

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 ('Animal Breeding Regulation') (Text with EEA relevance)

*CHAPTER I*

**General Provisions**

*Article 1*

**Subject matter and scope**

- 1 This Regulation lays down:
- a zootechnical and genealogical rules for trade in breeding animals and their germinal products, and for their entry into the [<sup>F1</sup>United Kingdom];
  - b rules for the recognition of breed societies and breeding operations and for the approval of their breeding programmes;
  - c the rights and obligations of breeders, breed societies and breeding operations;
  - d rules for the entry of breeding animals in breeding books and breeding registers and for the acceptance for breeding of breeding animals and their germinal products;
  - e rules for the performance testing and genetic evaluation of breeding animals;
  - f rules for the issuing of zootechnical certificates for breeding animals and their germinal products;
  - g rules for the performance of official controls, and in particular those on breed societies and breeding operations, and rules for the performance of other official activities;
  - h rules for administrative assistance and cooperation <sup>F2</sup> ...;
- <sup>F3</sup><sub>1</sub> .....

2 This Regulation applies to breeding animals and their germinal products where those animals or the offspring resulting from those germinal products are intended to be entered as purebred breeding animals in a breeding book or registered as hybrid breeding pigs in a breeding register.

3 This Regulation does not apply to breeding animals and their germinal products where those animals and germinal products are intended for technical or scientific experiments carried out under the supervision of the competent authorities.

4 Article 9(4), Article 13, Article 14(3) and (4), Articles 23 and 24, Article 28(2) and Article 36(1) do not apply to private undertakings, recognised as breeding operations, which operate in closed production systems.

<sup>F4</sup><sub>5</sub> .....

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2016/1012 of the European Parliament and of the Council. (See end of Document for details)

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### Textual Amendments

- F1** Words in Art. 1(1)(a) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **3(1)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Art. 1(1)(h) omitted (31.12.2020) by virtue of [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **3(1)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Art. 1(1)(h)(i) omitted (31.12.2020) by virtue of [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **3(1)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Art. 1(5) omitted (31.12.2020) by virtue of [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **3(1)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

## Article 2

### Definitions

For the purposes of this Regulation, the following definitions apply:

- (1) ‘animal’ means a domestic animal of:
- (a) the bovine species (*Bos taurus*, *Bos indicus* and *Bubalus bubalis*);
  - (b) the porcine species (*Sus scrofa*);
  - (c) the ovine species (*Ovis aries*);
  - (d) the caprine species (*Capra hircus*); or
  - (e) the equine species (*Equus caballus* and *Equus asinus*);
- (1A) [<sup>F5</sup>‘appropriate authority’ means, subject to point (1B)—
- (a) in relation to England, the Secretary of State;
  - (b) in relation to Wales, the Welsh Ministers;
  - (c) in relation to Scotland, the Scottish Ministers;
  - (d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
- (1B) the ‘appropriate authority’ is the Secretary of State, if consent is given by—
- (a) in relation to Wales, the Welsh Ministers;
  - (b) in relation to Scotland, the Scottish Ministers;
  - (c) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;]

(2) ‘breed’ means a population of animals sufficiently uniform to be considered to be distinct from other animals of the same species by one or more groups of breeders which have agreed to enter those animals in breeding books with details of their known ascendants for the purpose of reproducing their inherited characteristics by way of reproduction, exchange and selection within the framework of a breeding programme;

(3) ‘breeding animal’ means a purebred breeding animal or a hybrid breeding pig;

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- (4) ‘germinal products’ means semen, oocytes and embryos collected or produced from breeding animals for the purpose of assisted reproduction;
- (5) ‘breed society’ means any breeders' association, breeding organisation or public body, other than competent authorities, which is recognised by the competent authority of [<sup>F6</sup>a constituent territory of the United Kingdom] in accordance with Article 4(3) for the purpose of carrying out a breeding programme on purebred breeding animals entered in the breeding book(s) it maintains or establishes;
- (6) ‘breeding operation’ means any breeders' association, breeding organisation, private undertaking operating in a closed production system or public body, other than competent authorities, which is recognised by the competent authority of [<sup>F7</sup>a constituent territory of the United Kingdom] in accordance with Article 4(3) for the purpose of carrying out a breeding programme on hybrid breeding pigs registered in the breeding register(s) it maintains or establishes;
- (7) ‘breeding body’ means any breeders' association, breeding organisation, private undertaking, stock-rearing organisation or official service in a third country which, in respect of purebred breeding animals of the bovine, porcine, ovine, caprine or equine species or of hybrid breeding pigs, has been accepted by that third country in connection with the entry into the [<sup>F8</sup>United Kingdom] of breeding animals for breeding;
- (8) ‘competent authorities’ means the authorities of [<sup>F9</sup>a constituent territory of the United Kingdom] which are responsible, pursuant to this Regulation, for:
- (a) the recognition of breed societies and breeding operations and the approval of the breeding programmes they carry out on breeding animals;
  - (b) official controls on operators;
  - (c) the provision of assistance to other [<sup>F10</sup>competent authorities in the United Kingdom] and third countries in case of detected non-compliances;
  - (d) official activities other than those referred to in points (a) and (c);
- (8A) [<sup>F11</sup>‘the EU 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 in the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof, as it has effect in EU law, as amended from time to time;
- (8B) ‘third country’ means any country or territory other than—
- (a) the United Kingdom;
  - (b) the Bailiwick of Jersey;
  - (c) the Bailiwick of Guernsey;
  - (d) the Isle of Man; ]
- (9) ‘purebred breeding animal’ means an animal which is entered or registered and eligible for entry in the main section of a breeding book;
- (10) ‘hybrid breeding pig’ means an animal of the porcine species registered in a breeding register, which is produced by deliberate cross-breeding or used for deliberate cross-breeding between:

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- (a) purebred breeding pigs of different breeds or lines;
  - (b) breeding pigs which are themselves the outcome of a cross (hybrid) between different breeds or lines;
  - (c) breeding pigs belonging to one or the other of the categories referred to in (a) or (b);
- (11) ‘line’ means a genetically stable and uniform subpopulation of purebred breeding animals of a particular breed;
- (12) ‘breeding book’ means:
- (a) any herd-book, flock-book, stud-book, file or data medium which is maintained by a breed society consisting of a main section and, where the breed society so decides, of one or more supplementary sections for animals of the same species that are not eligible for entry in the main section;
  - (b) where appropriate, any corresponding book maintained by a breeding body;
- (13) ‘main section’ means the section of a breeding book in which purebred breeding animals are entered or registered and eligible for entry with details of their ascendants and, where applicable, their merits;
- (14) ‘class’ means a horizontal division of the main section in which purebred breeding animals are entered according to their merits;
- (15) ‘merit’ means a quantifiable heritable characteristic or a genetic peculiarity of a breeding animal;
- (16) ‘breeding value’ means an estimate of the expected effect of the genotype of a breeding animal on a given characteristic in its progeny;
- (17) ‘breeding register’ means:
- (a) any file or data medium which is maintained by a breeding operation in which hybrid breeding pigs are registered with details of their ascendants;
  - (b) where appropriate, any corresponding register maintained by a breeding body;
- (18) ‘official control’ means any type of control that the competent authorities perform in order to verify compliance with the rules laid down in this Regulation;
- (19) ‘other official activities’ means any activity other than an official control which is performed by competent authorities in accordance with this Regulation in order to ensure the application of the rules laid down in this Regulation;
- (20) ‘zootechnical certificate’ means breeding certificates, attestations or commercial documentation which are issued on paper or in electronic form for breeding animals and their germinal products and which provide information on pedigree, identification and, where available, results of performance testing or genetic evaluation;
- (21) [F12: ‘entering the United Kingdom’ or ‘entry into the United Kingdom’ means the action of bringing breeding animals or their germinal products into the United Kingdom;]

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- (21A) [<sup>F13</sup>entering Great Britain’ means the action of bringing breeding animals or their germinal products into Great Britain;]
- (22) ‘trade’ means the action of buying, selling, exchanging or otherwise acquiring or releasing animals or their germinal products within the [<sup>F14</sup>United Kingdom];
- (23) ‘operator’ means any natural or legal person subject to the rules provided for in this Regulation, such as breed societies, breeding operations, third parties that have been designated by breed societies or breeding operations in accordance with Article 27(1) (b), semen collection and storage centres, embryo storage centres, embryo collection or production teams, and breeders;
- (24) ‘endangered breed’ means a local breed, recognised by [<sup>F15</sup>an appropriate authority to be endangered, genetically adapted to one or more traditional productions systems or environments in the United Kingdom] and where the endangered status is scientifically established by a body possessing the necessary skills and knowledge in the area of endangered breeds;
- (25) ‘private undertaking operating in a closed production system’ means a private undertaking with a breeding programme in which participate either no breeders or a restricted number of breeders who are bound to that private undertaking to accept from it the supply of hybrid breeding pigs or to supply hybrid breeding pigs to it;
- (26) ‘breeding programme’ means a set of systematic actions, including recording, selection, breeding and exchange of breeding animals and their germinal products, designed and implemented to preserve or enhance desired phenotypic and/or genotypic characteristics in the target breeding population;
- (27) [<sup>F16</sup>‘constituent territory of the United Kingdom’ means England, Wales, Scotland, or Northern Ireland.]

#### Textual Amendments

- F5** Art. 2(1A)(1B) inserted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **3(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Art. 2(5) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **3(2)(b)** (as substituted by S.I. 2020/1388, regs. 1(2)(a), 28(2)(a)); 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in Art. 2(6) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **3(2)(b)** (as substituted by S.I. 2020/1388, regs. 1(2)(a), 28(2)(a)); 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in Art. 2(7) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **3(2)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in Art. 2(8) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **3(2)(d)(i)** (as substituted by S.I. 2020/1388, regs. 1(2)(a), 28(2)(b)); 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in Art. 2(8)(c) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **3(2)(d)(ii)** (as substituted by S.I. 2020/1388, regs. 1(2)(a), 28(2)(b)); 2020 c. 1, Sch. 5 para. 1(1)
- F11** Art. 2(8A)(8B) inserted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **3(2)(e)** (as amended by S.I. 2020/1388, regs. 1(2)(a), 28(2)(c)); 2020 c. 1, Sch. 5 para. 1(1)
- F12** Art. 2(21) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **3(2)(f)**; 2020 c. 1, Sch. 5 para. 1(1)

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- F13** Art. 2(21A) inserted by The Animal Breeding (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/117), regs. 1, **3(2)(fa)** (as inserted by S.I. 2020/1388, regs. 1(2)(a), 28(2)(d)); 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in Art. 2(22) substituted (31.12.2020) by The Animal Breeding (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/117), regs. 1, **3(2)(g)**; 2020 c. 1, Sch. 5 para. 1(1)
- F15** Words in Art. 2(24) substituted (31.12.2020) by The Animal Breeding (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/117), regs. 1, **3(2)(h)**; 2020 c. 1, Sch. 5 para. 1(1)
- F16** Art. 2(27) inserted (31.12.2020) by The Animal Breeding (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/117), regs. 1, **3(2)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 3

#### **General zootechnical and genealogical rules for trade in breeding animals and their germinal products, and for their entry into the [F17United Kingdom]**

1 Trade in breeding animals and their germinal products and the entry into the [F18United Kingdom] of breeding animals and their germinal products shall not be prohibited, restricted or impeded on zootechnical or genealogical grounds other than those grounds resulting from the rules provided for in this Regulation.

2 Breeders of breeding animals, breed societies, breeding operations or breeding bodies shall not be discriminated against on the basis of their country of origin or of the country of origin of their breeding animals or the germinal products thereof.

#### **Textual Amendments**

- F17** Words in Art. 3 heading substituted (31.12.2020) by The Animal Breeding (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/117), regs. 1, **3(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in Art. 3(1) substituted (31.12.2020) by The Animal Breeding (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/117), regs. 1, **3(3)**; 2020 c. 1, Sch. 5 para. 1(1)

## CHAPTER II

### ***Recognition of breed societies and breeding operations***<sup>F19</sup>**... and approval of breeding programmes**

#### *Section 1*

#### ***Recognition of breed societies and breeding operations***

#### *Article 4*

#### **Recognition of breed societies and breeding operations**

1 In respect of purebred breeding animals, breeders' associations, breeding organisations or public bodies may apply to the competent authorities for recognition as a breed society.

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In respect of hybrid breeding pigs, breeders' associations, breeding organisations, private undertakings operating in a closed production system or public bodies may apply to the competent authorities for recognition as a breeding operation.

2 The applications referred to in paragraph 1 shall be in writing, either on paper or in electronic form.

3 The competent authorities shall evaluate the applications referred to in paragraph 1. They shall recognise as a breed society any applicant referred to in the first subparagraph of paragraph 1, and as a breeding operation any applicant referred to in the second subparagraph of paragraph 1 that complies with the following requirements:

- a it has its head office on the territory of the [F<sup>20</sup>constituent territory of the United Kingdom] where the competent authority is located;
- b it demonstrates in its application that it complies with the requirements set out in Part 1 of Annex I for its breeding programmes in respect of which it intends to apply for approval in accordance with Article 8(3), and, where applicable, Article 12;
- c its application contains, in respect of each of those intended breeding programmes, a draft version of the breeding programme which is to include the information set out in Part 2 of Annex I, and, additionally in the case of purebred breeding animals of the equine species, in Part 3 of Annex I;
- d when submitting its application referred to in paragraph 1 of this Article, it submits an application for approval of at least one of those intended breeding programmes, in accordance with Article 8(2).

#### Textual Amendments

**F20** Words in Art. 4(3)(a) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, 4(2); 2020 c. 1, Sch. 5 para. 1(1)

### Article 5

#### Refusal of recognition of breed societies and breeding operations

1 For the purposes of Article 4(1), where the competent authority intends to refuse to recognise an applicant as a breed society or breeding operation, it shall provide that applicant with a reasoned explanation for doing so. That applicant shall have the right to request that the competent authority reconsider that intended refusal within 60 days from the date of receipt of the reasoned explanation, or earlier where national rules provide for shorter time-limits.

2 Where, in the light of the reconsideration referred to in paragraph 1 the competent authority decides to confirm its refusal, it shall provide the applicant with a reasoned explanation of its decision to refuse recognition within 90 days from its receipt of the applicant's request for reconsideration, or earlier where national rules provide for shorter time-limits. <sup>F21</sup>....

#### Textual Amendments

**F21** Words in Art. 5(2) omitted (31.12.2020) by virtue of [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, 4(3); 2020 c. 1, Sch. 5 para. 1(1)

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## Article 6

### **Submission of modified breeding programmes in cases of refusal and withdrawal of the recognition of breed societies or breeding operations in the absence of approved breeding programmes**

1 Where the competent authority which has recognised a breed society or breeding operation in accordance with Article 4(3) refuses to approve a breeding programme submitted by that breed society or breeding operation in accordance with Article 8, that breed society or breeding operation shall have the possibility of submitting a modified version of that breeding programme within 6 months after that refusal.

2 The competent authority shall withdraw recognition from that breed society or breeding operation if, by the end of the period referred to in paragraph 1 of this Article, no modified version of the breeding programme has been submitted and where that breed society or breeding operation has no other breeding programme approved in accordance with Article 8(3), and, where applicable, Article 12.

## Article 7

### **Lists of recognised breed societies and breeding operations**

1 <sup>[F22]</sup>The competent authority] shall draw up and keep up to date a list of breed societies and breeding operations that <sup>[F23]</sup>they] have recognised in accordance with Article 4(3) and which have at least one breeding programme that has been approved in accordance with Article 8(3). <sup>[F22]</sup>The competent authority] shall make that list available to the public.

- 2 The list provided for in paragraph 1 shall include the following information:
- a the name, contact details and, where available, the website of the breed society or breeding operation;
  - b for each breed society or breeding operation on that list:
    - (i) in the case of purebred breeding animals, the name of the breed, or, in the case of hybrid breeding pigs, the name of the breed, line or cross, covered by each of its breeding programmes approved in accordance with Article 8(3), and, where the breed society makes use of the derogations referred to in Article 19 or point 2 of Chapter III of Part 1 of Annex II, a reference to those derogations;
    - (ii) <sup>F24</sup> ...
    - (iii) in the case of purebred breeding animals of the equine species, where applicable, the name and contact details of the breed society which maintains the breeding book of the origin of the breed;
    - (iv) for each of its breeding programmes, where available, a reference to a website where information on those breeding programmes can be accessed.

<sup>[F25]</sup>3 Where the competent authority itself carries out a breeding programme, this must be included in the list provided for in paragraph 1.]

4 Where the recognition of a breed society or a breeding operation is withdrawn in accordance with point (e) of third subparagraph of Article 47(1) or the approval of a breeding programme is suspended or withdrawn in accordance with point (d) of third subparagraph of



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Article 47(1), [F26the competent authority] shall, without undue delay, indicate that suspension or withdrawal in the list provided for in paragraph 1 of this Article.

Where, for a period of 24 months, that recognition remains withdrawn or that approval remains suspended or withdrawn, [F26the competent authority] shall definitively remove that breed society, breeding operation or breeding programme from the list provided for in paragraph 1.

[F275 A competent authority may lay down, and publish on a website, model forms for the presentation of the information to be included in the list of recognised breed societies and breeding operations provided for in paragraph 1.]

#### Textual Amendments

- F22** Words in Art. 7(1) substituted (31.12.2020) by The Animal Breeding (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/117), regs. 1, 4(4)(a)(i); 2020 c. 1, Sch. 5 para. 1(1)
- F23** Word in Art. 7(1) substituted (31.12.2020) by The Animal Breeding (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/117), regs. 1, 4(4)(a)(ii); 2020 c. 1, Sch. 5 para. 1(1)
- F24** Art. 7(2)(b)(ii) omitted (31.12.2020) by virtue of The Animal Breeding (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/117), regs. 1, 4(4)(b); 2020 c. 1, Sch. 5 para. 1(1)
- F25** Art. 7(3) substituted (31.12.2020) by The Animal Breeding (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/117), regs. 1, 4(4)(c); 2020 c. 1, Sch. 5 para. 1(1)
- F26** Words in Art. 7(4) substituted (31.12.2020) by The Animal Breeding (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/117), regs. 1, 4(4)(d); 2020 c. 1, Sch. 5 para. 1(1)
- F27** Art. 7(5) substituted (31.12.2020) by The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, 11(2) (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)

## Section 2

### Approval of breeding programmes

#### Article 8

#### Approval of breeding programmes carried out by breed societies and breeding operations

1 A breed society or a breeding operation [F28recognised under Article 4(3)] shall submit applications for approval of its breeding programmes to the competent authority which has recognised that breed society or breeding operation in accordance with Article 4(3).

2 The applications referred to in paragraph 1 shall be in writing, either on paper or in electronic form.

3 The competent authority referred to in paragraph 1 shall evaluate those breeding programmes and approve them provided that:

- a they have one or more of the following aims:
  - (i) in the case of purebred breeding animals:
    - the improvement of the breed,
    - the preservation of the breed,
    - the creation of a new breed,

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- the reconstruction of a breed;
  - (ii) in the case of hybrid breeding pigs:
    - the improvement of the breed, line or cross,
    - the creation of a new breed, line or cross;
  - b they describe in detail the selection and breeding objectives;
  - c they comply with the requirements set out in Part 2 of Annex I, and in addition in the case of purebred breeding animals of the equine species, in Part 3 of Annex I.
- 4 Breed societies or breeding operations may outsource to a third party specific technical activities related to the management of their breeding programmes, including performance testing and genetic evaluation, provided that:
- a the breed societies and breeding operations remain responsible to the competent authority for ensuring compliance with the requirements provided for in Parts 2 and 3 of Annex I;
  - b there is no conflict of interests between that third party and the economic activities of breeders who participate in the breeding programme;
  - c that third party fulfils all the necessary requirements to carry out those activities;
  - d those breed societies and breeding operations specify the activities which they intend to outsource and the name and contact details of those third parties in their applications referred to in paragraph 2.
- 5 Where, for at least 24 months, there are no breeders which have their holdings, on which they keep their breeding animals, located on a given part of the geographical territory that are participating in a breeding programme approved in accordance with paragraph 3, the competent authority referred to in paragraph 1 may require the breed society or breeding operation concerned to adjust the geographical territory of its breeding programme so as not to include that given part.

#### **Textual Amendments**

**F28** Art. 8(1) inserted by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **4(5)** (as substituted by [S.I. 2020/1388](#), regs. 1(2)(a), **28(3)(a)**); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

### *Article 9*

#### **Changes to an approved breeding programme**

- 1 Prior to the implementation of any significant changes relating to the requirements referred to in Article 8(3) in its breeding programme approved in accordance with that provision, a breed society or breeding operation shall notify those changes to the competent authority which has recognised that breed society or breeding operation in accordance with Article 4(3).
- 2 The notification shall be in writing, either on paper or in electronic form.
- 3 Unless that competent authority indicates otherwise within a period of 90 days from the date of notification, those changes shall be considered to have been approved.
- 4 Breed societies and breeding operations shall inform in a transparent and timely manner the breeders participating in their breeding programmes of the changes in their breeding programme that have been approved in accordance with paragraph 3.

**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2016/1012 of the European Parliament and of the Council. (See end of Document for details)

## Article 10

### Derogations from Article 8(3) concerning the approval of breeding programmes

1 By way of derogation from Article 8(3), the competent authority which has recognised a breed society in accordance with Article 4(3) may refuse to approve a breeding programme of that breed society that complies with the requirements set out in Part 2 of Annex I, and additionally in the case of purebred breeding animals of the equine species, in Part 3 of Annex I, on the grounds that that breeding programme would compromise the breeding programme carried out by another breed society for the same breed which has already been approved in [F<sup>29</sup>the United Kingdom] as regards at least one of the following:

- a the essential traits of the breed characteristics or the main objectives of that breeding programme;
- b the preservation of that breed or of the genetic diversity within that breed; or
- c where the aim of that breeding programme is the preservation of that breed, the effective implementation of that breeding programme:
  - (i) in the case of an endangered breed; or
  - (ii) in the case of an autochthonous breed which is not commonly found in one or more of the [F<sup>30</sup>constituent territories of the United Kingdom].

2 For the purpose of paragraph 1, the competent authority shall take due account of the following:

- a the number of breeding programmes already approved for that breed in [F<sup>31</sup>the United Kingdom];
- b the size of the breeding populations covered by those breeding programmes;
- c the possible genetic input from breeding programmes carried out by other breed societies for the same breed F<sup>32</sup>... by breeding bodies in third countries.

#### Textual Amendments

- F29** Words in Art. 10(1) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, [4\(6\)\(a\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F30** Words in Art. 10(1)(c)(ii) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, [4\(6\)\(a\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F31** Words in Art. 10(2)(a) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, [4\(6\)\(b\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F32** Words in Art. 10(2)(c) omitted (31.12.2020) by virtue of [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, [4\(6\)\(b\)\(ii\)](#) (as substituted by S.I. 2020/1388, regs. 1(2)(a), 28(3)(b)); 2020 c. 1, Sch. 5 para. 1(1)

## Article 11

### Refusal of the approval of breeding programmes

Where the competent authority which has recognised a breed society or breeding operation in accordance with Article 4(3) refuses to approve a breeding programme submitted by such breed society or breeding operation in accordance with Article 8(1) or refuses to approve changes to a breeding programme notified in accordance with

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Article 9(1), it shall provide that breed society or breeding operation with a reasoned explanation for its refusal.

### *f<sup>F33</sup> Article 12*

#### **Notification and approval of breeding programmes carried out in the United Kingdom by breed societies or breeding operations approved in a member State**

1 Where a breed society or breeding operation (within the meaning of Article 2 of the EU Regulation) approved either in accordance with Article 8(3) of the EU Regulation by a competent authority in a member State or by a competent authority in a third country in respect of which the appropriate authority has made regulations under Article 35, or a breeding body entered into the list under Article 34(1), intends to carry out a breeding programme on animals kept in the United Kingdom, that breed society, breeding operation or breeding body must notify the competent authority of the constituent territory of the United Kingdom where the animals are to be kept.;

2 The notification provided for in paragraph 1 must—

- a be sent to the competent authority at least 90 days before the intended commencement date of the breeding programme in the United Kingdom;
- b be provided in English and other languages may also appear.

3 The competent authority of the constituent territory of the United Kingdom may, within 90 days from the date of receipt of the notification referred to in of paragraph 2(a), refuse to approve the carrying out on its territory of the breeding programme, where an approved breeding programme is already being carried out in the United Kingdom on purebred breeding animals of the same breed.

4 The competent authority of the constituent territory of the United Kingdom must inform the competent authority which has recognised the breed society, breeding operation or breeding body about the result of the notification provided for in paragraph 1 of this Article and, where it refuses to approve the carrying out on its territory of the breeding programme, must provide a reasoned explanation for the refusal.

5 Failure by the competent authority of the constituent territory of the United Kingdom to reply to the notification referred to in paragraph 2(a) within 90 days from the date of receipt of that notification shall constitute approval.

6 Where the competent authority of the constituent territory of the United Kingdom refuses to approve the breeding programme in accordance with paragraph 3, the competent authority, on an application by the breed society, breeding operation or breeding body, must reconsider the refusal to approve the breeding programme, taking into account any new information provided.

7 The competent authority of the constituent territory of the United Kingdom may withdraw its approval of the breeding programme provided for under this Article where, for at least 12 months, no breeder in the constituent territory of the United Kingdom participates in that breeding programme.]

### Textual Amendments

- F33** Art. 12 substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **4(7)** (as amended by [S.I. 2020/1388](#), regs. 1(2)(a), 28(3)(c)); 2020 c. 1, Sch. 5 para. 1(1)

### Textual Amendments

- F19** Words in [Ch. 2 heading](#) omitted (31.12.2020) by virtue of [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **4(1)**; 2020 c. 1, Sch. 5 para. 1(1)

## CHAPTER III

### *Rights and obligations of breeders, breed societies and breeding operations*

#### *Article 13*

#### **Rights of breeders participating in breeding programmes approved in accordance with Article 8(3), and, where applicable, Article 12**

- 1 Breeders shall have the right to participate in a breeding programme approved in accordance with Article 8(3), and, where applicable, Article 12 provided that:
- a their breeding animals are kept on holdings located within the [<sup>F34</sup>the United Kingdom];
  - b their breeding animals belong, in the case of purebred breeding animals, to the breed, or, in the case of hybrid breeding pigs, to the breed, line or cross, covered by that breeding programme.
- 2 Breeders participating in a breeding programme approved in accordance with Article 8(3), and, where applicable, Article 12 shall have the right:
- a to have their purebred breeding animals entered in the main section of the breeding book established for the breed by the breed society in accordance with Articles 18 and 20;
  - b to have their animals recorded in a supplementary section of the breeding book established for the breed by the breed society in accordance with Article 20;
  - c to have their hybrid breeding pigs registered in a breeding register established for the breed, line or cross by a breeding operation in accordance with Article 23;
  - d to participate in performance testing and genetic evaluation in accordance with Article 25;
  - e to be provided with a zootechnical certificate in accordance with Article 30(1) and (4);
  - f on request, to be provided, with up-to-date results of the performance testing and genetic evaluation for their breeding animals, where those results are available;
  - g to have access to all the other services provided in relation to that breeding programme to the participating breeders by the breed society or breeding operation carrying out that breeding programme.
- 3 In addition to the rights laid down in paragraphs 1 and 2, where the rules of a breed society or breeding operation provide for membership, the breeders referred to in paragraph 1 shall also have the right:
- a to become a member of that breed society or breeding operation;

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- b to participate in the defining and development of the breeding programme in accordance with the rules of procedure referred to in point B(1)(b) of Part 1 of Annex I.

#### **Textual Amendments**

- F34** Words in Art. 13(1)(a) substituted (31.12.2020) by virtue of [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/117), regs. 1, 5; 2020 c. 1, **Sch. 5 para. 1(1)**

### *Article 14*

#### **Rights and obligations of breed societies and breeding operations**

- 1 As regards their breeding programmes approved in accordance with Article 8(3), and, where applicable, Article 12, breed societies and breeding operations shall have the right to define and carry out such breeding programmes autonomously, provided that they comply with this Regulation and any conditions of their approval.
- 2 Breed societies or breeding operations shall have the right to exclude breeders from participating in a breeding programme where those breeders fail to comply with the rules of that breeding programme or with the obligations set out in the rules of procedure referred to in point B(1)(b) of Part 1 of Annex I.
- 3 In addition to the right referred to in paragraph 2, breed societies and breeding operations which provide for membership shall have the right to exclude breeders from membership where those breeders fail to comply with their obligations set out in the rules of procedure referred to in point B(1)(b) of Part 1 of Annex I.
- 4 Breed societies and breeding operations shall, without prejudice to the role of the courts, have a responsibility to settle disputes that may arise between breeders, and between breeders and the breed society or breeding operation, in the process of carrying out breeding programmes approved in accordance with Article 8(3), and, where applicable, Article 12, in accordance with the rules of procedure referred to in point B(1)(b) of Part 1 of Annex I.

### *CHAPTER IV*

#### ***Entry of breeding animals in breeding books and breeding registers and acceptance for breeding***

##### *Section 1*

#### ***Entry of purebred breeding animals in breeding books and acceptance for breeding***

### *Article 15*

#### **Structure of breeding books**

Breeding books shall consist of a main section and, where specified in the breeding programme approved in accordance with Article 8(3), and, where applicable, Article 12, one or more supplementary sections.

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## Article 16

### Main section of breeding books

1 Where different criteria or procedures are established by breed societies for entering purebred breeding animals in different classes, those breed societies may divide the main section of breeding books into classes:

- a according to the merits of those animals and subdivide those classes according to their age or gender; or
- b according to the age or gender of those animals, provided that those classes are also subdivided according to their merits.

Those criteria and procedures may require that the purebred breeding animal undergo the performance testing or genetic evaluation provided for in Article 25 or any other assessment described in the breeding programme approved in accordance with Article 8(3), and, where applicable, Article 12 prior to it being entered in a specific class of the main section.

2 Where the breeding programme establishes conditions for entry in the main section of the breeding book in addition to those set out in Chapter I of Part 1 of Annex II, the breed society carrying out that breeding programme shall establish, in that main section, at least one class for purebred breeding animals that fulfil only the conditions of Chapter I of Part 1 of Annex II and Article 21 to be entered, on application by the breeder.

## Article 17

### Supplementary sections of breeding books

Breed societies may establish one or more supplementary sections in the breeding book for animals of the same species that are not eligible for entry in the main section, provided that the rules set out in the breeding programme allow the progeny of those animals to be entered in the main section in accordance with the rules set out:

- (a) in the case of female animals of the bovine, porcine, ovine and caprine species, in point 1(a) of Chapter III of Part 1 of Annex II;
- (b) in the case of animals of endangered breeds of the bovine, porcine, ovine and caprine species or of 'hardy' sheep breeds, in point 2 of Chapter III of Part 1 of Annex II; or
- (c) in the case of male and female animals of the equine species, in point 1(b) of Chapter III of Part 1 of Annex II.

## Article 18

### Entry of purebred breeding animals in the main section of the breeding book

1 Breed societies shall, at the request of breeders, enter or register for entry in the main section of their breeding book any purebred breeding animals of the breed covered by their breeding programme, provided that those animals comply with the requirements set out in Chapter I of Part 1 of Annex II and, where applicable, that those animals are the offspring of breeding animals or result from the germinal products thereof, in accordance with the rules provided for in Article 21.

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2 Breed societies shall not refuse the entry in the main section of their breeding books of a purebred breeding animal on the grounds that it has already been entered in the main section of a breeding book of the same breed or, in the case of a cross-breeding programme carried out on purebred breeding animals of the equine species, of a different breed established by another breed society recognised in accordance with Article 4(3) or by a breeding body in a third country included in the list provided for in Article 34.

3 Where the main section of the breeding book is divided into classes, purebred breeding animals meeting the criteria for entry in the main section shall be entered by the breed society in the class that corresponds to the merits of those purebred breeding animals.

### *Article 19*

#### **Derogations from the requirements for the entry of animals in the main section of breeding books in the case of the creation of a new breed or the reconstruction of a breed**

1 By way of derogation from Article 18(1), where a breed society carries out a breeding programme approved in accordance with Article 8(3), and, where applicable, Article 12, for a breed for which no breeding book exists in any [<sup>F35</sup>constituent territory of the United Kingdom] or third country included in the list provided for in Article 34, that breed society may enter in the main section of that newly established breeding book, purebred breeding animals or descendants from purebred breeding animals of different breeds or any animal which is judged by the breed society to conform to the characteristics of that new breed and, where applicable, fulfils the minimum performance requirements laid down in the breeding programme.

Breed societies making use of this derogation shall:

- a set in their breeding programme a period for the establishment of the new breeding book that is appropriate for the generation interval of the species or the breed concerned;
- b make reference to any existing breeding book in which the purebred breeding animals or their parents have been entered for the first time after birth, together with the original registration number in that breeding book;
- c in their system for recording pedigrees, identify the animals which are considered by them to be the breed's foundation stock.

2 Where a breed society intends to reconstruct a breed that has disappeared or that is in serious danger of disappearing, [<sup>F36</sup>the appropriate authority], or, if it so decides, the competent authority, may authorise the breed society to enter, in the main section of the breeding book, descendants of purebred breeding animals of the breed to be reconstructed or purebred breeding animals or descendants from purebred breeding animals of other breeds which enter in the reconstruction of that breed or any animal which is judged by the breed society to conform to the characteristics of the breed to be reconstructed and which, where applicable, fulfil the minimum performance requirements laid down in the breeding programme provided that:

- a a period for the establishment or re-establishment of that breeding book, appropriate for the breed concerned, is set in the breeding programme;
- b where applicable, reference is made to any breeding book in which those purebred breeding animals or ascendants have been entered together with the original registration number in that breeding book;
- c the animals which are considered by that breed society to be the breed's reconstruction stock are identified in the system for recording pedigrees.

3 A breed society seeking to avail itself of the derogation referred to in paragraph 1 of this Article or the derogation referred to in paragraph 2 of this Article shall lay down a detailed



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plan for the creation or reconstruction of the breed in its breeding programme referred to in Article 8(1).

4 By the end of the periods referred to in point (a) of paragraph 1 of this Article and point (a) of paragraph 2 of this Article, the competent authority shall carry out an official control as provided for in Article 43.

5 Where a breed is being created or reconstructed in accordance with this Article, [<sup>F37</sup>the appropriate authority] shall make that information publicly available by including an indication to that effect in the list provided for in Article 7.

#### Textual Amendments

- F35** Words in Art. 19(1) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **6(1)(a)(i)** (as substituted by [S.I. 2020/1388](#), regs. 1(2)(a), **28(4)(a)(i)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F36** Words in Art. 19(2) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **6(1)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F37** Words in Art. 19(5) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **6(1)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 20

#### Recording of animals in supplementary sections and upgrading of their offspring to the main section

1 Where supplementary sections are established by a breed society in accordance with Article 17, that breed society shall, on application by breeders, record in the appropriate supplementary sections provided for in Article 17 animals of the species covered by its breeding programme that are not eligible for entry in the main section, provided that those animals meet the conditions set out in Chapter II of Part 1 of Annex II.

2 Breed societies shall, on application by breeders, enter the progeny of the animals referred to in paragraph 1 of this Article in the main section provided for in Article 16 and shall regard that progeny as purebred breeding animals, provided that that progeny meets the conditions set out in Chapter III of Part 1 of Annex II.

### Article 21

#### Acceptance of purebred breeding animals and their germinal products for breeding

1 A breed society carrying out a breeding programme approved in accordance with Article 8(3), and, where applicable, Article 12 for a breed shall accept:

- a for natural service, any purebred breeding animal of that breed;
- b for artificial insemination, semen collected from purebred breeding animals of the bovine species which have undergone genetic evaluation in accordance with Article 25;
- c for artificial insemination, semen collected from purebred breeding animals of the porcine, ovine or caprine species which have undergone performance testing or genetic evaluation in accordance with Article 25;
- d for artificial insemination, semen collected from purebred breeding animals of the equine species which have undergone, where required by the breeding programme

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- approved in accordance with Article 8(3), and, where applicable, Article 12, performance testing or genetic evaluation in accordance with Article 25;
- e for embryo transfer, oocytes collected and used for in vitro production of embryos and in vivo derived embryos conceived by use of semen referred to in point (b) or (c) of this paragraph, provided that those oocytes and embryos have been collected from purebred breeding animals of the bovine, porcine, ovine or caprine species which have undergone performance testing or genetic evaluation in accordance with Article 25;
- f for embryo transfer, oocytes collected and used for in vitro production of embryos and in vivo derived embryos conceived by use of semen referred to in point (d) of this paragraph, provided that those oocytes and embryos have been collected from purebred breeding animals of the equine species which have undergone, where required by the breeding programme approved in accordance with Article 8(3), and, where applicable, Article 12, performance testing or genetic evaluation in accordance with Article 25;
- g for testing of male purebred breeding animals of the bovine, porcine, ovine and caprine species, semen collected from purebred breeding animals which have not undergone performance testing or genetic evaluation provided that that semen is solely used for the purpose of testing those male purebred breeding animals within the quantity limits necessary to enable that breed society to carry out such tests in accordance with Article 25.

2 In the case of purebred breeding animals of the equine species, by way of derogation from paragraph 1 of this Article, a breed society may prohibit or limit the use of one or more reproduction techniques referred to in that paragraph or the use of purebred breeding animals for one or more of those reproduction techniques, including the use of their germinal products, provided that that prohibition or limitation is specified in its breeding programme approved in accordance with Article 8(3), and, where applicable, Article 12.

Any such prohibition or limitation that is specified in the breeding programme of the breed society which has established the breeding book of the origin of the breed in accordance with point 3(a) of Part 3 of Annex I shall be binding for the breeding programmes of the breed societies that establish filial breeding books for the same breed in accordance with point 3(b) of Part 3 of Annex I.

3 In the case of an endangered breed, a breed society may prohibit or restrict the use of a purebred breeding animal of that breed, including the use of its germinal products, where that use would compromise the preservation or the genetic diversity of that breed.

4 Semen referred to in point (g) of paragraph 1 collected from male purebred breeding animals which are entered in the main section of a breeding book established by a breed society carrying out a breeding programme approved in accordance with Article 8(3), and, where applicable, Article 12, shall be accepted by another breed society carrying out an approved breeding programme on the same breed in the [F38United Kingdom] under the same conditions and quantity limits for performance testing and, where applicable, genetic evaluation as those applied to its own male purebred breeding animals.

5 For the purpose of paragraphs 1 and 4, the germinal products of purebred breeding animals referred to in those paragraphs shall be collected, produced, processed and stored at a semen collection or storage centre, or by an embryo collection or production team, approved [F39by the competent authority in accordance with animal health law in force in the constituent territory of the United Kingdom].

F406 .....

7 By way of derogation from points (b), (c) and (e) of paragraph 1, where the aim of a breeding programme approved in accordance with Article 8(3), and, where applicable, Article

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12, is the preservation of the breed or the preservation of the genetic diversity existing within the breed, performance testing or genetic evaluation shall only be carried out where that breeding programme requires such performance testing or genetic evaluation.

#### Textual Amendments

- F38** Words in Art. 21(4) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **6(2)(a)(ii)** (as amended by [S.I. 2020/1388](#), regs. 1(2)(a), **28(4)(b)(i)(bb)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F39** Words in Art. 21(5) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **6(2)(b)** (as substituted by [S.I. 2020/1388](#), regs. 1(2)(a), **28(4)(b)(ii)**); 2020 c. 1, Sch. 5 para. 1(1)
- F40** Art. 21(6) omitted (31.12.2020) by virtue of [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **6(2)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 22

#### Methods for identity verification

1 Where purebred breeding animals of the bovine, ovine, caprine and equine species are used for the collection of semen for artificial insemination, breed societies shall require that those purebred breeding animals are identified by analysis of their blood group or by any other appropriate method providing at least the same degree of certainty such as DNA analysis.

2 Where breeding animals of the bovine, porcine, ovine, caprine and equine species are used for the collection of oocytes and embryos, and where breeding animals of the porcine species are used for the collection of semen for artificial insemination, breed societies and breeding operations may require that those breeding animals are identified by one of the methods referred to in paragraph 1.

[<sup>F413</sup> The appropriate authority may by regulations prescribe methods to be used for the verification of the identity of breeding animals.

4 Regulations under paragraph 3 may include (but are not limited to) provision for implementation of recommendations made by national or European Union reference centres, the International Committee for Animal Recording ('ICAR') or the International Society for Animal Genetics.]

#### Textual Amendments

- F41** Art. 22(3)(4) substituted for Art. 22(3) (31.12.2020) by [The Animals \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/588\)](#), regs. 1, **11(3)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)

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## Section 2

### **Registration of hybrid breeding pigs in breeding registers and acceptance for breeding**

#### Article 23

#### **Registration of hybrid breeding pigs in breeding registers**

1 Breeding operations shall, at the request of their breeders, register in their breeding register any hybrid breeding pig of the same breed, line or cross that fulfils the requirements set out in Part 2 of Annex II.

2 Breeding operations shall not refuse to register in their breeding registers any hybrid breeding pigs that have been registered in accordance with Part 2 of Annex II in a breeding register established for the same breed, line or cross by a breeding operation recognised in accordance with Article 4(3) in the [<sup>F42</sup>United Kingdom or by a breeding body in a third country included in the list provided for in Article 34].

#### **Textual Amendments**

**F42** Words in Art. 23(2) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **6(3)** (as substituted by [S.I. 2020/1388](#), regs. 1(2)(a), 28(4)(c)); 2020 c. 1, Sch. 5 para. 1(1)

#### Article 24

#### **Acceptance of hybrid breeding pigs and their germinal products for breeding**

1 A breeding operation carrying out a breeding programme, approved in accordance with Article 8(3), and, where applicable, Article 12, on hybrid breeding pigs of a breed, line or cross shall accept:

- a for natural service, any hybrid breeding pig of the same breed, line or cross as defined in that breeding programme;
- b for artificial insemination, semen collected from hybrid breeding pigs which have undergone, where required by the breeding programme, approved in accordance with Article 8(3), and, where applicable, Article 12, performance testing or genetic evaluation in accordance with Article 25;
- c for embryo transfer, oocytes collected and used for in vitro production of embryos and in vivo derived embryos conceived by use of semen referred to in point (b), provided that those oocytes and embryos have been collected from hybrid breeding pigs which have undergone, where required by the breeding programme, approved in accordance with Article 8(3), and, where applicable, Article 12, performance testing or genetic evaluation in accordance with Article 25;
- d for the testing of male hybrid breeding pigs, semen collected from those hybrid breeding pigs which have not undergone performance testing or genetic evaluation, provided that that semen is solely used for the purpose of testing of those hybrid breeding pigs within the quantity limits necessary for that breeding operation to carry out such tests in accordance with Article 25.

2 Male hybrid breeding pigs which are registered in a breeding register established by a breeding operation carrying out a breeding programme, approved in accordance with Article

8(3), and, where applicable, Article 12, and the germinal products thereof, shall be accepted by another breeding operation carrying out a breeding programme on the same breed, line or cross in the [<sup>F43</sup>United Kingdom] under the same conditions and quantity limits for performance testing, and, where applicable, genetic evaluation, as applied to its own hybrid breeding pigs.

3 For the purpose of paragraphs 1 and 2, the germinal products of hybrid breeding pigs referred to in those paragraphs shall be collected, produced, processed and stored at a semen collection or storage centre, or by an embryo collection or production team, approved [<sup>F44</sup>by the competent authority in accordance with animal health law in force in the constituent territory of the United Kingdom].

<sup>F45</sup>4 .....

#### Textual Amendments

- F43** Words in Art. 24(2) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **6(4)(a)** (as amended by [S.I. 2020/1388](#), regs. 1(2)(a), 28(4)(d)(i)); 2020 c. 1, Sch. 5 para. 1(1)
- F44** Words in Art. 24(3) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **6(4)(b)** (as substituted by [S.I. 2020/1388](#), regs. 1(2)(a), 28(4)(d)(ii)); 2020 c. 1, Sch. 5 para. 1(1)
- F45** Art. 24(4) omitted (31.12.2020) by virtue of [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **6(4)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

## CHAPTER V

### *Performance testing and genetic evaluation*

#### *Article 25*

#### **Methods for performance testing and genetic evaluation**

Where a breed society or a breeding operation, or a third party designated in accordance with Article 27(1)(b), carries out performance testing or genetic evaluation of breeding animals, that breed society, breeding operation or third party shall ensure that such performance testing or genetic evaluation is carried out in accordance with the rules set out in:

- (a) in the case of purebred breeding animals of the bovine, porcine, ovine and caprine species and in the case of hybrid breeding pigs, Annex III;
- (b) in the case of purebred breeding animals of the equine species, the breeding programme carried out by that breed society as approved in accordance with Article 8(3), and, where applicable, Article 12.

#### <sup>F46</sup>Article 26

#### **Requirements for performance testing and genetic evaluation**

1 The appropriate authority may by regulations amend Annex 3 in order to take account of—

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- a scientific advances;
  - b technical developments;
  - c the need to preserve valuable genetic resources.
- 2 The appropriate authority may by regulations prescribe requirements for the performance testing and genetic evaluation of purebred breeding animals of the bovine, ovine and caprine species.
- 3 Regulations under paragraph 2 may include (but are not limited to)—
- a methods for the interpretation of the results of performance testing and genetic evaluation;
  - b provision for implementation of recommendations of United Kingdom reference centres ('reference centres') or European Union reference centres, or of the principles agreed by ICAR.]

#### Textual Amendments

**F46** Art. 26 substituted (31.12.2020) by [The Animals \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/588\)](#), regs. 1, **11(4)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)

### Article 27

#### Carrying out of performance testing and genetic evaluation

1 Where performance testing or genetic evaluation is to be carried out according to the breeding programme approved in accordance with Article 8(3), and, where applicable, Article 12, breed societies and breeding operations shall:

- a carry out that performance testing or genetic evaluation themselves; or
- b designate the third parties to which that performance testing or genetic evaluation is to be outsourced.

<sup>F47</sup>2 .....

<sup>F48</sup>3 .....

4 By way of derogation from Article 8(4)(a), [<sup>F49</sup>an appropriate authority] or its competent authority may decide that a third party [<sup>F50</sup>designated in accordance with paragraph 1(b)] of this Article, shall be responsible to that competent authority for ensuring compliance with the requirements provided for in this Regulation applicable to that outsourced performance testing or genetic evaluation.

5 Breed societies or breeding operations themselves carrying out performance testing or genetic evaluation or third parties designated by a breed society or breeding operation in accordance with point (b) of paragraph 1 of this Article [<sup>F51</sup>may commit themselves to comply with the rules and standards established by ICAR or by reference centres referred to in Article 29].

The results of such commitments or the participation in such activities may be taken into account by the competent authorities when recognising those breed societies or breeding operations, approving their breeding programmes<sup>F52</sup> ... or carrying out official controls on those operators.

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6 Breed societies and breeding operations shall make publicly available the detailed information on those who carry out the performance testing or genetic evaluation.

#### Textual Amendments

- F47** Art. 27(2) omitted (31.12.2020) by virtue of [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **7(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F48** Art. 27(3) omitted (31.12.2020) by virtue of [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **7(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F49** Words in Art. 27(4) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **7(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F50** Words in Art. 27(4) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **7(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F51** Words in Art. 27(5) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **7(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F52** Words in Art. 27(5) omitted (31.12.2020) by virtue of [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **7(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 28

#### Obligations of breed societies, breeding operations and third parties carrying out performance testing or genetic evaluation

1 Where a breed society or a breeding operation carries out performance testing or genetic evaluation of breeding animals or outsources those activities to a third party in accordance with Article 27(1)(b), that breed society or breeding operation shall, at the request of the competent authority referred to in Article 8(3), or, where applicable, in Article 12(5), provide the following information:

- a records of all data resulting from performance testing and genetic evaluation in relation to breeding animals from holdings located on the territory where that competent authority operates;
- b details of the recording methods for traits;
- c details of the model of performance description used for the analysis of the results of performance testing;
- d details of the statistical methods used for the analysis of the results of performance testing for each evaluated trait;
- e details of the genetic parameters used for each evaluated trait, including, where applicable, details of the genomic evaluation.

2 The breed society or breeding operation or, on request by that breed society or breeding operation, the third party designated by that breed society or breeding operation in accordance with Article 27(1)(b), shall make the results of the genetic evaluation of breeding animals whose semen is used for artificial insemination in accordance with Article 21(1)(b), (c) and (d) and Article 24(1)(b) publicly available and shall keep them up-to-date.

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/1012 of the European Parliament and of the Council. (See end of Document for details)*

## CHAPTER VI

### **[<sup>F53</sup>United Kingdom] reference centres**

#### Article 29

### **[<sup>F54</sup>United Kingdom] reference centres**

1 Where there is a recognised need to promote the harmonisation or improvement of the methods of performance testing or genetic evaluation of purebred breeding animals used by breed societies or by third parties designated by breed societies in accordance with Article 27(1)(b), the [<sup>F55</sup>appropriate authority may by regulations designate United Kingdom reference centres ('reference centres')] responsible for the scientific and technical contribution to the harmonisation or improvement of those methods.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 62(2).

2 Where there is a recognised need to promote the establishment or harmonisation of the methods used by breed societies, third parties designated by breed societies in accordance with Article 27(1)(b), competent authorities or other authorities of the [<sup>F56</sup>United Kingdom for the preservation of endangered breeds or the preservation of genetic diversity existing within those breeds, the appropriate authority may by regulations designate reference centres responsible for scientific and technical contribution to the establishment or harmonisation of those methods].

<sup>F57</sup>3 .....

4 <sup>F58</sup>... reference centres designated in accordance with paragraph 1 or 2 of this Article shall:

- a comply with the requirements set out in point 1 of Annex IV; and
- b be responsible for the tasks:
  - (i) in the case of <sup>F58</sup>... reference centres designated in accordance with paragraph 1 of this Article, set out in point 2 of Annex IV;
  - (ii) in the case of <sup>F58</sup>... reference centres designated in accordance with paragraph 2 of this Article, set out in point 3 of Annex IV;

<sup>F59</sup> ....

[<sup>F60</sup>4A Regulations under paragraph 1 or 2 may also make provision for reference centres to be responsible for tasks set out in Annex 4, point 4.]

5 The [<sup>F61</sup>appropriate authority may by regulations amend:]

- a the requirements for <sup>F62</sup>... reference centres set out in point 1 of Annex IV;
- b the tasks of <sup>F62</sup>... reference centres set out in points 2 and 3 of Annex IV.

[<sup>F63</sup>Regulations made under this paragraph] shall take due account of:

- a the species of purebred breeding animals for which the methods of performance testing and genetic evaluation are to be harmonised or improved and the scientific and technical advances in the area of performance testing or genetic evaluation; or
- b the endangered breeds for which methods for the preservation of those breeds or the preservation of the genetic diversity within those breeds are to be established or harmonised and the scientific and technical advances in those areas.



**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2016/1012 of the European Parliament and of the Council. (See end of Document for details)

F646

**Textual Amendments**

- F54** Words in Art. 29 heading substituted (31.12.2020) by [The Animals \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/588\)](#), regs. 1, **11(6)(a)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F55** Words in Art. 29(1) substituted (31.12.2020) by [The Animals \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/588\)](#), regs. 1, **11(6)(b)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F56** Words in Art. 29(2) substituted (31.12.2020) by [The Animals \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/588\)](#), regs. 1, **11(6)(c)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F57** Art. 29(3) omitted (31.12.2020) by virtue of [The Animals \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/588\)](#), regs. 1, **11(6)(d)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F58** Words in Art. 29(4) omitted (31.12.2020) by virtue of [The Animals \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/588\)](#), regs. 1, **11(6)(e)(i)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F59** Words in Art. 29(4) omitted (31.12.2020) by virtue of [The Animals \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/588\)](#), regs. 1, **11(6)(e)(ii)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F60** Art. 29(4A) inserted (31.12.2020) by [The Animals \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/588\)](#), regs. 1, **11(6)(f)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F61** Words in Art. 29(5) substituted (31.12.2020) by [The Animals \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/588\)](#), regs. 1, **11(6)(g)(i)(aa)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F62** Words in Art. 29(5)(a)(b) omitted (31.12.2020) by virtue of [The Animals \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/588\)](#), regs. 1, **11(6)(g)(i)(bb)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F63** Words in Art. 29(5) substituted (31.12.2020) by [The Animals \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/588\)](#), regs. 1, **11(6)(g)(ii)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F64** Art. 29(6) omitted (31.12.2020) by virtue of [The Animals \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/588\)](#), regs. 1, **11(6)(h)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)

**Textual Amendments**

- F53** Words in Ch. 6 heading substituted (31.12.2020) by [The Animals \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/588\)](#), regs. 1, **11(5)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)

**CHAPTER VII****Zootechnical certificates****Article 30****Issuing, content and format of zootechnical certificates accompanying breeding animals and the germinal products thereof**

1 Where breeders participating in a breeding programme that has been approved in accordance with Article 8, and, where applicable, Article 12, request zootechnical certificates for their breeding animals or germinal products thereof, the breed society or breeding operation carrying out that breeding programme shall issue those certificates.

2 Zootechnical certificates accompanying breeding animals or germinal products thereof shall only be issued by:

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*Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/1012 of the European Parliament and of the Council. (See end of Document for details)*

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- a breed societies or breeding operations carrying out breeding programmes approved in accordance with Article 8, and, where applicable, Article 12, on those breeding animals;
- b the competent authorities referred to in Article 8(3), or, where applicable, Article 12(2) (a), if those authorities so decide; or
- c breeding bodies included in the list provided for in Article 34 carrying out breeding programmes on those breeding animals.

3 Breed societies or breeding operations shall ensure a timely transmission of zootechnical certificates.

4 Where breeding animals that have been entered in a breeding book maintained by a breed society or registered in a breeding register maintained by a breeding operation or their germinal products are traded and where those breeding animals, or the offspring produced from those germinal products, are intended to be entered or registered in another breeding book or breeding register, those breeding animals, or their germinal products, shall be accompanied by a zootechnical certificate.

The breed society or breeding operation of dispatch of the breeding animals, or of the germinal products thereof, maintaining the breeding book or breeding register where those breeding animals are entered or registered shall issue that zootechnical certificate.

5 Where breeding animals that have been entered in a breeding book or registered in a breeding register maintained by a breeding body included in the list provided for in Article 34, or their germinal products, enter the [F65United Kingdom] and where those breeding animals, or the offspring produced from those germinal products, are intended to be entered in a breeding book maintained by a breed society or registered in a breeding register maintained by a breeding operation, those breeding animals, or their germinal products, shall be accompanied by a zootechnical certificate.

That zootechnical certificate shall be issued by the breeding body listed in accordance with Article 34 that is maintaining the breeding book or breeding register in which those breeding animals are entered or registered, or by the official service of the third country of dispatch.

6 The zootechnical certificates referred to in paragraphs 4 and 5 shall:

- a contain the information set out in the relevant Parts and Chapters of Annex V;
- b comply with the corresponding model forms of zootechnical certificates provided for in [F66regulations made under paragraph 9].

7 A breed society or a breeding body that carries out performance testing or genetic evaluation, or both, in accordance with its breeding programme, or outsources those activities to third parties, in the case of a breed society in accordance with Article 27(1)(b), shall indicate, in the zootechnical certificate issued for a purebred breeding animal or its germinal products:

- a results of that performance testing;
- b up-to-date results of that genetic evaluation; and
- c genetic defects and genetic peculiarities in relation to that breeding programme affecting that breeding animal or the donors of those germinal products.

8 A breeding operation or a breeding body that carries out performance testing or genetic evaluation, or both, in accordance with its breeding programme, or outsources those activities to third parties, in the case of a breeding operation in accordance with Article 27(1)(b), shall, where required to do so by that breeding programme, indicate in the zootechnical certificate issued for a hybrid breeding pig or its germinal products:

- a results of that performance testing;

- b up-to-date results of that genetic evaluation; and
- c genetic defects and genetic peculiarities in relation to that breeding programme affecting that breeding animal or the donors of those germinal products.

[<sup>F679</sup> The appropriate authority may by regulations—

- a amend the contents of the zootechnical certificates set out in Annex 5, in order to take account of—
  - i scientific advances;
  - ii technical developments;
  - iii the need to preserve valuable genetic resources;
- b prescribe model forms to be used for zootechnical certificates for breeding animals and their germinal products.]

#### Textual Amendments

- F65** Words in Art. 30(5) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **8(1)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F66** Words in Art. 30(6)(b) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **8(1)(d)(ii)** (as amended by [S.I. 2020/1388](#), regs. 1(2)(a), 28(5)(a)(ii)); 2020 c. 1, Sch. 5 para. 1(1)
- F67** Art. 30(9) substituted for Art. 30(9)(10) (31.12.2020) by [The Animals \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/588\)](#), regs. 1, **11(7)** (with reg. 12); 2020 c. 1, **Sch. 5 para. 1(1)**

### Article 31

#### **Derogations from requirements concerning the issuing, content and format of zootechnical certificates for trade in breeding animals and their germinal products**

1 By way of derogation from Article 30(2)(a), the competent authority may authorise that germinal products are to be accompanied by a zootechnical certificate issued, on the basis of the information received from the breed society or breeding operation, by a semen collection or storage centre, or by an embryo collection or production team, approved [<sup>F68</sup>by the competent authority in accordance with animal health law in force in the constituent territory of the United Kingdom].

2 By way of derogation from Article 30(6)(b), the competent authority may authorise the non-use of the model forms referred to in Article 30(6)(b) provided that:

- a in the case of breeding animals of the bovine, porcine, ovine and caprine species, the information set out in Chapter I of Part 2 of Annex V or Chapter I of Part 3 of Annex V is contained in other documents accompanying those breeding animals, issued by the breed society or breeding operation;
- b in the case of germinal products of the bovine, porcine, ovine, caprine and equine species:
  - (i) the information related to the donors of those germinal products is contained in other documents or in copies of the original zootechnical certificate accompanying those germinal products or, before or after the dispatch of those germinal products, it is, on request, made available by the breed society or breeding operation or the other operators referred to in paragraph 1;

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/1012 of the European Parliament and of the Council. (See end of Document for details)*

- (ii) the information related to the semen, oocytes or embryos is contained in other documents accompanying that semen, those oocytes or those embryos, issued by the breed society or breeding operation or the other operators referred to in paragraph 1.

3 By way of derogation from Article 30(7)(a) and (b) and Article 30(8)(a) and (b), where the results of performance testing or genetic evaluation are publicly available on a website, breed societies, breeding operations or the other operators referred to in paragraph 1 of this Article may, in the zootechnical certificate or in the documents referred to in point (a) of paragraph 2 of this Article, refer to the website where those results can be accessed.

#### Textual Amendments

**F68** Words in Art. 31(1) substituted (31.12.2020) [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **8(2)** (as amended by [S.I. 2020/1388](#), regs. 1(2)(a), 28(5)(b)); 2020 c. 1, Sch. 5 para. 1(1)

### Article 32

#### Derogations from requirements concerning the format of zootechnical certificates issued for purebred breeding animals of the equine species

1 By way of derogation from Article 30(6), in the case of purebred breeding animals of the equine species, the information set out in Chapter I of Part 2 of Annex V shall be contained in a single lifetime identification document for equidae. The [<sup>F69</sup>appropriate authority may make regulations] concerning the content and format of such identification documents.

2 The [<sup>F70</sup>appropriate authority may make regulations], laying down model forms of the single lifetime identification document for equidae. <sup>F71</sup>...

3 By way of derogation from paragraph 1, where updated results of performance testing or genetic evaluation are publicly available on a website, the competent authorities may authorise the non-inclusion of the information set out in point (1)(m) of Chapter I of Part 2 of Annex V in the document referred to in paragraph 1, provided that the breed society refers to that website in that document.

4 By way of derogation from paragraph 1, the competent authorities may authorise that the information set out in points (1)(m) and (n) of Chapter I of Part 2 of Annex V is contained in other documents issued by the breed society for the purebred breeding animals entered in a breeding book maintained by that breed society.

#### Textual Amendments

**F69** Words in Art. 32(1) substituted (31.12.2020) by [The Animals \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/588\)](#), regs. 1, **11(8)(a)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)

**F70** Words in Art. 32(2) substituted (31.12.2020) by [The Animals \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/588\)](#), regs. 1, **11(8)(b)(i)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)

**F71** Words in Art. 32(2) omitted (31.12.2020) by virtue of [The Animals \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/588\)](#), regs. 1, **11(8)(b)(ii)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)

### Article 33

#### **Derogations from requirements concerning the issuing, content and format of zootechnical certificates for the entry into the [<sup>F72</sup>United Kingdom] of breeding animals and their germinal products**

1 By way of derogation from Article 30(2)(c) and (5), germinal products may be accompanied by a zootechnical certificate issued on behalf of the breeding body on the basis of the information received from that breeding body, by a semen collection or storage centre, or by an embryo collection or production team, approved for the entry into the [<sup>F73</sup>United Kingdom] by a competent authority in the United Kingdom in accordance with animal health law in force in the constituent territory of the United Kingdom].

2 By way of derogation from Article 30(6)(b), the model forms referred to in Article 30(6)(b) do not have to be used if:

- a the information set out in the relevant Parts and Chapters of Annex V is contained in other documents accompanying the breeding animal or their germinal products;
- b the breeding body carrying out the breeding programme, or another operator referred to in paragraph 1, provides an exhaustive list of those documents, declares that the information set out in the relevant Parts and Chapters of Annex V is contained in those documents and certifies the content of those documents.

3 By way of derogation from Article 30(7)(a) and (b) and Article 30(8)(a) and (b), where the results of performance testing or genetic evaluation are publicly available on a website, breeding bodies, or the other operators referred to in paragraph 1 of this Article, may, in the zootechnical certificate or the other documents referred to in point (a) of paragraph 2 of this Article, refer to the website where those results can be accessed.

#### **Textual Amendments**

- F72** Words in Art. 33 heading substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **8(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F73** Words in Art. 33(1) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **8(3)(b)** (as substituted by [S.I. 2020/1388](#), regs. 1(2)(a), 28(5)(c)); 2020 c. 1, Sch. 5 para. 1(1)

### CHAPTER VIII

#### **Entry into the [<sup>F74</sup>United Kingdom] of breeding animals and their germinal products**

### Article 34

#### **Listing of breeding bodies**

1 The [<sup>F75</sup>appropriate authority must] maintain, update and publish a list of breeding bodies.

2 [<sup>F76</sup>Third country breeding bodies may only be included in the list provided for in paragraph 1 where the appropriate authority is satisfied that the breeding body meets the following requirements: ]

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/1012 of the European Parliament and of the Council. (See end of Document for details)*

- a it carries out a breeding programme that is equivalent to breeding programmes approved in accordance with Article 8(3) carried out by breed societies on the same breed, or carried out by breeding operations on the same breed, line or cross, as regards:
  - (i) the entry of breeding animals in breeding books or their registration in breeding registers;
  - (ii) the acceptance of breeding animals for breeding;
  - (iii) the use of germinal products of breeding animals for testing and breeding;
  - (iv) the methods used for performance testing and genetic evaluation;
- b it is supervised or controlled by an official service in that third country;
- c it has adopted rules of procedure to ensure that breeding animals entered in breeding books by breed societies or registered in breeding registers by breeding operations, and the offspring produced from germinal products of such breeding animals, are entered or eligible for entry without discrimination on account of their country of origin, in the case of purebred breeding animals, in the breeding book of the same breed, or, in the case of hybrid breeding pigs, in the breeding register of the same breed, line or cross, maintained by that breeding body.

[<sup>F773</sup> Where the appropriate authority is satisfied that a breeding body in a third country has in place measures which are recognised as equivalent in accordance with provision made under Article 35, that breeding body may be included in the list provided for in paragraph 1.

4 In a case where the appropriate authority is not satisfied that a breeding body fulfils at least one of the requirements referred to in paragraph 2, that breeding body must be removed from the list provided for in paragraph 1.

5 Notwithstanding paragraph 2 and 4, until 30 June 2021, any breed society or breeding operation (within the meaning of Article 2 of the EU Regulation) which as at IP completion day is approved by the competent authority of a Member State under Article 4(3) of the EU Regulation must be included in the list provided for in paragraph 1.]

#### Textual Amendments

- F75** Words in Art. 34(1) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **9(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F76** Words in Art. 34(2) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **9(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F77** Art. 34(3)-(5) substituted for Art. 34(3)(4) (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **9(2)(c)** (as amended by [S.I. 2020/1388](#), regs. 1(2)(a), 28(6)(a)); 2020 c. 1, Sch. 5 para. 1(1)

### Article 35

#### Equivalence of measures applied to animal breeding in third countries

1 The [<sup>F78</sup>appropriate authority may make regulations], recognising that measures applied in a third country are equivalent to those required by this Regulation in relation to the following:

- a the recognition of breed societies and breeding operations provided for in Article 4;

**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2016/1012 of the European Parliament and of the Council. (See end of Document for details)

- b the approval of breeding programmes of breed societies and breeding operations provided for in Article 8;
- c the entry of purebred breeding animals in breeding books and the registration of hybrid breeding pigs in breeding registers provided for in Articles 18, 20 and 23;
- d the acceptance of breeding animals for breeding provided for in Articles 21, 22 and 24;
- e the use of germinal products of breeding animals for testing and breeding provided for in Articles 21 and 24;
- f the performance testing and genetic evaluation provided for in Article 25;
- g the official controls on operators provided for in Article 43.

F79 ...

F80<sup>2</sup> .....

3 [<sup>F81</sup>Regulations under paragraph 1 may set out detailed arrangements governing the entry of breeding animals and their germinal products into the United Kingdom from a third country and may include:]

- a the format and content of the zootechnical certificates accompanying those breeding animals or the germinal products thereof;
- b specific requirements applicable to the entry into the [<sup>F82</sup>United Kingdom] of those breeding animals or the germinal products thereof and the official controls to be performed on those breeding animals or on the germinal products thereof upon entry into the [<sup>F82</sup>United Kingdom];
- c where necessary, procedures for drawing up and amending lists of breeding bodies, located in the third country concerned, from which the entry into the [<sup>F82</sup>United Kingdom] of breeding animals and the germinal products thereof is permitted.

F83<sup>4</sup> .....

#### Textual Amendments

- F78** Words in Art. 35(1) substituted (31.12.2020) by [The Animals \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/588\)](#), regs. 1, **11(9)(a)(i)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F79** Words in Art. 35(1) omitted (31.12.2020) by virtue of [The Animals \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/588\)](#), regs. 1, **11(9)(a)(ii)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F80** Art. 35(2) omitted (31.12.2020) by virtue of [The Animals \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/588\)](#), regs. 1, **11(9)(b)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F81** Words in Art. 35(3) substituted (31.12.2020) by [The Animals \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/588\)](#), regs. 1, **11(9)(c)(i)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F82** Words in Art. 35(3)(b)(c) substituted (31.12.2020) by [The Animals \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/588\)](#), regs. 1, **11(9)(c)(ii)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F83** Art. 35(4) omitted (31.12.2020) by virtue of [The Animals \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/588\)](#), regs. 1, **11(9)(d)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/1012 of the European Parliament and of the Council. (See end of Document for details)*

### Article 36

#### **Entry in breeding books or registration in breeding registers of breeding animals and offspring produced from germinal products that have entered the [F84]United Kingdom from a third country]**

1 On application by a breeder, a breed society or breeding operation shall enter in the main section of its breeding book or register in its breeding register any breeding animals that have entered the [F85]United Kingdom from a third country] and the offspring produced from germinal products that have entered the [F85]United Kingdom from a third country] where:

- a that breeding animal or the donors of those germinal products are entered in a breeding book or registered in a breeding register maintained by a breeding body in the third country of dispatch;
- b those germinal products meet the conditions laid down in Article 21(1) or (2), where that is a requirement of the breeding programme carried out by that breed society or that breeding operation;
- c that breeding animal meets the characteristics of the breed or, in the case of a hybrid breeding pig, the characteristics of the breed, line or cross set out in the breeding programme carried out by that breed society or breeding operation;
- d the breeding body referred to in point (a) is included in the list of breeding bodies provided for in Article 34.

[F86]2 The entry into the United Kingdom of breeding animals and their germinal products must not be prohibited, restricted or impeded on zootechnical or genealogical grounds where those breeding animals or the donors of the germinal products are entered in a breeding book or registered in a breeding register maintained by a breeding body included in the list of breeding bodies established in accordance with Article 34 of this Regulation.]

#### **Textual Amendments**

- F84** Words in Art. 36 heading substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **9(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F85** Words in Art. 36(1) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **9(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F86** Art. 36(2) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **9(3)(b)** (as amended by [S.I. 2020/1388](#), regs. 1(2)(a), 28(6)(b)); 2020 c. 1, Sch. 5 para. 1(1)

### Article 37

#### **Checks for entitlement to the conventional rate of duty for purebred breeding animals entering [F87]Great Britain from a third country]**

1 Where the operator responsible for a consignment of purebred breeding animals requests the application of [F88]a lower or zero rate of duty for purebred breeding animals, provided for under the Taxation (Cross-border Trade) Act 2018,] on the animals of that consignment:

- a those animals shall be accompanied by:
  - (i) the zootechnical certificate referred to in Article 30(5) or Article 32;



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- (ii) a document indicating that they are to be entered in a breeding book maintained by a breed society or registered in a breeding register maintained by a breeding operation;
- b checks shall be carried out on that consignment at the border inspection post in which the documentary, identity <sup>F89</sup>, veterinary and physical checks required under United Kingdom animal health law on entry of the consignment into Great Britain] are carried out.
- 2 The purpose of the checks provided for in point (b) of paragraph 1 shall be to verify that:
- a the consignment is accompanied by the documents referred to in point (a) of paragraph 1;
- b the content and the labelling of the consignment correspond to the information provided in the documents referred to in point (a) of paragraph 1.

#### Textual Amendments

- F87** Words in Art. 37 heading substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **9(4)** (as substituted by S.I. 2020/1388, regs. 1(2)(a), 28(6)(c)); 2020 c. 1, Sch. 5 para. 1(1)
- F88** Words in Art. 37(1) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **9(5)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F89** Words in Art. 37(1)(b) substituted (31.12.2020) by virtue of [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **9(5)(b)** (as amended by S.I. 2020/1388, regs. 1(2)(a), 28(6)(d)); 2020 c. 1, Sch. 5 para. 1(1)

#### Textual Amendments

- F74** Words in Ch. 8 heading substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **9(1)**; 2020 c. 1, Sch. 5 para. 1(1)

## CHAPTER IX

### *Competent authorities carrying out a breeding programme on purebred breeding animals*

#### *Article 38*

#### **Competent authorities carrying out a breeding programme on purebred breeding animals**

1 If, in <sup>F90</sup>the United Kingdom or in a constituent territory of the United Kingdom] where a competent authority operates, there is no breeding organisation, breeders' association or public body carrying out a breeding programme on purebred breeding animals belonging to a breed of the bovine, porcine, ovine, caprine or equine species, that competent authority may decide to carry out a breeding programme for that breed, provided that:

- a there is a need to maintain that breed or to establish that breed in the <sup>F91</sup>United Kingdom or in the constituent territory of the United Kingdom] where that competent authority operates; or

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b that breed is an endangered breed.

2 A competent authority which carries out a breeding programme in accordance with this Article shall take the necessary measures to ensure that this does not have a negative effect on the possibility:

- a for breeding organisations, breeders' associations or public bodies to be recognised as breed societies in accordance with Article 4(3);
- b for breed societies to have their breeding programmes approved in accordance with Article 8(3), and, where applicable, Article 12.

3 Where a competent authority carries out a breeding programme on purebred breeding animals, that competent authority shall:

- a have sufficient and qualified staff and adequate facilities and equipment to implement efficiently that breeding programme;
- b be capable of carrying out the checks necessary for recording pedigrees of the purebred breeding animals covered by that breeding programme;
- c have a sufficiently large population of purebred breeding animals and a sufficient number of breeders within the geographical territory covered by that breeding programme;
- d be capable of generating, or have had generated for them, and be capable of using data collected on purebred breeding animals necessary for carrying out that breeding programme;
- e have adopted rules of procedure:
  - (i) regulating the settlement of disputes with breeders participating in that breeding programme;
  - (ii) ensuring equal treatment of breeders participating in that breeding programme;
  - (iii) setting out the rights and obligations of breeders participating in that breeding programme.

4 The breeding programme referred to in paragraph 1 shall contain:

- a information on its aim which is to be the preservation of the breed, the improvement of the breed, the creation of a new breed or the reconstruction of a breed, or any combination thereof;
- b the name of the breed covered by that breeding programme to prevent confusion with similar purebred breeding animals of other breeds entered in other existing breeding books;
- c the detailed characteristics of the breed, including an indication of the essential traits, covered by that breeding programme;
- d information on the geographical territory where it is carried out;
- e information on the system for identifying purebred breeding animals which is to ensure that purebred breeding animals are only entered in the breeding book when they are identified individually and in accordance with [F92 animal health law in the constituent territory of the United Kingdom] on the identification and registration of animals of the species concerned;
- f information on the system for recording pedigrees of purebred breeding animals entered or registered and eligible for entry in breeding books;
- g the selection and breeding objectives of the breeding programme, including an indication of the main objectives of that breeding programme, and, where applicable,

- the detailed evaluation criteria related to those objectives for the selection of purebred breeding animals;
- h where the breeding programme requires performance testing or genetic evaluation:
- (i) the information on the systems used to generate, record, communicate and use the results of performance testing;
  - (ii) the information on the systems for the genetic evaluation and, where applicable, for the genomic evaluation of purebred breeding animals;
- i where supplementary sections are established, as provided for in Article 17, or where the main section is subdivided into classes, as provided for in Article 16, the rules for the division of the breeding book and the criteria or procedures applied for recording animals in those sections or classifying them in those classes;
- j where in the case of purebred breeding animals of the equine species, the breeding programme prohibits or limits the use of one or more reproduction techniques or the use of purebred breeding animals for one or more reproduction techniques as referred to in Article 21(2), information on such prohibitions or limitations;
- k where the competent authority outsources specific technical activities related to the management of its breeding programme to third parties, information on those activities and the name and contact details of the designated third parties.
- 5 Where a competent authority carries out a breeding programme on purebred breeding animals of the equine species, the requirements set out in points 1, 2, 3, 4(a) and 4(c) of Part 3 of Annex I shall apply in addition to those set out in paragraphs 3 and 4.
- 6 Where a competent authority carries out a breeding programme on purebred breeding animals, that competent authority shall inform in a transparent and timely manner the breeders participating in that breeding programme of any changes therein.
- 7 Where a competent authority carries out a breeding programme on purebred breeding animals, Articles 3, 13 to 22, 25, 27, Article 28(2), Articles 30, 31, 32 and Article 36(1) shall apply *mutatis mutandis*.

#### Textual Amendments

- F90** Words in Art. 38(1) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **10(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F91** Words in Art. 38(1)(a) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **10(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F92** Words in Art. 38(4)(e) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **10(b)** (as substituted by S.I. 2020/1388, regs. 1(2)(a), 28(7)); 2020 c. 1, Sch. 5 para. 1(1)

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/1012 of the European Parliament and of the Council. (See end of Document for details)*

## CHAPTER X

### **Official controls and other official activities, administrative assistance, cooperation and enforcement by Member States**

#### Article 39

#### **Designation of competent authorities**

1 <sup>F93</sup>The appropriate authority] shall designate the competent authorities with the responsibility for performing official controls for the verification of compliance of operators with the rules provided for in this Regulation, and for performing other official activities to ensure the application of those rules.

2 <sup>F94</sup>The appropriate authority must]:

- a draw up and keep up to date a list of the competent authorities it has designated in accordance with paragraph 1, including their contact details;
- b specify in the list provided for in point (a) the address to which the following is to be sent:
  - (i) the notifications referred to in Article 12; or
  - (ii) the information, requests or notifications referred to in Articles 48 and 49;
- c make the list referred to in point (a) available to the public on a website <sup>F95</sup>....

<sup>F96</sup>3 .....

#### **Textual Amendments**

- F93** Words in Art. 39(1) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **11(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F94** Words in Art. 39(2) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **11(2)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F95** Words in Art. 39(2)(c) omitted (31.12.2020) by virtue of [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **11(2)(b)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F96** Art. 39(3) omitted (31.12.2020) by virtue of [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **11(2)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Article 40

#### **Compliance by competent authorities carrying out breeding programmes**

By way of derogation from this Chapter, <sup>F97</sup>the appropriate authority] shall take the necessary measures to verify that competent authorities carrying out breeding programmes in accordance with Article 38 comply with the rules laid down in that Article.

#### **Textual Amendments**

- F97** Words in Art. 40 substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **11(3)**; 2020 c. 1, Sch. 5 para. 1(1)

## Article 41

### General obligations of competent authorities

Competent authorities shall:

- (a) have procedures or arrangements, or both, in place to ensure and verify the effectiveness, appropriateness, impartiality, quality and consistency of the official controls and of the other official activities that they perform;
- (b) have procedures or arrangements, or both, in place to ensure that their staff performing official controls and other official activities are free from any conflict of interest as regards the operators in respect of which they perform those official controls and other official activities;
- (c) have, or have access to, a sufficient number of suitably qualified, trained and experienced staff so that official controls and other official activities can be performed efficiently and effectively;
- (d) have appropriate and properly maintained facilities and equipment to ensure that their staff can perform official controls and other official activities efficiently and effectively;
- (e) have the legal powers to perform official controls and other official activities and to take the action provided for in this Regulation;
- (f) have legal procedures in place in order to ensure that their staff have access to the premises of, and documents and computerised information management systems kept by, operators so as to be able to carry out their tasks properly.

## Article 42

### Confidentiality obligations of the competent authorities

1 Without prejudice to situations where its disclosure is required by [<sup>F98</sup>the law in force in the United Kingdom or in the constituent territory of the United Kingdom where the competent authority is located], competent authorities shall require members of their staff to undertake not to disclose to third parties information acquired when undertaking their duties, in the context of official controls and other official activities, which is, by its nature, covered by professional confidentiality, unless there is an overriding public interest in its disclosure.

2 Information covered by professional confidentiality shall include information the disclosure of which would undermine:

- a the purpose of official controls or investigations;
- b the protection of commercial interests of an operator or any other natural or legal person;
- c the protection of court proceedings and legal advice.

#### Textual Amendments

**F98** Words in Art. 42(1) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **11(4)**; 2020 c. 1, Sch. 5 para. 1(1)

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### Article 43

#### Rules on official controls

1 Competent authorities shall perform official controls on operators with appropriate frequency, taking account of:

- a the risk of non-compliance with the rules provided for in this Regulation;
- b the past records of operators as regards the results of official controls performed in their respect and their compliance with the rules provided for in this Regulation;
- c the reliability and results of self-checks performed by the operators, or by third parties at their request, for the purpose of verifying compliance with the rules provided for in this Regulation;
- d any information that might indicate non-compliance with the rules provided for in this Regulation.

2 Competent authorities shall perform official controls in accordance with documented procedures, which shall contain instructions for staff performing official controls.

3 Official controls shall be performed after the operator has been notified in advance unless there are reasons to carry out the official controls without prior notice.

4 Official controls shall, as far as possible, be performed in a manner that minimises the burden on the operators without this negatively affecting the quality of those official controls.

[<sup>F99</sup>5 Competent authorities must perform official controls in the same manner irrespective of whether the breeding animals or the germinal products of the breeding animals originate in the United Kingdom or are entering the United Kingdom from a third country.]

#### Textual Amendments

**F99** Art. 43(5) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **11(5)** (as amended by [S.I. 2020/1388](#), regs. 1(2)(a), 28(10)); 2020 c. 1, Sch. 5 para. 1(1)

### Article 44

#### Transparency of official controls

The competent authority shall perform official controls with a high level of transparency and shall make relevant information concerning the organisation and the performance of official controls publicly available.

### Article 45

#### Written records of official controls

1 Competent authorities shall draw up written records of every official control that they perform.

Those written records shall contain:

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- a a description of the purpose of the official control;
- b the control methods applied;
- c the results of the official control;
- d where appropriate, action that the competent authorities require the operators to take as a result of the official control.

2 Unless the purposes of judicial investigations or the protection of court proceedings require otherwise, competent authorities shall provide the operators which have been subject to an official control with a copy of the written records referred to in paragraph 1.

#### Article 46

##### **Obligations of operators subject to official controls or other official activities**

1 To the extent that this is necessary for the performance of official controls or other official activities, operators shall, when required to do so by the competent authorities, give to the staff of those competent authorities the necessary access to:

- a their equipment, premises and other places under their control;
- b their computerised information management systems;
- c their breeding animals and the germinal products thereof under their control;
- d their documents and any other relevant information.

2 During official controls and other official activities, operators shall assist and cooperate with the staff of the competent authorities in the accomplishment of their tasks.

#### Article 47

##### **Actions in case of established non-compliance**

- 1 Where non-compliance is established, the competent authorities shall:
- a take any action necessary to determine the origin and extent of that non-compliance and to establish the responsibilities of the operators concerned;
  - b take appropriate measures to ensure that the operators concerned remedy the non-compliance and prevent further occurrences of it.

When deciding which measures to take, the competent authorities shall take account of the nature of the non-compliance and the past record of the operators concerned with regard to compliance.

In particular competent authorities shall, as appropriate:

- a order that the breed society postpones the entry in breeding books of purebred breeding animals or that the breeding operation postpones the registration in breeding registers of hybrid breeding pigs;
- b order that the breeding animals or their germinal products shall not be used for breeding in accordance with this Regulation;
- c suspend the issuing of zootechnical certificates by the breed society or the breeding operation;
- d suspend or withdraw the approval of a breeding programme carried out by a breed society or breeding operation, where the activities of that breed society or breeding operation repeatedly, continuously or generally fail to comply with the requirements

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- of the breeding programme approved in accordance with Article 8(3), and, where applicable, Article 12;
- e withdraw the recognition of the breed society or breeding operation granted in accordance with Article 4(3), where that breed society or breeding operation repeatedly, continuously or generally fails to comply with the requirements referred to in Article 4(3);
  - f take any other measures that they deem to be appropriate to ensure compliance with the rules provided for in this Regulation.
- 2 The competent authorities shall provide the operators concerned, or their representatives, with:
- a a written notification of their decision concerning the action or measure to be taken in accordance with paragraph 1, together with the reasons for that decision;
  - b information on any right of appeal against such decisions, and on the applicable procedure and time limits.
- 3 The competent authorities shall monitor the situation and shall modify, suspend or withdraw the measures that they have taken in accordance with this Article, depending on the severity of the non-compliance and the existence of clear evidence of a return to compliance.
- <sup>F100</sup>4 .....

#### Textual Amendments

**F100** Art. 47(4) omitted (31.12.2020) by virtue of [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **11(6)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 48

#### Cooperation and administrative assistance

<sup>F101</sup> Where non-compliance originates in, spreads to, or affects countries other than the United Kingdom, competent authorities in the United Kingdom must—

- a cooperate with one another and with the competent authorities of third countries;
- b provide administrative assistance to those competent authorities,

in order to ensure the correct application of the rules provided for in this Regulation.]

2 The cooperation and administrative assistance provided for in paragraph 1 may include:

- a the reasoned request by a competent authority of a [<sup>F102</sup>constituent territory of the United Kingdom] (‘requesting competent authority’) for information from a competent authority of another [<sup>F102</sup>constituent territory of the United Kingdom] (‘requested competent authority’) that is needed in order to perform official controls or to follow them up;
- <sup>F103</sup>b in the case of a non-compliance which might have implications for other constituent territories of the United Kingdom, the notification of the competent authorities of those other constituent territories of the United Kingdom by the competent authority aware of the non-compliance;]
- c the provision, by the requested competent authority, of necessary information and documents to the requesting competent authority, without undue delay when the relevant information and documents become available;



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- d the performance of investigations or official controls by the requested competent authority that are necessary to:
- (i) provide the requesting competent authority with all necessary information and documents, including information concerning the results of such investigations or official controls and, where appropriate, the measures taken;
  - (ii) verify, where necessary ‘on-the-spot’, compliance within their jurisdiction with the rules provided for in this Regulation;
- [<sup>F104</sup>e by agreement between the competent authorities concerned, participation by a competent authority of a constituent territory of the United Kingdom in on-the-spot official controls performed by the competent authorities of another constituent territory of the United Kingdom.]
- <sup>F105</sup>3 .....
- 4 This Article shall apply without prejudice to national rules that are:
- a applicable to the release of documents that are the object of, or related to, judicial proceedings;
  - b aimed at the protection of commercial interests vested in natural or legal persons.
- 5 All communications between competent authorities in accordance with this Article shall be in writing, either on paper or in electronic form.

#### Textual Amendments

- F101** Art. 48(1) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **11(7)(a)** (as amended by [S.I. 2020/1388](#), regs. 1(2)(a), 28(11)(a)); 2020 c. 1, Sch. 5 para. 1(1)
- F102** Words in Art. 48(2)(a) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **11(7)(b)(i)** (as substituted by [S.I. 2020/1388](#), regs. 1(2)(a), 28(11)(b)(i)); 2020 c. 1, Sch. 5 para. 1(1)
- F103** Art. 48(2)(b) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **11(7)(b)(ii)** (as amended by [S.I. 2020/1388](#), regs. 1(2)(a), 28(11)(b)(ii)); 2020 c. 1, Sch. 5 para. 1(1)
- F104** Art. 48(2)(e) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **11(7)(b)(iv)** (as amended by [S.I. 2020/1388](#), regs. 1(2)(a), 28(11)(b)(iv)); 2020 c. 1, Sch. 5 para. 1(1)
- F105** Art. 48(3) omitted (31.12.2020) by virtue of [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **11(7)(c)** (as substituted by [S.I. 2020/1388](#), regs. 1(2)(a), 28(11)(c)); 2020 c. 1, Sch. 5 para. 1(1)

#### Article 49

#### Notification of [<sup>F106</sup>other competent authorities in the United Kingdom] on the basis of information provided by third countries

- 1 Where competent authorities receive information from a third country indicating non-compliance with the rules provided for in this Regulation, they shall, without undue delay:
- a notify such information to the competent authorities of the other [<sup>F107</sup>constituent territories of the United Kingdom] known to be concerned by that non-compliance;
- <sup>F108</sup>b .....

**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2016/1012 of the European Parliament and of the Council. (See end of Document for details)

2 Information obtained through official controls or investigations performed in accordance with this Regulation may be communicated to the third country referred to in paragraph 1, provided that:

- a the competent authorities which have provided the information consent to such communication;
- b relevant <sup>F109</sup>... rules applicable to the communication of personal data to third countries are complied with.

#### Textual Amendments

- F106** Words in Art. 49 heading substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **11(8)(a)** (as substituted by S.I. 2020/1388, regs. 1(2)(a), 28(12)(a)); 2020 c. 1, Sch. 5 para. 1(1)
- F107** Words in Art. 49(1)(a) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **11(8)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F108** Art. 49(1)(b) omitted (31.12.2020) by virtue of [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **11(8)(b)(iii)** (as amended by S.I. 2020/1388, regs. 1(2)(a), 28(12)(b)(iii)); 2020 c. 1, Sch. 5 para. 1(1)
- F109** Words in Art. 49(2)(b) omitted (31.12.2020) by virtue of [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **11(8)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

#### <sup>F110</sup> Article 50

### Coordinated assistance and follow-up by the Commission

#### Textual Amendments

- F110** Arts. 50-52 omitted (31.12.2020) by virtue of [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **11(9)**; 2020 c. 1, Sch. 5 para. 1(1)

#### <sup>F110</sup> Article 51

### General principle for the financing of official controls

#### Textual Amendments

- F110** Arts. 50-52 omitted (31.12.2020) by virtue of [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **11(9)**; 2020 c. 1, Sch. 5 para. 1(1)

#### <sup>F110</sup> Article 52

### Penalties

**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2016/1012 of the European Parliament and of the Council. (See end of Document for details)

**Textual Amendments**

**F110** Arts. 50-52 omitted (31.12.2020) by virtue of [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **11(9)**; 2020 c. 1, Sch. 5 para. 1(1)

*CHAPTER XI*

***Controls by the Commission***

*Section 1*

***[<sup>F111</sup>Cooperation with the Commission and member States]***

*<sup>F113</sup>Article 53*

***[<sup>F112</sup>Cooperation with the Commission and member States]***

**Textual Amendments**

**F112** Art. 53 heading substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **12(1)**; 2020 c. 1, Sch. 5 para. 1(1)

**F113** Art. 53 omitted (31.12.2020) by virtue of [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **12(2)** (as substituted by [S.I. 2020/1388](#), regs. 1(2)(a), 28(13)); 2020 c. 1, Sch. 5 para. 1(1)

*<sup>F114</sup>Article 54*

**Reports by the Commission on controls performed by its experts in Member States**

**Textual Amendments**

**F114** Arts. 54-59 omitted (31.12.2020) by virtue of [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **12(3)**; 2020 c. 1, Sch. 5 para. 1(1)

*<sup>F114</sup>Article 55*

**Obligations of Member States as regards Commission controls**

*Changes to legislation:* There are currently no known outstanding effects for the Regulation (EU) 2016/1012 of the European Parliament and of the Council. (See end of Document for details)

#### Textual Amendments

**F114** Arts. 54-59 omitted (31.12.2020) by virtue of [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **12(3)**; 2020 c. 1, Sch. 5 para. 1(1)

### *<sup>F114</sup> Article 56*

#### **Serious disruption in the control system of a Member State**

#### Textual Amendments

**F114** Arts. 54-59 omitted (31.12.2020) by virtue of [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **12(3)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Textual Amendments

**F111** Ch. 11 Section 1 heading substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **12(1)**; 2020 c. 1, Sch. 5 para. 1(1)

### *Section 2*

#### *[<sup>F115</sup> Controls on entry into the United Kingdom of breeding animals and their germinal products]*

### *<sup>F114</sup> Article 57*

#### **Commission controls in third countries**

#### Textual Amendments

**F114** Arts. 54-59 omitted (31.12.2020) by virtue of [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **12(3)**; 2020 c. 1, Sch. 5 para. 1(1)

### *<sup>F114</sup> Article 58*

#### **Frequency and organisation of Commission controls in third countries**

**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2016/1012 of the European Parliament and of the Council. (See end of Document for details)

**Textual Amendments**

**F114** Arts. 54-59 omitted (31.12.2020) by virtue of [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **12(3)**; 2020 c. 1, Sch. 5 para. 1(1)

*F114* Article 59

**Reports by the Commission on controls performed by its experts in third countries**

**Textual Amendments**

**F114** Arts. 54-59 omitted (31.12.2020) by virtue of [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **12(3)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 60

**Establishment of special measures regarding the entry into the [F116United Kingdom] of breeding animals and their germinal products**

1 Where there is evidence that widespread serious non-compliance with the rules provided for in this Regulation is taking place in a third country, the [F117appropriate authority may make regulations] concerning one or more of the following:

- a prohibiting the entry into the [F118United Kingdom], as breeding animals, or the germinal products thereof, of animals, or their semen, oocytes or embryos originating from that third country;
- b prohibiting the entry in breeding books maintained by breed societies or the registration in breeding registers maintained by breeding operations of breeding animals, and the offspring produced from the germinal products thereof, originating from that third country.

[F119In addition to, or instead of making regulations under paragraph 1, the appropriate authority] may do one or more of the following:

- a delete that third country or the breeding bodies of that third country from the list provided for in Article 34(1);
- b take any other appropriate measures.

- F120<sup>2</sup> .....
- F120<sup>3</sup> .....
- F120<sup>4</sup> .....

**Textual Amendments**

**F116** Art. 60 heading substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **12(5)**; 2020 c. 1, Sch. 5 para. 1(1)

**F117** Words in Art. 60(1) substituted (31.12.2020) by [The Animals \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/588\)](#), regs. 1, **11(10)(a)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2016/1012 of the European Parliament and of the Council. (See end of Document for details)

- F118** Words in Art. 60(1)(a) substituted (31.12.2020) by [The Animals \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/588\)](#), regs. 1, **11(10)(b)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F119** Words in Art. 60(1) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **12(6)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F120** Art. 60(2)-(4) omitted (31.12.2020) by virtue of [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **12(6)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Textual Amendments

- F115** Ch. 11 Section 2 heading substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **12(4)**; 2020 c. 1, Sch. 5 para. 1(1)

## CHAPTER XII

### Delegation and implementation

#### <sup>F121</sup> Article 61

#### <sup>F121</sup> Regulations

#### Textual Amendments

- F121** Ch. 12 omitted (31.12.2020) by virtue of [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **13**; 2020 c. 1, Sch. 5 para. 1(1)

#### <sup>F121</sup> Article 62

#### Committee Procedure

#### Textual Amendments

- F121** Ch. 12 omitted (31.12.2020) by virtue of [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **13**; 2020 c. 1, Sch. 5 para. 1(1)

#### <sup>F121</sup> Article 63

#### Transitional measures related to the date of adoption of certain implementing acts

**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2016/1012 of the European Parliament and of the Council. (See end of Document for details)

### Textual Amendments

**F121** Ch. 12 omitted (31.12.2020) by virtue of [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **13**; 2020 c. 1, Sch. 5 para. 1(1)

## CHAPTER XIII

### Final Provisions

#### Article 64

#### Repeals and transitional measures

1 Directives 87/328/EEC, 88/661/EEC, 89/361/EEC, 90/118/EEC, 90/119/EEC, 90/427/EEC, 91/174/EEC, 94/28/EC and 2009/157/EC and Decision 96/463/EC are repealed.

2 References to the repealed Directives and to the repealed Decision shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex VII to this Regulation.

<sup>F122</sup>3 .....

4 Breeders' organisations, breeding organisations, breeders' associations, private undertakings, other organisations or associations which have been approved or recognised in accordance with the repealed acts referred to in paragraph 1 shall be considered to have been recognised in accordance with this Regulation; in all other respects, they shall be subject to the rules provided for in this Regulation.

5 Breeding programmes carried out by the operators referred to in paragraph 4 shall be considered to have been approved in accordance with this Regulation; in all other respects, they shall be subject to the rules provided for in this Regulation.

[<sup>F123</sup>6 Where operators referred to in paragraph 4 have been approved or recognised under the repealed acts referred to in paragraph 1 by a competent authority in a member State and already carry out breeding programmes in in the United Kingdom, those operators (if they have not already done so) must inform a competent authority in the United Kingdom about those activities.]

7 Where, before 19 July 2016, an operator referred to in paragraph 4 maintains, in accordance with the repealed acts referred to in paragraph 1, a breeding book with a specific section where purebred breeding animals of a breed of the porcine species from [<sup>F124</sup>a member State] or a third country having specific characteristics distinguishing them from the population of that breed covered by the breeding programme carried out by that operator are entered, that operator may continue to maintain that specific section.

### Textual Amendments

**F122** Art. 64(3) revoked (1.1.2024) by [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\)](#), ss. 1(1), 22(3), **Sch. 1 Pt. 2** (with s. 1(3)(4)); S.I. 2023/1363, reg. 2

**F123** Art. 64(6) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **14(1)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2016/1012 of the European Parliament and of the Council. (See end of Document for details)

**F124** Words in Art. 64(7) substituted (31.12.2020) by [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **14(1)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 65

#### Amendments to Regulation (EU) No 652/2014

Article 30 of Regulation (EU) No 652/2014 is amended as follows:

- (1) the heading is replaced by the following:
 

European Union reference laboratories and centres;
- (2) paragraph 1 is replaced by the following:
  1. Grants may be awarded to the European Union reference laboratories referred to in Article 32 of Regulation (EC) No 882/2004 and to the European Union reference centres referred to in Article 29 of Regulation (EU) 2016/1012 of the European Parliament and of the Council<sup>(1)</sup> for the costs that they incur in implementing the work programmes approved by the Commission.;
- (3) in paragraph 2, point (a) is replaced by the following:
  - (a) costs of personnel, regardless of their status, directly involved in activities of the laboratories or centres which are carried out in their capacity as European Union reference laboratory or centre.;

### Article 66

#### Amendments to Directive 89/608/EEC

F125

#### Textual Amendments

**F125** Arts. 66-68 omitted (31.12.2020) by virtue of [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **14(2)**; 2020 c. 1, Sch. 5 para. 1(1)

### <sup>F125</sup> Article 67

#### Amendments to Directive 90/425/EEC

#### Textual Amendments

**F125** Arts. 66-68 omitted (31.12.2020) by virtue of [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **14(2)**; 2020 c. 1, Sch. 5 para. 1(1)



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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2016/1012 of the European Parliament and of the Council. (See end of Document for details)

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<sup>F125</sup> *Article 68*

**Transposition**

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**Textual Amendments**

**F125** Arts. 66-68 omitted (31.12.2020) by virtue of [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **14(2)**; 2020 c. 1, Sch. 5 para. 1(1)

*Article 69*

**Entry into force and applicability**

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 November 2018.

Article 65 shall apply from 19 July 2016.

F126  
...

Done at Strasbourg, 8 June 2016.

*For the European Parliament*

*The President*

M. SCHULZ

*For the Council*

*The President*

A.G. KOENDERS

.....

**Textual Amendments**

**F126** Words in signature omitted (31.12.2020) by virtue of [The Animal Breeding \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/117\)](#), regs. 1, **14(3)**; 2020 c. 1, Sch. 5 para. 1(1)

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2016/1012 of the European Parliament and of the Council. (See end of Document for details)

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- (1) 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 (“Animal Breeding Regulation”) ([OJ L 171, 29.6.2016, p. 66](#)).’;

**Changes to legislation:**

There are currently no known outstanding effects for the Regulation (EU) 2016/1012 of the European Parliament and of the Council.