernstad

(identifieringregistrering@jordbruksverket.se)

Chapter 2, Sections 44 and 44b (movement of horses): David Slottner

(david.slottner@jordbruksverket.se)