

EXPLANATORY MEMORANDUM TO
THE ZOOTECHNICAL STANDARDS (ENGLAND) REGULATIONS 2018
2018 No. 1037

1. Introduction

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

2. Purpose of the instrument

- 2.1 This instrument ensures that the system of zootechnical standards set out in Regulation (EU) 2016/1012 functions effectively in England.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

- 3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

- 4.1 The extent of this instrument is England and Wales.
4.2 The territorial application of this instrument is England.

5. European Convention on Human Rights

- 5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation no statement is required.

6. Legislative Context

- 6.1 This instrument is being made to implement, in England, the EU Animal Breeding Regulation (EU) 2016/1012, which makes provision in respect of obligations in the zootechnics sphere. The purpose of the Animal Breeding Regulation is largely to streamline and consolidate the existing EU zootechnical regime. The Animal Breeding Regulation entered into force on 8th June 2016, and will take effect in all member states on 1st November.
- 6.2 The zootechnical framework has evolved to include a range of EU legislation across bovine, porcine, equine and caprine species. That range of legislation has now largely been replaced by the Animal Breeding Regulation.
- 6.3 This Instrument designates the Secretary of State as the Competent Authority for the purposes of the Animal Breeding Regulation and provides that the Competent

Authority is responsible for enforcing that regulation in England. The Instrument additionally makes provision for administrative matters relating to the serving of notices, imposes obligations on operators to notify changes in contact details and enables an operator to seek a review from the Competent Authority in respect of certain decisions taken by that Authority. They additionally ensure that the status of purebred breeding animals entering the European Union can be verified at Border Inspection Posts where that is required by the Animal Breeding Regulation.

- 6.4 Before the making of this Instrument, provision was made in relation to the EU zootechnical regime by the Horses (Zootechnical Standards) (England) Regulations 2006 and the Zootechnical Standards (England) Regulations 2012. This Instrument revokes those regulations.

7. Policy background

What is being done and why?

- 7.1 Zootechnical rules seek to facilitate trade in pedigree breeding livestock and germinal products like semen and embryos.
- 7.2 Livestock breed societies and others who meet the zootechnical rules are entitled to trade on preferable terms across the EU. This may include being permitted to enter their livestock into EU breeding books, the purpose of which is to certify the genetic quality of that livestock. Such measures help to create a market premium and support genetic diversity (by ensuring breeding businesses have access to diverse and reliable genetic resources).
- 7.3 The Zootechnical regime recognises certain non-EU breed societies who are eligible to participate in zootechnical trade within the EU. For example, operators in Australia and the USA who meet the necessary criteria for third country operators may trade on similarly preferable terms.
- 7.4 The EU Zootechnical framework has been revised and updated by the new Animal Breeding regulation. To ensure English breeders can continue to have the status of their products recognised, domestic legislation needs to implement these legislative updates and create powers for the Secretary of State to oversee the Zootechnical regime in England. These revisions will include a new requirement for competent authorities to undertake risk based controls over breed societies and breeding operations. Defra will apply these controls proportionately using a light touch approach and rely on ‘paper checks’ as far as possible.
- 7.5 As we approach the UK’s departure from the EU in March 2019, it is important that the zootechnical standards we have in place reflects those standards which will apply at exit. This will help breed societies and businesses here to carry on with minimal disruption and will provide stability for future decision making regarding the UK’s place in zootech globally.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

- 8.1 This instrument does not relate to withdrawal from the European Union.

9. Consolidation

- 9.1 None.

10. Consultation outcome

- 10.1 Defra consulted industry stakeholders on our proposed approach to implementation of the new EU regulation and sought their views on a number of derogations permitted under the Regulation.
- 10.2 Consultation responses were considered from 11th July 2018 following written submissions from various industry partners including the National Beef Association, the British Pig Association, the National Sheep Association, and the Rare Breed Survival Trust.
- 10.3 Stakeholders were largely supportive of the continuing direction of the zootechnical regime, which remains largely unchanged under the Animal Breeding Regulation (and this Instrument). The aspects of the zootechnical regime which are new (including the new requirement for competent authorities to exert more control over zootech businesses) were also cautiously welcomed by respondents, as we explained Defra's intention to implement proportionate paper-based controls where possible.
- 10.4 In the consultation Defra set out its intention to make available some of the derogations in the Animal Breeding Regulation. These will provide zootech businesses with more flexibility when collecting and storing germinal products for the domestic market.
- 10.5 Devolved administrations will be producing separate Instruments when implementing the Animal Breeding Regulations in their respective territories, but we have worked closely with them so that they understand the policy intent and direction that we have adopted for this Instrument.

11. Guidance

- 11.1 Defra will continue to work with stakeholders to help produce guidance which will be made publically available on www.gov.uk from November 2018.
- 11.2 Working with stakeholders will make sure Defra provide the right kind of support to industry.

12. Impact

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.
- 12.3 An Impact Assessment has not been prepared for this instrument because the regime governed by the instrument is largely unchanged from the current regime (with which businesses and individuals are familiar).

13. Regulating small business

- 13.1 The legislation does apply to activities that are undertaken by small businesses.

14. Monitoring & review

- 14.1 Defra will monitor the operation of this Instrument.
- 14.2 Additionally, a statutory review clause is included in the Regulation.
A review will be carried out and published no later than 31 October 2023 and subsequent reviews published at intervals not exceeding five years.'

15. Contact

- 15.1 Garreth Dunstall at the Department for Environment, Food and Rural Affairs, telephone: 020 802 60180 or email: garreth.dunstall@defra.gsi.gov.uk may be contacted with any queries regarding the instrument.
- 15.2 Tim Mordan, Deputy Director at the Department for Environment, Food and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 George Eustice, Minister of State at the Department for Environment, Food and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.