

**EXPLANATORY MEMORANDUM TO
THE HORSES (ZOOTECNICAL STANDARDS) (NORTHERN IRELAND)
REGULATIONS 2009.
[2009] No. 251**

1. The Department of Agriculture and Rural Development, being a Department designated for the purposes of section 2(2) of the European Communities Act in relation to the Common Agricultural Policy of the European Community, in exercise of the powers conferred on it by the said section 2(2), makes the above-named Order which is subject to negative resolution.

2. Description

2.1 This Regulation implements Commission Decision 96/78/EC that sets out the criteria for the entry of horses into recognised equine studbooks. The criteria state that if the identification and pedigree requirements have been met, animals have a legal right to enter the main section of a studbook for that breed. Recognised breed societies must follow these rules.

3. Matters of special interest to the Examiner of Statutory Rules

3.1 None

4. Legislative Background

4.1 This Regulation is being made on the basis of a new interpretation of Commission Decision 96/78/EC circulated by the Committee. The previous Regulation (The Horses (Zootechnical Standards) Regulations 1992) that contained requirements laid down in Commission Decision 92/353/EEC are revoked by this Regulation.

4.2 This is a clarification of a Commission Decision that came into force in 1996, it is not an implementation of a new Commission Decision. However, it does implement EU legislation and a transposition note is attached.

5. Extent

5.1 This instrument applies to Northern Ireland only.

6. European Convention on Human Rights

6.1 The Regulation does not have any human rights implications, nor is it incompatible with EU law.

7. Policy background

7.1 The policy objective is to ensure that recognised equine studbooks are operated in accordance with the provisions of Commission Decision 96/78/EC. If they are not then DARD would have to withdraw recognition from the breed society concerned in order to avoid EC infraction proceedings.

7.2 Commission Decision 96/78/EC lays down the criteria for the entry of animals into equine studbooks. It applies to those societies (mainly breed societies) who have been recognised as operating an equine studbook under what is known as the EU Zootechnical legislation (Commission Decision 92/353/EEC). The objective of such recognition is to enhance the trade in pedigree animals. It does this by harmonising equine studbooks so that animals can be registered in the appropriate studbook when exported to another Member State. Commission Decision 96/78/EC expanded on these requirements by setting the criteria that need to be met before animals can be registered in studbooks. These are basically that to qualify for entry, animals need to be identified as foals and that both parents are registered in the main section of the studbook of a recognised society for that breed. The Decision also sets out that the main section of a studbook can be divided into sub sections but that these must be based on an animals merits.

7.3. When the Decision came into force in 1996 it was implemented by administrative means. However in 2005, the European Commission informed all Member States that they had received complaints that the Commission Decision was not being implemented properly. Effectively there were allegations that some societies were creating artificial reasons for rejecting some animals from certain Member States. The Commission has stated that Member States should withdraw recognition from any society doing this. They have also advised Member States to implement this Decision through the Horses Zootechnical Regulations instead of administratively. This is the purpose of the attached Regulation.

8. Impact

8.1 A Regulatory Impact Assessment has not been completed for this instrument as it has no additional impact on business, charities or voluntary bodies. These requirements have been implemented administratively since 1996. Consideration has been given to section 75 of the NI Act 1998 and no issues were identified.

9. Contact

Seamus Hughes at the Department of Agriculture and Rural Development, Tel: 028 90520836 or email: seamus.hughes@dardni.gov.uk, can answer any queries regarding the instrument.

Transposition Note

This note explains how Decisions 1992/353/EEC and 1996/78/EC are now transposed in the Horses (Zootechnical Standards) (Northern Ireland) Regulations 2009.

Commission Decision 1992/353/EEC lays down the criteria for the approval or recognition of organisations and associations which maintain or establish stud-books for registered equidae.

Commission decision 1996/78/EC lays down the criteria for entry and registration in studbooks.

The Horses (Zootechnical Standards) (Northern Ireland) Regulations 2009 revoke The Horses (Zootechnical Standards) Regulations (Northern Ireland) 1992.

Commission Decision 92/353/EEC

Decision Article	Effect	Implemented by SR Article number	Comments
1.	Requirement to submit an application for recognition.	3(1)(a)	
2(1) and Annex	Requirements to maintain a stud book and meet conditions laid down in Annex.	3(1)(b) 3(1)(c) Schedule to Regulations	
2(2)	Exception to obligation to grant recognition to an organisation.	4(2)	
2(3)	Obligation on MS to inform Commission of any official recognition granted to an association as well as contested approvals.	-	This is done administratively.
2(4)	Refusal or withdrawal of	4(3)	

	recognition must be in writing.		
3	Refusal or withdrawal of recognition from organisations failing to meet required conditions.	4(1)	

Commission Decision 1996/78/EC

Decision Article	Effect	Implemented by SR Article number	Comments
1(1)	Entry in main section of stud book.	7(1)	The Commission has stated that breed societies must enter horses meeting these criteria in the main section of their stud books, and that those who fail to do so must have their recognition withdrawn.
1(2)	Cross breeding programmes.	9	
2(1)	Division of main section of stud book.	6	
2(2)	Entry of animals registered in other stud books.	10	
3(1)	Entry in supplementary section of stud book.	8	
3(2)	Entry of progeny in main section of stud book	7(2)	