
STATUTORY INSTRUMENTS

2019 No. 117

**The Animal Breeding (Amendment)
(EU Exit) Regulations 2019**

PART 2

**Amendments to Regulation (EU) No 2016/1012
of the European Parliament and of the Council**

Amendments to Regulation (EU) No 2016/1012 of the European Parliament and of the Council

2. Regulation (EU) 2016/1012 of the European Parliament and of the Council on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof is amended as follows.

Amendments to Chapter 1 (General provisions)

3.—(1) In Article 1—

(a) in paragraph 1—

- (i) in point (a), for “Union” substitute “United Kingdom”;
- (ii) in point (h), omit “and rules for enforcement by Member States”;
- (iii) omit point (i);

(b) omit paragraph 5.

(2) In Article 2—

(a) at the end of point (1) insert—

“(1A) ‘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;”;

(b) in points (5) and (6), in each place it occurs, after “by the competent authority of” insert “a constituent territory of the United Kingdom or of”;

- (c) in point (7), for “Union” substitute “United Kingdom”;
 - (d) in point (8)—
 - (i) in the words before point (a)—
 - (aa) after “the authorities of” insert “a constituent territory of the United Kingdom or of”;
 - (bb) after “this Regulation” insert “or, in relation to a member State, the EU Regulation”;
 - (ii) in point (c), after “other” insert “competent authorities in the United Kingdom,”;
 - (e) after point (8), insert—
 - “(8A) ‘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⁽¹⁾;
 - “(8B) ‘third country’ means a country outside the United Kingdom which is not a member State.”;
 - (f) for point (21) substitute—
 - “(21) ‘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.”;
 - (g) in point (22), for the words from “Union” to the end substitute “United Kingdom”;
 - (h) in point (24), for the words from “a Member State” to “that Member State” substitute “an appropriate authority to be endangered, genetically adapted to one or more traditional productions systems or environments in the United Kingdom”;
 - (i) at the end of point (26), insert—
 - “(27) ‘constituent territory of the United Kingdom’ means England, Wales, Scotland, or Northern Ireland.”.
- (3) In Article 3, in the heading and in paragraph 1, in each place it occurs, for “Union” substitute “United Kingdom”.

Amendments to Chapter 2 (Recognition of breed societies and breeding operations and approval of breeding programmes)

4.—(1) In the heading, omit “in Member States”.

(2) In Article 4(3)(a), for “Member State” substitute “constituent territory of the United Kingdom”.

(3) In Article 5(2), omit from “At the same time” to the end.

(4) In Article 7—

(a) in paragraph 1—

(i) for “Member States”, in each place it occurs, substitute “The competent authority”;

(ii) for “their competent authorities” substitute “they”;

(b) in paragraph 2(b), omit point (ii);

(c) for paragraph 3 substitute—

(1) OJ No L 171, 29.6.2016, p. 66.

- “3. Where the competent authority itself carries out a breeding programme, this must be included in the list provided for in paragraph 1.”;
- (d) in paragraph 4, in each place it occurs, for “Member States” substitute “the competent authority”.
- (5) Omit Article 8(5).
- (6) In Article 10—
- (a) in paragraph 1—
- (i) in the words before point (a), for “that Member State” substitute “the United Kingdom”;
- (ii) in point (c)(ii), for “territories of the Union” substitute “constituent territories of the United Kingdom”;
- (b) in paragraph 2—
- (i) in point (a), for “that Member State” substitute “the United Kingdom”;
- (ii) in point (c), in the second place it occurs, omit “other”.
- (7) For Article 12 substitute—

“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, approved in accordance with Article 8(3) of the EU Regulation by a competent authority in a member State, intends to carry out a breeding programme on animals kept in the United Kingdom, that breed society or breeding operation 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.
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 or breeding operation in accordance with Article 4(3) of the EU Regulation 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 or breeding operation, 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.”.

Amendments to Chapter 3 (Rights and obligations of breeders, breed societies and breeding operations)

5. In Article 13(1)(a), for “geographical territory of that breeding programme” substitute “the United Kingdom”.

Amendments to Chapter 4 (Entry of breeding animals in breed books and breeding registers and acceptance for breeding)

6.—(1) In Article 19—

(a) in paragraph 1—

(i) after “exists in any” insert “constituent territory of the United Kingdom,”;

(ii) after “Article 34” insert “of this Regulation or of the EU Regulation”;

(b) in paragraph 2, for “a Member State” substitute “the appropriate authority”;

(c) in paragraph 5, for “Member States” substitute “the appropriate authority”.

(2) In Article 21—

(a) in paragraph 4—

(i) after “Article 12,” insert “of this Regulation or of the EU Regulation”;

(ii) for “same or another Member State” substitute “United Kingdom or in a member State”;

(b) in paragraph 5, after “approved” insert “by the competent authority in accordance with animal health law in force in the constituent territory of the United Kingdom, or approved”;

(c) omit paragraph 6.

(3) In Article 23(2), for “in the same or in another Member State” substitute “of this Regulation or of the EU Regulation in the United Kingdom or in a member State”.

(4) In Article 24—

(a) in paragraph 2, for “same or another Member State” substitute “United Kingdom or in a member State”;

(b) in paragraph 3, after “approved” insert “by the competent authority in accordance with animal health law in force in the constituent territory of the United Kingdom, or approved”;

(c) omit paragraph 4.

Amendments to Chapter 5 (Performance testing and genetic evaluation)

7. In Article 27—

(a) omit paragraphs 2 and 3;

(b) in paragraph 4—

(i) in the first place where it occurs, for “a Member State” substitute “an appropriate authority”;

- (ii) for the words from “which is authorised” to “referred to in paragraph 2” substitute “designated in accordance with paragraph 1(b)”;
- (c) in paragraph 5—
 - (i) in the first subparagraph, for the words from “or authorised” to “Article 29”, substitute “may commit themselves to comply with the rules and standards established by ICAR or by reference centres referred to in Article 29”;
 - (ii) in the second subparagraph, omit “, authorising those third parties”.

Amendments to Chapter 7 (Zootechnical certificates)

- 8.—(1) In Article 30—
- (a) in paragraphs 1 and 2(a), in each place it occurs, after “Article 12” insert “of this Regulation or of the EU Regulation”;
 - (b) in paragraph 2—
 - (i) in point (b), after “Article 12(2)(a)”, insert “of this Regulation or of the EU Regulation”;
 - (ii) in point (c), after “Article 34” insert “of this Regulation or of the EU Regulation”;
 - (c) in paragraph 5—
 - (i) after “Article 34”, in each place it occurs, insert “of this Regulation or of the EU Regulation”;
 - (ii) for “Union” substitute “United Kingdom”;
 - (d) in paragraph 6—
 - (i) in point (a), for “Annex V” substitute “Annex 5 to this Regulation or to the EU Regulation”;
 - (ii) in point (b), for the words from “the implementing acts” to the end substitute “regulations made under paragraph 9 or in implementing acts adopted pursuant to Article 30(10) of the EU Regulation.”;
- (2) In Article 31(1), after “approved” insert “by the competent authority in accordance with animal health law in force in the constituent territory of the United Kingdom, or”.
- (3) In Article 33—
- (a) in the heading, for “Union” substitute “United Kingdom”;
 - (b) in paragraph 1, after “approved” insert “for entry into the 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, or”.

Amendments to Chapter 8 (Entry into the United Kingdom of breeding animals and their germinal products)

- 9.—(1) In the heading, for “Union” substitute “United Kingdom”.
- (2) In Article 34—
- (a) in paragraph 1, for “Commission shall” substitute “appropriate authority must”;
 - (b) in paragraph 2, for the words before point (a) substitute “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.”;
 - (c) for paragraphs 3 and 4, substitute—

“3. 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.”.

(3) In Article 36—

- (a) in the heading and in paragraph 1, in each place it occurs, for “Union” substitute “United Kingdom from a third country”;
- (b) for paragraph 2 substitute—

“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 or Article 34 of the EU Regulation.”.

(4) In the heading to Article 37, for “Union” substitute “United Kingdom from a third country”.

(5) In Article 37(1)—

- (a) in the words before point (a), for the words from “the conventional” to “Regulation (EEC) No 2658/87” substitute “a lower or zero rate of duty for purebred breeding animals, provided for under the Taxation (Cross-border Trade) Act 2018(2),”;
- (b) in point (b), for “and physical checks referred to in Article 4 of Directive 91/496” substitute “, veterinary and physical checks required under United Kingdom animal health law on entry of the consignment into the United Kingdom”.

Amendments to Chapter 9 (Competent authorities carrying out a breeding programme on purebred breeding animals)

10. In Article 38—

- (a) in paragraph 1 —
 - (i) in the words before point (a), for “a Member State or on a territory” substitute “the United Kingdom or in a constituent territory of the United Kingdom”;
 - (ii) in point (a), for “Member State or territory” substitute “United Kingdom or in the constituent territory of the United Kingdom”;
- (b) in paragraph 4(e), after “in accordance with” insert “animal health law in the constituent territory of the United Kingdom, or”.

Amendments to Chapter 10 (Official controls and other official activities, administrative assistance, cooperation and enforcement)

11.—(1) In the heading to Chapter 10, omit “by Member States”.

(2) In Article 39—

- (a) in paragraph 1, for “Member States” substitute “The appropriate authority”;
- (b) in paragraph 2—

- (i) in the words before point (a), for “Each Member State shall” substitute “The appropriate authority must”;
- (ii) in point (b)—
 - (aa) in point (i), after “Article 12” insert “of this Regulation or of the EU Regulation”;
 - (bb) in point (ii), after “Articles 48 and 49” insert “of this Regulation or of the EU Regulation”;
- (iii) in point (c), omit “and notify that website to the Commission”;
- (c) omit paragraph 3.
- (3) In Article 40, for “Member States” substitute “the appropriate authority”.
- (4) In Article 42(1), for “Union law or national law” substitute “the law in force in the United Kingdom or in the constituent territory of the United Kingdom where the competent authority is located”.
- (5) For Article 43(5), substitute—

“**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 member State or from a third country.”.
- (6) Omit Article 47(4).
- (7) In Article 48—
 - (a) for paragraph 1 substitute—

“**1.** 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 member States and 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 or in the EU Regulation.”.
 - (b) in paragraph 2—
 - (i) in point (a)—
 - (aa) after “request by a competent authority” insert “of a constituent territory of the United Kingdom or”;
 - (bb) for “from a competent authority of another Member State” substitute “from a competent authority of a constituent territory of the United Kingdom or of a member State”;
 - (ii) for point (b) substitute—

“(b) in the case of a non-compliance which might have implications for other constituent territories of the United Kingdom or for member States, the notification of the competent authorities of those other constituent territories of the United Kingdom or of member States by the competent authority aware of the non-compliance;”;
 - (iii) in point (d)(ii), after “this Regulation” insert “or of the EU Regulation”;
 - (iv) for point (e) substitute—

- “(e) by agreement between the competent authorities concerned, participation by a competent authority of a constituent territory of the United Kingdom or of a member State in on-the-spot official controls performed by the competent authorities of another constituent territory of the United Kingdom or of a member State.”;
 - (c) for paragraph 3 substitute—
 - “3. Where official controls performed on breeding animals or their germinal products originating in a member State show repeated instances of non-compliance with the rules provided for in this Regulation or in the EU Regulation, the competent authority in the United Kingdom which has performed those official controls may inform the Commission and competent authorities of member States.”.
- (8) In Article 49—
 - (a) in the heading, after “Notification of” insert “other competent authorities in the United Kingdom,”;
 - (b) in paragraph 1—
 - (i) in the words before point (a), after “this Regulation” insert “or in the EU Regulation”;
 - (ii) in point (a), for “Member States” substitute “constituent territories of the United Kingdom and of member States”;
 - (c) in paragraph 2—
 - (i) in the words before point (a), after “this Regulation” insert “or the EU Regulation”;
 - (ii) in point (b), omit “Union and national”.
- (9) Omit Articles 50 to 52.

Amendments to Chapter 11 (Cooperation with the Commission and member States)

12.—(1) For the headings to Chapter 11, Section 1 and Article 53 substitute “Cooperation with the Commission and member States”.

(2) For Article 53, substitute—

“Competent authorities in the United Kingdom may assist and cooperate with Commission and member States experts in investigating and collecting information on problems concerning the application of the rules provided for in this Regulation or in the EU Regulation.”.

(3) Omit Articles 54 to 59.

(4) For the heading to Chapter 11, Section 2 (Commission controls in third countries), substitute—

“Controls on entry into the United Kingdom of breeding animals and their germinal products”.

(5) In the heading to Article 60, for “Union” substitute “United Kingdom”.

(6) In Article 60(1)—

(a) in the second subparagraph, for the words from “Those implementing acts shall” to “Commission” substitute “In addition to, or instead of making regulations under paragraph 1, the appropriate authority”;

(b) omit paragraphs 2 to 4.

Omission of Chapter 12 (Delegation and implementation)

13. Omit Chapter 12.

Amendments to Chapter 13 (Final provisions)

14.—(1) In Article 64—

(a) for paragraph 6 substitute—

“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.”;

(b) in paragraph 7, for “another Member State” substitute “a member State”.

(2) Omit Articles 66 to 68.

(3) After Article 69, omit the words from “This Regulation” to “Member States.”.

Amendments to Annex 1

15.—(1) Annex 1 is amended as follows.

(2) In Part 1, in point A—

(a) in point 1, for “Member State” substitute “constituent territory of the United Kingdom”;

(b) in point 4, omit the words from “within” to the end.

(3) In Part 2—

(a) in point 1—

(i) omit point (e);

(ii) in point (f), for “Union” substitute “United Kingdom”;

(b) in point 2, omit the words from “within” to the end.

(4) In Part 3—

(a) in point 1, in the second subparagraph, for “a Member State” substitute “the appropriate authority”;

(b) in point 3(a)(ii), for “same or another Member State or in” substitute “United Kingdom, a member State or a third country”;

(c) in point 4—

(i) omit point (a);

(ii) in point (b)—

(aa) for “neither a breed society in a Member State nor a breeding body in a third country” substitute “no breed society or breeding body in the United Kingdom, a member State or a third country”;

(bb) for “the competent authority in a Member State” substitute “a competent authority in the United Kingdom”.

Amendments to Annex 2

16.—(1) Annex 2 is amended as follows.

(2) In Part 1—

(a) in Chapter 1—

(i) in point 1—

- (aa) in point (c), after “identified in accordance with” insert “animal health law in force in the constituent territory of the United Kingdom, or,”
- (bb) in points (d) and (e), in each place it occurs, for “Union” substitute “United Kingdom”;
- (ii) in point 3, for “Regulation 2016/429” substitute “Regulation (EU) 2016/429(3), as it has effect in EU law, as amended from time to time, or under Article 7 of Commission Implementing Regulation 2015/262 laying down rules pursuant to Council Directives 90/427/EEC and 2009/156/EC as regards the methods for the identification of equidae,”;
- (b) in Chapter 2, in point 1(a), after “identified in accordance with” insert “United Kingdom animal health law or”;
- (c) in Chapter 3, in point 2—
 - (i) in the words before point (a), in each place it occurs, for “a Member State” substitute “an appropriate authority”;
 - (ii) in the final subparagraph, for “Member States” substitute “A competent authority”.

Amendments to Annex 3

17. In Annex 3, in Part 1—

- (a) in point (a), for “European Union reference centres provided for in Article 29(1)” substitute “United Kingdom reference centres provided for in Article 29(1) of this Regulation or the relevant European Union reference centres provided for in Article 29(1) of the EU Regulation”;
- (b) in point (b), omit “in the absence of those rules and standards,”.

Amendments to Annex 4

18.—(1) Annex 4 is amended as follows.

- (2) In the heading and in point 1, in each place it occurs, for “European Union” substitute “United Kingdom”.
- (3) In point 1(a)(iii), omit “, Union”.
- (4) In point 2—
 - (a) in the heading and in the words before point (a), in each place it occurs, for “European Union” substitute “United Kingdom”;
 - (b) omit point (e);
 - (c) in point (g), for “Member States” substitute “the United Kingdom”;
 - (d) omit point (i).
- (5) In point 3—
 - (a) in the heading and in the words before point (a), in each place it occurs, for “European Union” substitute “United Kingdom”;
 - (b) in point (a), for “Member States” substitute “United Kingdom and of member States”;
 - (c) omit point (c).
- (6) After point 3 insert—

“Tasks referred to in Article 29(4) for United Kingdom reference centres designated in accordance with Article 29(1) or (2)

4. Reference centres designated in accordance with Article 29(1) or (2) may provide assistance in the development or harmonisation of methods of performance testing and genetic evaluation of purebred breeding animals used in the United Kingdom and member States, in particular by—

- (a) developing control protocols for performance testing and genetic evaluation of purebred breeding animals carried out in the United Kingdom to improve the comparability of the results and the effectiveness of breeding programmes;
- (b) carrying out an international assessment of livestock on the basis of the combined results of performance testing and genetic evaluation of purebred breeding animals carried out in the United Kingdom, member States and third countries;
- (c) disseminating the results of those international assessments;
- (d) publishing the conversion formulae and the related information according to which the conversion formulae were established;
- (e) developing or harmonising methods used for the in situ and ex situ conservation of endangered breeds or the preservation of the genetic diversity within those breeds, or providing assistance in such development or harmonisation;
- (f) developing methods used for the characterisation of the status of endangered breeds with regard to their genetic diversity or their danger of being lost to farming, or providing assistance in such development;
- (g) providing training to support breed societies or third parties designated by those breed societies in accordance with Article 27(1)(b), competent authorities and other authorities in the preservation of endangered breeds and the preservation of genetic diversity within those breeds;
- (h) cooperating, within the scope of their tasks, with European and internationally recognised organisations;
- (i) providing, within the scope of their tasks, technical assistance to an appropriate authority or competent authority;
- (j) recommending calculation methods to be used for the performance testing and genetic evaluation of purebred breeding animals.”.

Amendments to Annex 5

19.—(1) Annex 5 is amended as follows.

(2) In Part 1, in point (c), for “Union” substitute “United Kingdom”.

(3) In Part 2—

(a) in Chapter 1, in point 1—

(i) in points (a), (g)(iii) and (o), in each place it occurs, for “Union” substitute “United Kingdom”;

(ii) in point (g)(i) and (ii), in each place it occurs, for “Union” substitute “United Kingdom or Union”;

(b) in Chapters 2, 3 and 4, in point (d) of each Chapter, for “Union” substitute “United Kingdom”.

(4) In Part 3—

(a) in Chapter 1, in point 1

- (i) in points (a), (f)(iii) and (n), in each place it occurs, for “Union” substitute “United Kingdom”;
- (ii) in point (f)(i) and (ii), in each place it occurs, for “Union” substitute “United Kingdom or Union”;
- (b) in Chapters 2, 3 and 4, in point (d) of each Chapter, for “Union” substitute “United Kingdom”.

Omission of Annex 6

- 20.** Omit Annex 6.