

COMMUNIQUE FROM THE SPANISH MINISTRY OF ENVIRONMENT, AND RURAL AND MARINE RESOURCES ABOUT THE MANAGEMENT OF THE PRE STUD BOOK

(You can also consult the text (in Spanish) at the following web site:
http://www.mapa.es/gabinete/nota.asp?codi=28022_AH281009)

With the appearance of news regarding the existence of unofficial registration books for the PRE and to clarify certain issues that are causing comments that fail to meet reality, and in an effort to protect the PRE and to avoid problems for breeders, the Ministry of the Environment, and Rural and Marine Resources (MARM) would like to clarify the following:

IN RELATIONSHIP WITH P.R.E MUNDIAL AND OTHER PRIVATE REGISTERS

The PRE horse is an indigenous Spanish breed from the Official Catalog of Livestock Breeds in Spain and therefore is the genetic heritage of the Spanish State and of breeders and owners.

The only, official recognized PRE Stud Book is the Stud Book that is currently handled and managed by the association ANCCE, after being officially recognized by this Ministry to handle the said Stud Book, according to current national and European legislation and based on the criteria approved by the MARM.

The fact that ANCCE or any other organization handles the Stud Book does not hinder the establishment of regulations and criteria for the breed, which the EU considers the "Book of Origins," but continues to belong to, as has always been case, the [Spanish] State, in this case to the MARM.

The UE legislation establishes the requirement that the associations that handle the Stud Book must follow the principals establish for the book of origin of the breed, whose basic precepts are regulated and approved by this Ministry and are stated in the legislation and published in the Official State Gazette (BOE) and must be complied with and respected by ANCCE and any other association that might handle the Stud Book for the breed.

This Ministry has only officially recognized ANCCE to handle the PRE Stud Book and denies any authority of other registrars undertaken outside the scope of competence regulated by the legislation of Spain.

The passports issued for horses by associations that are not officially recognized, such as PRE Mundial or under other names, will have no official legitimacy for this breed.

National and European legislation allows for the concurrence of associations that handle the same breed, and therefore, other associations could handle the PRE Stud Book, insomuch as these associations have legal representation, comply with certain requirements, do not threaten the breed improvement program or their function and obtain legal recognition to undertake this said management. In any event, the current legislation does not allow nor does it regulate the creation of private registrars.

Therefore, the current Royal Decree 2129/2008, dated the 26th of December, which establishes the National Program for conservation, improvement, and promotion of livestock breeds, states that the second or successive associations applying for official reorganization of the breed Stud Book, must respect the specific rules of said book and the improvement program, approved officially for that breed by the competent authority.

Furthermore, this legislation also regulates the databases for each association and the information must be sent to the MARM National Information System, foreseeing that in the case that there is more than one officially recognized association for the same breed, the information that corresponds to the Stud Book and to the improvement program must be integrated into a

single database, handled by one of the organizations, by a second degree association or by a public or private agent designated by them and in accordance with the competent authority, so that there is a single database for the breed, as a fundamental mechanism to guarantee the preservation and improvement of the breed.

COMPLIANCE OF SPANISH LEGISLATION WITH EU LEGISLATION REGARDING EQUINE ZOOTECNICAL REGULATIONS

The European Commission sent a subpoena to Spain, asking for information regarding the application in Spain of the European zootechnical regulations for equines and the recognition of ANCCE to handle the PRE Stud Book.

This is standard procedure when the EU Commission has questions regarding the implementation or application of European legislation in any member State, before issuing a verdict or taking any action, if necessary, by the Commission.

Spain has already sent a complete and explanatory report in due process, to respond to the queries and doubts of the Commission and to demonstrate that Spain acted in accordance with European legislation in the aspects which are commented below.

The current legislation establishes that when there is an association that is officially recognized to handle the Stud Book, the second or following applicants must comply with, amongst other things, a specific requirement by which the said organization has a combined number of breeders and animals. The European Commission has requested an explanation about the relationship between this requirement and the reasons for denial, already foreseen in the European legislation.

It must be noted that without the existence of a minimum number of breeders integrated into an association or organization seeking official recognition, the said association could not be feasible from the economical point of view nor operate to fulfill its objectives or to handed to Stud Book, and especially for the correct function of the preservation or improvement programs for the breed in question and it is essential to have a diverse number of breeders that would allow a correct and reliable usage of the gene pool, taking into account the different environmental factors.

The second aspect that has warranted answers refers to the technical-judicial concepts of the PRE Book of Origins (an intermediary concept or not directly defined in the European legislation which only deals with the equine species).

We understand that the Book of Origin is composed of any specific legislation for the breed and by all the genealogies and related animal date which is registered in that book. In the case of the PRE, the Book of Origin belongs to the MARM and the Stud Book is handled by ANCCE, the only officially recognized association.

Spain holds that the PRE, as many other indigenous breeds, is part of its heritage and of its own diverse genes, whereas no private body may define its regulations. We cannot overlook the possibility that there may be more than one association handling the Stud Book for the same breed, according to the European legislation, and therefore offers greater legal guarantees that the State approves and publishes the said criteria, in which the basic regulation for each breed is established, with the participation of breeder associations, independently of whether or not they have the right to handle the Stud Book.

Therefore, it is the inalienable competence and responsibility of the State to have an efficient regulation and plan for its genetic heritage, fundamentally for its indigenous breeds. This situation has led many countries, amongst them Spain, to establish National Programs for the preservation, improvement, and promotion of the various livestock breeds.

In the case of the PRE, the only Stud Book managed by an association that has been officially recognized by the Spanish State is, at this point in time, ANCCE and there has been no other private association that has created a Stud Book, other than the Stud Book that been launched, promoted, and managed, for some time, by the State, which was recently transfer from the Spanish Ministry of Defense to the breeding sector, through the MARM.

This information has been recently sent to the European Commission, to show that ANCCE is the only association that officially handles the PRE Stud Book, and that the Spanish State is in charge of establishing the principal regulations for the Book of Origin, which does not carry any effective changes in the current situation, procedures or management of the current PRE, but clarifies the doubts that have arisen in terms of the interpretation of the concept of the Book of Origin.

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