

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 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 [^{F1}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 [^{F2}United Kingdom or in the constituent territory of the United Kingdom] where that competent authority operates; or
 - 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:

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- (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 [F³ 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.

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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

- F1** 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)
- F2** 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)
- F3** 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:

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