

2018 No. 1037

ANIMALS, ENGLAND

The Zootechnical Standards (England) Regulations 2018

<i>Made</i> - - - -	<i>26th September 2018</i>
<i>Laid before Parliament</i>	<i>28th September 2018</i>
<i>Coming into force</i> - -	<i>1st November 2018</i>

The Secretary of State, being the Minister designated for the purposes of section 2(2) of the European Communities Act 1972(a) in relation to the common agricultural policy of the European Union(b), makes the following Regulations in exercise of the powers conferred by that section.

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Zootechnical Standards (England) Regulations 2018 and they come into force on 1st November 2018.

(2) They apply in relation to England.

(3) In these Regulations—

- (a) expressions used in the Animal Breeding Regulation have the same meaning for the purposes of these Regulations as in that Regulation;
- (b) “the Animal Breeding Regulation” means Regulation (EU) 2016/1012 of the European Parliament and of the Council on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof and amending Regulation (EU) No 652/2014, Council Directives 89/608/EEC and 90/425/EEC and repealing certain acts in the area of animal breeding(c).

Designation of the Secretary of State as the Competent Authority

2. The Secretary of State is the Competent Authority for the purpose of the Animal Breeding Regulation.

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- (a) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51), and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).
 - (b) S.I. 1972/1811.
 - (c) OJ No. L 171, 29.6.2016, p. 66–143. See also Commission Implementing Regulations (EU) 2017/716, which makes provision in respect of the model forms to be used for the information to be included in the lists of recognised breed societies and breeding operations; Commission Implementing Regulation (EU) 2017/717 laying down rules for the application of Regulation (EU) 2016/1012 with regard to the model forms of zootechnical certificates for breeding animals and their germinal products and Commission Delegated Regulation (EU) 2017/1940 as regards the content and format of zootechnical certificates issued for purebred breeding animals of the equine species contained in a single lifetime identification document for equidae.

Enforcement

3. The Animal Breeding Regulation is enforced by the Competent Authority.

Notifications

4.—(1) Any notice to be served under the Animal Breeding Regulation may be sent to the operator by post or electronically to the postal or electronic address provided by the operator to the Competent Authority.

(2) If the notice is sent to the operator electronically it is to be treated as given only if—

- (a) the operator has indicated to the Competent Authority willingness to receive notification by electronic means and provided an address suitable for that purpose; and
- (b) the notification was sent to that address.

Obligation to inform the Competent Authority of a change in contact details

5.—(1) This regulation applies where an operator's contact details change ("changed contact details").

(2) Subject to paragraph (3), the operator must give the Competent Authority notice of its changed contact details within a period of 10 working days beginning with the day on which the change occurs.

(3) Notice given under this regulation must be sent to the Competent Authority at the specified address.

(4) In this regulation, "specified address" means the postal or electronic address given by the Secretary of State from time to time for the purposes of this regulation.

Penalties

6. Article 47(1) of the Animal Breeding Regulation makes provision in relation to non-compliance with that Regulation, including by setting out a list of particular actions which the Competent Authority may take in the event of non-compliance.

Review in respect of a decision taken under Article 47(2)(a) of the Animal Breeding Regulation

7.—(1) Where the Competent Authority has given a breed society or breeding operation a notice under Article 47(2)(a) of the Animal Breeding Regulation in respect of a decision to withdraw the recognition of the breed society or breeding operation granted in accordance with Article 4(3) of that Regulation, that breed society or breeding operation may apply to the Competent Authority for a reconsideration of the decision given in that notice.

(2) An application under paragraph (1) must—

- (a) be made by the breed society or breeding operation within the period of 28 days beginning with the day on which the relevant notice is served; and
- (b) state the reasons for making the application and be accompanied by such evidence as the breed society or breeding operation believes supports those reasons.

(3) The Competent Authority may request evidence from the breed society or breeding operation in support of the application.

(4) The Competent Authority must as soon as reasonably practicable—

- (a) consider the application and make a decision in respect of it;
- (b) give written notification to the breed society or breeding operation stating whether the decision is confirmed or reversed; and
- (c) if the decision is reversed, take the appropriate action in respect of the reversed decision.

(5) The availability of a review under this regulation does not prevent a notice described in paragraph (1) having effect immediately upon being served.

Amendment of the Trade in Animals and Related Products Regulations 2011

8.—(1) The Trade in Animals and Related Products Regulations 2011(**a**) are amended as follows.

(2) In regulation 15(1) (procedure on importation), after sub-paragraph (c) insert—

“(d) the checks required by article 37(1) of Regulation (EU) 2016/1012 of the European Parliament and of the Council of 8 June 2016 on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof and amending Regulation (EU) No 652/2014, Council Directives 89/608/EEC and 90/425/EEC and repealing certain acts in the area of animal breeding.”.

(3) In regulation 43(2) (review), after sub-paragraph (d) insert—

“(e) Regulation (EU) 2016/1012 of the European Parliament and of the Council of 8 June 2016 on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof and amending Regulation (EU) No 652/2014, Council Directives 89/608/EEC and 90/425/EEC and repealing certain acts in the area of animal breeding.”.

(4) In Schedule 1 (European Union legislation), at the end insert—

“Regulation (EU) 2016/1012 of the European Parliament and of the Council of 8 June 2016 on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof	Purebred breeding animals, hybrid breeding pigs and the germinal products thereof”.
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Revocations

9. The Horses (Zootechnical Standards) (England) Regulations 2006(**b**) and the Zootechnical Standards (England) Regulations 2012(**c**) are revoked(**d**).

Review

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

- (a) carry out a review of the regulatory provision contained in these Regulations; and
- (b) publish a report setting out the conclusions of the review.

(2) The first report must be published before 1st November 2023.

(3) Subsequent reports must be published at intervals not exceeding five years.

(4) Section 30(3) of the Small Business, Enterprise and Employment Act 2015(**e**) requires that a review carried out under this regulation must, so far as is reasonable, have regard to how the Animal Breeding Regulation is implemented in other member States.

(a) S.I. 2011/1197, to which there are amendments not relevant to these Regulations.

(b) S.I. 2006/1757.

(c) S.I. 2012/2665.

(d) See further Article 64 of Regulation (EU) 2016/1012 as to the transitional arrangements in respect of the Directives which those Regulations implemented.

(e) 2015 c. 26. Section 30(3) was amended by the Enterprise Act 2016 (c. 12), section 19 and prospectively by paragraph 36 of Schedule 8 to the European Union (Withdrawal) Act 2018 (c. 16).

(5) Section 30(4) of the Small Business, Enterprise and Employment Act 2015 requires that a report published under this regulation must, in particular—

- (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a),
- (b) assess the extent to which those objectives are achieved,
- (c) assess whether those objectives remain appropriate, and
- (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(6) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

26th September 2018

George Eustice
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations supplement, and make provision for the enforcement of, Regulation (EU) 2016/1012 of the European Parliament and of the Council of 8 June 2016 (“the Animal Breeding Regulation”) in England.

These Regulations designate the Secretary of State as the Competent Authority for the purposes of the Animal Breeding Regulation, and provide that the Competent Authority is responsible for enforcement of that Regulation in England. They also make provision for certain administrative matters.

These Regulations also amend the Trade in Animals and Related Products Regulations 2011 to make provision in respect of border checks in certain circumstances envisaged by the Animal Breeding Regulation.

These Regulations also make revocations consequential on the coming into force of the Animal Breeding Regulation and require the Secretary of State to review the operation of these Regulations periodically.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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£4.90

UK201809271005 10/2018 19585

<http://www.legislation.gov.uk/id/uksi/2018/1037>

ISBN 978-0-11-117289-6



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