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Delegations will find attached document COM(2014) 5 final.

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Brussels, 11.2.2014  
COM(2014) 5 final

2014/0032 (COD)

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on the zootechnical and genealogical conditions for trade in and imports into the Union  
of breeding animals and their germinal products**

(Text with EEA relevance)

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

The Union zootechnical legislation aims at the promotion of free trade in breeding animals and their genetic material considering the sustainability of breeding programs and preservation of genetic resources.

At present Union zootechnical legislation consists of four species specific (vertical) basic acts laying down the fundamental principles, concerning breeding animals of the bovine, porcine, ovine, caprine and equine species. These Council Directives provide the legal bases for the adoption by the Commission of detailed measures on:

- the approval or recognition and listing of breeding organisations, breeders associations and private undertakings,
- the registration and classification of animals in herd-books, flock-books, stud-books and, in the case of hybrid breeding pigs in registers,
- on performance testing and genetic evaluation and
- for the content and format of zootechnical certificates for breeding animals and their semen, ova and embryos.

However, technical requirements of identical nature for acceptance of breeding animals for breeding are currently regulated in three Council Directives and a Commission Decision.

In addition, no implementing measures have been adopted for Council Directive [91/174/EEC](#) establishing the principles of trade in purebred breeding animals of other animal species.

A horizontal Directive, complemented by implementing measures, provides rules on imports from third countries of breeding animals and their germinal products.

Finally, a specific Council Decision provides rules on the designation of a reference centre for breeding of bovine animals.

The present proposal consists of twelve Chapters and five technical Annexes.

Chapters I to VIII of the proposal combine the provisions of Council Directives [2009/157/EC](#) (bovine animals), [88/661/EEC](#) (purebred and hybrid breeding pigs), [89/361/EEC](#) (sheep and goats), [90/427/EEC](#) (equidae), [91/174/EEC](#) (other animals) and [94/28/EC](#) (imports) as indicated in the correlation table.

In particular, Chapter III contains provisions describing the relationship between breeders and breed societies and the settling of disputes taking into account the procedures currently laid down in Commission Decision [92/354/EEC](#).

In particular, Chapter IV includes the provisions on acceptance of breeding animals for breeding purposes and artificial insemination currently laid down in Council

Directives 87/328/EEC (bovine), 90/118/EEC (purebred pigs) and 90/119/EEC (hybrid breeding pigs), as indicated in the correlation table, but also in Commission Decision 90/257/EEC (sheep and goats).

In particular, Chapter V on performance testing includes the provisions of Council Decision 96/463/EC designating the reference body for testing methods for purebred bovine animals.

Chapters IX and X of the proposal establish a legal basis for the execution of official controls in the zootechnical field and the cooperation between competent authorities, taking into account general principles applied to such controls. These provisions were included with a view to the new Animal Health Law and a proposal for a Regulation on official controls and other official activities. Because of those legal initiatives, the legislation on checks on animals and their germinal products in intra-Union trade (Council Directive 90/425/EEC) and as regards imports from third countries (Council Directive 91/496/EEC) and on cooperation between competent authorities (Council Directive 89/608/EEC) will no longer apply to zootechnical aspects. The proposed text follows closely in particular Title II on official controls, Title IV on administrative assistance, Title VI on Commission controls and Title VII on enforcement measures of the proposal for a new Regulation on official controls and other official activities.

Chapter XI reflects the entry into force of the Lisbon Treaty, which requires that enabling provisions in the basic acts of the Union zootechnical legislation are aligned with Article 290 and Article 291 of the Treaty on the Functioning of the European Union (TFEU). To this end, it is necessary to identify for each measure to be adopted on powers provided by the basic act the delegated powers in accordance with Article 290 TFEU or implementing powers in accordance with Article 291 TFEU needed.

Chapter XII provides the final provisions on repeals and dates for entry into force and application.

Annex I (detailed criteria for the recognition of breed societies and approval of breeding programmes) includes the provisions currently laid down in the Annexes to Commission Decisions 84/247/EEC (bovine), 89/501/EEC (purebred breeding pigs) 89/504/EEC (hybrid breeding pigs), 90/257/EEC (sheep and goats) and 92/353/EEC (equidae).

Annex II (detailed criteria for the entry of breeding animals in breeding books) includes the provisions currently laid down in Commission Decisions 84/419/EEC (bovine), 89/502/EEC (purebred breeding pigs), 89/505/EEC (hybrid breeding pigs) 90/255/EEC (sheep and goats) and 96/78/EC (equidae).

Annex III (detailed criteria for performance testing and genetic evaluation) includes the provisions currently laid down in Commission Decisions 2006/427/EC (bovine), 89/507/EEC (purebred and hybrid breeding pigs) and 90/256/EEC (sheep and goats).

Annex IV (Functions and duties of EU Reference Centres) reflects Annex II to Council Decision 96/463/EC.

Annex V (zootechnical certificate) includes the principle information requirements currently laid down in the Annexes to Commission Decisions 2005/379/EC (bovine)

89/503/EEC (purebred breeding pigs), 89/506/EEC (hybrid breeding pigs), 90/258/EEC (sheep and goats), 96/79/EC (equidae), 96/509/EC (imports of semen of purebred breeding animals of bovine, porcine, ovine and caprine species) and 96/510/EC (imports of breeding animals, semen, ova and embryos).

## **2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS**

The basic principles and main rules of Union zootechnical legislation have shown to be adequate and sufficiently adapted to technical developments in the area of animal breeding and have therefore been maintained in the proposal. However, because the current Union zootechnical legislation is organised vertically according to species, the almost identical provisions have been streamlined, drafted in a more precise and consistent language in the format of a Regulation, in order to avoid obstacles to trade resulting from national transposition.

Over the past twenty years, the Commission had regularly meetings with Member States to discuss zootechnical matters in the Standing Committee on Zootechnics, and together the legislation has been developed. Cross border activities of approved breed societies have remained a controversial issue because certain Member States pointed to the differences in national transposition of the underlying Directives. This situation has not changed until the last meeting of the zootechnical working group in February 2012 where the main content, the structure and the new elements of the proposal were presented and discussed.

In addition, the Commission has been dealing with numerous problems raised by breeders, breed societies and competent authorities because of different interpretation of the existing provisions by competent authorities in Member States. The Commission is therefore well aware of the needs of the breeding sector and of the supervising competent authorities.

The proposed provisions on official controls in the zootechnical field are fully aligned, with the necessary adaptations, to those proposed, after intensive consultation with stakeholders, by the Commission for a Regulation on official controls and activities in the veterinary field.

## **3. LEGAL ELEMENTS OF THE PROPOSAL**

The proposed regulation provides in a single legal framework the principles of recognition and listing of breeding organisations, breeders associations and private undertakings, approval of their breeding programmes, entering of animals in herd-books, flock-books, stud-books and their classification according to merits, registration of hybrid breeding pigs in registers, performance testing and genetic evaluation as well as the content of zootechnical certificates for breeding animals and their semen, ova and embryos.

In addition it provides rules on imports from third countries of breeding animals, their semen, ova and embryos, and the designation of reference centres for breeding of animals.

Provisions are laid down in this Regulation to carry out official controls and zootechnical checks and to resolve disputes arising where zootechnical checks disclose non-compliance with zootechnical requirements.

However, the rules hereby proposed mirror those laid down in the Commission proposal for a new Regulation on official controls that is currently discussed in the European Parliament and in the Council. In order to prevent inconsistencies between the two texts and to ensure a harmonised approach in the field of controls, the Commission will closely follow the evolution of the discussions on the two texts, and will make the necessary proposals in due time in order to ensure that the provisions on official controls in the field of zootechnics are included in the forthcoming Regulation on official controls.

The proposed Regulation provides the legal base for the adoption of delegated and implementing measure, in accordance with Articles 290 and 291 of the Treaty on the Functioning of the European Union.

**4. BUDGETARY IMPLICATION**

None.

**5. OPTIONAL ELEMENTS**

None.

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on the zootechnical and genealogical conditions for trade in and imports into the Union of breeding animals and their germinal products**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 42 and Article 43(2) thereof,

Having regard to the proposal from the European Commission<sup>1</sup>,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>2</sup>,

Having obtained the opinion of the Committee of the Regions<sup>3</sup>,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The breeding of domestic animals of the bovine, porcine, ovine, caprine and equine species, and to a lesser extent the breeding of animals of other species, occupy an important place in Union agriculture and is a source of income for the agricultural community. The breeding of animals of those species is best encouraged if purebred breeding animals or hybrid breeding pigs of recorded high genetic quality are used.
- (2) Member States have thus consistently endeavoured, as part of their agricultural policy, to promote, sometimes through public investment, the production of livestock of particular genetic characteristic that meets defined performance standards. Disparities between those standards have the potential to create technical barriers to trade in breeding animals and their germinal products and their imports into the Union.
- (3) Council Directive 88/661/EEC of 19 December 1988 on the zootechnical standards applicable to breeding animals of the porcine species<sup>4</sup>, Council Directive 89/361/EEC

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<sup>1</sup> OJ C [...], [dd/mm/yyyy], p. [...].

<sup>2</sup> OJ C [...], [dd/mm/yyyy], p. [...].

<sup>3</sup> OJ C [...], [dd/mm/yyyy], p. [...].

of 30 May 1989 concerning pure-bred breeding sheep and goats<sup>5</sup>, Council Directive 90/427/EEC of 26 June 1990 on the zootechnical and genealogical conditions governing intra-Community trade in equidae<sup>6</sup>, Council Directive 91/174/EEC of 25 March 1991 laying down zootechnical and pedigree requirements for the marketing of pure-bred animals and amending Directives 77/504/EEC and 90/425/EEC<sup>7</sup>, Council Directive 94/28/EC of 23 June 1994 laying down the principles relating to the zootechnical and genealogical conditions applicable to imports from third countries of animals, their semen, ova and embryos and amending Directive 77/504/EEC on pure-bred breeding animals of the bovine species<sup>8</sup> and Council Directive 2009/157/EC of 30 November 2009 on pure-bred breeding animals of the bovine species<sup>9</sup> provide the legal framework for Union legislation on the breeding of pure-bred breeding animals of the bovine, porcine, ovine, caprine and equine species and hybrid breeding pigs. These Directives are aimed at the development of livestock breeding in the Union, while at the same time regulating trade in breeding animals and their germinal products and their imports into the Union and thus maintaining the competitiveness of the sector on breeding animals and their germinal products in the Union.

- (4) Council Directive 87/328/EEC of 18 June 1987 on the acceptance for breeding purposes of pure-bred breeding animals of the bovine species<sup>10</sup>, Council Directive 90/118/EEC of 5 March 1990 on the acceptance of pure-bred breeding pigs for breeding<sup>11</sup> and Council Directive 90/119/EEC of 5 March 1990 of hybrid breeding pigs for breeding<sup>12</sup> were adopted to prevent national rules relating to the acceptance for breeding purposes of breeding animals of the bovine and porcine species and the production and use of their semen, oocytes and embryos constituting a prohibition or restriction on intra-Union trade or an obstacle thereto whether in the case of natural services, artificial insemination or the collection of semen, oocytes or embryos.
- (5) On the basis of the Directives referred to in recital 3, the Commission, after consulting Member States in the framework of the Standing Committee on Zootechnics established in accordance with Council Decision 77/505/EEC of 25 July 1977 setting up a Standing Committee on Zootechnics<sup>13</sup>, adopted a number of Decisions providing species-specific criteria for the approval or recognition of breeding organisations and breeders' associations (hereinafter "breed societies"), the entry of breeding animals in herd-books, flock-books and stud-books (hereinafter "breeding books"), the acceptance of pure-bred animals of the ovine and caprine species for breeding and artificial insemination, for performance testing and genetic evaluation of breeding animals of the bovine, porcine, ovine and caprine species and the establishment of pedigree certificates for trade in breeding animals and their germinal products.

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<sup>4</sup> OJ L 382, 31.12.1988, p. 36.

<sup>5</sup> OJ L 153, 6.6.1989, p. 30.

<sup>6</sup> OJ L 224, 18.8.1990, p. 55.

<sup>7</sup> OJ L 85, 5.4.1991, p. 37.

<sup>8</sup> OJ L 178, 12.7.1994, p. 66.

<sup>9</sup> OJ L 323, 10.12.2009, p. 1.

<sup>10</sup> OJ L 167, 26.6.1987, p. 54.

<sup>11</sup> OJ L 71, 17.3.1990, p. 34.

<sup>12</sup> OJ L 71, 17.3.1990, p. 36.

<sup>13</sup> OJ L 206, 12.8.1977, p. 11.



- (6) The Commission had also established a list of breeding bodies in third countries and the model pedigree certificates for imports into the Union of breeding animals and their semen, oocytes and embryos.
- (7) Union legislation on the breeding of animals has also contributed to the preservation of animal genetic resources, the protection of genetic biodiversity and to the production of typical quality regional products that rely on the specific hereditary characteristics of local breeds of domestic animals.
- (8) Directives 88/661/EEC, 89/361/EEC, 90/427/EEC, 91/174/EEC, 94/28/EC and 2009/157/EC are largely similar in structure and content. Several of those Directives have been amended over time. In the interests of simplicity and consistency of Union legislation, it is appropriate to streamline the Union rules laid down in them.
- (9) During the past twenty years, the Commission has had to respond to a significant number of complaints raised by breeders and breeding organisations in relation to the national transposition and interpretation of Union law on breeding of animals in different Member States. To ensure the uniform application of Union rules on breeding animals and to avoid obstacles to trade in breeding animals and their germinal products resulting from divergences in the national transposition of Directives, Union legislation on zootechnical and genealogical conditions for trade in breeding animals and their germinal products and their imports into the Union should be laid down in a Regulation.
- (10) In addition, experience has shown that in order to facilitate the application of the rules provided for in those Directives a number of the provisions require more precise wording and consistent terminology. In the interests of clarity and consistency of Union legislation, it is also appropriate to provide for more definitions.
- (11) However, the terminus "breed" should remain an undetermined legal concept allowing breed societies to describe the group of animals of sufficient genetic uniformity that they consider as distinct from other animals of that species and to enter them with mention of their known ascendants in breeding books in order to reproduce their inherited characteristics by way of reproduction, exchange and selection within the framework of an established breeding programme.
- (12) This Regulation should establish the rules on trade in breeding animals and their germinal products and their imports into the Union to promote viable breeding programmes for the improvement of breeds and to preserve the genetic biodiversity of domestic animals.
- (13) Accordingly, the rules on purebred breeding animals laid down in this Regulation should aim at granting access to trade based on agreed principles applicable to the recognition of breed societies managing breeds and the approval of their respective breeding programmes. This Regulation should also lay down criteria governing the entry of purebred breeding animals in the different classes of the main section of breeding books, rules for performance testing and genetic evaluation and criteria for the acceptance of breeding animals for breeding as well as the content of the zootechnical certificates.
- (14) Similarly, the rules on hybrid breeding pigs laid down in this Regulation should aim at granting access to trade based on agreed principles applicable to the recognition of

breeding operations managing different crosses of hybrid breeding pigs and the approval of their respective breeding programmes. This Regulation should also lay down criteria governing the entry of hybrid breeding pigs in the main section of breed registers, rules for performance testing, genetic evaluation and criteria for the acceptance of hybrid breeding pigs for breeding as well as the content of the zootechnical certificates.

- (15) Since the objective of this Regulation, namely to ensure a harmonised approach to trade in breeding animals and their germinal products and their imports into the Union and to the official controls necessary to be performed on breeding programmes carried out by breed societies and breeding operations, cannot be sufficiently achieved by the Member States at national level and can therefore, by reason of its effect, complexity, trans-border and international character, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as referred to in Article 5 of the Treaty on European Union. Since the scope of this Regulation is limited to what is necessary in order to achieve its objectives, it also respects the principle of proportionality as referred to in Article 5(4) of that Treaty.
- (16) The quality of the services provided by breed societies and breeding operations and the way that they evaluate and classify animals has an impact on the value of breeding animals on the market. Accordingly, rules should be laid down for the recognition of breed societies and breeding operations based on harmonised Union criteria and their supervision by the competent authority of Member States in order to ensure that the rules established by them do not create disparities between breeding programmes and breeding standards and thereby create technical barriers to intra-Union trade.
- (17) Similar procedures to those laid down in Directives 88/661/EEC, 89/361/EEC, 90/427/EEC, 91/174/EEC, 94/28/EC and 2009/157/EC for listing recognised breed societies and breeding operations, including the updating, transmission and publication of the lists, should be provided for in this Regulation.
- (18) The right of recognition of a breed society or breeding operation which meets the established criteria is a fundamental principle of Union zootechnical legislation. The protection of the economic activity of an existing recognised breed society should no longer justify the refusal by the competent authority of the recognition of a further breed society for the same breed. The same applies for the approval of the geographical extension of a breeding programme, which is carried out on the same breed or on breeding animals that can be recruited from the breeding population of the existing breed society. However, the competent authority should have the legal base to refuse recognition or approval where there is a substantiated risk that such recognition or approval would compromise the preservation of a rare breed or the protection of the genetic diversity.
- (19) Because the preservation of rare breeds requires to set up and to recognise breed societies with a limited number of breeding animals in their breeding books, the number of breeding animals entered in breeding books should in general not be an essential condition for the recognition of a breed society and the approval of its breeding programme, even more that the recognition is carried out nationally while appropriate breeding animals may have been entered in breeding books in other Member States or third countries.

- (20) Breed societies and breeding operations recognised in one Member State should have the possibility to implement their approved breeding programme in one or more other Member States in order to ensure the best possible utilisation of breeding animals of high genetic value as an important production factor within the Union. To this end a simple notification procedure should ensure that the competent authority in the other Member State is aware of the intended activity.
- (21) To prevent future conflicts between breed societies seeking to provide their services to breeders and authorities refusing recognition of new breed societies competing with existing ones, it was necessary to separate the formal recognition of the breed society or breeding organisation from the approval of the intended breeding programme.
- (22) From various complaints the Commission had to deal with during the past years it appears that this Regulation should provide for clear rules governing the relationship between the breed society establishing a filial breeding book for a particular breed of purebred breeding animals of the equines species and the breed society that claims to have established the breeding book of the origin of that breed.
- (23) The Commission should be empowered to adopt delegated acts amending Annex I in order to adapt the criteria for the recognition of breed societies and breeding operations and for the approval of breeding programmes to developments in the breeding sector.
- (24) It is necessary to clarify the relationship between breeders and breed societies and breeding operations notably to ensure their right of membership in breed societies and breeding operations and their right to participate in the breeding programme within the geographical area where it is carried out. Breed societies should have rules that prevent discrimination of breeders because of their origin and must provide a minimum of service.
- (25) Experience gained, particularly in the application of Directive 90/427/EEC, and to a lesser extent Directives 89/361/EEC and 2009/157/EC, indicates that more precise rules are required to settle effectively disputes between breeders on the one hand and breed societies on the other hand based on a clearly established rules of procedure and described rights and duties of members. This is best achieved, if the disputes are settled within the legal system of the Member State where they arise. The Commission should only be involved in disputes which arise between those entities located in different Member States and which cannot be settled effectively by the legal systems of the Member States where they arise.
- (26) Breed societies which establish and maintain breeding books for purebred breeding animals of the bovine, porcine, ovine, caprine and equine species and breeding operations which establish and maintain breed registers for hybrid breeding pigs should enter in their breeding books and breed registers breeding animals without discrimination as regards the Member State of origin of the animals or their owners and classify where foreseen in the breeding programme those animals according to their merits.
- (27) Breed societies should also be allowed to establish supplementary sections to upgrade within their breeding programme those animals that do not meet the criteria for purebred breeding animals of the breed concerned.

- (28) However, breed societies maintaining breeding books for certain purebred breeding animals of the equine species should be permitted to continue laying down criteria for entry in those breeding books of purebred animals of the equine species on the basis of the need to regulate the entry of such equine animals when they are produced using artificial reproduction methods.
- (29) With the exception of equidae, purebred breeding animals entered in breeding books are identified in accordance with Union animal health legislation on identification. In the case of purebred breeding animals of the equine species, breed societies also carry out the identification of horses and donkeys they enter or register for entry in their breeding books and issue identification documents (passports). They thus provide a service not only to breeders, but also to the competent authority responsible for the identification and registration of farmed animals. However, this system has led to a multitude of passport issuing bodies that has proven to complicate official controls on compliance with Union legislation on food hygiene and veterinary medicines in those cases where essential information was not readily available to the competent veterinary authorities, for example in the absence of a central database, common high standards for the quality of the identification documents were not observed and official supervision was lacking. It is therefore necessary to require that also purebred breeding animals of the equine species are entered in their respective breeding books under their animal health identification, while providing the possibility to competent veterinary authorities to delegate under certain conditions to recognised breed societies the official issuing of identification documents for purebred breeding animals of the equine species.
- (30) In order to ensure that the conditions for entry in breeding books of purebred breeding animals and the registration of hybrid breeding pigs in breed registers can be adapted to developments in the breeding sector, the Commission should be empowered to adopt delegated acts to amend Annex II accordingly.
- (31) The acceptance of breeding animals for breeding purposes, for natural service or assisted reproduction should be regulated at Union level to prevent obstacles to trade, in particular where such breeding animals have undergone performance testing or genetic evaluation carried out in accordance with the rules laid down in this Regulation and in particular in Annex III thereto.
- (32) While the rules for performance testing and genetic evaluation have been established at Union level for breeding animals of the bovine, porcine, ovine and caprine species which are tested for a limited number of traits, the versatile requirements for different breeds, uses and selections of purebred breeding animals of the equine species have to date prevented their harmonisation. Instead, breed-specific rules for performance testing and genetic evaluation are currently established by the studbook of the origin of the breed.
- (33) The Commission should be empowered to lay down conditions for performance testing and genetic evaluation also for purebred breeding animals of the equine species and to amend the current conditions in Annex III in order to take account of technical and scientific advances or of developments in the legal environment influencing the

testing, such as Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)<sup>14</sup>, or to include, on request of Member States, conditions for the performance testing and the genetic evaluation of purebred breeding animals of the equine species.

- (34) Performance testing and genetic evaluation may be carried out by institutions designated by the breed society or the breeding operation. Those designated institutions shall cooperate with the European Union reference centres designated by the Commission. The Commission should therefore be empowered to designate by way of implementing acts European Union reference centres and the necessary powers should be granted to the Commission to adopt delegated acts describing their duties and functions, where necessary by amending Annex IV. Those reference centres qualify for Union aid in accordance with Council Decision 2009/470/EC of 25 May 2009 on expenditure in the veterinary field<sup>15</sup>. In the case of purebred breeding animals of the bovine species, performance testing and genetic evaluation carried out by a breed society are at present assisted by the Interbull Centre, the European Union reference body designated by Council Decision 96/463/EC of 23 July 1996 designating the reference body responsible for collaborating in rendering uniform the testing methods and the assessment of the results for purebred breeding animals of the bovine species<sup>16</sup>.
- (35) Since detailed provisions are made in this Regulation for the breeding of animals of the bovine, porcine, ovine, caprine and equine species only, it is necessary to empower the Commission to adopt delegated acts on the recognition of breed societies, approval of breeding programmes, entry of breeding animals in breeding books, performance testing and genetic evaluation and the acceptance for breeding as well as to adopt implementing acts for the zootechnical certificates pertaining to trade in breeding animals of other species and their germinal products and their imports into the Union should this be required to remove obstacles to trade.
- (36) The import of breeding animals and their germinal products is essential for the European agriculture. Imports of breeding animals and their germinal products should therefore be carried out under conditions closely in line with those rules applicable to trade between Member States. However, breeding animals and their germinal products should only be entitled for entry in the main section of a breeding book or breed register in the Union, if the level of official controls carried out in the exporting third country ensures the same certainty of pedigree details and the results of performance testing and genetic evaluation as in the Union. In addition, breeding bodies in third countries should accept as a matter of reciprocity breeding animals and their germinal products from the respective breed society or breeding operation recognised in the Union.
- (37) Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff<sup>17</sup> provides that a goods

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<sup>14</sup> OJ L 299, 16.11.2007, p. 1.

<sup>15</sup> OJ L 155, 18.6.2009, p. 30.

<sup>16</sup> OJ L 192, 2.8.1996, p. 19.

<sup>17</sup> OJ L 256, 7.9.1987, p. 1.

nomenclature, namely the 'Combined Nomenclature', or in abbreviated form 'CN', which meets at one and the same time, the requirements of the Common Customs Tariff, the external trade statistics of the Community and other Union policies concerning the importation or exportation of goods is to be established by the Commission. Annex I to that Regulation lists the CN codes for purebred breeding animals of the bovine, porcine, ovine, caprine and equine species and of bovine semen and indicates that they are exempted from the conventional rate of duties. In that case, those animals and their germinal products should be accompanied by the appropriate zootechnical certificate to support their classification as purebred breeding animals or germinal products thereof.

- (38) Upon entry in the Union breeding animals and their germinal products undergo the veterinary checks in accordance with Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC<sup>18</sup> and Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries<sup>19</sup>. In addition those commodities should also undergo the necessary zootechnical checks provided for in this Regulation.
- (39) The Commission adopted a Proposal for a Regulation of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health, plant reproductive material, plant protection products and amending Regulations (EC) No 999/2001, 1829/2003, 1831/2003, 1/2005, 396/2005, 834/2007, 1099/2009, 1069/2009, 1107/2009, Regulations (EU) No 1151/2012, [...] /2013, and Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC, 2008/120/EC and 2009/128/EC (Official controls Regulation)<sup>20</sup>. That Regulation is intended to repeal Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules<sup>21</sup> and Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable to intra-Community trade in certain live animals and products with a view to the completion of the internal market<sup>22</sup> and Directives 91/496/EEC and 97/78/EC and incorporate certain rules laid down in those acts in that new Regulation, with the necessary adaptations. However, it is not intended to include the zootechnical and genealogical conditions for trade in breeding animals and their germinal products and imports into the Union of breeding animals and their germinal products in the scope of that Regulation. Therefore, it is necessary to lay down rules on official controls and other official activities concerning breeding animals and their germinal products in this Regulation.
- (40) For the effective application of Union rules on breeding animals and their germinal products laid down in this Regulation, it is necessary that the competent authorities of

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<sup>18</sup> OJ L 268, 24.9.1991, p. 56.

<sup>19</sup> OJ L 24, 30.1.1998, p. 9.

<sup>20</sup> COM/2013/0265 final - 2013/0140 (COD).

<sup>21</sup> OJ L 165, 30.4.2004, p. 1.

<sup>22</sup> OJ L 224, 18.8.1990, p. 29.

the Member States cooperate with each other and provide administrative assistance whenever necessary. Accordingly, general rules on administrative assistance and cooperation, similar to those currently laid down in Title IV of Regulation (EC) No 882/2004 of the European Parliament and of the Council, should be laid down, with the necessary adaptations, in this Regulation.

- (41) Where official controls in Member States or checks on imports into the Union of breeding animals and their germinal products have revealed non-compliance with the zootechnical and genealogical requirements laid down for such imports in this Regulation likely to cause disturbances to trade in breeding animals and their germinal products in the Union, the Commission should be empowered by this Regulation to adopt special measures in order to limit the impact of such non-compliance.
- (42) The competent authority of the Member States should also have the necessary powers to enforce Union zootechnical and genealogical rules on breeding animals laid down in this Regulation, including the suspension of approval of a breeding programme or the withdrawal of the recognition of a breed society or breeding operation in the event of non-compliance with the zootechnical and genealogical rules laid down in this Regulation.
- (43) The Commission should carry out controls in Member States as appropriate and in particular in the light of the results of the official controls carried out by Member States to ensure the application of the zootechnical and genealogical rules laid down in this Regulation in all Member States.
- (44) With a view to establishing the lists of third countries from where imports into the Union of breeding animals and their semen, oocytes and embryos should be allowed, to drawing up the conditions for such imports, to obtaining information relating to the functioning of bilateral agreements and where any serious infringement of the conditions for such imports laid down in this Regulation so warrants, the Commission should be empowered to carry out controls in third countries on behalf of the Union, as appropriate.
- (45) As Directives 88/661/EEC, 89/361/EEC, 90/427/EEC, 94/28/EC and 2009/157/EC are to be repealed and replaced by this Regulation, it is also necessary to repeal the Commission acts adopted pursuant to those Directives and replace them by either delegated acts or implementing acts adopted pursuant to this Regulation. Accordingly, the Commission should be empowered to adopt those delegated and implemented acts.
- (46) In order to ensure the proper application of this Regulation and to supplement it, or to amend Annexes I to V to it, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the procedures and criteria employed and conditions required to recognise breed societies and breeding operations, approve breeding programmes, enter animals in breeding books and breed registers, accept breeding animals for breeding, natural and assisted reproduction, carry out performance testing and genetic evaluations, define zootechnical and genealogical requirements for trade in breeding animals and their germinal products and their imports from third countries, describe the duties and functions of reference centre.

- (47) The power to adopt acts in accordance with Article 290 of the Treaty in relation to trade in purebred breeding animals and their germinal products of species other than bovine, porcine, ovine, caprine and equine species and in relation to their imports into the Union should be delegated to the Commission in order to allow Member States to react to disturbances in trade but much more important to react where a rare breed is on the verge of extinct or a there is a risk for the protection of genetic diversity.
- (48) It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and the Council.
- (49) In order to ensure uniform conditions for the implementation of the provisions in this Regulation concerning the listing of breed societies and breeding operations, the designation of reference centres to ensure that performance testing and genetic evaluation methods for breeding animals are uniformly applied, the models for zootechnical certificates accompanying breeding animals and their germinal products and certain rules on the carrying out of official controls, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>23</sup>.
- (50) The rules laid down in Council 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 Council Decision 96/463/EC are to be replaced by the rules laid down in this Regulation and in delegated and implementing acts of the Commission adopted pursuant to this Regulation. Accordingly, those legal acts should therefore be repealed.
- (51) Commission Decision 84/247/EEC of 27 April 1984 laying down the criteria for the recognition of breeders' organizations and associations which maintain or establish herd-books for pure-bred breeding animals of the bovine species<sup>24</sup>, Commission Decision 84/419/EEC of 19 July 1984 laying down the criteria for entering cattle in herd-books<sup>25</sup>, Commission Decision 2006/427/EC of 20 June 2006 laying down performance monitoring methods and methods for assessing cattle's genetic value for pure-bred breeding animals of the bovine species<sup>26</sup>, Commission Decision 89/501/EEC of 18 July 1989 laying down the criteria for approval and supervision of breeders' associations and breeding organizations which establish or maintain herd-books for pure-bred breeding pigs<sup>27</sup>, Commission Decision 89/502/EEC of 18 July 1989 laying down the criteria governing entry in herd-books for pure-bred breeding pigs<sup>28</sup>, Commission Decision 89/504/EEC of 18 July 1989 laying down the criteria for

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<sup>23</sup> OJ L 55, 28.2.2011, p. 13.

<sup>24</sup> OJ L 125, 12.5.1984, p. 58.

<sup>25</sup> OJ L 237, 5.9.1984, p. 11.

<sup>26</sup> OJ L 169, 22.6.2006, p. 56.

<sup>27</sup> OJ L 247, 23.8.1989, p. 19.

<sup>28</sup> OJ L 247, 23.8.1989, p. 21.



approval and supervision of breeders' associations, breeding organizations and private undertakings which establish or maintain registers for hybrid breeding pigs<sup>29</sup>, Commission Decision 89/505/EEC of 18 July 1989 laying down the criteria governing entry in registers for hybrid breeding pigs<sup>30</sup>, Commission Decision 89/507/EEC of 18 July 1989 laying down methods for monitoring performance and assessing the genetic value of pure-bred and hybrid breeding pigs<sup>31</sup>, Commission Decision 90/254/EEC of 10 May 1990 laying down the criteria for approval of breeders' organizations and associations which establish or maintain flock-books for pure-bred breeding sheep and goats<sup>32</sup>, Commission Decision 90/255/EEC of 10 May 1990 laying down the criteria governing entry in flock-books for pure-bred breeding sheep and goats<sup>33</sup>, Commission Decision 90/256/EEC of 10 May 1990 laying down methods for monitoring performance and assessing the genetic value of pure-bred breeding sheep and goats<sup>34</sup>, Commission Decision 90/257/EEC of 10 May 1990 laying down the criteria for the acceptance for breeding purposes of pure-bred breeding sheep and goats and the use of their semen, ova or embryos<sup>35</sup>, Commission Decision 92/353/EEC of 11 June 1992 laying down the criteria for the approval or recognition of organizations and associations which maintain or establish stud-books for registered equidae<sup>36</sup>, Commission Decision 96/78/EC of 10 January 1996 laying down the criteria for entry and registration of equidae in stud-books for breeding purposes<sup>37</sup> have been adopted pursuant the basic acts referred to in recital 46 with species-specific criteria for the approval or recognition of breed societies and breeding operations, the entry of breeding animals in breeding books, the acceptance for breeding and artificial insemination, for performance testing and genetic evaluation. This Regulation provides for rules replacing those laid down in the aforementioned Commission acts.

- (52) Similar rules to those laid down in Commission Decision 92/354/EEC of 11 June 1992 laying down certain rules to ensure coordination between organizations and associations which maintain or establish stud-books for registered equidae<sup>38</sup> are laid down in this Regulation.
- (53) Commission Decision 89/503/EEC of 18 July 1989 laying down the certificate of pure-bred breeding pigs, their semen, ova and embryos<sup>39</sup>, Commission Decision 89/506/EEC of 18 July 1989 laying down the certificate of hybrid breeding pigs, their semen, ova and embryos<sup>40</sup>, Commission Decision 90/258/EEC of 10 May 1990 laying down the zootechnical certificates for pure-bred breeding sheep and goats, their semen, ova and embryos<sup>41</sup>, Commission Decision 96/79/EC of 12 January 1996 laying down the zootechnical certificates of semen, ova and embryos from registered

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<sup>29</sup> OJ L 247, 23.8.1989, p. 31.

<sup>30</sup> OJ L 247, 23.8.1989, p. 33.

<sup>31</sup> OJ L 247, 23.8.1989, p. 43.

<sup>32</sup> OJ L 145, 8.6.1990, p. 30.

<sup>33</sup> OJ L 145, 8.6.1990, p. 32.

<sup>34</sup> OJ L 145, 8.6.1990, p. 35.

<sup>35</sup> OJ L 145, 8.6.1990, p. 38.

<sup>36</sup> OJ L 192, 11.7.1992, p. 63.

<sup>37</sup> OJ L 19, 25.1.1996, p. 39.

<sup>38</sup> OJ L 192, 11.7.1992, p. 66.

<sup>39</sup> OJ L 247, 23.8.1989, p. 22.

<sup>40</sup> OJ L 247, 23.8.1989, p. 34.

<sup>41</sup> OJ L 145, 8.6.1990, p. 39.

equidae<sup>42</sup>, Commission Decision 2005/379/EC of 17 May 2005 on pedigree certificates and particulars for pure-bred breeding animals of the bovine species, their semen, ova and embryos<sup>43</sup>, Commission Regulation (EC) No 504/2008 of 6 June 2008 implementing Council Directives 90/426/EEC and 90/427/EEC as regards methods for the identification of equidae<sup>44</sup>, Commission Decision 96/509/EC of 18 July 1996 laying down pedigree and zootechnical requirements for the importation of semen of certain animals<sup>45</sup> were adopted pursuant to basic acts referred to in recital 45.

- (54) To ensure legal clarity and to avoid duplication, the repeal of the Council acts should only take effect when the Commission Decisions providing species-specific criteria for the approval or recognition of breed societies and breeding operations, the entry of breeding animals in breeding books, the acceptance for breeding and artificial insemination, for performance testing and genetic evaluation, which are included in this Regulation, are repealed by delegated act and the model zootechnical certificates for trade in breeding animals and their germinal products and for imports into the Union of breeding animals and their germinal products from third countries are established by implementing acts. It is therefore necessary to ensure that this Regulation is applicable not less than eighteen months after the date it came into force.

HAVE ADOPTED THIS REGULATION:

## **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 semen, oocytes and embryos and imports into the Union of breeding animals and their semen, oocytes and embryos;
  - (b) the rules of membership and dispute settling in breed societies and breeding operations;
  - (c) general rules for the performance of official controls on breed societies and breeding operations and the breeding programmes they carry out on breeding animals, including the use of semen, oocytes and embryos, in order to verify compliance with the rules referred to in point (a), for other official activities, administrative assistance, cooperation and enforcement by Member States;

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<sup>42</sup> OJ L 19, 25.1.1996, p. 41.

<sup>43</sup> OJ L 125, 18.5.2005, p. 15.

<sup>44</sup> OJ L 149, 7.6.2008, p. 3.

<sup>45</sup> OJ L 210, 20.8.1996, p. 47.

- (d) general rules for the performance of controls by the Commission in Member States and third countries.
- 2. This Regulation shall not apply to trade in and imports into the Union of breeding animals and their semen, oocytes and embryos where they are intended for technical or scientific experiments carried out under the control of the competent authority.
- 3. Pending the adoption of any delegated or implementing measures provided for in this Regulation, Member States may continue to apply their national zootechnical and genealogical rules governing trade in breeding animals and their semen, oocytes and embryos and imports into the Member State concerned of breeding animals and their semen, oocytes and embryos, provided that, as regards imports, those rules are not more favourable than those governing trade in the Union.

## *Article 2* Definitions

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

- (a) "animal" means a domestic animal of
  - (i) the bovine species (*Bos taurus* and *Bubalus bubalis*), porcine species (*Sus scrofa*), ovine species (*Ovis aries*), caprine species (*Capra hircus*);
  - (ii) the equine species (*Equus caballus* and *Equus asinus*);
  - (iii) species other than those referred to in points (i) and (ii) for which delegated acts have been adopted pursuant to Articles 35(1) or 45(1);
- (b) "breeding animal" means a purebred breeding animal or a hybrid breeding pig;
- (c) "germinal products" means semen, oocytes and embryos collected or produced from breeding animals for the purpose of assisted reproduction;
- (d) "breed society" means any breeding organisation or breeders' association which is recognised by the competent authority of a Member State in accordance with Article 4(2) for the purpose of carrying out a breeding programme on purebred breeding animals entered in the breeding book(s) it maintains or establishes;
- (e) "breeding operation" means any breeding organisation, breeders' association or private undertaking which is recognised by the competent authority of a Member State in accordance with Article 4(2) for the purpose of carrying out a breeding programme on hybrid breeding pigs registered in the breed register(s) it maintains or establishes;
- (f) "breeding body" means any breeding organisation, breeders' association, 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 an official service in a third country for the purpose of imports into the Union of breeding animals for breeding;

- (g) "competent authority" means the central authority of a Member State and any other authority to which that responsibility has been conferred, responsible for:
- (i) the recognition of breed societies and breeding operations and the approval of the breeding programmes they carry out on breeding animals;
  - (ii) the organisation of official controls on breed societies and breeding operations in accordance with the rules provided for in Article 46 and in delegated acts adopted pursuant to Article 52(1);
  - (iii) the provision of assistance to other Member States and third countries in case of detected non-compliances as provided for in Articles 53, 54, 55 and 56;
  - (iv) the organisation of other official activities, in accordance with the rules provided for in this Regulation;
- (h) "recognition" means the formal and official declaration by the competent authority that, following an evaluation, a breed society or breeding operation complies with the requirements of Article 4(2);
- (i) "purebred breeding animal" means a domestic animal
- (i) of the species referred to in point (a)(i) which descends from parents and grandparents entered in the main section of a breeding book of the same breed and which is itself entered or registered and eligible for entry in the main section of such a breeding book in accordance with Article 19;
  - (ii) of the species referred to in point (a)(ii) which descends from parents entered in the main section of a breeding book of the same breed and which is itself entered or registered and eligible for entry in the main section of such a breeding book in accordance with Article 19;
  - (iii) of a species other than those referred to in (i) and (ii) of this point for which the specific zootechnical and genealogical rules for trade in those breeding animals and their germinal products and their imports into the Union are laid down in delegated acts adopted pursuant to Articles 35(1) and 45(1) respectively;
- (j) "hybrid breeding pig" means an animal of the porcine species registered in a breed register, which is produced by deliberate cross-breeding between:
- (i) purebred breeding pigs of different breeds or lines;
  - (ii) breeding pigs which are themselves the outcome of a cross (hybrid) between different breeds or lines;
  - (iii) breeding pigs belonging to one or other of the categories referred to in (i) or (ii);
- (k) "breeding book" means any herd-book, flock-book, stud-book, file or data medium which is maintained by a breed society in which purebred breeding animals are entered or registered for entry with mention of details of their ascendants and where applicable their merits, to be subject of a breeding programme;

- (l) "approval" means the permission granted by the competent authority to a breed society or breeding operation to carry out its breeding programme in accordance with Article 8(1);
- (m) "main section" means the section of a breeding book in which purebred breeding animal are entered or registered for entry;
- (n) "class" means a horizontal subdivision of the main section in which breeding animals are entered according to their merits;
- (o) "merit" means a quantifiable heritable characteristic of a breeding animal;
- (p) "breed register" means any file or data medium which is maintained by a breeding operation in which hybrid breeding pigs are registered with details of their ascendants, to be subject of a breeding programme;
- (q) "official control" means any form of control that the competent authority or the Commission perform for the verification of compliance with the zootechnical and genealogical rules provided for in this Regulation;
- (r) "other official activities" means any activity, other than an official control, which is performed by competent authorities in accordance with this Regulation to ensure the application of the zootechnical and genealogical rules provided for in this Regulation;
- (s) "zootechnical certificate" means official breeding certificates, official attestations or certified commercial documentation which provide information on the pedigree, the identification and where applicable the genetic evaluation of breeding animals or their germinal products and which are required to accompany breeding animals or their germinal products when they are moved from one Member to another or imported into the Union;
- (t) "unique life number" means a unique 15-digit alphanumeric code compiling information on the individual equine animal and the database and country where such information is first recorded in accordance with the coding system of the Universal Equine Life Number<sup>46</sup> (UELN) and comprising:
  - (i) a six-digit UELN-compatible identification code for the database maintained by the passport issuing body which issued the identification document in accordance with Union animal health legislation followed by
  - (ii) a nine-digit individual identification number assigned to the equine animal;
- (u) "import" means the action of bringing breeding animals and their germinal products into one of the territories listed in Annex VI;
- (v) "zootechnical check" means the documentary and identity checks carried out on breeding animals and their germinal products imported into to the Union to verify

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<sup>46</sup> <http://www.ueln.net/>

compliance with the zootechnical conditions provided for in Articles 42 and the zootechnical and genealogical rules laid down in delegated acts adopted pursuant to Article 45(1);

- (w) "documentary check" means the examination of the official certificates, official attestations and other document(s) including documents of a commercial nature, which are required to accompany consignments of:
  - (i) breeding animals and their germinal products imported into the Union, as provided for in Article 39;
  - (ii) purebred breeding animals and their germinal products when imported into the Union as provided for in delegated acts adopted pursuant to Article 45(1);
- (x) "identity check" means a visual inspection to verify that the content and the labelling of a consignment, including the marks on animals, seals and means of transport, correspond with the information provided in the zootechnical certificates, official attestations and other documents accompanying it;
- (y) "non-compliance" means failure to comply with the with the zootechnical and genealogical rules provided for in this Regulation.

### *Article 3*

General zootechnical and genealogical rules for trade in and imports into the Union of breeding animals and their germinal products

Trade in breeding animals and their germinal products and imports into the Union of breeding animals and their germinal products shall not be prohibited, restricted or impeded on zootechnical or genealogical grounds, other than those provided for in this Regulation.

Breeding animals and their germinal products, owners or breeders of breeding animals, breed societies, breeding operations or breeding bodies shall not be discriminated on the basis of their country of origin.

## **CHAPTER II**

### **Recognition of breed societies and breeding operations in Member States and approval of breeding programmes**

#### **SECTION 1**

#### **RECOGNITION OF BREED SOCIETIES AND BREEDING OPERATIONS**

### *Article 4*

Recognition of breed societies and breeding operations

1. Breed societies and breeding operations may apply to the competent authority for recognition in accordance with paragraph 2.

2. The competent authority shall recognise any breed society or breeding operation that applies to it for recognition provided that it complies with the following requirements:
  - (a) it has its head office on the territory of the Member State 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;
  - (c) it defines in its application:
    - (i) the nature of its breeding programme, which must be aimed at:
      - the preservation of the breed, or
      - the improvement of the breed or cross;
    - (ii) the scope of its breeding programme and the rules it has established in accordance with the requirements of Part 2, and in the cases of purebred equine animals Part 3, of Annex I;
    - (iii) the geographical territory where it intends to carry out its breeding programme.
3. The Commission shall be empowered to adopt delegated acts in accordance with Article 71 concerning amendments to the requirements for the recognition of breed societies and breeding operations set up in Part 1 and, in the case of purebred breeding animals of the equine species, in Part 3 of Annex I to take account of the variety of breed societies and breeding operations affected by them.

#### *Article 5*

#### Derogation from Article 4(2)(b) concerning the recognition of breed societies

1. By way of derogation from Article 4(2)(b), the competent authority may refuse to recognise a breed society that complies with the requirements set out in Part 1 of Annex I where the breeding programme of that breed society would compromise the preservation or the genetic diversity of purebred breeding animals entered, or registered and eligible for entry, in the breeding book established for that breed by a breed society that has already been recognised in that Member State.
2. For the purpose of paragraph 1, the competent authority shall take due account of the following criteria:
  - (a) the number of breed societies already recognised for that breed in the Member State where the applicant breed society is located;
  - (b) the size of the population of purebred breeding animals of that breed in that Member State;
  - (c) the possible genetic input from other breed societies for the same breed recognised in other Member States or in third countries.

### *Article 6*

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

1. Where the competent authority referred to in Article 4 intends to refuse the recognition of a breed society or breeding operation, it shall provide the latter with a reasoned explanation for its intended refusal and at the same time grant the breed society or breeding operation the right to appeal against that intended refusal within 30 days from the date of receipt of the reasoned explanation.
2. Where, in the light of the appeal referred to in paragraph 1 the competent authority upholds its decision, it shall provide the breed society or breeding operation with a reasoned explanation of its decision to refuse recognition within 30 days of the date of receipt of any appeal and inform the Commission at the same time of its decision to refuse recognition and of the reasons for doing so.

### *Article 7*

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

1. Member States shall draw up and keep up-to-date a list of breed societies and breeding operations that their competent authority has recognised in accordance with Article 4(2) and make such list available to the public.
2. The list provided for in paragraph 1 shall include the following information:
  - (a) the name, contact details and Internet site of the breed society or breeding operation;
  - (b) the breed or cross for which their breeding programme has been approved;
  - (c) in the case of purebred breeding animals of the equine species, the name and contact details of the breed society which maintains the breeding book of the origin of the breed.
3. Member States shall indicate in the list provided for in paragraph 1 the suspension of the approval of a breeding programme ordered in accordance with Article 61(2)(f).
4. Member States shall immediately remove from the list provided for in paragraph 1 any breed society or breeding operation for which recognition has been withdrawn in accordance with Article 61(2)(g).
5. The Commission may, by means of implementing acts, draw up model forms for the information to be provided by Member States to the public on the list of recognised breed societies and breeding operations provided for in paragraph 1.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(2).



## SECTION 2 APPROVAL OF BREEDING PROGRAMMES

### *Article 8*

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

1. The competent authority shall approve the breeding programme of a breed society or breeding operation recognised by it in accordance with Article 4(2), provided that the breed society or breeding operation submits an application for approval of its breeding programme, demonstrating compliance with the requirements provided for in Article 4(2)(c) and set out in Part 2, and in the case of purebred equine animals in Part 3 of Annex I.
2. The competent authority referred to in Article 4 may authorise breed societies and breeding operations to outsource the technical management of their breeding book or breed register and other specific aspects of their breeding programme to a third party, provided that:
  - (a) the breed societies and breeding operations remain responsible vis-à-vis the competent authority for ensuring compliance with the requirements provided for in Article 4(2)(c);
  - (b) there is no conflict of interests between that third party and the economic activities of breeders who participate in the breeding programme.
3. The Commission shall be empowered to adopt delegated acts in accordance with Article 71 concerning amendments to the requirements for the approval of breeding programmes set up in Part 2 and, in the case of purebred equine animals, in Part 3 of Annex I to take account of the variety of breeding programmes carried out by breed societies and breeding operations.

### *Article 9*

Notification and approval of breeding programmes carried out in Member States other than the Member State where the breed society or breeding operation is recognised

1. Where the scope of a breeding programme or the geographical territory where it is to be carried out indicates that a breed society or breeding operation intends to carry it out on breeding animals resident in another Member State, the competent authority referred to in Article 8(1) shall:
  - (a) notify the competent authority of that other Member State at least 90 calendar days before the intended commencement date of the breeding programme;
  - (b) provide the competent authority referred to in point (a), together with that notification, with a copy of the application for approval of the breeding programme provided for in Article 8(1).
2. The competent authority referred to in paragraph 1(a) of this Article may, within 90 days from the date of receipt of the notification referred to in that paragraph, refuse

the approval for the carrying out on its territory of a breeding programme by a breed society recognised by the competent authority referred to in Article 8(1), where:

- (a) an approved breeding programme is already being carried out in that Member State on purebred breeding animals of the same breed;
  - (b) the approval of a further breeding programme would fragment the population of purebred breeding animals available in that Member State to an extent that would compromise the preservation or the genetic diversity of that breed.
3. Failure by the competent authority referred to in paragraph 1(a) to reply within 90 days to the notification provided for in that paragraph shall imply approval.
  4. The competent authority of the Member State where the breed society or breeding operation is recognised, or where it has filed an application for recognition in accordance with Article 4, shall inform the breed society or breeding operation of the result of the notification provided for in paragraph 1(a) of this Article without undue delay.
  5. Where the competent authority referred to in paragraph 1(a) intends to refuse approval in accordance with paragraph 2, it shall inform the Commission of its intention to refuse approval together with a reasoned explanation.

### **CHAPTER III**

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

#### *Article 10*

Rights of breeders participating in breeding programmes approved in accordance  
with Article 8(1) or Article 9

1. Where the rules of a breed society or breeding operation provide for membership, breeders may apply:
  - (a) for membership of such breed societies or breeding operations;
  - (b) to participate in the breeding programme within the scope and the geographical area of activity approved in accordance with Article 8(1) or Article 9.
2. Where the rules of a breed society or breeding operation do not provide for membership, breeders participating in a breeding programme approved in accordance with Article 8(1) or Article 9 may apply:
  - (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 Article 17(1);
  - (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 17(3);

- (c) to have their hybrid breeding pigs registered in a breed register established for the cross by a breeding operation in accordance with Articles 24;
  - (d) to participate in performance testing and genetic evaluation in accordance with Article 27;
  - (e) to be provided with a zootechnical certificate in accordance with Article 33(1) and (2).
3. Breeders shall have the right to choose the breeding book or breed register in which they wish to have their breeding animals entered or registered in accordance with Articles 19 and 24.

#### *Article 11*

##### Rights of breeders disputing a decision taken by a breed society

1. Breeders may have recourse to the measures provided for in Article 13 where they claim that any of the following have been unduly refused by a breed society:
- (a) an application in accordance with Article 10(1);
  - (b) an application for the entry of a purebred breeding animal in the main section of a breeding book as provided for in Article 19;
  - (c) an application for the recording of an animal in a supplementary section of a breeding book as provided for in Article 20(3);
  - (d) the acceptance of a purebred breeding animal for:
    - (i) breeding as provided for in Article 21; or
    - (ii) artificial insemination as provided for in Article 23(1);
  - (e) the acceptance of a purebred breeding animal or its semen for official performance testing and genetic evaluation as provided for in Article 23(2);
  - (f) the acceptance of the results of the performance testing and genetic evaluation carried out in accordance with Article 27.
2. Breeders may have recourse to the measures provided for in Article 13 where they claim that a breed society has failed to carry out performance testing or genetic evaluation in accordance with Article 27.

#### *Article 12*

##### Rights of breeders disputing a decision taken by a breeding operation

1. Breeders may have recourse to the measures provided for in Article 13 where they claim that any of the following have been unduly refused by a breeding operation:
- (a) an application for the registration of a hybrid breeding pig in a breed register as provided for in Article 24;

- (b) the acceptance of a hybrid breeding pig for artificial insemination as provided for in Article 26(1);
  - (c) the acceptance of a hybrid breeding pig or its semen for performance testing as provided for in Article 26(2);
  - (d) the acceptance of the results of the performance testing carried out in accordance with Article 27.
2. Breeders may have recourse to the measures provided for in Article 13 where they claim that a breeding operation has failed to carry out performance testing or genetic evaluation in accordance with Article 27.

### *Article 13*

#### Measures available to breeders disputing a decision taken by a breed society or breeding operation

1. In the cases referred to in Articles 11 and 12, breeders may:
- (a) obtain the opinion of an independent expert;
  - (b) appeal against the refusals referred to in Articles 11(1) and 12(1) or against the results of performance testing and genetic evaluation referred to in Articles 11(2) and 12(2) within 30 days from the date of receipt of the refusal or results from the breed society or breeding operation.
2. In the appeal referred to in paragraph 1(b), the breeder shall describe the facts and the grounds, where available based on the opinion of the independent expert referred to in paragraph 1(a), on which it considers that:
- (a) the refusal by the breed society or breeding operation does not comply with Articles 19, 21, 23, 27, 28, 30 or 32; or
  - (b) the results of the performance testing and genetic evaluation have not been obtained in accordance with Article 27.

### *Article 14*

#### Dispute settling

1. Where a breed society or breeding operation refuses the appeal by a breeder provided for in Article 13(1)(b), it shall notify the breeder and the competent authority that recognised the breed society or breeding operation in accordance with Article 4(2), within 30 days from the date of its decision to refuse the appeal.
2. The competent authority referred to in Article 8(1) or 9 may reverse the decision of the breed society or breeding operation, where it considers that that decision does not comply with Articles 19, 21, 23, 27, 28, 30 or 32.
3. Member States shall ensure that an appeal procedure is available and that appeal decisions are rendered within a reasonable period of time.

To that end, the competent authority may decide to establish a specific tribunal with the authority to reverse decisions of a breed society or breeding operation where the tribunal considers that the refusal by the breed society or breeding operation of an appeal lodged by a breeder was unjustified.

#### *Article 15*

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

1. Breed societies and breeding operations shall have the following rights as regards their breeding programmes approved in accordance with Article 8(1) or 9:
  - (a) to carry out their breeding programmes within the scope and geographical area of activity defined in accordance with Article 4(2)(c);
  - (b) to be autonomous in the definition and conduct of their breeding programmes, subject to the supervision by the competent authority with regard to compliance with Article 4(2).
2. Breed societies or breeding operation which provide for membership shall have the right to
  - (a) refuse an application for membership if the breeding animals do not fall under the scope of the breeding programme or the geographical area as referred to in points (ii) and (iii) of Article 4(2)(c);
  - (b) exclude breeders from membership where those breeders fail to comply with their duties set out in the rules of procedure in accordance with point 3(e) of Part 1 of Annex I.

#### *Article 16*

##### Obligations of breed societies and breeding operations

1. Breed societies and breeding operations, which provide for membership, shall set out the rights and duties of their members in their rules of procedure in accordance with point 3(e) of Part 1 of Annex I.
2. Within the scope of their breeding programme approved in accordance with Article 8(1) or 9, breed societies shall enter in their breeding books purebred breeding animals and breeding operations shall register in their breed registers hybrid breeding pigs which are kept on holdings situated within the geographical area of activity defined in accordance with Article 4(2)(c).
3. Breed societies and breeding operations shall have the primary responsibility to prevent and where necessary 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(1) or 9, in accordance with the rules established pursuant to Article 14(3) by the Member State where the dispute arises and the rules set out in point 3 of Part 1 of Annex I.

# **CHAPTER IV**

## **Entry of breeding animals in breeding books and breed registers and acceptance for breeding, artificial insemination and testing**

### **SECTION 1**

#### **ENTRY OF PUREBRED BREEDING ANIMALS IN BREEDING BOOKS MAINTAINED BY BREED SOCIETIES AND ACCEPTANCE FOR BREEDING, ARTIFICIAL INSEMINATION AND TESTING**

##### *Article 17*

##### Structure of breeding books

1. Breeding books shall consist of a main section in which purebred breeding animals complying with the requirements set out in Chapters I and II of Part 1 of Annex II may be entered or registered for entry.
2. Breed societies may subdivide the main section into classes where different criteria or procedures are established by the breed society for the entry of purebred breeding animals according to their merits in different classes.

Those criteria and procedures may require the purebred breeding animal to undergo performance testing or genetic evaluation as provided for in Article 27 or set out in the delegated act adopted pursuant to Article 28(1) or any other assessment described in the breeding programme approved in accordance with Article 8(1) or Article 9 prior to entry into a specific class of the main section.

Breed societies may subdivide classes according to gender and age.

3. Breed societies may, in addition to the main section provided for in paragraph 1 of this Article, establish one or more supplementary sections of the breeding book for animals of the same species that are not eligible for entry in the main section, provided the animals meet the requirements of Article 20(1), and the rules of the breed society allow the progeny of those animals to be entered in the main section in accordance with the rules set up in:
  - (a) point 3 of Chapter III of Part 1 of Annex II, in the case of female animals of the bovine, porcine, ovine and caprine species; or
  - (b) in point 4 of Chapter III of Part 1 of Annex II, in the case of male and female animals of the equine species.
4. The Commission shall be empowered to adopt delegated acts in accordance with Article 71 concerning amendments to the rules set out in points 3 and 4 of Chapter III of Part 1 of Annex II under which the progeny of animals recorded in a supplementary section is allowed to be entered in the main section.

*Article 18*  
Specific section in the breeding book

1. The competent authority may approve a breeding programme which requires, by way of derogation from Article 17(2), the entry in a specific section of the breeding book of certain purebred breeding animals of the porcine, ovine and caprine species which:
  - (a) are entered in the main section of a breeding book of that breed maintained by a breed society in another Member State or third country;
  - (b) have a specific characteristics distinguishing them from the population of the same breed in the Member State where the breeding programme is approved.
2. Member States intending to make use of the derogation provided for in paragraph 1 shall inform beforehand the Commission and the other Member States thereof and provide a reasoned explanation.

*Article 19*  
Entry of purebred breeding animals in the main section

1. Breed societies shall, on application by breeders, enter or register for entry in the main section any purebred breeding animals of the breed covered by their breeding programme that meet the requirements set out in Part 1 of Annex II.
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 is already entered in the main section of a breeding book for the same or, in the case of a cross-breeding programme of a different breed, established by a breed society recognised in accordance with Article 4(2) in another Member State or by a breeding body in accordance with Article 36(1) in a third country.
3. Where the main section 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, without discrimination on the grounds of their origin in another Member State or in a third country.
4. The Commission shall be empowered to adopt delegated acts in accordance with Article 71 concerning amendments to the requirements for the entry of purebred breeding animals in the main section of breeding books set out in Chapter I and II of Part 1 of Annex II.

*Article 20*  
Record of animals in supplementary sections

1. Breed societies shall, on application by breeders, record in the appropriate supplementary section provided for in Article 17(3) 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 points 1 and 2 of Chapter III of Part 1 of Annex II.

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 71 concerning amendments to the conditions for the recording of animals in supplementary sections of breeding books set out in Chapter III of Part 1 of Annex II.

#### *Article 21*

##### Acceptance of purebred breeding animals for breeding

1. Breed societies shall not exclude on zootechnical or genealogical grounds, other than those resulting from the application of Article 19, the use of purebred breeding animals entered in the main section of their breeding book for breeding using the following reproduction techniques:
  - (a) natural service;
  - (b) collection and use for breeding purposes of oocytes and embryos;
  - (c) collection of semen from breeding animals which have undergone, where applicable, performance testing and genetic evaluation in accordance with Article 27 or set out in the delegated act adopted pursuant to Article 28(1);
  - (d) artificial insemination using semen referred to in point (c);
  - (e) in vitro production and use for breeding purposes of embryos produced from oocytes referred to in point (b) and conceived by use of semen referred to in point (c).
2. The Commission shall be empowered to adopt delegated acts in accordance with Article 71 concerning criteria for:
  - (a) the acceptance by breed societies of purebred breeding animals for breeding;
  - (b) the collection and use of germinal products of purebred breeding animals for breeding purposes.

#### *Article 22*

##### Methods for identity verification

1. Breed societies shall require that purebred breeding animals of the bovine species and male purebred breeding animals of dairy breeds of the ovine and caprine species are identified by analysis of their blood group or by any other appropriate method providing at least the same degree of certainty when they are used for:
  - (a) the collection of semen for artificial insemination;
  - (b) the collection of oocytes and embryos.
2. On request of a Member State or a European association of breed societies for purebred animals of the species concerned, the Commission may, by means of implementing acts, approve methods for the verification of the identity of purebred breeding animals of the bovine species and male purebred breeding animals of dairy



breeds of the ovine and caprine species that provide at least the same degree of certainty as the analysis of the blood group of those purebred breeding animals, taking into account technical advances and the recommendations of the European reference centres referred to in Article 31.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(2).

### *Article 23*

#### Acceptance of semen for artificial insemination and in-vitro fertilisation of oocytes and of purebred breeding animals and their germinal products for testing

1. Breed societies shall not prohibit the use of semen for the artificial insemination of female purebred breeding animals or the in-vitro fertilisation of oocytes collected from female purebred breeding animals, provided that the semen was collected from donor purebred breeding animals of:
  - (a) the bovine, porcine, ovine and caprine species which were accepted for the collection of semen for artificial insemination or in-vitro fertilization of oocytes in a Member State on the basis of performance testing and genetic evaluation carried out in accordance with Article 27 and Annex III;
  - (b) the equine species, which were accepted for the collection of semen for artificial insemination or in-vitro fertilization of oocytes on the basis of the breeding programme approved in accordance with Article 8(1) or Article 9.
2. Purebred breeding animals and their germinal products, which are entered in the main section of a breeding book established by a breed society recognised in one Member State, shall be accepted by a breed society carrying out a breeding programme on the same breed in another Member State for performance testing, and where appropriate genetic evaluation, under the same conditions and quantitative limitations as applied to purebred breeding animals and their germinal products, entered in a breeding book established for the same breed by a breed society recognised in the Member State where the performance testing and genetic evaluation are to be carried out in accordance with Article 27.
3. For the purpose of paragraph 1 and 2, the germinal products of the purebred breeding animals referred to in those paragraphs shall be collected, treated and stored by a semen collection or storage centre or by an embryo collection and production team officially approved for intra-Union trade in these commodities in accordance with Union animal health legislation.
4. The Commission shall be empowered to adopt delegated acts in accordance with Article 71 concerning the conditions for the acceptance of:
  - (a) purebred breeding animals of the equine species of certain breeds for artificial insemination and in-vitro fertilisation of oocytes;
  - (b) purebred breeding animals of the equine species of certain breeds and their germinal products for performance testing and genetic evaluation.

**SECTION 2**  
**REGISTRATION OF HYBRID BREEDING PIGS IN BREED REGISTERS MAINTAINED**  
**BY BREEDING OPERATIONS AND ACCEPTANCE FOR BREEDING,**  
**ARTIFICIAL INSEMINATION AND TESTING**

*Article 24*

Registration of hybrid –breeding pigs in breed registers

1. Breeding operations shall, where applicable on application by their members, register in their breed register any hybrid breeding pig of the same cross that meets the requirements set out in Part 2 of Annex II.
2. The Commission shall be empowered to adopt delegated acts in accordance with Article 71 concerning amendments to the requirements for the registration of hybrid breeding pigs in breed registers set out in Part 2 of Annex II.

*Article 25*

Acceptance of hybrid breeding pigs for breeding

1. Breeding operations shall not exclude on zootechnical or genealogical grounds, other than those resulting from the application of Article 27, the use of hybrid breeding pigs registered in their breed registers for breeding using the following reproduction techniques:
  - (a) natural service;
  - (b) collection and use for breeding purposes of oocytes and embryos ;
  - (c) collection and use of semen from breeding animals which have undergone, performance testing and genetic evaluation in accordance with Article 27 or set out in the delegated act adopted pursuant to Article 28(1);
  - (d) artificial insemination using semen referred to in point (c);
  - (e) in vitro production and use for breeding purposes of embryos produced from oocytes referred to in point (b) and conceived by use of semen referred to in point (c).
2. The Commission shall be empowered to adopt delegated acts in accordance with Article 71 concerning criteria for:
  - (a) the acceptance by breeding operations of hybrid breeding pigs for breeding;
  - (b) the collection and use of semen, oocytes or embryos of hybrid breeding pigs for breeding purposes.

### *Article 26*

#### Acceptance of hybrid breeding pigs for artificial insemination and testing

1. Breeding operations shall not prohibit the use of semen for artificial insemination or the in-vitro fertilisation of oocytes collected from female hybrid breeding pigs, provided that the semen was collected from donor hybrid breeding pigs whose line has undergone performance testing and genetic evaluation in accordance with Article 27 and Annex III.
2. Male hybrid breeding pigs and their semen, which are registered in a breed register established by a breeding operation recognised in one Member State shall be accepted by a breeding operation carrying out a breeding programme on the same cross in another Member State for performance testing, and where appropriate genetic evaluation, under the same conditions and quantitative limitations as applied to male hybrid breeding pigs and their semen registered in a breed register established for the same cross by a breeding operation recognised in the Member State where the performance testing and genetic evaluation are to be carried out in accordance with Article 27.
3. For the purpose of paragraph 1 and 2, the semen referred to in those paragraphs shall be collected, treated and stored by a semen collection or storage centre officially approved for intra-Union trade in these commodities in accordance with Union animal health legislation.
4. The Commission shall be empowered to adopt delegated acts in accordance with Article 71 concerning the conditions for the acceptance of hybrid breeding pigs for artificial insemination and testing.

## **CHAPTER V**

### **Performance testing, genetic evaluation and zootechnical certificates**

### *Article 27*

#### Methods for performance testing and genetic evaluation

1. Where a breeding programme approved in accordance with Article 8(1) or Article 9 requires performance testing and genetic evaluation for the classification of purebred breeding animals of the bovine, porcine, ovine and caprine species in breeding books and for the acceptance for breeding of male breeding animals of those species and their semen, breed societies shall ensure that such performance testing and genetic evaluation are carried out in accordance with the following rules set out in Annex III:
  - (a) for purebred breeding animals of the bovine species, in Part 1;
  - (b) for purebred breeding animals of the porcine species, in Chapter I of Part 2 and in point 1 of Chapter II of Part 2;
  - (c) for purebred breeding animals of the ovine and caprine species, in Part 3.

2. Where a breeding programme approved in accordance with Article 8(1) or Article 9 requires performance testing and genetic evaluation for the classification of purebred breeding animals of the equine species in breeding books and for the acceptance for breeding of male breeding animals of the equine species and their semen, breed societies shall ensure that such performance testing and genetic evaluation are carried out in accordance with the following rules set out in Annex I:
  - (a) in point (1)(e) of Part 2;
  - (b) in points (1)(a)(i) and (b)(i) and point (2)(b) of Part 3.
3. Where a breeding programme approved in accordance with Article 8(1) or Article 9 requires genetic evaluation for the classification of hybrid breeding pigs in breed registers and for the acceptance for breeding of male hybrid breeding pigs and their semen, breeding operations shall ensure that the genetic evaluation is carried out in accordance with the rules set out in point 2 of Chapter II of Part 2 of Annex III.

#### *Article 28*

##### Delegated powers and implementing powers concerning the requirements for performance testing and genetic evaluation

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 71 concerning the rules for performance testing and genetic evaluation, and where necessary to amend Annex III, to take account of:
  - (a) scientific advances;
  - (b) technical developments;
  - (c) the functioning of the internal market; or
  - (d) the needs to protect valuable genetic resources.
2. In the light of the opinion of the independent expert referred to in Article 13(1)(a), the Commission may, by means of an implementing act, lay down uniform rules for performance testing and genetic evaluations and the interpretation of the results thereof.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(2).

#### *Article 29*

##### Designated institutions for performance testing and genetic evaluation

1. Breed societies and breeding operations shall, where necessary to carry out their breeding programme approved in accordance with Article 8(1) or Article 9, designate the institution which carries out the performance testing and the genetic evaluation of breeding animals provided for in Article 27.

2. The institutions provided for in paragraph 1 may either:
  - (a) operate as specialised units under the responsibility of a breed society or breeding operation; or
  - (b) be authorised by the competent authority which has approved the breeding programme.
3. Breed societies and breeding operations shall keep an up-to-date list of institutions designated by them in accordance with paragraph 1 and make such information publicly available.

#### *Article 30*

##### Obligations of institutions designated in accordance with Article 29(1)

1. Institutions designated by breed societies or breeding operations as provided for in Article 29(1) shall provide the following information on request of the competent authority:
  - (a) records of all data on performance tests carried out;
  - (b) the identity of the designating breed society or breeding operation and of the competent authority referred to in Article 29(2)(b);
  - (c) details of the recording methods for traits;
  - (d) details on the model of performance description used for the analysis of the results of performance testing;
  - (e) details on the statistical method used for the analysis of the results of performance testing for each evaluated trait ;
  - (f) details on genetic parameters used for each evaluated trait.
2. The institutions designated by breed societies or breeding operations as provided for in Article 29(1) shall make publicly available and keep up-to-date the results of the genetic evaluation of breeding animals whose semen is used for artificial insemination.

#### *Article 31*

##### Designation of European Union reference centres

1. The Commission shall, by means of implementing acts, designate the European Union reference centre responsible for collaborating with breed societies in rendering uniform the methods for performance testing and genetic evaluation of purebred breeding animals of the bovine species.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(2).

2. The Commission may, by means of implementing acts, designate the European Union reference centres responsible for harmonising the methods for performance testing and genetic evaluation of purebred breeding animals of the species other than bovine species.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(2).

#### *Article 32*

#### Requirements for and duties and functions of European Union reference centres

1. European Union reference centres designated in accordance with Article 31 shall:
  - (a) comply with the requirements set out in point 1 of Annex IV;
  - (b) carry out the duties and functions set out in point 2 of Annex IV;
  - (c) work with breed societies and institutions designated by breed societies in accordance with Article 29(1) to facilitate the uniform application of performance testing and genetic evaluation methods for purebred breeding animals as provided for in Article 27.
2. The Commission shall be empowered to adopt delegated acts in accordance with Article 71 concerning amendments to:
  - (a) the requirements for European Union reference centres set out in point 1 of Annex IV;
  - (b) the duties and functions of European Union reference centres set out in point 2 of Annex IV.

The delegated acts provided for in paragraph 2 shall take due account of the species of purebred breeding animals for which the methods of performance testing and genetic evaluation are to be rendered uniform and the scientific and technical advances in the area of genetic evaluation.

3. The Commission may audit European Union reference centres designated in accordance with paragraph 1 or paragraph 2 of Article 31 to verify that:
  - (a) they comply with the requirements set out in point 1 of Annex IV;
  - (b) they fulfil their duties and functions set out in point 2 of Annex IV.

If those audits find that a European Union reference centre is not fulfilling its functions and duties set out in point 2 of Annex IV, the Commission may reduce the Union financial contribution granted in accordance with Article 31 of Council Decision 2009/470/EC or withdraw the designation in accordance with the procedure referred to in Article 72(2).

### *Article 33*

#### Issuing, content and format of zootechnical certificates for intra –Union trade in breeding animals and their germinal products

1. For the purpose of the entry of breeding animals and their germinal products in breeding books or their registration in breed registers, breed societies and breeding operations shall issue zootechnical certificates which:
  - (a) provide the information set out in Annex V;
  - (b) comply with the corresponding model forms of zootechnical certificates provided for in implementing acts adopted pursuant to paragraph 4.
2. Breed societies and breeding operations that carry out performance testing and genetic evaluation in accordance with their breeding programme approved in accordance with Article 8(1) or Article 9 shall state in the zootechnical certificate issued for a breeding animal or its germinal products:
  - (a) all available results of performance tests;
  - (b) up-to-date results of the genetic evaluation;
  - (c) any genetic peculiarities and genetic defects affecting the actual animal and its parents and grandparents as required by the approved breeding programme.
3. The Commission shall be empowered to adopt delegated acts in accordance with Article 71 concerning the information required in accordance with paragraph 1(a) and where necessary the amendments to the contents of zootechnical certificates provided for in Annex V.
4. The Commission shall, by means of implementing acts, draw up model forms of zootechnical certificates for breeding animals and their semen, oocytes and embryos.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(2).

### *Article 34*

#### Derogations from issuing, content and format of zootechnical certificates for intra –Union trade in breeding animals and their germinal products

1. By way of derogation from Article 33(1), the competent authority may authorise that:
  - (a) zootechnical certificates are issued by semen collection centres and embryo collection or production teams approved for trade in those germinal products in accordance with Union animal health legislation;
  - (b) the information required to be included in the zootechnical certificate is contained in other documents accompanying purebred breeding animals of the bovine, porcine, ovine or caprine species and hybrid breeding pigs, provided that the breed society or breeding operation keeping the breeding book or breed

register certifies the content of those other documents in accordance with point 2 of Part 1 of Annex V;

- (c) the information required to be included in the zootechnical certificate is contained in the identification document issued by the breed society in accordance with Union animal health legislation on the identification of equidae.
2. By way of derogation from Article 33(2)(b), if the results of the genetic evaluation are publicly available on the Internet, breed societies or breeding operations may, in the zootechnical certificate, refer to the website where those results can be accessed.

## **CHAPTER VI**

### **Zootechnical and genealogical rules for trade in purebred breeding animals of other species**

#### *Article 35*

Delegated powers and implementing powers concerning the zootechnical and genealogical rules for trade in purebred breeding animals referred to in Article 2(i)(iii) and their germinal products

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 71 concerning the zootechnical and genealogical rules for trade in purebred breeding animals referred to in Article 2(i)(iii) and their germinal products where this is necessary either for the functioning of the internal market or for the protection of valuable genetic resources, as regards:
- (a) the recognition of breed societies;
  - (b) the approval of breeding programmes;
  - (c) the conditions for the entry of those purebred breeding animals in breeding books;
  - (d) the acceptance by breed societies of those purebred breeding animals for breeding, artificial insemination and the collection and use of their germinal products;
  - (e) the methods for performance testing and genetic evaluation of those purebred breeding animals;
  - (f) the information to be contained in zootechnical certificates that must accompany those purebred breeding animals.
2. Insofar as the Commission has adopted the delegated acts referred to in paragraph 1, it shall, by means of implementing acts, draw up model forms of zootechnical certificates referred to in paragraph 1(f) of this Article for purebred breeding animals referred to in Article 2(i)(iii) and their semen, oocytes and embryos.



Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(2).

## **CHAPTER VII**

### **Imports from third countries**

#### *Article 36* Breeding bodies

1. On application by the breeder, breed societies or breeding operations shall enter or register in their breeding books or breed registers any breeding animals imported into the Union and the offspring produced from germinal products imported into the Union provided that the breeding animals or the donors of the germinal products are entered in a breeding book or registered in a breed register of a breeding body in a third country which:
  - (a) meets the criteria for listing breeding bodies provided for in Article 37;
  - (b) is included in a list of breeding bodies which have been notified to the Commission by the third country of origin of the breeding animals or their germinal products.
2. The Commission shall maintain, update and publish lists of breeding bodies in third countries referred to in paragraph 1(b).

#### *Article 37* Criteria for listing breeding bodies

1. The Commission shall only include in the list provided for in Article 36(2) breeding bodies for which it has received from an official service of the third country documentation demonstrating that the breeding bodies that the third country wishes to be listed meet the following requirements:
  - (a) they carry out breeding programmes that are equivalent to breeding programmes carried out on the same breed or cross by breed societies or breeding operations as regards:
    - (i) the rules applicable to the entry of breeding animals and their germinal products in breeding books or their registration in breed registers;
    - (ii) the rules applicable to the acceptance of breeding animals for breeding purposes;
    - (iii) the rules applicable to the use of germinal products of breeding animals for testing and breeding;
    - (iv) the methods used for performance testing and genetic evaluation;

- (b) they are supervised and controlled by an official service in the third country that has the necessary powers to enforce rules equivalent to the rules provided for in this Regulation pertaining to:
  - (i) the recognition of breed societies and breeding operations;
  - (ii) the approval of their breeding programmes;
  - (iii) the entry of purebred breeding animals in breeding books and the registration of hybrid breeding pigs in breed registers;
  - (iv) their methods of performance testing and genetic evaluation.

2. The Commission shall only include in the list provided for in Article 36(2), breeding bodies of third countries for which it has received from the official service referred to in paragraph 1 of the third country documentation demonstrating that the breeding bodies that the third country wishes to be listed have rules of procedure to ensure that:

- (a) purebred breeding animals entered in breeding books by breed societies are entered or eligible for entry without discrimination in the breeding books of the same breed established by breeding bodies in that third country;
- (b) hybrid breeding pigs registered in a breed register by breeding operations are registered or eligible for registration without discrimination in the breed registers of the same cross established by breeding bodies in that third country.

#### *Article 38* Equivalence agreements

1. The Commission may, by means of implementing acts, recognise that measures applied in a third country are equivalent to those required by Union zootechnical legislation in relation to the following:

- (a) the recognition and supervision of breed societies and breeding operations provided for in Article 4 or set out in the delegated act adopted pursuant to Article 35(1);
- (b) the approval of breeding programmes of breed societies and breeding operations provided for in Article 8(1) or set out in the delegated act adopted pursuant to Article 35(1);
- (c) the entry of breeding animals in breeding books and breed registers provided for in Articles 19 and 24 or set out in the delegated act adopted pursuant to Article 35(1);
- (d) the acceptance of breeding animals for breeding provided for in Articles 21 and 25 or set out in the delegated act adopted pursuant to Article 35(1);
- (e) the use of germinal products for breeding provided for in Article 23(1) or set out in the delegated act adopted pursuant to Article 35(1);

- (f) the use of semen for testing provided for in Article 23(2) or set out in the delegated act adopted pursuant to Article 35(1);
- (g) the performance testing and genetic evaluation provided for in Article 27 or set out in the delegated act adopted pursuant to Article 35(1).

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(2).

2. The implementing acts referred to in paragraph 1 shall be adopted on the basis of:
  - (a) a thorough examination of information and data provided by the third country concerned pursuant to Article 37(1);
  - (b) where appropriate, the satisfactory outcome of a control performed in accordance with Article 67.
3. The implementing acts referred to in paragraph 1 may set out the modalities governing the entry of breeding animals and germinal products thereof into the Union from the third country concerned and may include:
  - (a) the nature and content of the zootechnical certificates or documents in accordance with the requirements set out in Annex V that must accompany the breeding animals or the germinal products thereof;
  - (b) specific requirements applicable to the entry into the Union of the breeding animals or germinal products thereof and the official controls to be performed at entry into the Union;
  - (c) where necessary, procedures for drawing up and amending lists of breeding bodies in the third country concerned from which the entry of breeding animals and germinal products thereof into the Union is permitted.
4. The Commission shall, by means of implementing acts repeal the implementing acts referred to in paragraph 1 without delay where any of the conditions for the recognition of equivalence of guarantees established at the time of their adoption cease to be fulfilled.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(2).

#### *Article 39*

#### Zootechnical conditions for imports into the Union of breeding animals and their germinal products

1. Breeders may import into the Union breeding animals and their germinal products entered in a breeding book or registered in a breed register of a breeding body included in the list set up in accordance with Article 36(2) or in accordance with Article 7 where equivalence has been established in accordance with Article 38(1), which are accompanied by a zootechnical certificate as provided for in Article 40 and comply with the following additional conditions:

- (a) the breeding animals are accompanied by evidence that they are to be entered in a breeding book of a breed society or registered in a breed register of a breeding operation;
  - (b) the semen:
    - (i) was collected from breeding animals which have been subject to performance testing and genetic evaluation in accordance with Annex III where such testing and evaluation are required by Article 27(1); or
    - (ii) is imported in quantities necessary for the performance testing and genetic evaluation as provided for in Article 23(2);
  - (c) the oocytes and embryos were collected or produced from breeding animals which have been subject to performance testing and genetic evaluation in accordance with Annex III where such testing and evaluation are required by Article 27(1).
2. The Commission shall be empowered to adopt delegated acts in accordance with Article 71 concerning the zootechnical and genealogical rules for imports into the Union of breeding animals and their germinal products to take into account the specific zootechnical situation in a third country of origin of a breeding animal.

#### *Article 40*

#### Issuing, content and format of zootechnical certificates for imports into the Union of breeding animals and their germinal products

1. For the purpose of the entry of breeding animals and germinal products in breeding books or their registration in breed registers, the zootechnical certificates referred to in Article 39(1) shall:
- (a) be issued by the breeding body listed in accordance with Article 36(2);
  - (b) provide the information set out in Annex V;
  - (c) be drawn up in accordance with the model form of zootechnical certificate provided for in an implementing act adopted pursuant to paragraph 2.
2. The Commission shall, by means of implementing acts, draw up model forms of zootechnical certificates for imports into the Union of breeding animals and their semen, oocytes and embryos.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(2).

#### *Article 41*

#### Derogations from issuing, content and format of zootechnical certificates for imports into the Union of breeding animals and their germinal products

1. By way of derogation from Article 40(1)(a), germinal products may be accompanied by a zootechnical certificate issued on behalf of the breeding body referred to in

Article 40(1)(a) by semen collection centres or embryo collection or production teams approved for imports into the Union of those germinal products in accordance with Union animal health legislation.

2. By way of derogation from Article 40(1)(b), the information required to be included in the zootechnical certificate may be
  - (a) contained in other documents accompanying the breeding animal or the germinal products thereof provided that the breeding body keeping the breeding book or breed register has certified the content of those documents in accordance with point 2 of Part 1 of Annex V;
  - (b) a reference to the website where those results can be accessed, provided the results of the genetic evaluation are publicly available on Internet.

#### *Article 42*

#### Zootechnical checks on breeding animals and germinal products thereof imported into the Union

1. Member States shall carry out zootechnical checks on consignments of breeding animals and their germinal products imported into the Union from third countries at the border control post in which the documentary, identity and physical checks are carried out in accordance with Articles 42 of Regulation (EU) No [...] [*COM/2013/0265 final - 2013/0140 (COD)*].
2. For the purpose of paragraph 1, importers of breeding animals and their germinal products shall present to the official carrying out the documentary, identity and physical checks referred to in paragraph 1 the zootechnical certificate, which must accompany the consignment in accordance with Article 39(1).

#### *Article 43*

#### Conditions for entry in breeding books of purebred breeding animals imported into the Union

1. Breed societies shall enter in the main section of their breeding book purebred breeding animals:
  - (a) imported into the Union in accordance with Article 39(1)(a);
  - (b) born in a Member State as the result of assisted reproduction using
    - (i) semen, imported in accordance with Article 39(1)(b);
    - (ii) oocytes or embryos, imported in accordance with Article 39(1)(c).
2. Breed societies may enter in the main section of their breeding book purebred breeding animals imported into the Union which meet the standards set out for the breed in the breeding programme approved in accordance with Article 8(1) or Article 9 and provided that:
  - (a) the breeding body complies with the criteria for listing breeding bodies provided for in Article 37;

- (b) the entry of such purebred breeding animals in the main section of the breeding book is foreseen in the approved breeding programme;
- (c) the purebred breeding animals are accompanied by a zootechnical certificate:
  - (i) issued by the breeding body referred to in point (a);
  - (ii) which includes the information set out in Annex V.

#### *Article 44*

#### Conditions for registration in breed registers of hybrid breeding pigs imported into the Union

1. Breeding operations shall register in their breed registers hybrid breeding pigs:
  - (a) imported into the Union in accordance with Article 39(1)(a);
  - (b) born in a Member State as the result of assisted reproduction using
    - (i) semen, imported in accordance with Article 39(1)(b);
    - (ii) oocytes or embryos, imported in accordance with Article 39(1)(c).
2. Breeding operations may register in their breed registers hybrid breeding pigs imported into the Union which meet the standards set out for the cross in the breeding programme approved in accordance with Article 8(1) or Article 9 and provided that:
  - (a) the breeding body established in the third country meets the requirements of Article 37;
  - (b) the registration of such hybrid breeding pigs in the breed register is foreseen in the approved breeding programme.

## **CHAPTER VIII**

### **Zootechnical and genealogical conditions for imports into the Union of purebred breeding animals of other species**

#### *Article 45*

Delegated powers and implementing powers concerning the zootechnical and genealogical rules for imports into the Union of purebred breeding animals referred to in Article 2(i)(iii) and their germinal products

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 71 concerning specific rules for imports into the Union of purebred breeding animals referred to in Article 2(i)(iii) and their germinal products where this is necessary either for the functioning of the internal market or for the protection of valuable genetic resources, as regards:

- (a) the listing of breeding bodies;
  - (b) the conditions for the entry of those purebred animals in breeding books established by breed societies;
  - (c) the acceptance by breed societies of those purebred breeding animals for breeding, artificial insemination and the collection and use of their germinal products
  - (d) the methods for performance testing and genetic evaluation of those purebred animals;
  - (e) the main information to be contained in the zootechnical certificate that must accompany those purebred breeding animals and their germinal products.
2. Insofar as the Commission has adopted the delegated acts referred to in paragraph 1, it shall, by means of implementing acts, draw up model forms of zootechnical certificates referred to in paragraph 1(f) for purebred breeding animals referred to in Article 2(i)(iii) and their semen, oocytes and embryos.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(2).

## **CHAPTER IX**

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

#### *Article 46*

##### General rules on official controls

1. The competent authority shall perform official controls on breed societies and breeding operations regularly, on a risk basis and with appropriate frequency, taking account of:
- (a) identified cases of non-compliance associated with:
    - (i) breeding animals and their germinal products;
    - (ii) the activities under the control of breed societies and breeding operations;
    - (iii) the location of the activities or operations of breeders, breed societies and breeding operations;
  - (b) the past records of breed societies and breeding operations as regards the results of official controls performed on them and their compliance with the zootechnical and genealogical rules provided for in this Regulation;

- (c) the reliability and results of own controls that have been performed by the breed societies and breeding operations, or by third parties at their request, for the purpose of ascertaining compliance with the zootechnical and genealogical rules provided for in this Regulation;
  - (d) any information that might indicate non-compliance.
- 2. The competent authority shall perform official controls on a regular basis and with appropriate frequency to identify possible intentional violations of the zootechnical and genealogical rules provided for in this Regulation, taking into account, in addition to the criteria referred to in paragraph 1, information regarding such possible intentional violations shared through the mechanisms of administrative assistance provided for in Article 53 any other information pointing to the possibility of such violations.
- 3. Official controls performed prior to trade in certain breeding animals and their germinal products in view of the issuance of the official certificates or official attestations required by the zootechnical and genealogical rules provided for in this Regulation as a condition for trade in breeding animals or their germinal products shall be performed in accordance with:
  - (a) the zootechnical and genealogical rules provided for in this Regulation;
  - (b) the delegated acts adopted by the Commission in accordance with Articles 35 and 45.
- 4. Official controls shall be performed following prior notification of the breeder, breed society or breeding operation unless there are serious reasons to carry out the controls unannounced.
- 5. Official controls shall be performed as much as possible in a manner that minimises the burden on the breeder, the breed society or breeding operation.
- 6. The competent authority shall perform official controls with the same care irrespective of whether the breeding animals or the germinal products thereof are:
  - (a) available on the Union market, whether originating in the Member State where the official controls are performed or in another Member State; or
  - (b) entering the Union from third countries.

#### *Article 47*

#### Transparency of official controls

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

It shall ensure the regular and timely publication of information on the official controls that it performs and shall publish at least the following information:



- (a) the type, number and outcome of official controls performed by it;
  - (b) the type and the number of cases of non-compliance detected by it;
  - (c) the cases where measures were taken by it in accordance with Articles 61;
  - (d) the cases where the penalties provided for in Article 62 were imposed by it.
2. The Commission shall, by means of implementing acts, lay down and update as necessary the format in which the information provided for in paragraph 1 must be published.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(2).

3. The competent authority may publish or make otherwise publicly available information on the rating of individual breed societies and breeding operations based on an assessment of their conformity with rating criteria and on the results of official controls, provided that the following conditions are met:
  - (a) the rating criteria are objective, transparent and publicly available;
  - (b) appropriate arrangements are in place to ensure the consistency and transparency of the rating process.

#### *Article 48*

##### Documented control and control verification procedures

1. The competent authority shall perform official controls in accordance with documented procedures, which shall contain detailed instructions for staff performing official controls.
2. The competent authority shall have internal procedures in place to verify the consistency and effectiveness of official controls and other official activities that it performs.
3. The competent authority shall:
  - (a) take corrective actions in all cases where the internal procedures provided for in paragraph 2 identify shortcomings in the consistency and effectiveness of official controls and other official activities;
  - (b) update the documented procedures provided for in paragraph 1 as appropriate.

#### *Article 49*

##### Reports on official controls

1. The competent authority shall draw up reports on all official controls that it performs which shall contain:
  - (a) a description of the purpose of the official controls;

- (b) the control methods applied;
  - (c) the results of the official controls;
  - (d) where appropriate, action that the competent authority requires the breeder, breed societies and breeding operations to take as a result of the official controls.
2. The competent authority shall provide the breeder, breed society or breeding operation subject to an official control with a copy of the report provided for in paragraph 1.

#### *Article 50*

##### Methods and techniques to perform official controls

1. The competent authority shall perform official controls using control methods and techniques that include, where appropriate, verification, inspections and audits.
2. The competent authority shall perform official controls of breeders, breed societies and breeding operations that include the following, where appropriate:
  - (a) an examination of the control systems that breed societies and breeding operations have put in place and of the results obtained by such control systems;
  - (b) an inspection of:
    - (i) the premises, offices and equipment of breeders, breed societies and breeding operations;
    - (ii) the breeding animals and their germinal products of the breeders;
    - (iii) labelling, presentation and advertising of breeders, breed societies and breeding operations;
  - (c) an examination of documents and other records which may be relevant to the assessment of compliance with the zootechnical and genealogical rules provided for in this Regulation;
  - (d) interviews with members and staff of the breed societies and breeding operations;
  - (e) any other activity required to identify case of non-compliances.

#### *Article 51*

##### Obligations of breeders, breed societies and breeding operations

1. Breeders, breed societies and breeding operations shall give officials of the competent authority the necessary access to the following, where necessary for the performance of official controls or of other official activities:

- (a) premises, offices and equipment;
  - (b) computerised information management systems;
  - (c) breeding animals and their germinal products;
  - (d) documents and any other relevant information.
2. During official controls and other official activities, breeders, breed societies and breeding operations shall assist the officials of the competent authority in the accomplishment of their tasks.
3. The Commission may, by means of implementing acts, lay down rules establishing:
- (a) the arrangements for access by officials of the competent authority to the computerised information management systems referred to in paragraph 1(b);
  - (b) uniform rules on the assistance provided for in paragraph 2 by breeders, breed societies and breeding operations to the competent authority.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(2).

#### *Article 52*

Delegation of powers concerning specific rules on official controls and on action to be taken by the competent authority in relation to breeding animals and their germinal products

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 71 concerning rules:
- (a) for the performance of official controls on breeding animals and their germinal products to verify compliance with the zootechnical and genealogical rules provided for in this Regulation;
  - (b) on the action to be taken by the competent authority in the light of the results obtained following the performance of official controls.
2. The delegated acts provided for in paragraph 1 shall specify:
- (a) the specific responsibilities and tasks of the competent authority, in addition to those provided for in Articles 46 to 50;
  - (b) the cases where the competent authority, in relation to specific cases of non-compliance shall take one or more of the measures provided for in implementing acts adopted pursuant to Article 66(1) or additional measures to those provided for in that Article.

### *Article 53*

#### General rules for administrative assistance and cooperation

1. The competent authorities in the Member States shall provide each other with administrative assistance in order to ensure the correct application of the zootechnical and genealogical rules provided for in this Regulation in cases of non-compliance having their origin, extension and effects in more than one Member State.
2. The administrative assistance provided for in paragraph 1 shall include, where appropriate, participation by the competent authority of a Member State in on-the-spot official controls that the competent authority of another Member State performs.
3. The provisions of this Article shall apply without prejudice to national rules:
  - (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 to natural or legal persons.
4. All communications between competent authorities in accordance with Articles 54, 55 and 56 shall be in writing.

### *Article 54*

#### Assistance on request

1. Where the competent authority ("requesting competent authority") considers that it requires information from a competent authority in another Member State ("requested competent authority") for the performance or effective follow-up of official controls, it shall submit a reasoned request to that competent authority.

The requested competent authority shall, without undue delay:

- (a) acknowledge receipt of the reasoned request and indicate the time necessary to provide the requested information;
  - (b) perform official controls or investigations necessary to
    - (i) provide the requesting competent authority with all necessary information and the original documents or certified copies thereof;
    - (ii) verify, where necessary on-the-spot, compliance with the zootechnical and genealogical rules provided for in this Regulation within their jurisdiction.
2. The requesting and requested competent authorities may agree that officials designated by the former are present during the official controls referred to in point (b)(i) of the second subparagraph of paragraph 1.

In such cases the officials of the requesting competent authority:

- (a) shall at all times be able to produce written authority stating their identity and their official capacity;
- (b) shall have access to the same premises and documents as the present official of the requested competent authority for the sole purpose of the official controls being carried out;
- (c) may not, on their own initiative, exercise the powers of performing official controls conferred on officials of the requested competent authority.

#### *Article 55*

##### Assistance without request

1. Where the competent authority becomes aware of a case of non-compliance, and where such non-compliance may have implications for another Member State, it shall notify such information to the competent authority of that other Member State on its own initiative and without undue delay.
2. The competent authority notified in accordance with paragraph 1 shall:
  - (a) acknowledge receipt of the notification without delay;
  - (b) indicate within ten days from the date of receipt of the notification:
    - (i) the investigations that it intends to carry out concerning the case of non-compliance referred to in paragraph 1; or
    - (ii) the reasons why it considers that no investigations are necessary.
3. Where the competent authority notified in accordance with paragraph 1 decides to carry out investigations in accordance with paragraph 2, it shall without delay inform the notifying competent authority of the results of any such investigations and, where appropriate, any measures taken as a result.

#### *Article 56*

##### Assistance in the event of non-compliance

1. Where, during official controls performed on breeding animals and their germinal products originating in another Member State the competent authority establishes that such breeding animals or their germinal products do not comply with the zootechnical and genealogical rules provided for in this Regulation in such a way as to create a serious infringement of those rules, it shall, without delay, notify the competent authority of the Member State of dispatch and of any other concerned Member State in order to enable them to undertake appropriate investigations.
2. The competent authorities notified in accordance with paragraph 1 shall, without undue delay:
  - (a) acknowledge receipt of the notification and indicate what investigations they intend to carry out concerning the case of non-compliance referred to in paragraph 1;

- (b) investigate the matter, take all necessary measures and inform the notifying competent authority of the nature of the investigations and the official controls performed by them, of the decisions taken and of the reasons for such decisions.
- 3. If the notifying competent authority referred to in paragraph 1 has reason to believe that the investigations performed or the measures taken by the notified competent authorities in accordance with paragraph 2 do not adequately address the case of non-compliance established, they shall request the notified competent authorities to carry out additional official controls or measures.

In such cases:

- (a) the competent authorities from the two Member States shall seek ways and means of finding an agreed approach with the aim of appropriately addressing the case of non-compliance referred to in paragraph 1 of this Article, including through joint on-the-spot official controls performed in accordance with Articles 53(2) and 54(2);
  - (b) they shall inform the Commission without undue delay where they are not able to agree on appropriate measures.
- 4. Where official controls performed on breeding animals or their germinal products originating in another Member State show repeated cases of non-compliance with the rules referred to in paragraph 1, the competent authority of the Member State of destination shall inform the Commission and the competent authorities of the other Member States without undue delay.

#### *Article 57*

##### Information concerning non-compliance received from third countries

- 1. Where a competent authority receives information from a third country indicating a case of non-compliance with the zootechnical and genealogical rules provided for in this Regulation, it shall, without undue delay, notify such information:
  - (a) to the Commission where it is or may be relevant at Union level;
  - (b) to the competent authority in other concerned Member States.
- 2. Information obtained through official controls and 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) the third country has undertaken to provide the assistance necessary to gather evidence of practices that are or appear to be non-compliant with Union rules;
  - (c) relevant Union and national rules applicable to the communication of personal data to third countries are complied with.

### *Article 58*

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

1. The Commission shall coordinate without delay the measures undertaken by the competent authority in accordance with this Chapter where:
  - (a) information available to the Commission indicates that activities that are, or appear to be, non-compliance:
    - (i) have, or may have, ramifications in more than one Member State; or
    - (ii) may be taking place in more than one Member State;
  - (b) the competent authorities in the Member States concerned are unable to agree on appropriate action to address such non-compliance.
2. In the cases referred to in paragraph 1, the Commission may:
  - (a) in collaboration with the Member State concerned, send an inspection team to perform an on-the-spot official control;
  - (b) request that the competent authority of the Member State of dispatch and, where appropriate, in other Member States concerned, appropriately intensify their official controls and report to it on the measures taken by them;
  - (c) submit information concerning such cases to the Committee referred to in Article 72(1), together with a proposal for measures to remedy the cases of non-compliances referred to in paragraph 1(a).

### *Article 59*

#### General principle for the financing of official controls

1. Member States shall ensure that adequate financial resources are available to provide the staff and other resources necessary to the competent authority to perform official controls and other official activities.
2. Member States may collect fees to cover costs incurred by official controls carried out by them.

### *Article 60*

#### General obligations of the competent authorities as regards enforcement action

1. When acting in accordance with this Chapter, the competent authorities shall give priority to action to be taken to eliminate non-compliances or to minimise their effects to trade in breeding animals and their germinal products.
2. In case of suspicion of non-compliance, the competent authorities shall perform an investigation in order to confirm or to eliminate that suspicion.
3. Where necessary for its purposes, the investigation referred to in paragraph 2 shall include the performance of intensified official controls on breeding animals and

germinal product thereof and breeders, breed societies and breeding operations for an appropriate period.

#### *Article 61*

##### Investigations and measures in case of established non-compliance

1. Where the non-compliance is established, the competent authorities shall:
  - (a) perform any further investigation necessary to determine the origin and extent of the non-compliance and to establish the responsibilities of breeders, breed societies and breeding operations;
  - (b) take appropriate measures to ensure that breeders, breed societies and breeding operations 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 breeder, breed society or breeding operation with regard to compliance.

2. When acting in accordance with paragraph 1, competent authorities shall, as appropriate:
  - (a) postpone the entry in breeding books of purebred breeding animals or the registration in breed registers of hybrid breeding pigs;
  - (b) order the alteration of the status of the animals or their germinal products as intended for breeding in accordance with this Regulation or corrective information to be provided to breeders;
  - (c) restrict or prohibit the trade in animals and germinal products as breeding animals or germinal products defined in Article 2 or their imports into the Union or exports to third countries or prohibit or order their return to the Member State of dispatch;
  - (d) order that the breeder, breed society or breeding operation increases the frequency of own controls;
  - (e) order that certain activities of the breeder, breed society or breeding operation concerned be subject to increased or systematic official controls;
  - (f) order the cessation for an appropriate period of time of all or part of the activities of the breeder, breed society or breeding operation concerned and, where relevant, of the Internet sites it operates or employs and suspend the approval of a breeding programme carried out by a breed society or breeding operation, where that breed society or breeding operation repeatedly, continuously or generally fails to comply with the requirements of the breeding programme approved in accordance with Article 8(1) or Article 9;
  - (g) order the withdrawal of the recognition of the breed society or breeding operation granted in accordance with Article 4(2), if the administrative practice of that breed society or breeding operation indicates that it repeatedly,



continuously or generally fails to comply with the requirements of Article 4(2)(c);

- (h) take any other measure the competent authorities deem appropriate to ensure compliance with the zootechnical and genealogical rules provided for in this Regulation.
3. The competent authorities shall provide the breeder, breed society or breeding operation concerned, or its representative, with:
- (a) written notification of their decision concerning the action or measure to be taken in accordance with paragraphs 1 and 2, together with the reasons for that decision; and,
  - (b) information on rights of appeal against such decisions and on the applicable procedure and time limits.
4. All expenditure incurred pursuant to this Article shall be borne by the responsible breeder, breed society or breeding operation.

*Article 62*  
Penalties

Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

Member States shall notify those provisions to the Commission by the date indicated in the second paragraph of Article 74 at the latest and shall notify it without delay of any subsequent amendment affecting them.

## **CHAPTER X**

### **Controls by the Commission**

#### **SECTION 1**

#### **COMMISSION CONTROLS IN MEMBER STATES**

*Article 63*  
Commission controls in Member States

1. Commission experts shall perform controls in each Member State in order:
- (a) to verify the overall application of the zootechnical and genealogical rules provided for in this Regulation;

- (b) to verify the functioning of national control systems referred to in Article 46 and of the competent authority which operates them;
  - (c) to investigate and collect information:
    - (i) on official controls and enforcement practices;
    - (ii) on important or recurring problems with the application or enforcement of the zootechnical and genealogical rules provided for in this Regulation;
    - (iii) in relation to emerging problems or new developments in the Member States.
2. The Commission controls provided for in paragraph 1 shall be organised in cooperation with the competent authorities of the Member States and may include on-the-spot verifications in cooperation with the staff of the competent authority performing official controls.
3. Experts from the Member States may assist the Commission experts.

National experts accompanying Commission experts shall be given the same rights of access as the Commission experts.

#### *Article 64*

##### Reports on Commission controls in Member States

1. The Commission shall:
- (a) prepare and send for comments to the Member State where Commission controls were performed in accordance with Article 63(1), a copy of its draft report on the findings of those Commission controls;
  - (b) prepare the final report on the findings of those Commission controls, taking into account the comments of the Member State provided for in point (a);
  - (c) make publicly available the final report and the comments of the Member State provided for in points (a) and (b).
2. Where appropriate, the Commission may recommend in its final report provided for in paragraph 1(b) corrective or preventive action to be taken by the Member States to address the specific or systemic shortcomings identified during the Commission controls performed in accordance with Article 63(1).

#### *Article 65*

##### Obligations of Member States concerning Commission controls

1. To assist the Commission in carrying the Commission controls provided for in Article 63(1), Member States shall:

- (a) provide the necessary assistance, documentation and other technical support that Commission experts request to enable them to carry out the Commission controls efficiently and effectively;
  - (b) ensure that Commission experts have access to all premises or parts of premises and to information, including computing systems, necessary to carry out the Commission controls.
2. Member States shall take appropriate follow-up action in the light of the recommendations set out in the final report provided for in Article 64(1)(b) in order to ensure compliance with the zootechnical and genealogical rules provided for in this Regulation.

#### *Article 66*

##### Serious failure in the control system of a Member State

1. Where the Commission has evidence of a serious failure in the control systems of a Member State and such failure may result in a widespread infringement of the zootechnical and genealogical rules provided for in this Regulation, it shall, by means of implementing acts, adopt one or more of the following measures, to be applied until that failure has been eliminated:
  - (a) a prohibition on trade in the breeding animals or their germinal products concerned by the failure in the official control system;
  - (b) imposing special conditions, in addition to those provided for in Chapter II, for the recognition of breed societies and breeding operations, the approval of breeding programmes or the trade in breeding animals and their germinal products;
  - (c) other appropriate temporary measures.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(2).

2. The measures provided for in paragraph 1 shall be adopted only after the Member State concerned has failed to correct the situation upon request and within the time limit set by the Commission.

## **SECTION 2**

### **COMMISSION CONTROLS IN THIRD COUNTRIES**

#### *Article 67*

##### Commission controls in third countries

1. Commission experts may perform Commission controls in third countries in order to:

- (a) verify that the zootechnical and genealogical rules on breeding animals and their germinal products provided for in the legislation of the third country provides equivalent guarantees to that provided for in the Union by this Regulation;
  - (b) verify that the control system in place in the third country concerned can ensure that consignments of breeding animals and their germinal products exported to the Union comply with relevant requirements in Chapter VII of this Regulation;
  - (c) collect information to elucidate the causes of recurring cases where breeding animals and their germinal products imported into the Union do not meet the zootechnical and genealogical requirements for imports into the Union for which compliance was unduly certified.
2. The Commission controls provided for in paragraph 1 shall have particular regard to:
- (a) the zootechnical and genealogical legislation on breeding animals and their germinal products of the third country;
  - (b) the organisation of the competent authority of the third country, its powers and independence, the supervision to which it is subject and the authority it has to enforce the legislation referred to in point (a) effectively;
  - (c) the training of staff in the performance of official controls;
  - (d) the resources available to competent authority in the third country;
  - (e) the existence and operation of documented control procedures and control systems based on priorities;
  - (f) the extent and operation of official controls performed on breeding animals and their germinal products arriving from other third countries;
  - (g) the assurances which the third country can give regarding compliance with, or equivalence to, the requirements laid down in the zootechnical and genealogical rules provided for in this Regulation.

#### *Article 68*

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

1. The frequency of Commission controls in third countries shall be determined on the basis of:
- (a) the zootechnical and genealogical rules provided for in this Regulation;
  - (b) the volume and nature of breeding animals and their germinal products entering the Union from the third country;
  - (c) the results of Commission controls already performed;

- (d) the results of official controls on breeding animals and germinal products entering the Union from the third country and of any other official controls that the competent authorities of Member States have performed.
2. In order to facilitate the efficiency and effectiveness of the Commission controls provided for in paragraph 1, the Commission may, prior to performing them, request that the third country provides:
    - (a) the information referred to in Article 37(1)(b);
    - (b) where appropriate, the written records on the official controls performed in that third country.
  3. The Commission may appoint experts from the Member States to assist its own experts during the controls provided for in paragraph 1.

#### *Article 69*

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

1. Where Commission controls have been performed in accordance with Article 67(1), the Commission shall:
  - (a) prepare and send for comments to the third country where they were performed a copy of its draft report on the findings of the Commission controls;
  - (b) prepare the final report on the findings of the Commission controls performed by its experts in the third country, taking the comments of the third country where they were performed into account;
  - (c) make publicly available the final report and the comments of the third country where they were performed.
2. Where appropriate, the Commission may recommend in its final report provided for in paragraph 1 corrective or preventive action to be taken by the third country to address the specific or systemic shortcomings identified by its experts during Commission controls performed in accordance with Article 67(1).

#### *Article 70*

##### Establishment of special measures regarding the imports into the Union of breeding animals and their germinal products

1. Where there is evidence that widespread serious non-compliance with the zootechnical and genealogical rules provided for in this Regulation may be taking place, the Commission shall, by means of implementing acts, adopt the special measures necessary to put an end to such non-compliance.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(2).

2. The special measures provided for in paragraph 1 shall identify breeding animals and their germinal products by referring to their codes from the Combined Nomenclature and may include:
  - (a) a prohibition on zootechnical grounds of imports into the Union of the breeding animals and germinal products originating in or dispatched from the third countries concerned by the non-compliance referred to in paragraph 1;
  - (b) the requirement that the breeding animals and germinal products referred to in paragraph 1 originating in or dispatched from third countries concerned by the non-compliance referred to in paragraph 1 are
    - (i) subject to specific controls carried out prior to dispatch or upon entry into the Union;
    - (ii) accompanied by an official certificate or any other evidence attesting that the breeding animals or their germinal products meet the requirements set out in Chapter VII of this Regulation or in the delegated act adopted pursuant to Article 45(1);
  - (c) the requirement that the evidence referred to in point (b)(ii) be provided in accordance with a specific format;
  - (d) other measures necessary to correct the non-compliance referred to in paragraph 1.
3. When adopting the special measures provided for in paragraph 2, account shall be taken of:
  - (a) the information collected in accordance with Article 67(2);
  - (b) any other information that the third countries concerned by the non-compliance referred to in paragraph 1 have provided;
  - (c) where necessary, the results of Commission controls provided for in Article 67(1).
4. The Commission shall monitor the situation and in accordance with the procedure laid down in Article 72(2) shall amend or repeal the measures adopted, depending on how the situation develops.

## **CHAPTER XI**

### **Delegation and implementation**

#### *Article 71*

#### Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Articles 4(3), 8(3), 17(4), 19(4), 20(2), 21(2), 23(4), 24(2), 28(1), 32(2), 33(3), 35(1), 39(2), 45(1) and 52(1) shall be conferred on the Commission for an indeterminate period from the date of entry into force of this Regulation.
3. The delegation of power referred to in Articles 4(3), 8(3), 17(4), 19(4), 20(2), 21(2), 23(4), 24(2), 28(1), 32(2), 33(3), 35(1), 39(2), 45(1) and 52(1) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Articles 4(3), 8(3), 17(4), 19(4), 20(2), 21(2), 23(4), 24(2), 28(1), 32(2), 33(3), 35(1), 39(2), 45(1) and 52(1) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period may be extended by two months at the initiative of the European Parliament or of the Council.

*Article 72*  
Committee Procedure

1. The Commission shall be assisted by the Standing Committee on Zootechnics established by Council Decision 77/505/EEC. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.  
  
Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a simple majority of committee members so requests.
3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.

## CHAPTER XII

### Final Provisions

#### *Article 73* Repeals

1. Council 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 Council Decision 96/463/EC are repealed.
2. References to the repealed Directives and to the repealed Decision 96/463/EC shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex VII.

#### *Article 74* 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 [01/mm/yyyy] [*date to be inserted: please insert the first day of the eighteen month following the date referred to in the first paragraph.*]

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*



## ANNEX I

### **BREED SOCIETIES AND BREEDING OPERATIONS ESTABLISHING OR MAINTAINING BREEDING BOOKS OR BREED REGISTERS AS REFERRED TO IN CHAPTER II**

#### **Part 1**

#### **General requirements for the recognition of breed societies and breeding operations as provided for in Article 4(2)**

In order to be recognised in accordance with Article 4(2), a breed society, which establishes or maintains a breeding book or a breeding operation which establishes or maintains a breed register shall:

1. have legal personality in accordance with the legislation in force in the Member State where the application for recognition is made;
2. be legally and financially independent from the competent authority;
3. submit documentation to the competent authority demonstrating that it:
  - (a) has sufficient and qualified staff and adequate facilities and equipment to implement efficiently its breeding programme to be approved in accordance with Article 8(1) and, where applicable, Article 9;
  - (b) can carry out or carries out the checks necessary for recording pedigrees of the breeding animals on which it carries out its breeding programme to be approved in accordance with Article 8(1) and, where applicable, Article 9;
  - (c) can have or has got a sufficiently large population of breeding animals and a sufficient number of breeders within the geographical area of activity in which the breeding programme to be approved in accordance with Article 8(1) and, where applicable, Article 9 is carried out for the improvement of the breed or cross or for the preservation of the breed;
  - (d) can generate and use the livestock performance data of breeding animals necessary for carrying out its breeding programme to be approved in accordance with Article 8(1) and, where applicable Article 9;
  - (e) in case where membership of breeders is required by the breed society or breeding operation, has adopted rules of procedure to provide for:
    - (i) equal treatment of breeders having or applying for membership, who keep their breeding animals on holdings situated within the geographical area where the approved breeding programme is carried out;
    - (ii) certain services on request to member breeders who move their breeding animals to holdings situated outside the geographical area where the approved breeding programme is carried out;

- (f) has adopted rules of procedure to settle disputes with breeders arising from the performance testing and genetic evaluation of breeding animals, the entry into classes according to merits and the acceptance of breeding animals for breeding and collection and use of germinal products.

## **Part 2**

### **General requirements for the approval of breeding programmes carried out by breed societies and breeding operations as provided for in Articles 8(1) and 9**

1. In order to obtain approval of its breeding programme, the breed society or breeding operation shall submit the information on the following to the competent authority as provided for in Articles 8(1) and 9:
  - (a) the name and the detailed characteristic of the breed or, in the case of hybrid breeding pigs, of the cross covered by the breeding book or breed register to prevent confusion with similar breeding animals entered or registered in other existing breeding books or breed registers;
  - (b) the system for identifying individual breeding animals which ensures that breeding animals are only entered in a breeding book or breed register when they are at least identified in accordance with Union animal health legislation on the identification and registration of animals of the species concerned;
  - (c) the system for recording pedigrees of purebred breeding animals entered or registered and eligible for entry into breeding books or of hybrid breeding pigs registered in breed registers;
  - (d) the objectives of the breeding programme and detailed evaluation criteria concerning the selection of breeding animals, which in the case of the establishment of a breeding book for a new breed, must include information on the detailed circumstances justifying the establishment of the new breed;
  - (e) the systems to generate, record, communicate and use the results of performance testing and, where required in accordance with Article 27, to carry out a genetic evaluation in order to estimate the genetic values of breeding animals with a view to the improvement, selection or preservation of the breed or the improvement of the cross;
  - (f) details of the rules for the division of the main section of the breeding book into classes, where there are different criteria or procedures for classifying purebred breeding animals entered in the breeding book according to their merits;
  - (g) where necessary, systems for entering lineages in breeding books which are already entered in another breeding book.
2. Breed societies and breeding operations shall inform the competent authority, their members, the breeders referred to in Article 10(2) of any changes to the information referred to in point 1 in a transparent and timely manner.

**Part 3**  
**Specific requirements for breed societies establishing or maintaining  
breeding books for purebred breeding animals of the equine species**

1. The following specific requirements shall apply to purebred breeding animals of the equine species, in addition to those set out in point 1 of Part 2:
  - (a) A breed society may declare to the competent authority that the breeding book it has established is the breeding book of the origin of the breed covered by its breeding programme, provided that the breed society:
    - (i) has a historical record of having established the rules set out in point 1 of Part 2 and has made them publicly available;
    - (ii) demonstrates that there is, at the time of application referred to in Article 4(1), no other known breed society recognised in the same or another Member State or in a third country which has established a breeding book for the same breed, and has established and published the rules set out in point 1 of Part 2;
    - (iii) cooperates closely with the breed societies referred to in point (b), in particular for the purpose of the general requirements set out in point 2 of Part 2;
    - (iv) established, where necessary, non-discriminatory rules as regards its conduct of business with respect to breeding books established for the same breed by breeding bodies that are not listed in accordance with Article 37(2).
  - (b) A breed society may declare to the competent authority that the breeding book it has established is a filial breeding book of the breed covered by its breeding programme, provided that:
    - (i) it has incorporate into its own breeding programme the rules established by the breed society referred to in point (a) that maintains the breeding book of the origin of the same breed;
    - (ii) it has made the information regarding the use of the rules referred to in point (i) and their source publicly available;
    - (iii) it has mechanisms in place and undertakes to adjust in due time the rules governing its breeding programme approved in accordance with Article 8(1) or Article 9 to amendments made to those rules by the breed society referred to in point (a) that maintains the breeding book of the origin of the breed.
2. The following derogations shall apply to purebred breeding animals of the equine species:
  - (a) By way of derogation from point 3(e)(i) of Part 1, in the event that for one breed on the territory of the Union described in Annex VI there are several breed societies which maintain breeding books for that breed, and their

breeding programmes approved in accordance with Article 8(1) cover the whole of that territory, the rules referred to in point 3(e)(i) of that Part established by those breed societies:

- (i) may provide that purebred breeding animals of the equine species of that breed must be born in a specified part of the territory of the Union to qualify for entry in the breeding book of that breed for birth declaration purposes;
  - (ii) must ensure that the restriction provided for in point (i) does not apply to the entry in a breeding book of that breed for reproduction purposes.
- (b) By way of derogation from point 1(a) of this Part, where the rules referred to in point 1(d) of Part 2 are established exclusively by an international organisation operating at a global level and there is no breed society in a Member State or breeding body in a third country that maintains the breeding book of the origin of that breed, the competent authority in a Member State shall recognise breed societies maintaining a filial-book for that breed, provided that the rules referred to in point 1(d) of Part 2 established by that international organisation are:
- (i) made available by that breed society to the competent authority referred to in Article 4(2) for verification purposes;
  - (ii) incorporated in the breeding programme approved in accordance with Article 8(1) carried out by that breed society.
- (c) By way of derogation from point 1(b) of this Part, a breed society maintaining a filial-book may establish additional classes according to merits, provided that the purebred breeding animals of the equine species which are entered in classes in the main section of the breeding book of the origin of the breed may be entered in the corresponding classes of the main section of the filial book.

## ANNEX II

### ENTRY IN BREEDING BOOKS AND REGISTRATION IN BREED REGISTERS AS REFERRED TO IN CHAPTER IV

#### Part 1

#### Entry of purebred breeding animals in breeding books

##### Chapter I

##### Main section

1. On application by the breeder, a breed society shall, as provided for in Article 19(1), enter or register for entry in the main section of its breeding book any purebred breeding animal which complies with the following conditions:
  - (a) it meets the parentage criteria set out:
    - (i) in point (i) of Article 2(i) in the case of purebred breeding animals of the bovine species (*Bos taurus* and *Bubalus bubalis*), porcine species (*Sus scrofa*), ovine species (*Ovis aries*) and caprine species (*Capra hircus*);
    - (ii) in point (ii) of Article 2(i) in the case of purebred breeding animals of the equine species (*Equus caballus* and *Equus asinus*);
    - (ii) in the delegated acts adopted pursuant to Article 35(1) and 45(1) in the case of purebred breeding animals of other species referred to in Article 2(i)(iii);
  - (b) it has its pedigree established in accordance with the rules set out in the breeding book in accordance with the breeding programme approved in accordance with Article 8(1) or Article 9;
  - (c) it has been identified after birth in accordance with Union animal health legislation pertaining to the species concerned and the rules set out in the breeding programme approved in accordance with Article 8(1) or Article 9, which must require in the case of purebred breeding animals of the equine species the identification as foal at foot and at least a covering certificate;
  - (d) it is accompanied, where required, by a zootechnical certificate issued in accordance with Article 33(1).
2. By way of derogation from point 1(a)(ii), a breed society which carries out a cross-breeding programme on purebred breeding animals of the equine species may enter in the main section of its breeding book a purebred breeding animal of the equine species which is entered in the main section of a breeding book for a different breed, provided that the other breed and the criteria for the entry of these purebred breeding animals are referred to in the breeding programme approved in accordance with Article 8(1) or Article 9.

3. A breed society that enters in its breeding book a purebred breeding animal of the equine species which has already been entered in a breeding book established by a breed society in another Member State, shall enter that purebred breeding animal under its unique life number and, except where a derogation has been agreed by the two breed societies concerned, the same name with an indication, in accordance with international agreements for the breed concerned, of the code of the country of foaling.

## Chapter II

### Derogations for newly established breeding books for purebred breeding animals

1. Where a breed society is being recognised in accordance with Article 4(2) to establish a breeding book for a breed for which there is no breeding book in a Member State, the competent authority may, by way of derogation from point 1(a) of Chapter I, authorise the direct entry in the main section of that newly established breeding book of purebred breeding animals or descendants from purebred breeding animals of different breeds, provided that:
  - (a) a period of establishment of the new breeding book, appropriate for the generation interval of the species concerned, is defined in the breeding programme to be approved in accordance with Article 8(1) and Article 9;
  - (b) reference is made to any existing breeding book where the purebred breeding animals or their parents were entered for the first time after birth, together with the original registration number of that breeding book;
  - (c) the breeding animals are entered in the main section, and where applicable in the appropriate classes, according to the rules set out in the breeding programme to be approved in accordance with Article 8(1) and Article 9.
2. By the end of the period of establishment referred to in point 1(a), the competent authority shall carry out the official controls provided for in Article 50.

## Chapter III

### Supplementary sections

1. A breed society maintaining a breeding book may decide that an animal of the bovine, porcine, ovine, caprine or equine species, which does not meet the conditions set out in point 1 of Chapter I, may be entered in a supplementary section of that breeding book established in accordance with Article 20(1), provided the animal meets the following conditions:
  - (a) it is identified in accordance with Union animal health legislation for the species concerned and the rules established for that breeding book by the breed society;
  - (b) it is judged by the breed society to conform to the characteristic of that breed referred to in point 1(a) of Part 2 of Annex I;

- (c) it has a minimum performance as laid down by the rules established for that breeding book by the breed society for the performance in the traits for which breeding animals of that species entered in the main section are tested in accordance with Annex III.
- 2. The breed society may apply different requirements for the conformity with the breed characteristic referred to in point 1(b) or the performance referred to in point 1(c) depending on whether the animal:
  - (a) belongs to the breed, although it has no known origin; or
  - (b) was obtained from a cross-breeding programme approved by the breed society.
- 3. Breed societies shall not refuse the entry in accordance with the conditions set out in Chapter I in the main section of the breeding book they have established of any female animal of the bovine, porcine, ovine or caprine species which is regarded as purebred under the following conditions:
  - (a) its mother and maternal grandmother are entered in a supplementary section of a breeding book of the same breed as provided for in point 1;
  - (b) its father and two grandfathers are entered in the main section of a breeding book of the same breed.
- 4. Breed societies which have established breeding books for purebred breeding animals of the equine species shall lay down in their breeding programme approved in accordance with Article 8(1) and Article 9 the conditions for entry in the main section of male and female breeding animals recorded in the supplementary section.

In the case of female purebred breeding animals of the equine species, those conditions shall not be stricter than the conditions set out in point 3(a) and (b) of this Chapter.

## **Part 2**

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

- 1. On application by a breeder, a breeding operation recognised in accordance with Article 4(2) shall register in its breed register any hybrid breeding pig of the same cross which:
  - (a) was identified after birth in accordance with Union animal health legislation for the species concerned and the rules of that breed register;
  - (b) has parentage established in accordance with the rules of the breed register in which the animal is intended to be registered.
  - (c) it is accompanied, where required, by a zootechnical certificate issued in accordance with Article 33(1).
- 2. Breeding operations shall not refuse the registration in their breed registers of hybrid breeding pigs registered in accordance with point 1 in a breed register established for

the same cross by a breeding operation recognised in accordance with Article 4(2) in the same or another Member State.



## ANNEX III

### **PERFORMANCE TESTING AND GENETIC EVALUATION AS REFERRED TO IN CHAPTER V**

#### **Part 1 Bovine animals**

##### Chapter I Performance testing

Breed societies shall carry out performance testing to establish the genetic value of purebred breeding animals of the bovine species using one or a combination of the methods set out in this Chapter.

Performance testing shall follow the rules and standards established by the relevant European Union reference centre provided for in Article 31(1) in cooperation with the International Committee for Animal Recording (ICAR).

##### Section 1 Beef production traits

1. For individual performance testing of a breeding animal or its progeny ("the test animals") at a test station, the following information shall be indicated:
  - (a) the test method and the number of test animals tested;
  - (b) the test protocol shall including the following details:
    - (i) the terms of admission of the test animals into the test station;
    - (ii) previous results of tests carried out on the test animals, including, if applicable, on-farm performance of the test animals;
    - (iii) the identity of the owner of the test animals ;
    - (iv) the maximum age for the test animals entering the test station and the age range of contemporary animals on the test station;
    - (v) the length of adaptation and test periods at the test station;
    - (vi) the type of diet and system of feeding employed during the test;
  - (c) the traits to be recorded in the test shall include live weight gain and muscular development (beef conformation) and may include, if available, other traits such as feed conversion and carcass trait.

## 2. Testing in the field (on-farm)

The test method and the method to validate test results shall be provided by the designated institution provided for in Article 29(1).

The traits to be recorded in the test shall include live weight and age and may include, if available, other traits such as beef conformation.

## 3. Testing through survey data from farms and points of sale and slaughter

If available, the breed society shall record the live and slaughter weights, sales prices, carcass conformation class according to the Union scales for the classification of carcasses set out in Article 42 of Council Regulation (EC) No 1234/2007, meat quality and other beef traits.

### Section 2 Dairy traits

Breed societies shall record milk production data according to the rules and standards established by the relevant European Union reference centre provided for in Article 31(1) in cooperation with ICAR.

### Section 3 Non-production traits

1. Where breed societies include in the genetic evaluation fertility, calving aptitude and longevity, those traits shall be assessed on the basis of the non-return rate or other fertilisation data, calving score and length of productive life and culling age.
2. The inclusion in the genetic evaluation of temperament, morphological rating data and disease resistance shall only be considered if the data are generated on the basis of a recording system approved by the designated institution as provided for in Article 29(1).

## Chapter II Genetic evaluation

1. The genetic evaluation of breeding animals shall be carried out by the designated institution as provided for in Article 29(1) and shall include the following production traits according to the selection objectives set out in the breeding programme approved in accordance with Article 8(1) and Article 9.
  - (a) dairy production traits for breeding animals of dairy breeds;
  - (b) beef production traits for breeding animals of beef breeds;
  - (c) dairy and beef production traits for dual-purpose breeds.
2. The genetic evaluation shall include the non-production traits referred to in Section 3 of Chapter I for the breeds in which recording of these traits is being practised by

breed societies in accordance with their breeding programme approved in accordance with Article 8(1) and Article 9.

The breeding value of a breeding animal shall be calculated on the basis of the results of the performance testing of the individual or of its relatives and the confidence in such a breeding value may be enhanced by the use of genomic information or based on another method validated by the European Union reference centre referred to in Article 31(1).

3. The statistical methods applied in genetic evaluation shall comply with the rules and standards established by the relevant European Union reference centre provided for in Article 31(1) in cooperation with ICAR and guarantee a genetic evaluation unbiased from the influences of the main environmental factors and data structure.

The reliability of the genetic evaluation shall be measured as the coefficient of determination in accordance with rules and standards established by the relevant European Union reference centre provided for in Article 31(1) in cooperation with ICAR. When publishing the evaluation results, the reliability as well as the date of evaluation shall be given.

4. Genetic peculiarities and genetic defects of a breeding animal as defined by the breed society shall be published.
5. Bulls intended for artificial insemination, with the exception of bulls belonging to breeds threatened with extinction, shall be subjected to a genetic evaluation on compulsory traits as described in point 6 or 7. Those breeding values shall be published by the breed society.

Other available breeding values of bulls intended for artificial insemination shall also be published by the breed society.

6. Genetic evaluation for dairy traits of bulls intended for artificial insemination shall include:
  - (a) the milk yield and the content of butterfat and protein;
  - (b) other available and relevant production and non-production traits.

The minimum reliability of the genetic evaluation of bulls for artificial insemination of the dairy breeds shall be at least 0,5 for the traits milk yield, butterfat and protein content, according to the rules and standards established by the relevant European Union reference centre provided for in Article 31(1) in cooperation with ICAR for the evaluation of the main production traits, taking into account all information available from progeny and collaterals.

Genomically evaluated young bulls, without progeny performance records, shall be considered suitable for artificial insemination if their genomic evaluation is validated according to rules and standards established by the relevant European Union reference centre provided for in Article 31(1) in cooperation with ICAR.

7. Genetic evaluation for beef production traits of bulls intended for artificial insemination shall be carried out on the basis of one of the following testing methods:
- (a) individual performance testing on station;
  - (b) progeny or collaterals performance test on test station or in specialised units;
  - (c) progeny or collaterals performance test on farm; in such a way that the offspring are distributed among the recorded herds to allow a valid comparison of bulls to be made;
  - (d) progeny or collateral performance test by means of collecting data on farms, in auction sales or in slaughter houses in such a way that a valid comparison of bulls can be made;
  - (e) genomic evaluation or any other method, including a combination of these methods, validated in accordance with the rules and standards established by the relevant European Union reference centre provided for in Article 31(1) in cooperation with ICAR.

If carcass weight and, where appropriate, traits of meat quality, growth performance and calving aptitude are being recorded, those traits as well as any other relevant trait shall be included in the genetic evaluation of the bull.

The minimum reliability of the genetic evaluation of bulls for artificial insemination of beef breeds shall be at least 0,5 for the traits live weight gain and muscular development (beef conformation) according to the rules and standards established by the relevant European Union reference centre provided for in Article 31(1) in cooperation with ICAR for the evaluation of the main production traits,

Where genomic breeding values are calculated, those values shall be validated for the traits concerned according to the rules and standards established by the relevant European Union reference centre provided for in Article 31(1) in cooperation with ICAR.

Revalidation of these values shall be required at regular intervals and at any time when there are major changes either in the genomic evaluation or in the conventional evaluation or in the reference population.

## **Part 2 Porcine animals**

### Chapter I Performance testing

1. Performance testing at a test station

For performance testing of a breeding animal or its progeny ("the test animals") at a test station, the following information shall be indicated:

- (a) the name of the breed society, breeding operation or of the competent authority responsible for the test station;
- (b) the test method and the number of test animals tested;
- (c) the test protocol, which shall include the following details:
  - (i) the terms of admission of the test animals into the test station;
  - (ii) the maximum age for the test animals entering the test station and the age range of contemporary animals on the test station;
  - (iii) the length of the test period on the test station;
  - (iv) the type of diet and system of feeding employed during the test;
  - (v) the identity of the owner of the test animals in the case of individual performance testing;
- (d) the traits recorded, which shall include live weight, feed conversion and an estimator of the body composition and may include other relevant data;
- (e) the method used for estimating genetic merits, which shall be stated as a breeding value or contemporary comparison for each trait, shall be scientifically acceptable according to established zootechnical principles.

## 2. Performance testing on a farm

Where a performance test is carried out on a farm, the breed society or breeding operation shall ensure that at the end of the test a breeding value can be calculated following established zootechnical principles taking into account Union scales for the classification of carcasses set out in Article 42 of Council Regulation (EC) No 1234/2007.

## Chapter II Genetic evaluation

### 1. Progeny or collaterals testing

- (a) the genetic merit of the breeding animal shall be calculated by assessing the qualities of a suitable number of progeny or collaterals in relation to production characteristics:
  - (i) a detailed description of the test method shall be given or quoted;
  - (ii) the progeny or the collaterals shall not be treated selectively;
  - (iii) three types of progeny or collaterals tests shall be recognised:
    - central testing in a progeny or collaterals testing station;

- planned progeny or collateral testing on a farm, provided the progeny or the collaterals had been distributed amongst herds in such a way that a valid comparison between breeding animals was possible;
  - data collected on identified progeny or collateral carcasses;
- (b) the progeny or collaterals shall be chosen in an unbiased manner. All relevant data shall be used in assessing the breeding value of the breeding animals. Influences other than the genetic merit shall be eliminated by appropriate procedures in the determination of the breeding value;
- (c) the traits recorded, such as the live weight gain, feed conversion, carcass quality, reproduction characteristics, fertility, prolificacy, viability of the progeny or collaterals or any other relevant data, shall be stated;
- (d) the method used for estimating genetic merit shall be scientifically acceptable according to established zootechnical principles.

2. Contemporaries testing for hybrid breeding pigs

If performance data or genetic values are indicated on a zootechnical certificate accompanying hybrid breeding pigs or their germinal products, the conditions applicable to the progeny or the collaterals defined in points (a), (b), (c) and (d) of point 1, shall apply, the necessary changes having been made, to contemporaries of hybrid lines of hybrid breeding pigs.

**Part 3**  
**Ovine and caprine animals**

Chapter I  
Performance testing

1. Performance testing on a station

- (a) The method used for estimating genetic merit shall be scientifically acceptable according to established zootechnical principles. The genetic merit of tested breeding animals shall be stated as a breeding value or contemporary comparison for each trait.
- (b) The following items shall be clearly stated:
- (i) the terms of admission into the station;
  - (ii) the maximum age or maximum weight of young breeding animals at the start of the test and number of animals;
  - (iii) the length of the test period in the station or final weight;
  - (iv) the type of diet and system of feeding employed during the test.

2. Performance testing on a farm

Where a performance test is carried out on a farm, the breed society shall ensure that at the end of the test a breeding value can be calculated following established zootechnical principles taking into account Union scales for the classification of carcasses set out in Article 42 of Council Regulation (EC) No 1234/2007.

3. Milk recording and the assessment of the genetic merit of females for dairy traits shall be carried out as follows:

- (a) the traits recorded in conformity with the principles agreed by the ICAR, such as milk production, milk composition or any other relevant data, shall be stated;
- (b) milk records used in the determination of the genetic merits of females shall:
  - (i) relate to a period of time which conforms to the norm laid down by ICAR for recording productivity of milk animals;
  - (ii) be adjusted for any important environmental influences.

## Chapter II Genetic evaluation

The genetic merit of a breeding animal shall be calculated by assessing the qualities of a suitable number of progeny and, where appropriate, collaterals as follows:

- (a) in relation to meat production traits:
  - (i) a detailed description of the test method shall be given or quoted;
  - (ii) the progeny or the collaterals shall be treated equally;
  - (iii) three types of progeny or collaterals tests shall be recognised:
    - central testing in progeny or collaterals testing station;
    - planned progeny or collaterals testing on a farm, provided the progeny or the collaterals had been distributed amongst herds in such a way that a valid comparison between breeding animals was possible;
    - data collected on identified progeny or collaterals carcasses;
- (b) in relation to dairy traits:
  - (i) the design of the test shall to be stated;
  - (ii) the females shall not be treated selectively;

- (iii) the milk production and milk composition shall be included in the calculation of the genetic merits;
- (c) the progeny or collaterals shall be chosen in an unbiased manner. All relevant data shall be used in assessing the breeding value of the breeding animals. Influences other than genetic merit shall be eliminated by appropriate procedures in the determination of the breeding value;
- (d) the traits recorded, such as live weight gain, feed conversion, carcase quality taking into account Union scales for the classification of carcasses set out in Council Regulation (EC) No 1234/2007, milk production, milk composition, quality of wool production, reproduction characteristics, fertility, prolificacy, viability of the progeny and/or collaterals or any other relevant data, shall be stated;
- (e) the method used for estimating genetic merits shall be scientifically acceptable according to established zootechnical principles.



## ANNEX IV

### EUROPEAN UNION REFERENCE CENTRES

1. European Union reference centres designated in accordance with Article 31(1) must have:
  - (a) suitably qualified staff with adequate training in performance testing and genetic evaluation of purebred breeding animals;
  - (b) appropriate administrative infrastructure;
  - (c) staff been instructed to respect the confidential nature of certain subjects, results or communications;
  - (d) staff with sufficient knowledge of research activities at national, Union and international level;
  - (e) the equipment and instruments needed to carry out the duties and functions referred to in point (2).
  
2. The duties and functions of the European Union reference centres designated in accordance with Article 31(1) shall be as follows:
  - (a) to inform Member States on methods of performance testing and genetic evaluation of purebred breeding animals based on:
    - (i) regularly receiving and reviewing the results of performance testing and genetic evaluations carried out by breed societies and the data on which they were based;
    - (ii) comparing the various methods of performance testing and genetic evaluation of purebred breeding animals;
  - (b) at the request of the Commission or a Member State to provide assistance:
    - (i) in view of harmonising the various methods of performance testing and genetic evaluation of purebred breeding animals, in particular to recommend calculation methods to be used;
    - (ii) in establishing a platform for the comparison of the results of the methods of performance testing and genetic evaluation of purebred breeding animals in Member States, in particular by:
      - developing control protocols for performance testing and genetic evaluation of purebred breeding animals carried out in Member States to improve the comparability of results and the effectiveness of breeding programmes;
      - 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 Member States;

- disseminating the individual results of the international assessments;
  - publishing the conversion formulae and all related genetic work;
- (iii) in providing data on the genetic evaluation of purebred breeding animals and training to support the designated institution as provided for in Article 29(1) participating in international comparisons of the results of genetic evaluations;
- (iv) in facilitating the resolution of emerging problems in Member States linked to the genetic evaluation of purebred breeding animals;
- (v) in providing, on request by the Commission, technical expertise to the Standing Committee on Zootechnics.

## ANNEX V

### **INFORMATION TO BE PROVIDED IN THE ZOOTECHNICAL CERTIFICATES AS REFERRED TO IN CHAPTERS VI AND VII**

#### **Part 1**

##### **General requirements**

1. Where the results of the genetic evaluation of a breeding animal are publicly available on the Internet, it shall be sufficient to refer in the zootechnical certificates referred to in Parts 2 and 3 to the website where those results can be accessed.
2. Where the information to be provided in the zootechnical certificate in accordance with Chapters I and II of Part 2 or Chapters I and II of Part 3 of this Annex is contained in other documents accompanying the breeding animal or its germinal products, the breed society or breeding operation shall:
  - (a) certify the contents of that document with a declaration that the document contains the information required by the implementing act adopted pursuant to Article 33(4);
  - (b) add to that declaration an exhaustive list of the relevant attachments.
3. The title of the zootechnical certificate shall:
  - (a) for live breeding animals, their semen, oocytes or embryos make reference to the taxonomic species;
  - (b) indicate if the consignment is intended for intra-Union trade or for imports into the Union.

#### **Part 2**

##### **Zootechnical certificates for purebred breeding animals, their semen, oocytes and embryos**

###### **Chapter I**

###### **Zootechnical certificates for purebred breeding animals**

1. Zootechnical certificates for purebred breeding animals shall contain the following information:
  - (a) the name of the issuing breed society or, in case of imports into the Union, the breeding body;
  - (b) the name of the breeding book;
  - (c) the breed;
  - (d) the sex;
  - (e) the entry number in the breeding book ("Breeding-book No");

- (f) the system of identification of the purebred breeding animal;
- (g) the identification number accorded to the purebred breeding animal either in accordance with Union animal health legislation pertaining to the identification of animals of the species covered by the zootechnical certificate or, in case of imports into the Union, in accordance with national legislation;
- (h) the date of birth of the purebred breeding animal;
- (i) the name, address and e-mail of the breeder;
- (j) the name and address of the owner;
- (k) the pedigree:

Sire	Grandsire	Granddam
Breeding-book No	Breeding-book No	Breeding-book No
Dam	Grandsire	Granddam
Breeding-book No	Breeding-book No	Breeding-book No

- (l) all available results of performance tests and up-to-date results of the genetic evaluation including genetic peculiarities and genetic defects on the purebred breeding animal itself and its parents and grandparents as required in the breeding programme approved in accordance with Art 8(1) or Article 9 for the category and the purebred breeding animal in question;
- (m) in the case of pregnant females, the date of insemination or mating and the identification of the fertilising male;
- (n) the name and title of the signatory, the date and place of issue of the certificate and the signature of the individual authorised by the issuing breed society, or in case of imports into the Union, of the breeding body.

2. By way of derogation from point 1 of this Chapter, the zootechnical certificate for trade in purebred breeding animals of the equine species may be the identification document in accordance with Union animal health legislation, provided:

- (a) it contains in addition to the information required by Union animal health and public health legislation at least the information in accordance with point 1 (a) to (k) and (n);
- (b) was issued by a breed society to which the task of issuing the identification document was delegated by the competent authority.
- (c) the information on the identity of purebred breeding animals of the equine species and on the issuance of identification documents is available to the competent veterinary authorities in a central database established in accordance with Union animal health legislation.

## Chapter II

### Zootechnical certificates for semen of purebred breeding animals

Zootechnical certificates for semen shall contain the following information:

- (a) all the particulars referred to in Chapter I of this Annex concerning the purebred breeding animal that provided the semen as well as its blood group or test results providing equivalent scientific guarantees to verify its identity and parentage in accordance with any implementing acts adopted pursuant to Article 22(2);
- (b) information allowing the identification of the semen, the date of its collection and the names and addresses of the semen collection centre or semen storage centre and of the consignee;
- (c) for semen intended for official testing of purebred breeding animals, the name and address of the breed society or the institution designated in accordance with Article 29(1) responsible for carrying out the performance testing in accordance with Article 27;
- (d) the name and title of the signatory, the date and place of issue of the zootechnical certificate and the signature of the individual authorised by the issuing breed society, or in case of imports into the Union, of the breeding body.

## Chapter III

### Zootechnical certificates for oocytes of purebred breeding animals

Zootechnical certificates for oocytes from purebred breeding animals shall contain the following information:

- (a) all the information referred to in Chapter I concerning the donor female that provided the oocytes as well as its blood group or test results providing equivalent scientific guarantees to verify its identity and parentage;
- (b) information allowing the identification of the oocytes, the date of their collection and the names and addresses of the embryo collection and production team and of the consignee;
- (c) where there is more than one oocyte in a straw, a clear indication of the number of oocytes which must all have been collected from the same purebred breeding animal;
- (d) the name and title of the signatory, the date and place of issue of the zootechnical certificate and the signature of the individual authorised by the issuing breed society, or in case of imports into the Union, of the breeding body.

## Chapter IV

### Zootechnical certificates for embryos of purebred breeding animals

Zootechnical certificates for embryos shall contain the following information:

- (a) all the information referred to in Chapter I concerning the donor female and the fertilising male as well as both their blood groups or test results providing equivalent scientific guarantees to verify their identity and parentage;

- (b) information allowing identification of the embryo, the date of their collection or production and the names and addresses of the embryo collection or production team and of the consignee;
- (c) where there is more than one embryo in a straw, a clear indication of the number of embryos which must all have the same parentage;
- (d) the name and title of the signatory, the date and place of issue of the zootechnical certificate and the signature of the individual authorised by the issuing breed society, or in case of imports into the Union, of the breeding body.

### **Part 3**

## **Zootechnical certificates for hybrid breeding pigs and their semen, oocytes and embryos**

### Chapter I

#### Zootechnical certificates for hybrid breeding pigs

Zootechnical certificates for hybrid breeding pigs shall contain the following information.

- (a) the name of the issuing breeding operation or, in case of imports into the Union, the breeding body;
- (b) the name of the breed register;
- (c) the genetic type or the line;
- (d) the sex;
- (e) the entry number in the breed register;
- (f) the system of identification of the animal;
- (g) the identification number accorded to the hybrid breeding pig either in accordance with Union animal health legislation pertaining to the identification of animals of the porcine species or, in the case of imports into the Union, in accordance with national legislation;
- (h) the date of birth of the animal;
- (i) the name and address of the breeder;
- (j) the name and address of the owner;
- (k) the name and title of the signatory, the date and place of issue of the zootechnical certificate and the signature of the individual authorised by the issuing breeding operation, or in case of imports into the Union, of the breeding body.

### Chapter II

#### Zootechnical certificates for semen from hybrid breeding pigs

Zootechnical certificates for semen of hybrid breeding pigs shall contain the following information.

- (a) all the information referred to in Chapter I concerning the hybrid breeding pig that provided the semen;
- (b) information allowing the identification of the semen, the date of its collection and the names and addresses of the semen collection centre and of the consignee;
- (c) the name and title of the signatory, the date and place of issue of the zootechnical certificate and the signature of the individual authorised by the issuing breeding operation or, in case of imports into the Union, the breeding body.

### Chapter III

#### Zootechnical certificates for oocytes from hybrid breeding pigs

Zootechnical certificates for oocytes of hybrid breeding pigs shall contain the following information.

- (a) all the information referred to in Chapter I concerning the hybrid breeding pig that provided the oocytes;
- (b) information allowing identification of the oocytes, the date of their collection and the names and addresses of the embryo collection or production team and of the consignee;
- (c) the name and title of the signatory, the date and place of issue of the zootechnical certificate and the signature of the individual authorised by the issuing breeding operation or, in case of imports into the Union, the breeding body.

### Chapter IV

#### Zootechnical certificates for embryos from hybrid breeding pigs

Zootechnical certificates for embryos collected or produced from hybrid breeding pigs shall contain the following information.

- (a) all the information referred to in Chapter I concerning the donor female and the fertilising male;
- (b) the date of embryo or oocyte collection, the names and addresses of the embryo collection or production team and of the consignee; the identification of the semen used for artificial insemination or the fertilisation of the oocytes;
- (c) where there is more than one embryo in a straw, a clear indication of the number of embryos which must all have the same parentage;
- (d) the name and title of the signatory, the date and place of issue of the zootechnical certificate and the signature of the individual authorised by the issuing breeding operation or, in case of imports into the Union, the breeding body.

## ANNEX VI

### **TERRITORIES REFERRED TO IN ARTICLE 2(u)**

1. The territory of the Kingdom of Belgium
2. The territory of the Republic of Bulgaria
3. The territory of the Czech Republic
4. The territory of the Kingdom of Denmark with the exception of the Faroe Islands and Greenland
5. The territory of the Federal Republic of Germany
6. The territory of the Republic of Estonia
7. The territory of Ireland
8. The territory of the Hellenic Republic
9. The territory of the Kingdom of Spain with the exception of Ceuta and Melilla
10. The territory of the French Republic
11. The territory of the Republic of Croatia
12. The territory of the Italian Republic
13. The territory of the Republic of Cyprus
14. The territory of the Republic of Latvia
15. The territory of the Republic of Lithuania
16. The territory of the Grand Duchy of Luxembourg
17. The territory of Hungary
18. The territory of the Republic of Malta
19. The territory of the Kingdom of the Netherlands in Europe
20. The territory of the Republic of Austria
21. The territory of the Republic of Poland
22. The territory of the Portuguese Republic
23. The territory of Romania
24. The territory of the Republic of Slovenia



25. The territory of the Slovak Republic
26. The territory of the Republic of Finland
27. The territory of the Kingdom of Sweden
28. The territory of the United Kingdom of Great Britain and Northern Ireland

**ANNEX VII**

**CORRELATION TABLE**

Legal Act	Provisions	Corresponding provisions in this Regulation
Council Directive 2009/157/EC (ex 77/504/EEC) (Bovine)	Article 1	Article 2
	Article 2(a),(b), (e)	Article 3, first paragraph
	Article 2(c)	Article 8(1)
	Article 2(d)	Article 4(2)
	Article 3	Article 19(1)
	Article 4(1)	Article 7(1)
	Article 4(2)	Article 7(5)
	Article 5	Article 33(1) and point 1(d) of Chapter I of Part 1 of Annex II
	Article 6	Articles 28(1), 4(3), 8(3), 17(4), 19(4), 20(2) and 24(2)
	Article 7(1)	Article 72(1)
	Article 7(2)	Article 72(2)
	Article 8	n.a.
	Article 9	n.a.
Article 10	n.a.	
Article 11	n.a.	
Council Directive 87/328/EEC (acceptance for breeding)	Article 1	Article 21
	Article 2(1)	Article 23(1) and (2)
	Article 2(2)	Articles 12, 13, and 28(2)
	Article 2(3)	-
	Article 3	Article 22
	Article 4	Article 23(3)
	Article 5	Article 31(1)
	Article 6	n.a.
Article 7	n.a.	
Council Decision 96/463/EC (Interbull)	Article 1(2)	Article 32(1)
	Article 2	-
	Annex II	Annex IV
Council Directive 88/661/EEC (Porcine)	Article 1	Article 2
	Article 2(1)	Articles 3, first paragraph, 4(2) and 8(1)
	Article 2(2)	Article 1(3)
	Article 3	Article 21(2)
	Article 4(1)	Article 19(1)

Legal Act	Provisions	Corresponding provisions in this Regulation
	Article 4(2)	Article 18(1)
	Article 4a, first paragraph	Article 7(1)
	Article 4a, second paragraph	Article 7(5)
	Article 5	Article 33(1) and point 1(d) of Chapter I of Part 1 of Annex II
	Article 6(1)	Articles 28(1), 8(3), 17(4), 19(4), 4(3), and 33(3)
	Article 6(2)	n.a.
	Article 7(1)	Articles 3, 8(1) and 4(2),
	Article 7(2)	Article 1(3)
	Article 7a	Article 7(1)
	Article 8	Article 25(2)
	Article 9	Article 33(1) and point 1(c) of Part 2 of Annex II
	Article 10 (1)	Articles 28(1), 8(3), 17(4), 19(4), 4(3), and 33(3)
	Article 10 (2)	n.a.
	Article 11(1)	Article 72(1)
	Article 11(2)	Article 72(2)
	Article 11(3)	Article 72(2)
	Article 12	Article 1(3)
	Article 13	n.a.
	Article 14	n.a.
Council Directives 90/118/EEC (acceptance for breeding – purebred)	Article 1	Article 21(1)
	Article 2(1)	Article 23(1) and (2)
	Article 2(2)	Articles 12, 13 and 28(2)
	Article 2(3)	Articles 14 and 28(2)
	Article 3	Article 23(3)
	Article 4	Article 72(1)
	Article 5	n.a.
	Article 6	n.a.
Council Directive 90/119/EEC (acceptance for breeding – hybrid)	Article 1	Article 25(1) and Article 26(1) and(2)
	Article 2	Article 23(3)
	Article 3	n.a.
	Article 4	n.a.

Legal Act	Provisions	Corresponding provisions in this Regulation
Council Directive 89/361/EEC (Ovine & Caprine)	Article 1(1)	Article 1(1)
	Article 1(2)	Article 1(3)
	Article 2	Article 2
	Article 3(1)	Articles 3, first paragraph, and 4(2),
	Article 3(2)	Article 1(3)
	Article 4	Articles 4(3), 19(4), 28(1) and 21(2)
	Article 5	Article 7(1)
	Article 6	Article 33(1) and point 1(d) of Chapter I of Part 1 of Annex II
	Article 7	Article 1(3)
	Article 8	Article 72(1)
	Article 9	n.a.
Article 10	n.a.	
Council Directive 90/427/EEC (Equidae)	Article 1	Article 1(1)
	Article 2	Article 2
	Article 3, first paragraph	Article 3, first paragraph
	Article 3, second paragraph	Article 1(3)
	Article 4(1)(a)	Part 1 and point 1(a) of Part 3 of Annex I
	Article 4(1)(b)	Point 1(c) of Chapter I of Part 1 of Annex II
	Article 4(2)	Articles 4(3), 19(4), 33, 34(1)(c), 14 and point 1(c) of Chapter I of Part 1 of Annex II
	Article 5	Article 7(1)
	Article 6	Point 3 of Chapter I of Part 1 of Annex II
	Article 7	Articles 28(1) and 21(2)
	Article 8(1)	Point 1(c) of Chapter I of Part 1 of Annex II
	Article 8(2)	Article 33(1)
	Article 9	Article 1(3)
	Article 10	Article 72(1)
	Article 11	n.a.
Article 12	n.a.	
Annex	n.a.	
Council Directive 91/174/EEC (all)	Article 1	Article 2
	Article 2	Articles 3, 35(1) and 45(1)
	Article 3	n.a.

Legal Act	Provisions	Corresponding provisions in this Regulation
	Article 4	n.a.
	Article 5	n.a.
	Article 6	n.a.
	Article 7	n.a.
	Article 8	n.a.
Council Directive 94/28/EC Imports	Article 1	Article 1
	Article 2	Article 2
	Article 3	Articles 37
	Article 4	Articles 39(1)(a) and 40(1)
	Article 5	Articles 39(1)(b) and 40(1)
	Article 6	Articles 39(1)(c) and 40(1)
	Article 7	Articles 39(1)(c) and 40(1)
	Article 8	Article 39(2)
	Article 9(1) and (2)	Article 42
	Article 9(3)	-
	Article 10	Articles 67 and 70
	Article 11	n.a.
	Article 12	Article 72(1)
	Article 13	n.a.
	Article 14	n.a.
Article 15	n.a.	