

2012 No. 2665

ANIMALS, ENGLAND

The Zootechnical Standards (England) Regulations 2012

Made - - - - *16th October 2012*

Laid before Parliament *25th October 2012*

Coming into force - - *30th November 2012*

The Secretary of State is designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) in relation to the common agricultural policy of the European Union.

The Secretary of State makes these Regulations in exercise of the powers conferred by that section and paragraph 1A of Schedule 2 to the European Communities Act 1972^(c).

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Secretary of State that it is expedient for the references in these Regulations to provisions of EU instruments to be construed as references to those provisions as amended from time to time.

Citation, application and commencement

1.—(1) These Regulations may be cited as the Zootechnical Standards (England) Regulations 2012.

(2) They apply only in England.

(3) They come into force on 30th November 2012.

Interpretation

2.—(1) In these Regulations—

“cattle” means all animals of bovine species;

“flock-book” means any book, register, file or data medium—

(a) which is maintained by a recognised organisation, and

(b) in which pure-bred breeding sheep or goats of a given breed are entered or registered with mention of their ancestors;

“herd-book” means any book, register, file or data medium—

(a) which is maintained by a recognised organisation, and

(a) S.I. 1972/1811.

(b) 1972 c.68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51). The function of the former Minister of Agriculture of making regulations under section 2(2) was transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794)

(c) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006.

- (b) in which pigs or pure-bred cattle of a given breed are entered or registered with mention of their ancestors;

“hybrid pig” means a pig which is produced by deliberate cross breeding—

- (a) between pure-bred pigs of different breeds or lines,
- (b) between animals which are themselves outcomes of a cross between different breeds or lines, or
- (c) between pure-bred pigs and pigs belonging to one or other of the above categories;

“pure-bred”, in respect of an animal of a breed, means that its parents and grandparents appear in a herd-book or flock-book of the breed, and it appears itself or is eligible to appear in a herd-book or flock-book of the breed;

“recognised organisation” means an organisation recognised by the Secretary of State under regulation 4.

(2) In these Regulations any reference to an EU instrument is a reference to that instrument as amended from time to time.

Notices

3. Notices under these Regulations must be in writing and may be withdrawn by further notice.

Recognition of organisations

4.—(1) The Secretary of State must, subject to paragraph (2), by notice recognise an organisation as a recognised organisation in relation to a breed of animals if—

- (a) it submits an application to the Secretary of State to be so recognised; and
- (b) in the Secretary of State’s opinion, it satisfies the criteria mentioned in—
 - (i) the Annex to Commission Decision 84/247/EEC^(a) laying down the criteria for the recognition of breeders’ organisations and associations which maintain or establish herd-books for pure-bred breeding animals of the bovine species, in relation to pure-bred cattle;
 - (ii) the Annex to Commission Decision 90/254/EEC^(b) laying down the criteria for approval of breeders’ organisations and associations which establish or maintain flock-books for pure-bred breeding sheep and goats, in relation to pure-bred sheep and goats;
 - (iii) the Annex to Commission Decision 89/501/EEC^(c) laying down the criteria for approval and supervision of breeders’ associations and breeding organisations which establish or maintain herd-books for pure-bred breeding pigs, in relation to pure-bred pigs; or
 - (iv) the Annex to Commission Decision 89/504/EEC^(d) laying down the criteria for approval and supervision of breeders’ associations, breeding organisations and private undertakings which establish or maintain registers for hybrid breeding pigs, in relation to hybrid pigs.

(2) The Secretary of State may refuse to grant recognition under paragraph (1) if—

- (a) there exists a recognised organisation in respect of the same breed or an organisation in respect of the same breed recognised pursuant to the legislation listed in paragraph (1)(b) elsewhere in the United Kingdom; and
- (b) the Secretary of State considers that granting the approval would—

(a) OJ No L 125, 12.5.1984, p58, amended by Commission Decision 2007/371/EC, OJ No L 140, 1.6.2007, p49.

(b) OJ No L 145, 8.6.1990, p30.

(c) OJ No L 247, 23.8.1989, p19.

(d) OJ No L 247, 23.8.1989, p31.

- (i) endanger the preservation of that breed; or
- (ii) jeopardise the zootechnical programme of the recognised organisation in question.

(3) The Secretary of State must inform an applicant of any refusal of recognition by notice and give reasons.

Withdrawal of recognition

5.—(1) The Secretary of State—

- (a) may by notice withdraw recognition from an organisation which fails to satisfy the criteria mentioned in regulation 4(1)(b); and
- (b) must by notice do so from an organisation which persistently fails to satisfy those criteria.

(2) The Secretary of State may by notice withdraw recognition from an organisation which fails to comply with its obligations under these Regulations.

List of recognised organisations

6. The Secretary of State must—

- (a) establish and maintain a list of recognised organisations; and
- (b) publish the list in accordance with Commission Decision 2009/712/EC implementing Council Directive 2008/73/EC as regards Internet-based information pages containing lists of establishments and laboratories approved by Member States in accordance with Community veterinary and zootechnical legislation^(a).

Establishment of a herd-book, flock-book or register

7. A recognised organisation must establish and maintain a herd-book, flock-book or register (as the case may be).

Entry of animals into a herd-book, flock-book or register

8.—(1) A recognised organisation must enter—

- (a) pure-bred cattle into a herd-book in accordance with Commission Decision 84/419/EEC^(b) laying down the criteria for entering cattle in herd-books;
- (b) pure-bred sheep and goats into a flock-book in accordance with Commission Decision 90/255/EEC^(c) laying down the criteria governing entry in flock-books for pure-bred breeding sheep and goats;
- (c) pure-bred pigs into a herd-book in accordance with Commission Decision 89/502/EEC^(d) laying down the criteria governing entry in herd-books for pure-bred breeding pigs; or
- (d) hybrid pigs into a register in accordance with Commission Decision 89/505/EEC^(e) laying down the criteria governing entry in registers for hybrid breeding pigs.

(2) A recognised organisation may only enter an animal imported from a third country, or which originates from semen, an ovum, or an embryo imported from a third country, into a herd-book, flock-book or register if that animal, or the semen, ovum or embryo from which it originates, has been imported in accordance with Article 4, 5, 6 or 7, as applicable, of Council Directive 94/28/EC laying down the principles relating to the zootechnical and genealogical conditions applicable to imports from third countries of animals, their semen, ova and embryos, and amending Directive 77/504/EEC on pure-bred breeding animals of the bovine species^(f).

(a) OJ No L 247, 19.9.2009, p13.

(b) OJ No L 237, 5.9.1984, p11, amended by Commission Decision 2007/371/EC, OJ No L 140, 1.6.2007, p49.

(c) OJ No L 145, 8.6.1990, p32, amended by Commission Decision 2005/375/EC, OJ No L 121, 13.5.2005, p87.

(d) OJ No L 247, 23.8.1989, p21.

(e) OJ No L 247, 23.8.1989, p33.

(f) OJ No L 178, 12.7.1994, p66, last amended by Council Directive 2008/73/EC, OJ No L 219, 14.8.2008, p40.

Requirement to enter animals into a herd-book, flock-book or register

9.—(1) A recognised organisation may not refuse to enter an animal into its herd-book, flock-book or register if it satisfies the criteria for entry.

(2) An animal which appears in a herd-book, flock-book or register of the same breed maintained by an organisation recognised anywhere in the European Union pursuant to the legislation listed in regulation 4(1)(b) must be taken to satisfy the criteria.

Zootechnical certificates for intra-Community trade

10.—(1) A zootechnical certificate for intra-Community trade in—

- (a) animals;
- (b) semen;
- (c) ova;
- (d) embryos,

may only be issued by an organisation mentioned in paragraph (2).

(2) The organisations are—

- (a) where the certificate is for an animal, a recognised organisation in relation to that breed of animal;
- (b) where the certificate is for bovine semen, a collection or storage centre approved under the Bovine Semen (England) Regulations 2007(a);
- (c) where the certificate is for bovine embryos or ova, an embryo collection team approved under the Bovine Embryo (Collection, Production and Transfer) Regulations 1995(b);
- (d) where the certificate is for the semen, ova or embryos of any other animal, a recognised organisation in relation to the relevant breed.

(3) A zootechnical certificate must comply with—

- (a) Commission Decision 2005/379/EC(c) on pedigree certificates and particulars for pure-bred breeding animals of the bovine species, their semen, ova and embryos, in relation to pure-bred cattle;
- (b) Commission Decision 90/258/EEC(d) laying down the zootechnical certificates for pure-bred breeding sheep and goats, their semen, ova and embryos, in relation to pure-bred sheep and goats;
- (c) Commission Decision 89/503/EEC(e) laying down the certificate of pure-bred breeding pigs, their semen, ova and embryos, in relation to pure-bred pigs; or
- (d) Commission Decision 89/506/EEC(f) laying down the certificate of hybrid breeding pigs, their semen, ova and embryos, in relation to hybrid pigs.

Monitoring performance and assessing genetic value

11. A recognised organisation must accept for testing any animal entered in its herd-book, flock-book or register, and must carry out the monitoring or testing in accordance with the criteria specified in—

- (a) Annex 1 to Commission Decision 2006/427/EC laying down performance monitoring methods and methods for assessing cattle's genetic value for pure-bred breeding animals of the bovine species, in relation to pure-bred cattle(g);

(a) S.I. 2007/1319, amended by S.I. 2011/454.

(b) S.I. 1995/2478, amended by S.I. 1996/3124.

(c) OJ No L 125, 18.5.2005, p15.

(d) OJ No L 145, 8.6.1990, p39.

(e) OJ No L 247, 23.8.1989, p22.

(f) OJ No L 247, 23.8.1989, p34.

(g) OJ No L 169, 22.6.2006, p56.

- (b) the Annex to Commission Decision 90/256/EEC laying down methods for monitoring performance and assessing the genetic value of pure-bred breeding sheep and goats, in relation to pure-bred sheep and goats(a); or
- (c) the Annex to Commission Decision 89/507/EEC laying down methods for monitoring performance and assessing the genetic value of pure-bred and hybrid breeding pigs, in relation to pigs(b).

Acceptance for breeding purposes

12.—(1) A recognised organisation must accept for natural breeding purposes all pure-bred animals of the breed whose herd-book or flock-book it maintains.

(2) A recognised organisation which maintains the herd-book or flock-book of a cattle, sheep or goat breed or a breed of pure-bred pigs must accept for breeding purposes the ova of all pure-bred animals and all embryos whose parents are both entered in the breed's herd-book or flock-book.

(3) A recognised organisation which maintains the herd-book of a cattle breed or a breed of pure-bred pigs must accept for breeding by artificial insemination the semen of any male animal entered in its herd-book which has been approved according to the tests referred to in regulation 11.

(4) A recognised organisation which maintains the herd-book of a cattle breed or a breed of pure-bred pigs may only accept for the purpose of artificial insemination the semen of animals which have been approved according to the tests referred to in regulation 11.

(5) A recognised organisation which maintains a register for hybrid pigs must accept for breeding purposes—

- (a) all hybrid pigs;
- (b) the semen of all hybrid pigs whose line has been tested for performance and genetic value; and
- (c) the ova and embryos of all hybrid pigs,

whose parentage is established according to the rules of that organisation.

(6) A recognised organisation which maintains the flock-book of a breed of pure-bred sheep or goats must accept semen for the purposes of artificial insemination from such animals in accordance with Article 2(1) of Commission Decision 90/257/EEC(c).

Review

13.—(1) The Secretary of State must from time to time—

- (a) carry out a review of regulations 3 to 12;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how—

- (a) Council Directive 2009/157/EC on pure-bred breeding animals of the bovine species(d);
- (b) Council Directive 88/661/EEC on the zootechnical standards applicable to breeding animals of the porcine species(e);
- (c) Council Directive 89/361/EEC concerning pure-bred breeding sheep and goats(f)

(a) OJ No L 145, 8.6.1990, p35.

(b) OJ No L 247, 23.8.1989, p43.

(c) OJ No L 145, 8.6.1990, p38.

(d) OJ No L323, 10.12.2009, p1.

(e) OJ No L382, 31.12.1988, p36, last amended by Council Directive 2008/73, OJ No L 122, 16.5.2003, p1.

(f) OJ No L 153, 6.6.1989, p30, amended by Council Directive 2008/73, OJ No L 219, 14.8.2008, p40.

- (d) Council Directive 87/328/EEC on the acceptance for breeding purposes of pure-bred breeding animals of the bovine species(a);
 - (e) Council Directive 90/118/EEC on the acceptance of pure-bred breeding pigs for breeding(b);
 - (f) Council Directive 90/119/EEC on the acceptance of hybrid pigs for breeding(c);
 - (g) Commission Decision 90/527/EEC laying down the criteria for the acceptance for breeding purpose of pure-bred breeding sheep and goats and the use of their semen, ova or embryos(d); and
 - (h) the instruments listed in regulations 4(1)(b), 8(1), 10(3) and 11;
- (which are transposed by means of regulations 3 to 12) are implemented in other member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by these Regulations.
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which these Regulations come into force.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

Revocations

14. The following Regulations are revoked—

- (a) the Zootechnical Standards Regulations 1992(e) in relation to England; and
- (b) the Zootechnical Standards (Amendment) (England) Regulations 2007(f).

David Heath
Minister of State

Date 16th October 2012

Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the recognition of organisations which record the pedigree of cattle, sheep, goats and pigs and set out the requirements which govern these organisations in relation to the form and content of pedigree records, the form of zootechnical certificates, and methods of recording breeding performance and assessing genetic value for the acceptance of animals for breeding purposes. They apply in England only and, in relation to England, they revoke and replace the Zootechnical Standards Regulations 1992 (S.I. 1992/2370).

They transpose the following EU instruments in relation to cattle:

- Council Directive 2009/157/EC on pure-bred breeding animals of the bovine species (OJ No L 323, 10.12.2009, p1);

(a) OJ No L 167, 26.6.1987, p54, last amended by Council Directive 2005/24, OJ No L 78, 24.3.2005, p43.
 (b) OJ No L 71, 17.3.1990, p34.
 (c) OJ No L 71, 17.3.1990, p36.
 (d) OJ No L 145, 8.6.1990, p38.
 (e) S.I. 1992/2370, amended in relation to England by S.I. 2007/3167.
 (f) S.I. 2007/3167.

- Commission Decision 2006/427/EC laying down performance monitoring methods and methods for assessing cattle's genetic value for pure-bred breeding animals of the bovine species (OJ No L 169, 22.6.2006, p56);
- Commission Decision 2005/379/EC on pedigree certificates and particulars for pure-bred breeding animals of the bovine species, their semen, ova and embryos (OJ No L 125, 18.5.2005, p15);
- Council Directive 87/328/EEC on the acceptance for breeding purposes of pure-bred breeding animals of the bovine species (OJ No L 167, 26.6.1987, p54);
- Commission Decision 84/247/EEC laying down the criteria for the recognition of breeders' organisations and associations which maintain or establish herd-books for pure-bred breeding animals of the bovine species (OJ No L 125, 12.5.1984, p58);
- Commission Decision 84/419/EEC laying down the criteria for entering cattle in herd-books (OJ No L 237, 5.9.1984, p11).

They transpose the following EU instruments in relation to pigs:

- Council Directive 88/661/EEC on the zootechnical standards applicable to breeding animals of the porcine species (OJ No L 382, 31.12.1988, p36);
- Commission Decision 89/501/EEC laying down the criteria for approval and supervision of breeders' associations and breeding organisations which establish or maintain herd-books for pure-bred breeding pigs (OJ No L 247, 23.8.1989, p19);
- Commission Decision 89/504/EEC laying down the criteria for approval and supervision of breeders' associations, breeding organisations and private undertakings which establish or maintain registers for hybrid breeding pigs (OJ No L 247, 23.08.1989, p31);
- Commission Decision 89/502/EEC laying down the criteria governing entry in herd-books for pure-bred breeding pigs (OJ No L 247, 23.8.1989, p21);
- Commission Decision 89/505/EEC laying down the criteria governing entry in registers for hybrid breeding pigs (OJ No L 247, 23.8.1989, p33);
- Commission Decision 89/503/EEC laying down the certificate of pure-bred breeding pigs, their semen, ova and embryos (OJ No L 247, 23.8.1989, p22);
- Commission Decision 89/506/EEC laying down the certificate of hybrid breeding pigs, their semen, ova and embryos (OJ No L 247, 23.8.1989, p34);
- Commission Decision 89/507/EEC laying down methods for monitoring performance and assessing the genetic value of pure-bred and hybrid breeding pigs (OJ No L 247, 23.8.1989, p43);
- Council Directive 90/118/EEC on the acceptance of pure-bred breeding pigs for breeding (OJ No L 71, 17.3.1990, p34);
- Council Directive 90/119/EEC of hybrid breeding pigs for breeding (OJ No L 71, 17.3.1990, p36).

They transpose the following EU instruments in relation to sheep and goats:

- Council Directive 89/361/EEC concerning pure-bred breeding sheep and goats (OJ No L 153, 6.6.1989, p30);
- Commission Decision 90/254/EEC laying down the criteria for approval of breeders' organisations and associations which establish or maintain flock-books for pure-bred breeding sheep and goats (OJ No L 145, 8.6.1990, p30);
- Commission Decision 90/255/EEC laying down the criteria governing entry in flock-books for pure-bred breeding sheep and goats (OJ No L 145, 8.6.1990, p32);
- Commission Decision 90/258/EEC laying down the zootechnical certificates for pure-bred breeding sheep and goats, their semen, ova and embryos (OJ No L 145, 8.6.1990, p39);

- Commission Decision 90/256/EEC laying down methods for monitoring performance and assessing the genetic value of pure-bred breeding sheep and goats (OJ No L 145, 8.6.1990, p35);
- Commission Decision 90/257/EEC laying down the criteria for the acceptance for breeding purposes of pure-bred breeding sheep and goats and the use of their semen, ova or embryos (OJ No L 145, 8.6.1990, p38).

They also transpose Article 4 of Council Directive 94/28/EC laying down the principles relating to the zootechnical and genealogical conditions applicable to imports from third countries of animals, their semen, ova and embryos, and amending Directive 77/504/EEC on pure-bred breeding animals of the bovine species (OJ No L 178, 12.7.1994, p66).

Regulation 13 requires the Secretary of State to review the operation and effect of these Regulations and publish a report within five years after they come into force and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the Regulations or amend them.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from Brenda Rawson, Department for Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London SW1P 3JR and is published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.

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£5.75

E4790 10/2012 124790T 19585

ISBN 978-0-11-152996-6



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