

Guidance on the Zootechnical Standards (England) Regulations 2012

**The 2012 Regulations revoke and replace the
Zootechnical Standards Regulations 1992 and the
Zootechnical Standards (Amendment) (England)
Regulations 2007 – This Guidance applies in England**

February 2012

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This document/publication is also available on our website at:
<http://www.defra.gov.uk/food-farm/>

Any enquiries regarding this document/publication should be sent to us at:
zootechnicsandfangr@defra.gsi.gov.uk

PB 13682

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Purpose of this guidance

The purpose of this guidance is to advise breeders' organisations and associations (this normally, but not exclusively, means 'breed societies' and for simplicity this is the term used throughout this guidance) and others on zootechnical legislation, including some new legislation, which is being brought into force in 2012 and applies in all Member States.

EU zootechnical legislation covers cattle, pigs, sheep and goats, and equines and is similar, but not identical, for all species. This guidance deals with cattle, pigs, sheep and goats, and hybrid pigs. Equines are dealt with under separate zootechnical legislation.

This guidance is not exhaustive and has no legal standing. In case of doubt please refer to the legislation or obtain legal advice.

Reasons for the legislation

The purpose of zootechnical legislation is to facilitate trade of pedigree breeding animals, and their semen, ova and embryos between Member States, to preserve breeds throughout the European Union, and give legal right of entry in an equivalent herd or flock book for the same breed in another EU Member State.

These aims are reached through:

- Recognition of breed societies

Under zootechnical legislation Member States must recognise breed societies which deal in pedigree animals if they meet certain conditions. The most important of these is that they must have a herd or flock book into which each pedigree animal is entered.

Recognised breed societies must accept similar animals into their herd or flock books when imported from other Member States. While there is no obligation on societies to seek official recognition, animals entered into the herd or flock book of an organisation which is not approved could be refused entry into herd or flock books in other Member States.

For further information about recognition of breed societies please see Sections in pages 4 - 7.

- Pedigree certificates

Pedigree certificates are issued by recognised breed societies and contain specific information about animals.

Pedigree certificates for semen are issued by approved collection or storage centres, and for embryos by approved collection teams.

The information that must be included in a pedigree certificate is set out in ANNEX A.

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- Criteria governing entry into herd or flock books

To qualify for entry in the main section of the herd or flock book of its breed an animal must be:

- descended from parents and grandparents entered in the main section of the herd or flock book of that same breed;
- be identified and registered according to the herd or flock book rules;
- have a pedigree established in accordance with the herd or flock book rules.

A female bovine belonging to the breed but having no known origin, or an animal obtained from an approved crossing programme, may be entered into the supplementary or 'grading up' section of the main herd book subject to that animal:

- being identified according to the herd book rules,
- being judged to conform to the breed standard,
- having a minimum performance criteria as laid down by the herd book rules.

A granddaughter of an animal whose father and two grandfathers are entered into the main section of the herd book, may be 'graded up' to the main section of the herd book; i.e. considered purebred.

Male animals may be entered also into the supplementary or 'grading up' section of the herd book. These animals must conform to the breed standard and may belong to the breed but have no known origin, or be obtained through a crossing programme approved by the breed society. However, due to the very significant genetic changes to a breed that can be brought about quickly because of the reproductive capacity of males (for example, artificial insemination), only a female animal may move from the supplementary section to the main section of the herd book.

- Performance testing and genetic value assessment

Breeders can determine how individual animals perform as well as improve their herds by participating in programmes that are designed to evaluate an animal's performance and genetic merit. Under zootechnical legislation a breed society must be able to demonstrate how the resulting data is used and how it is made known to its members.

- Acceptance of animals for breeding purposes

Member States must ensure that no restrictions are placed on:

- purebred females
- purebred males for natural mating
- the use of ova and embryos from purebred females

What is a recognised breed society?

The legislation provides for the official recognition of breed societies:

- establishing or maintaining a herd or flock book for the breed
- carrying out a breeding programme

A breed society seeking recognition should apply to the competent authority in the Member State in which its headquarters are located. The Department of Environment Food and Rural Affairs (Defra) is the competent authority in England. Details of the appropriate authorities in Scotland, Wales and Northern Ireland are at ANNEX D.

The advantages and disadvantages of recognition

Recognition is not compulsory and there is no obligation on behalf of a breed society to seek it. The advantage of recognition is that any pedigree animal entered into the herd or flock book of a recognised breed society must be accepted into the herd or flock book of a recognised society for the same breed in the importing Member State.

Breed societies which are not recognised may have their own rules which are not compatible with zootechnical legislation, and as such there is no need for them to accept animals imported from other Member States. However, animals entered into a herd or flock book of an organisation that is not recognised could face difficulties if exported to other Member States as they could be refused entry into the herd or flock book for the breed recognised in those countries.

Multiple organisations or associations for a breed

Unless there is a very good reason to do otherwise, Defra would not want to recognise more than one breed society for a particular breed.

Criteria for official recognition

A breed society seeking recognition will need to show Defra that it meets the specific conditions of the legislation. One of these requirements is having a sufficiently large number of animals.¹

Defra will check whether a breed society meets the criteria for recognition to ensure that the breed complies with EU legislation.²

The specific conditions that societies must meet in order to achieve recognition are explained in the following:

- have legal personality

Legal personality allows one or more persons to act as a single entity for legal purposes. The way for a breed society to demonstrate legal personality is to be registered with Companies House with Articles and Memorandum of Association. For example, a breed society would need to be incorporated as a limited company, a limited liability partnership, a company limited by guarantee, or similar. Please note that charitable status alone does not confer legal personality.

- operate efficiently

There is no clear definition of this term in the legislation. To help breed societies establish a minimum standard of operative efficiency, guidelines have been established at ANNEX B.

- can carry out checks necessary for recording pedigrees

A breed society should have established and recognised criteria for the entry of animals in its herd or flock book, with a recognised and effective method of registration and identification.

Pedigrees must be capable of being verified by DNA and/or blood typing where it is a requirement of the breed society.

- have a sufficiently large herd to preserve the breed where this is considered necessary

While there is no definition of sufficient number within the legislation, we suggest that for cattle this equates to 50 females and 17 males.

- can make use of the livestock performance data necessary for carrying out their breed improvement or preservation programme

Breed societies must be able to demonstrate how performance data is used for breed improvement, selection or preservation, as considered appropriate for the particular breed.

¹ For cattle this equates to 50 females and 17 males.

² ADAS currently audits breed societies on Defra's behalf.

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Performance recording enables breeders to market breeding stock more effectively, make breeding decisions and make more money from their pedigree animals. Some breed societies use commercial performance recording systems. Other breeds, in particular breeds at risk, may use GenePed assessments, or even their own. These assessments can focus on the genetic diversity of the breed and, where numbers are limited, ensure that the breed is preserved while minimising the potential for inbreeding.

- have rules covering the definition of the breed's characteristics

The definition of the breed's characteristics is commonly referred to as the 'breed standard'. It can be expected that each breed has its own and unique standard which establishes a set of characteristics for the breed.

- have a system for identifying and registering animals

The system used for identification is a matter for the breed society to determine.

- have a system for recording pedigrees

While there is no defined system to which all breed societies must operate, the system used must ensure that pedigrees are accurately recorded.

- have a system for making use of performance data

Breed societies must be able to quantify what performance data is available, demonstrate how that data is used and how it is made known to society members.

- have rules in place for classifying animals entered in the herd or flock book

The main section of the herd or flock book may be divided into different classes with appropriate rules of entry into each section. A supplementary or 'grading up' section of the herd or flock book may also be maintained for animals which do not meet the criteria for entry into the main section but are nonetheless valuable for preservation of the breed.

- have rules of procedure, in particular, to ensure that there is no discrimination of members

The legislation does not specify the rules that should be in place to ensure the non-discriminatory treatment of members, but it should be taken to mean that it is a requirement relating to the constitution of the breed society. To help breed societies demonstrate that they meet this requirement, please see the guidance in ANNEX B.

The legislation laying down the criteria for official recognition is set out at ANNEX C.

Withdrawal of recognition

The obligations placed on recognised breed societies are quite onerous and application for approval should not be entered into without fully understanding the commitment being undertaken.

Defra has the power to withdraw recognition from breed societies which fail to meet the conditions of the legislation.

How to apply for official recognition

Defra is the competent authority to recognise breed societies whose headquarters are located in England. For more information about applying for official recognition please email zootechnicsandfangr@defra.gsi.gov.uk or telephone 020 7238 6723.

Applicants whose headquarters are located in Wales or Scotland should contact the relevant department as listed in ANNEX D.

Application procedure

Your application should explain in detail how your society meets all of the legal requirements for recognition as set out in the Section 'Criteria for official recognition' and ANNEX C.

Your application will be acknowledged on receipt and will be checked against the legal criteria.

Incomplete applications will be returned to the applicant for completion and resubmission.

Applications which do not meet the legal criteria for recognition will be refused in writing with the reasons for refusal.

Applications which appear to fulfil the requirements will be passed to ADAS for a technical assessment as to whether or not the application meets the legal criteria.

ADAS will arrange a site visit to inspect the society's herd or flock book, its registration procedures and its overall operation. ADAS will then prepare a confidential report for Defra.

Timescale

The process of assessing the application, carrying out a site visit and notifying you of the outcome of your application is normally undertaken within 12 weeks.

Notification

You will be informed in writing of the result of your application. If your application is refused you will be provided with the reasons for the refusal.

Confidentiality

In line with Defra's policy of openness, information we receive with regard to your application may be made publicly available through the Defra Information Resource Centre. If you do not consent to this you should clearly request that your response is treated in confidence. Any confidentiality disclaimer generated by your IT system in email responses will not be treated as such a request. You should also be aware that there may be circumstances in which Defra will be required to communicate information to third parties on request in order to comply with its obligations under the Freedom of Information Act 2000 and the Environment Information Regulations 2004.

Fair processing notice

The purpose of this notice is to inform you of the use that will be made of your personal data as required under the Data Protection Act 1998. Defra is the data controller in respect of any personal data that you provide when you provide information pursuant to this application.

Defra will use your personal data for the purposes of assessing whether the application satisfies European and domestic criteria for approval as an organisation recognised under zootechnical legislation. Defra may be required to release information, including personal data and commercial information, under the Freedom of Information Act 2000 or the Environment Information Regulations 2004. However, Defra will not permit any unwarranted breach of confidentiality nor will we act in contravention of our obligations under the Data Protection Act 1998. Data may be shared, if necessary, within Defra, other Central Government departments and Non-Departmental Public Bodies. Defra will consider the individual merits of requests for information made by local authority enforcement officials and welfare groups on a case by case basis.

EU zootechnical legislation

For a list of the EU directives please use the following hyperlink:

http://ec.europa.eu/food/animal/zootechnics/legislation_en.htm

These can also be found at ANNEX E.

Frequently asked questions

How do I apply for official recognition?

If you think that you fulfil the criteria set out in the Section 'Criteria for official recognition' and ANNEX C of this guidance then contact Defra by emailing zootechnicsandfangr@defra.gsi.gov.uk or calling 020 7238 6723, and we will send you the appropriate form to complete.

Do I need a breed improvement programme in order to be recognised?

No, not necessarily. You can apply for recognition even if a breed improvement programme is not fully present.

How do the rules apply to hill sheep?

Breed societies seeking approval should ensure that they have procedures in place to register females and males. The legislation states that in order to meet the criteria for official recognition animals (descended from parents and grandparents entered in a flock book of the same breed) must be registered. Breed societies who do not register animals cannot be approved under the legislation.

In addition, there are separate rules for hardy breeds with a lack of males registered in the main section of the flock book.

Useful links

European Commission zootechnical web page:

http://europa.eu.int/comm/food/animal/zootechnics/legislation_en.htm

Defra web site: www.defra.gov.uk/

Defra zootechnical web page: <http://archive.defra.gov.uk/foodfarm/policy/zootechnic/index.htm>

Information about this guidance

This guidance follows Government Code of Practice on Guidelines on Regulation which may be viewed at www.berr.gov.uk/files/file53268.pdf and is compliant with the eight golden rules of good guidance. If you believe this guidance breaches the Code for any reason please contact Defra by emailing zootechnicsandfangr@defra.gsi.gov.uk. If you have any other comments about this guidance, or ideas on how we might improve it, please do so by either contacting us as above or through the Better Regulation website at www.betterregulation.gov.uk

This guidance has been produced to provide informal, non-binding advice on the legal requirements of the Zootechnical Standards (England) Regulations 2012. This guidance should be read in conjunction with legislation itself. The guidance on legal requirements should not be taken as an authoritative statement or interpretation of the law, as only the courts have that power. It is ultimately the responsibility of individual breed societies to ensure their compliance with the law.

The guidance was issued in February 2012 and will be reviewed in October 2016.

Annex A – Pedigree certificates

- The following Information must be contained in Pedigree Certificates for animals (with the exception of hybrid pigs – the requirements for their Certificates are provided below in the second part of this Annex).
 - name of the issuing body
 - name of the herd or flock book
 - breed
 - sex
 - entry number in the herd or flock book
 - date of issue of the certificate
 - system of identification
 - identification number
 - date of birth
 - name and address of breeder
 - name and address of owner
 - names of the parents and grandparents and their herd or flock book numbers
 - results of performance tests and results of assessment of the genetic value of the animal and its parents and grandparents
 - In the case of bovines the Pedigree Certificate must also include the following title “Pedigree Certificate issued in accordance with Commission Decision 2005/379/EC for intra-Community trade”

- For hybrid pigs the Certificate must include the following information:
 - name of issuing body
 - entry number in register
 - date of issue
 - system of identification
 - identification
 - date of birth
 - genetic type, line
 - sex
 - name and address of breeder
 - name and address of owner

Annex B – Operating efficiently guidelines

- Non-discrimination between members

The legislation requires that breed societies must include in their constitutions the principle of non-discrimination between members, however, it does not specify the rules of procedure that should be in place to ensure non-discriminatory treatment. To help breed societies demonstrate that they meet this requirement, a suggested clause for inclusion in the society's rules is shown below:

“In order to comply with zootechnical legislation [*insert the name of the breed society or association*] declares that it does not discriminate between members.”

- Management of records

Paper and electronic records must be managed properly. The organisation must be able to:

- Maintain records so that they remain intact and can be accessed and accurately interpreted.
- Provide the records for registration, transfer of ownership and disposal.
- Keep records secure and monitor who has access to them.
- Records should be kept until at least 3 years after the death of the animal.
- Act in accordance with the Data Protection Act and Freedom of Information legislation.

- General efficiency criteria

- Nominate one point of contact between the organisation and Defra who should be contactable during normal business hours.
- Be able to answer telephone calls promptly during normal office hours, or offer an answering service during these times and also for callers outside of these hours. Calls should be returned within one working day of receipt. [For smaller breeds longer periods may be acceptable as long as clear procedures are in place.]
- Correspondence whether paper or electronic must be answered within 15 working days of receipt. Where this deadline cannot be met, a holding reply explaining the reason for the delay must be sent within 5 working days.
- Be able to provide a names of officers, their contact details and areas of responsibility on request from Defra.
- Have established operating procedures in place for handling complaints. These should include: written acknowledgement of receipt of the complaint by return, confirmation in writing of how the complaint will be dealt within 15 working days, written confirmation of the outcome of the complaint and any

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appeal procedures. Defra reserves the right to review and undertake an audit if a complaint is received.

- Respond to Defra's requests for information within 10 working days.

- Audit by or on behalf of Defra

Defra reserves the right to audit all recognised organisations at any time and a charge may be made for this work.

- Withdrawal of recognition

Defra has the power under the legislation to withdraw recognition from any recognised organisation that fails to meet the requirements, including failure to provide Defra with information that it needs to monitor operation of the organisation.

Annex C – Legislation laying down the criteria for recognition

If you would like to receive an application form please email us at: zootechnicsandfangr@defra.gsi.gov.uk or call 020 7238 6723.

For bovines

Commission Decision 84/247/EEC laying down the criteria for the recognition of breeders' organisations and associations which maintain or establish herd books for purebred breeding animals of the bovine species

In order to be officially recognised, a breed society which maintains or establishes a herd book must:

- have legal personality in accordance with the legislation in force in the Member State where the application is made;
- prove to the competent authorities:
 - that it operates efficiently;
 - that it can carry out the checks necessary for recording pedigrees;
 - that it has a sufficiently large herd to carry out a breed improvement programme, or that it has a sufficiently large herd to preserve the breed where this is considered necessary;
 - that it can make use of the livestock performance data necessary for carrying out its breed improvement or preservation programme;
- have a set of rules covering:
 - the definition of the breed's (or breeds') characteristics;
 - the system for identifying animals;
 - the system for recording pedigrees;
 - the definition of its breeding objectives,
 - the systems for making use of livestock performance data,
 - the division of the herd book, if there are different conditions for entering animals or if there are different procedures for classifying the animals entered in the book.
- have rules of procedure, adopted in accordance with its articles of association, laying down, in particular, the principle of non-discrimination between members.

For pigs

Commission Decision 89/501/EEC laying down the criteria for approval and supervision of breeders' associations and breeding organisations which establish or maintain herd books for purebred breeding pigs

In order to be officially approved, breeders' associations and breeding organizations which maintain or establish a herd book must:

- have legal personality in accordance with the legislation in force in the Member State where the application is made;

- prove to the competent authorities:
 - that they operate efficiently;
 - that they can carry out the checks necessary for recording pedigrees;
 - that they have a sufficiently large herd to carry out a breed improvement programme, or that they have a sufficiently large herd to preserve the breed where this is considered necessary;
 - that they can make use of the livestock performance data necessary for carrying out their breed improvement or preservation programme;

- have a set of rules covering:
 - the definition of the breed's (or breeds') characteristics;
 - the system for identifying animals;
 - the system for recording pedigrees;
 - the definition of their breeding objectives;
 - the systems for making use of livestock performance data, enabling the genetic value of the animals to be assessed;
 - the division of the herd book, if there are different conditions for entering animals or if there are different procedures for classifying the animals entered in the book;

- have articles of association, laying down, in particular, the principle of non-discrimination between members.

Commission Decision 89/504/EC laying down the criteria for approval of breeders' associations, breeding organisations and private undertakings which establish or maintain registers for hybrid breeding pigs

In order to be officially approved, breeders' associations, breeding organisations and private undertakings must:

- have legal personality in accordance with the legislation in force in the Member State where the application is made;
- prove to the competent authorities:
 - that they operate efficiently
 - that they can carry out the checks necessary for recording parentage;
 - that they have a sufficiently large herd to carry out a breed improvement programme;
 - that they can make use of the livestock performance data necessary for carrying out their breed improvement;
- Have a set of rules covering;
 - the system for identifying animals;
 - the system for recording pedigrees;
 - the definition of their breeding objectives;
 - the systems for making use of livestock performance data enabling the genetic value of the animals to be assessed.

Furthermore to be officially approved, the breeders' associations and the breeding organisations must have articles of association laying down in particular the principles of non-discrimination between members.

For sheep and goats

Commission Decision 90/254/EEC laying down the criteria for approval of breeders' organisations and associations which establish or maintain flock books for purebred breeding sheep and goats

In order to be officially approved, breeders' organisations and associations which maintain or establish a flock book must:

- have legal personality in accordance with the legislation in force in the Member State where the application is made;
- prove to the competent authorities:
 - that they operate efficiently;
 - that they can carry out the checks necessary for recording pedigrees;
 - that they have a sufficiently large flock to carry out a breed improvement programme, or that they have a sufficiently large herd to preserve the breed where this is considered necessary;
 - that they can make use of the livestock performance data necessary for carrying out their breed improvement or preservation programme;
- have a set of rules covering:
 - the definition of the breed's (or breeds') characteristics;
 - the system for identifying animals;
 - the system for recording pedigrees;
 - the definition of their breeding objectives;
 - the systems for making use of livestock performance data, enabling the genetic value of the animals to be assessed;
 - the division of the flock book, if there are different conditions for entering animals or if there are different procedures for classifying the animals entered in the book;
- have articles of association, laying down, in particular, the principle of non-discrimination between members.

Annex D – Contact details

Organisations located in England should contact:

Non-equine Zootechnics Team
5A Millbank
17 Smith Square
London
SW1P 3JR

Tel: 020 7238 6723

Email: zootechnicsandfangr@defra.gsi.gov.uk

www.defra.gov.uk/

Organisations located in Wales, Scotland or Northern Ireland should contact the relevant Department:

Wales

Animal Welfare & By-Products Branch / Cangen Lles Anifeiliad a Sgil Gynhyrchion
Office of the Chief Veterinary Officer / Swyddfa'r prif Swyddog Mifeddygol
Welsh Assembly Government / Cynulliad Llywodraeth Cymru
Hill House / Ty Bryn
Picton Terrace / Terras Picton
Carmarthen / Caerfyrddyn
SA31 3BS

Telephone: 01267 245005

www.countryside.wales.gov.uk

Scotland

Scottish Executive
Pentland House
47 Rob's Loan
Edinburgh
EH14 1TY

Telephone: 0131 244 6178

www.scotland.gov.uk

Northern Ireland

Department of Agriculture and Rural Development
Dundonald House
Upper Newtownards Road
Ballymiscaw
Belfast BT4 3SB

Telephone: 028 9052 4999

www.dardni.gov.uk/

Annex E – EU Zootechnical legislation

For more information about zootechnical legislation see the European Commission website:
http://europa.eu.int/comm/food/animal/zootechnics/legislation_en.htm

Here is a list of current directives separated under species headings

BOVINES	
Basic Directives: herd book, breeders organisations, trade semen, ova and embryos	Council Directive 2009/157
acceptance for breeding	Council Directive 87/328
recognition breeders organisations	Commission Decision 84/247
entering in herd-books	Commission Decision 84/419
performance testing and genetic value assessment	Commission Decision 2006/427
pedigree certificate - animals - semen, ova and embryos	Commission Decision 2005/379
special regulations	INTERBULL Council Directive 96/463 - financial aid

PIGS (purebred and hybrid)	
Basic Directives: herd book, breeders organisations, trade semen, ova and embryos	Council Directive 88/661 (for purebred and hybrid)
acceptance for breeding	Council Directive 90/118 (for purebred) Council Directive 90/119 (for hybrid)
recognition breeders organisations	Commission Decision 89/501 (for purebred) Commission Decision 89/504 (for hybrid)
entering in herd-books	Commission Decision 89/502 (for purebred) Commission Decision 89/505 (for hybrid)
performance testing and genetic value assessment	Commission Decision 89/507 (purebred and hybrid)
pedigree certificate - animals - semen, ova and embryos	Commission Decision 89/503 (for purebred) Commission Decision 89/506 (for hybrid)

SHEEP AND GOATS	
Basic Directives: herd book, breeders organisations, trade semen, ova and embryos	Council Directive 89/361
acceptance for breeding	Commission Decision 90/257
recognition breeders organisations	Commission Decision 90/254
entering in herd-books	Commission Decision 90/255
performance testing and genetic value assessment	Commission Decision 90/256
pedigree certificate - animals - semen, ova and embryos	Commission Decision 90/258

BOVINES, PIGS, SHEEP AND GOATS	
listing organisations	Commission Decision 2009/712
importation from third countries	Council Directive 94/28
pedigree certificates	Commission Decision 89/503 and Commission Decision 96/510
approved organisations	Commission Decision 2009/623 [amending and replacing 2006/139]