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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Draft Regulation of the European Parliament and of the Council on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof and amending Regulation (EU) No 652/2014, Council Directives 89/608/EEC and 90/425/EEC and repealing certain acts in the area of animal breeding ('Animal Breeding Regulation') (first reading) - Adoption of the legislative act (LA + S) = Statements

Statement by the Commission

The Commission underlines that it is contrary to the letter and to the spirit of Regulation 182/2011 (OJ L 55 of 28.2.2011, p. 13) to invoke Article 5, paragraph 4, second subparagraph, point (b) in a systematic manner. Recourse to this provision must respond to a specific need to depart from the rule of principle which is that the Commission may adopt a draft implementing act when no opinion is delivered. Given that it is an exception to the general rule established by Article 5, paragraph 4, recourse to second subparagraph, point (b) cannot be simply seen as a "discretionary power" of the Legislator, but must be interpreted in a restrictive manner and thus must be justified.

Statement by Hungary

In principle Hungary welcomes the review of the current legislation on zootechnics.

Hungary notes that on a technical level the text of the proposal on the regulation has improved significantly during the expert discussions in the Council and in this respect appreciates greatly the work of all presidencies dealing with this file.

However while Hungary agrees with the intention to update the legislation in this field, this exercise should focus on developing harmonised rules for additional species, and must not result in the breakdown or weakening of well-functioning structures within Member States. Hungary underlines that a directive is and would remain suitable for this purpose, a regulation however would not. Hungary is also of the view that in this field Union law should put more emphasis on the protection of biodiversity.

For these reasons Hungary cannot support the present proposal on a regulation.

Statement by Germany

The Federal Republic of Germany abstains from voting as the following important points have not been satisfactorily solved:

1. Recognition of breeding organisations

We reject the recognition of breeding organisations in which the breeders have no right to membership, as only the implementation of purebred breeding programmes by breeding societies ensures that the individual breeders can decide on, define and continue to develop the breeding programmes for purebred breeding animals.

Germany believes it is vital for breeders to have direct influence on the breeding programme.

2. Option of conducting performance tests and genetic evaluations (LP/ZWS) at national level as a sovereign task

Germany believes that the enacting section should also provide for the option – as hitherto – of enabling the performance test and the genetic evaluations to be carried out at national level as a sovereign task.

3. Technical reasons for rejecting breeding programmes

It should only be possible to reject a breeding programme if the approval of a further breeding programme for the same – already endangered – breed would result in a threat to the population of this breed.

Statement by the Slovak Republic

Slovakia understands the reasons for adoption of harmonised rules for the market in breeding animals and their germinal products and appreciates the effort made by all the Presidencies concerned to improve the proposal by taking into consideration all the technical concerns of the Member States. Nevertheless, Slovakia is afraid that the new regulation will cause some serious problems and adversely affect the existing system and organisation of breeding activities in Slovakia. The breeders' organisations and other breeding organisations involved as well as the whole structure of the breeding system in Slovakia are based on long tradition and are organised on high professional level. After adoption of the proposal the stability of this organisation structure of breeding activities could be seriously threatened. The proposal for a regulation also introduces significant liberalisation of breeding activities in the Union which may negatively affect some Member States in terms of their dependency on the import of breeding animals and their germinal products. In addition, Slovakia assumes that the competent authorities of the Member States should have stronger decision-making power regarding the carrying out of breeding programmes in their territories by breeders' organisations which are established and recognised in other Member States. It is important that genetic diversity is also preserved in the case of the widely-reared commercial breeds, in the form of individual breeding programmes carried out in each Member State and supervised by its competent authorities.

Consequently, after thorough consultations with the representatives of the operators in the animal breeding sector in Slovakia and careful consideration of all the positive and negative aspects of the new harmonised rules, Slovakia cannot support the proposal.