**EXPLANATORY MEMORANDUM TO**

**THE ZOOTECHNICAL STANDARDS (ENGLAND) REGULATIONS 2012**

**2012 No. 2665**

**1.** This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

## 2. Purpose of the instrument

2.1 These Regulations repeal and replace our current domestic zootechnical legislation to set out the rules that facilitate intra-Community trade in pedigree breeding cattle, pigs, sheep and goats. This is being done to implement five new or amending European instruments which have been agreed since our legislation came into force in 1992, with a minor amendment in 2007.

## 3. Matters of special interest to the [Joint Committee on Statutory Instruments *or* the Select Committee on Statutory Instruments]

3.1 None.

## 4. Legislative Context

4.1 This Instrument is being made to give effect to the following four Commission Decisions: (i) 2007/371/EC, (ii) 2005/379/EC, (iii) 2006/427/EC, (iv) 2005/375/EC, and one Council Directive: (v) 94/28/EC as amended by 2008/73/EC.

4.2 (i) **Decision 2007/371/EC** allows for the establishment of new herd books for new breeds of cattle. Previously, the legislation allowed only for purebred animals of the same breed to be entered into the main section of the herd book of a particular breed and there was no proviso for breeders to establish a new herd book[1] for a new breed. The revised legislation allows breeders to enter cattle from other breeds directly into the main section of the herd book for a set period as defined in the breeding programme. The resulting offspring are considered a new breed and must be given a name that cannot be confused with the name of the existing breed. The new herd book for the new breed is subject to official recognition[2].

This Decision also allows male animals to be entered into the supplementary or 'grading up' section of the herd book where previously only female animals could be entered.

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[1] Herd book means any book, register or data medium into which the details of the ancestry of an animal of a given breed are entered.

[2] The Secretary of State will grant recognition to breed societies and associations which keep or establish herd books if they meet the specific conditions of the legislation.

These animals must conform to the breed standard.[3] They may belong to the breed but have no known origin, or be obtained through a cross breeding programme. However, only a female animal can move from the supplementary section to the main part of the herd book, i.e. have pedigree status.

4.3 (ii) **Decision 2005/379/EC** relates to intra-Community trade and sets out the details that must be included either in pedigree certificates or in other documents accompanying pedigree cattle, their semen, ova and embryos. Previously, the legislation included model certificates which specified how this information should be presented. The new legislation allows breeders to decide this for themselves. Where results of genetic evaluation are publicly available online, it allows reference to the website where those results can be found. This new flexibility delivers a small cost saving to breed societies and associations.

4.4 **2005/379/EC** also provides for approved semen collection and storage centres and embryo collection teams[4] to issue pedigree certificates for semen and embryos respectively.

4.5 (iii) Animals which are registered in a herd book must comply with certain performance and genetic criteria. **Decision 2006/427/EC** sets out the specific methods for monitoring cattle's performance and assessing their genetic value. Industry will already be using up to date international methodology such that this update in the legislation is not expected to have any significant effect.

4.6 (iv) Previously breeders of hardy sheep and goats, where there was a lack of pedigree males, could enter male animals in an annex to the flock book only if they were of certain breeds specified in the rules. Progeny of these animals could be eligible for entry to the main section of the flock book subject to certain conditions. **Decision 2005/375/EC** removes this restriction to allow breeders to set up new annexes to their flock books for male animals which do not qualify for entry into the main section[5] of the flock book but are nonetheless valuable for preservation of the breed. This allows breeders to develop their breed in a way that takes account of the breed's commercial viability and ensures preservation of the breed especially where the gene pool is limited.

4.7 (v) **94/28/EC as amended by 2008/73/EC** requires that an animal imported from a non-EU Member State, or an animal that results from imported genetic material, can be included in the main section of a UK herd or flock book only if it is certified as deriving from pedigree animals by a body operating to the same standards as EU bodies approved under EU zootechnical legislation. The list of such approved bodies in Argentina, Canada, Israel, New Zealand and the United States of America is published on the Commission's web site at:
http://ec.eruopa.eu/foood/animal/zootechnics/approved_bodies_3rd_countries_en.htm

[3] Breed standards normally include reference to colour, height, conformation, character/temperament etc.
[4] Semen collection and storage centres and embryo collection teams are approved under separate legislation.
[5] To be eligible for entry in the main section animals must be descended from parents and grandparents which are entered in a flock book for that same breed.

4.8 For completeness, **2008/73/EC** also requires that Member States publish up to date lists of approved breed societies and associations on the internet. The lists of approved organisations in the UK are available at: http://archive.defra.gov.uk/foodfarm/policy/zootechnic/index.htm

## 5. Territorial Extent and Application

5.1 This Instrument applies to England.

5.2 Separate regulations will be implemented in Scotland, Wales and Northern Ireland within their own timetables.

## 6. European Convention on Human Rights

6.1 As the Instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## 7. Policy background

- **What is being done and <u>why</u>**

7.1 The Government's objective in introducing a new set of zootechnical regulations is to implement some new or amending EU legislation which changes the legislative framework that facilitates intra-Community trade in pedigree breeding cattle, pigs, sheep and goats. Horses and ponies are covered under separate zootechnical legislation.

7.2 The aim is to improve livestock performance by rules to ensure free trade between Member States in pedigree animals and their semen ova and embryos, and to preserve breeds throughout the European Union. Zootechnical legislation achieves this by setting out the rules for the official recognition of breed societies and associations, standardising the information contained in herd and flock books across Member States, and giving legal right of entry in a herd or flock book for the same breed in another Member State.

7.3 Under the legislation Member States will grant official recognition to breed societies and associations which deal in pedigree animals if they meet certain conditions. One of the most important of these is that they have a herd or flock book into which details of each pedigree animal is entered. Recognised organisations <u>must</u> accept similar animals into their herd or flock books for the same breed when imported from another Member State. The legislation also sets out the criteria that animals must meet in order to enter herd or flock books.

7.4 If the UK fails to implement the outstanding European instruments we could face infraction proceedings from the European Commission and fines by the European Court of Justice. Also, the UK pedigree livestock industry could be left at a significant financial

and reputational disadvantage against other Member States in terms of free trade within the EU.

7.5 There is strong support in many Member States for zootechnical legislation where traditionally Governments have more direct involvement and control over the operation of breeder organisations. Experience has shown that effective engagement with colleagues in other Member States is the best way to influence developments and so protect the needs of the UK pedigree livestock industry.

- Consolidation

7.6 None.

## 8. Consultation outcome

8.1 The new and amending EU zootechnical instruments have already been decided, therefore we have not formally consulted breed societies on the changes as we would be unable to act on their views. Instead, we will write to recognised breed societies and associations to remind them of the requirements in EU legislation and inform them of the minor optional changes that will be introduced by updating our domestic legislation.

## 9. Guidance

9.1 It is important to ensure that breed societies and associations understand how the rules may affect them. Defra will publish a guidance document on its web site. This will include information about how the rules apply as well as advice for those breed societies and associations considering applying for official recognition. Hard copies of the guidance will be available on request.

## 10. Impact

10.1 The new Regulations do not impose any additional burden on breed societies and associations because they are not obliged to take advantage of the flexibilities that the new rules offer.

10.2 The impact on the public sector is of no significance. Government will not be required to take any new administrative action as a result of implementing these EU measures. However, there could be reputational and other costs to Government in the event that the Commission instigates infraction proceedings against Defra for failing to implement the legislation.

10.3 An Impact Assessment is attached to this memorandum and will be published alongside the Explanatory Memorandum on www.legislation.gov.uk

## 11. Regulating small business

11.1 The legislation does apply to small business.

11.2 No specific action has been taken regarding small businesses. There is no disproportionate impact relative to the size of the breed societies or associations as a result of the changes to the legislation.

## 12. Monitoring & review

12.1 The Regulations will be reviewed within five years of coming into force with the aim of assessing whether the policy objectives: (i) have been met; (ii) remain appropriate; (iii) can be achieved with a less regulatory system.

12.2 Monitoring is carried out through routine business related engagement. This will help to assess whether policy objectives have been met, and also identify positive and negative impacts.

## 13. Contact

Bill Lyons at the Department of Environment, Food and Rural Affairs (Tel: 020 7238 6723 or email: zooetechnicsandfangr@defra.gsi.gov.uk) can answer any queries regarding the statutory instrument.