

**EXPLANATORY MEMORANDUM TO  
THE HORSES (ZOOTECNICAL STANDARDS) (ENGLAND) REGULATIONS 2006.**

**[2006] No. 1757**

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

2. **Description**

2.1 This Regulation implements Commission Decision 96/78/EC that sets out the criteria for the entry of equine animals into recognised equine studbooks. The criteria state that if the identification and pedigree requirements have been met, animals have a legal right to enter the main section of a studbook for that breed. Recognised breed societies must follow these rules.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

4. **Legislative Background**

4.1 This Regulation is being made to clarify the interpretation of Commission Decision 96/78/EC and especially that equine animals that meet the identification and pedigree requirements have a legal right to enter the main section of the studbook for that breed. This clarification has been necessitated due to unambiguous advice given to Member States by the European Commission about the meaning of this legislation. At the same time, the opportunity has been taken to link the implementation of Commission Decision 96/78/EC with the requirements that recognised equine studbooks (breed societies) have to meet. The latter are laid out in Commission Decision 92/353/EEC. The previous Regulation (The Horses (Zootechnical Standards) Regulations 1992) that contained just these requirements are revoked by this Regulation.

4.2 This, therefore, is a clarification of a Commission Decision that came into force in 1996, it is not an implementation of a new Commission Decision. However, it does implement EU legislation and a transposition note is attached.

5. **Extent**

5.1 This instrument applies to England only.

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**

7.1 The policy objective is to ensure that recognised equine studbooks are operated in accordance with the provisions of Commission Decision 96/78/EC. If they are not we would have to withdraw recognition from the breed society concerned in order to avoid infraction proceedings. While the operation of equine studbooks is important for the individual breed societies and their members, who rightly are concerned about preservation of their breeds, there is little wider outside interest in this rather technical area. It is not politically important.

7.2 Commission Decision 96/78/EC lays down the criteria for the entry of animals into equine studbooks. It applies to those societies (mainly breed societies) who have been recognised as operating an equine studbook under what is known as the EU Zootechnical legislation (Commission Decision 92/353/EEC). The objective of such recognition is to enhance the trade in pedigree animals. It does this by harmonising equine studbooks so that animals can be registered in the appropriate studbook when exported to another Member State. Commission Decision 96/78/EC expanded on those requirements by setting the criteria that need to be met before animals can be registered in studbooks. These are basically that to qualify for entry animals need to be identified as foals and that both parents are registered in the main section of the studbook of a recognised society for that breed. The Decision also sets out that the main section of a studbook can be divided into sub sections but that these must be based on an animals merits.

7.3. In 2005 the European Commission informed all Member States that they had received a lot of complaints that the Decision was not being implemented properly and said that the wording in the Decision 'to qualify for entry' meant that animals had a legal right to enter studbooks as long as the identification and pedigree requirements have been met. The reasoning behind this was that there were allegations that some societies were creating artificial reasons for rejecting some animals from certain Member States. The Commission also said that Member States should withdraw recognition from any society that did not follow this practice.

7.4. When the Decision came into force in 1996 it was implemented by administrative means. However last year the European Commission informed all Member States that they had received a lot of complaints that the Commission Decision was not being implemented properly. Effectively there were allegations that some societies were creating artificial reasons for rejecting some animals from certain Member States. The Commission said that Member States should withdraw recognition from any society that did this. . Our lawyers have confirmed that the ruling by the Commission was sound and would likely to be confirmed if a case went to the European Court. They have also advised to bring implementation within the Horses Zootechnical Regulations, instead of doing it administratively. This is what the attached Regulation does.

## **8. Impact**

8.1 A Regulatory Impact Assessment has been completed for this instrument.

8.2 The impact on the public sector is not significant as work on this Regulation has been incorporated within existing resources of the Department for Environment, Food and Rural Affairs.

## **9. Contact**

Paul Newman at the Department for Environment, Food and Rural Affairs. Tel: 020 7904 6213 or e-mail: [paul.w.newman@defra.gsi.gov.uk] can answer any queries regarding the instrument.

6 April 2006

**Commission Decision 92/353/EEC laying down the criteria for the approval or recognition of organisations and associations which maintain or establish stud-books for registered equidae**

**Commission Decision 96/78/EC laying down the criteria for entry and registration of equidae in stud-books for breeding purposes**

***Tables showing transposition of both Decisions by the Horses (Zootechnical Standards) (England) Regulations 2006***

Commission Decision 92/353/EEC

Decision Article	Regulation	Subject	Comments
1	3(1)(a)	Requirement to submit an application for recognition.	
2(1) and Annex	3(1)(b) 3(1)(c) Schedule to Regulations	Requirement to maintain a stud book and meet conditions laid down in Annex.	
2(2)	4(2)	Exception to obligation to grant recognition to an organisation.	
2(3)	-	Obligation on MS to inform Commission of any official recognition granted to an association as well as contested approvals.	This is done administratively.
2(4)	4(3)	Refusal or withdrawal of recognition must be in writing.	
3	4(1)	Refusal or withdrawal of recognition from organisations failing to meet required conditions.	

Commission Decision 96/78/EC

Decision Article	Regulation	Subject	Comments
1 (1)	7(1)	Entry in main section of stud book.	The Commission has stated that breed societies must enter horses meeting these criteria in the main section of their stud books, and that those who fail to do so must have their recognition withdrawn.
1(2)	9	Cross breeding programmes.	
2(1)	6	Division of main section of stud book.	
2(2)	10	Entry of animals registered in other stud books.	
3(1)	8	Entry in supplementary section of stud book.	
3(2)	7(2)	Entry of progeny in main section of stud book.	

# Final Regulatory Impact Assessment

## Title

Horses (Zootechnical Standards) (England) Regulations 2006 - (implementing Commission Decision 96/78/EEC - which lays down the criteria for entry and registration of equidae (horses, ponies and donkeys) in studbooks for breeding purposes).

## Purpose and intended effect

### Objective

1. The objective of this legislation is to enhance the trade in pedigree horses, it does this by harmonising the requirements for entry of animals into Breed Society studbooks so animals can be registered in the appropriate studbook in any Member State.

### Background

2. In January 1996, when Commission Decision 96/78/EEC was introduced, the interpretation was that Breed Societies (recognised under Commission Decision 92/353/EEC, – laying down the criteria for the approval or recognition of organisations and associations which maintain or establish studbook for registered equidae) could set their minimum criteria for entering horses into the main section of their studbook subject to the minimum criteria set out in Commission Decision 96/78/EEC.
3. However, during a meeting of the Standing Committee on Zootechnics (SCZ) in March 2005, the European Commission, responding to complaints from some Member States, told the meeting that Commission Decision 96/78/EEC means that

*“if the parents are entered in the main studbook and the progeny is identified as foal at foot according to the rules of the studbook, which at least require the covering certificate, then the progeny must also be entered into the main section of that same studbook.”*

4. As the UK and other Member States had not implemented the legislation in a way that would be considered to be legally correct, we are now seeking to do this by amending the Horse (Zootechnical Standards) (England) Regulations 1992.

### Rationale for government intervention

5. The main reason for intervention is to provide a legislative framework, which facilitates free trade in equine breeding stock between Member States.
6. Defra have discussed the revised interpretation of the legislation with the European Commission and other Member States. We concluded, because of a lack of

support, that there was no prospect of the European Commission allowing what was the present situation to continue.

7. Another Member State has made a bilateral complaint to the European Commission concerning the way in which a recognised UK Breed Society has implemented the legislation. Defra are certain if the UK did not implement this legislation that the UK would face further complaints and possible infraction proceeding.

## **Consultation**

8. In 2005, Defra met with key stakeholders and recognised Breed Societies to discuss this issue and explain the background as regards the new interpretation of the legislation. The outcome of these meetings was that we believed the new interpretation of Commission Decision 96/78/EEC would not require any fundamental changes to the way that Breed Societies operate. The Breed Societies share this view.
9. Recognised Breed Societies would still be able to continue to grade their animals and license stallions according to Society rules. Owners wishing to register their horses in the main section of the studbook could do so, but in a section that suits the needs of that particular Society or reflects the standard/merits of the horse concerned.

## **Options**

### Do Nothing

10. To allow recognised Breed Societies to continue their practice of rejecting horses from the main section of the studbook, although the provisions of the legislation means these horses should be entered.
11. This option would not meet the objective of harmonising the entry of registered equidae into the main studbook of their respective breed and facilitating trade between Member States. The risks associated with this option are that the UK would face infraction proceedings from the European Commission and complaints from other Member States. The likelihood of these risks occurring is very high given that another Member State has already complained, to the European Commission, about the UK implementation of this legislation. The risks associated with this option cannot be mitigated. This option is not viable.

### Full Implementation

12. This option would require all recognised Breed Societies to comply with Commission Decision 96/78/EEC. The UK would be obliged to withdraw recognition status from any Society that fails to comply with the provisions of this legislation.
13. This option would meet all the objectives of the legislation. There is a small risk that the UK may have to withdraw recognition from a very small number of Breed Societies for failing to comply with the legislation. However, since our consultation with stakeholders and subsequent dealings with them this risk has not materialised.

## Costs and benefits

### Sectors and groups affected

14. **Breed Societies:** There are approximately sixty-two [62] recognised Breed Societies in the UK. However, when we examined the implications of the legislation, with Breed Societies and other stakeholders, we concluded that the majority of recognised Breed Societies were already complying with the majority of the provisions contained in the legislation.
15. Those Societies that were not complying with the majority of the provisions, as laid out in the legislation, would face some additional administrative burdens, mainly changes to their rules, amendments to their studbooks, and may have to enter an additional four [4] to six [6] animals in the main section of their studbook.
16. **Horse Owners:** Members of a Breed Society, whose animals may have been refused entry into the main section of the studbook, will now be able to have those animals entered. However, it is difficult to estimate the exact number of additional horses that would be eligible for entry.
17. The owners who benefit from the revised interpretation of the legislation will gain the advantage of breeding their horses with other registered horses and acquiring registered status for the progeny.

### Benefits

18. **Do Nothing:** This would avoid the costs of immediate administrative burdens on Breed Societies set out under the Full Implementation option (paragraph 23 below).
19. **Full Implementation:** By complying with the legislation the UK is unlikely to face infraction proceedings and incur a fine from the European Commission.
20. The objectives of the legislation, which is to enhance the trade in pedigree horses, would be achieved, allowing the free trade of pedigree animals between the UK and other Member States.
21. Owners of newly registered animals, and those owners of animals already registered that wish to breed their own animals with such stock, would benefit from the opportunity to register the progeny. This would be likely to lead to some financial benefit through higher prices for these animals, although this is difficult to quantify.

### Costs

22. **Do Nothing:** There would be no extra costs unless the European Commission instigates infraction proceedings against the United Kingdom. In the event of this occurring, there would be costs of the actual proceedings and further costs to the UK in the event of a fine.
23. **Full Implementation:** It is likely that all Breed Societies would have to revise their Society rules, requiring some administrative time and possible additional reprinting



costs. These administrative costs would be borne by the owner applying for registration.

## **Other Costs**

### Environmental and Social Costs

24. No significant environmental or social impacts would arise from the legislation.

### Policy and Administrative Costs

25. The legislation would be implemented using existing departmental resources.

26. Arrangements for enforcement are described below (paragraphs 29 to 31).

## **Small Firms Impact Test**

### Full Implementation

27. There would be a minor impact on all Breed Societies, some of which are small organisations. We have consulted with the Societies and it is apparent that the costs and changes to their practices will be relatively minor in relation to their overall operation.

## **Competition assessment**

28. **All Options:** The impact of this legislation on competition will be beneficial through the removal of potential restrictions on trade.

## **Enforcement, sanctions and monitoring**

29. Defra will enforce the proposal by investigating any complaints, based on evidence, concerning the way Breed Societies manage their studbooks. Defra will investigate any complaints, by first contacting the Society concerned and then, if need be, send a third party organisation to carry out an audit of the Society's relevant operating procedures.

30. Defra, as the lead Department, would be enforcing the legislation and using existing powers to withdraw recognition from any recognised Breed Society if they fail to abide by the provisions as laid out in Commission Decision 96/78/EEC.

31. Defra will monitor whether the legislation is achieving its objectives by regularly consulting recognised Breed Societies and other interested stakeholders and addressing any relevant concerns ourselves, or in consultation with other Member States.

## **Implementation and delivery plan**

32. Defra have consulted with Breed Societies and key stakeholders regarding the new interpretation of the legislation. We have set a 'coming into force' date. Once the Minister of State has signed the legislation, we have arranged for the legislation to be sent the Breed Societies with a letter, reminding them of their responsibilities. We will also be in regular contact with the Communication Directorate in the event of publicity by specialist equine press.

## **Post-implementation review**

33. Defra will be instigating a rolling programme of audits, which will be carried out by ADAS, our external auditors. This will encompass other legislative requirements as well as the requirements of Commission Decision 96/78/EEC. Defra reserves the right to audit any Society to ensure that they are meeting the requirements of the legislation.

## **Summary and recommendation**

34. This RIA provides a summary of the options for implementing this legislation, which Defra considered through consultation in the autumn of 2005.
35. The "Do Nothing" option would allow recognised Breed Societies to enter horses into the main section of their studbooks without reference to Commission Decision 96/78/EEC, or choose whether to adhere to the provisions as laid out in this legislation. We would not recommend this option, as it does not meet the objectives of the legislation and risks the UK facing complaints from other Member States as well as infraction proceeding from the European Commission.
36. Full implementation of the legislation is recommended, for the following reasons:
- Full Implementation meets the objectives of the legislation, which is to harmonise the entry of registered equidae into the main studbook of their respective Breeds and facilitate trade between Member States.
  - There is no significant burden on Breed Societies given that many Breed Societies are already complying with the majority, if not all, the provisions contained in the legislation.
  - By fully implementing the legislation the UK would likely avoid any infraction proceeding and or complaints from other Member States.

## **Declaration and publication**

*I have read the regulatory impact assessment and I am satisfied that the benefits justify the costs*

**Signed Barry Gardiner**

**Date 3rd July 2006**

Barry Gardiner MP  
Parliamentary Under-Secretary (Commons): Minister For Biodiversity, Landscape and Rural Affairs  
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