

Explanatory Memorandum to The Zootechnical Standards (Amendment) (Wales) Regulations 2008.

This Explanatory Memorandum has been prepared by the Department for Rural Affairs and is laid before the National Assembly for Wales in accordance with Standing Order 24.1.

(i) **Description**

This instrument provides for the use of ova and embryos and storage centres for semen from pure-bred breeding animals of the bovine species.

(ii) **Matters of special interest to the Subordinate Legislation Committee**

None

(iii) **Legislative Background**

These amending Regulations gives effect to Directive 2005/24/EC with regard to the use of ova and embryos and storage centres for semen from pure-bred breeding animals of the bovine species. Directive 2005/24 amends Directive 87/328/EEC on the acceptance for breeding purposes of pure-bred breeding animals of the bovine species.

The powers to make the Order are contained in section 2(2) of the European Communities Act 1972. The powers under the 1972 Act are vested in Welsh Ministers by virtue of the European Communities (Designation) (No3) Order 2005 (SI 2005/2766) and paragraph 30 of and schedule 11 to the Government of Wales Act 2006. This SI follows the negative resolution procedure.

(iv) **Purpose and intended effect of the legislation.**

The Objective

The objective is to facilitate trade in pedigree animals and to preserve breeds throughout the European Community. The species involved are equines, cattle, pigs, sheep, and goats. However, this particular amendment relates only to Cattle.

This amendment is being made to implement minor technical requirements of 2005/24/EC. One of the key purposes of Zootechnical legislation is to ensure that little or no restrictions may be placed on breeders concerning the availability of animals for use in pure bred breeding programmes. Additionally, no restrictions may be placed on the use of 'pure bred' semen, ova and embryos, all of which have been used in breeding programmes for many years. Directive 2005/24/EC

addresses a minor deficiency in European Bovine Zootechnical legislation in that the 'no restrictions' requirement on the use of ova and embryos was not previously provided for. Directive 2005/24/EC corrects this and aligns Bovine Zootechnical legislation with that for other species. The requirements of this amendment make no practical difference to the day to day business of cattle breeders who have used semen, ova & embryos for years. UK breeders could, under the terms of 2005/24/EC, make a complaint to either the UK Authorities or the European Commission if they found that breed societies elsewhere in the EU were placing illegal restrictions on the use of their semen, ova or embryos within breeding programmes. An additional requirement of 2005/24/EC is that semen used in 'pure bred' breeding programmes must now be collected, stored and processed by an approved centre. Whilst this is a new revised requirement within Zootechnical legislation, there is no additional burden to the UK cattle industry as semen for use in 'pure bred' breeding programmes is already collected & stored by approved centres.

The Background

Zootechnical legislation states that Member States must recognise societies which deal in pedigree animals if they meet some fairly basic criteria. One of the most important of these is that they must have a studbook, herd or flock book into which details of each pedigree animal is entered. Recognised societies must accept similar animals into their studbook, herd or flock book when imported from another Member State. There is also legislation that governs the requirements for entry into a herd, flock or studbook that mainly consist of the pedigree requirements that must be met.

The UK pedigree livestock industries actively follow the requirements of Zootechnical legislation and official approval under the terms of the legislation is seen as 'hallmark' of quality. The majority of pure bred breeders are approved and it would be considered unusual for a breed society not to be recognised or to have at least, sought recognition. If European Zootechnical legislation was not implemented domestically, the UK pedigree livestock industry would lose out financially as free movement & trade within the Common Market would be hindered significantly.

(v) **Implementation**

The Zootechnical Standards (Amendment) (England) Regulations 2007 came into force in May 2007. The Zootechnical Standards (Amendment) (Scotland) Regulations 2007 came into force in July 2007. The implementation of the Welsh Regulations has been delayed due to the Foot and Mouth outbreak in August / September 2007. It is important that these Regulations are made to ensure consistency with the rest of GB.

(vi) **Consultation**

Wales did not carry out a consultation exercise. There is no additional cost or administrative burden involved in the amendments to this Regulation, and therefore, there is little public interest.

(vii) **Regulatory Impact Assessment**

A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.