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HEALTH AND CONSUMERS DIRECTORATE-GENERAL

Directorate G - Veterinary and International Affairs Unit G2 - Animal
Health

Brussels
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Subject: Role and function of the Lipizzan International Federation

Dear Mrs Krutzler,

Thank you for your letter of 27 May 2013 by which you inquire about the role and function of the Lipizzan International Federation (LIF) within the framework of Union legislation on zootechnics, the studbook of the origin of the Lipizzaner breed and imports into the Union of pure-bred horses for breeding.

A detailed reply to your inquiry is provided in the Annex to this letter.

Yours sincerely,

Head of Unit

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Annex

1. The Lipizzan International Federation (LIF) is an umbrella organisation not falling within the scope of European Union (EU) zootechnical legislation, in particular Council Directive 90/427/EEC¹ and Commission Decision 92/353/EEC².

In accordance with Decision 92/353/EEC it is the responsibility of the competent authority in the Member States to approve or recognise breeding organisations or breeders' associations which establish or maintain studbooks. Those approved or recognised organisations are to set out the principles referred to in the Annex to that Decision; in particular the studbook of the origin of the breed shall establish the principles referred to in the six indents of point 3(b) of the Annex to that Decision.

In less formal words, the approval of a breeding organisation consists of the approval of its structural and organisational prerequisites and of the breeding programme it intends to carry out on a defined breeding population.

The studbook of the origin of the breed (hereinafter synonymously called "mother studbook") is a unique feature in EU zootechnical legislation only for equidae. The responsibility of mother studbook is legally defined and includes to lay down the principles referred to in the six indents of point 3(b) of the Annex to Decision 92/353/EEC. More important is to specify the limitations of a mother studbook, which cannot verify the compliance with its principles by the "daughter studbooks", i.e. studbooks following the principles established by the mother studbook, cannot inspect other studbooks, cannot withdraw the approval etc., all these control measures can only be carried out by the competent authority.

An umbrella organisation such as the LIF may of course assist in preserving the breed by moderating the dialogue between the approved organisations in the EU, following in the case of the Lipizzaner two different mother studbooks, and those organisations in third countries which follow the principles set out by the studbook of the origin of the breed which are either recognised and listed in accordance with Council Directive 94/28/EC¹ or are not listed by the Commission. While this may constitute a lot of work and responsibility for the LIF, it also outlines the limitations within the EU legal framework.

The LIF has even less authority in EU zootechnical legislation than the mother studbook. It can only communicate to the third country Lipizzaner breeding organisations the principles laid down by the mother studbook. The LIF cannot prevent the approval of more than one breeding organisation for Lipizzaner in a Member State, although it may accept only one of them as a member. It cannot autonomously interfere with the approved breeding programmes, the so called principles, of Lipizzaner breeding organisations approved in Member States, although it may influence the breeding programme of the mother studbook in close collaboration with the daughter studbooks and subject to approval by the competent authority.

¹ Council Directive 90/427/EEC of 26 June 1990 on the zootechnical and genealogical conditions governing intra-Community trade in equidae (OJ L 224, 18.8.1990, p. 55).

² 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 (OJ L 11, 11.7.1992, p. 63).

³ Council Directive 94/28/EC of 23 June 1994 laying down the principles relating to the zootechnical conditions applicable to imports from third countries of animal, their semen, ova and embryos, and amending Directive 77/504/EEC on pure-bred breeding animals of the bovine species (OJ L 178, 12.7.1994, p. 66).

As a consequence, the membership of Lipizzaner breeding organisations in the LIF, including those approved in Member States, is completely voluntary and exclusively subject to the constitution of the LIF to which the organisations sign up, it cannot overrule any of the decisions taken by the competent authority.

2. The Commission has no mandate to recognise or approve breeding organisations in Member States, let alone to determine the studbook of the origin of the breed, and cannot influence the principles set out by the mother studbook(s), except where a Member State failed to prevent that such principles were discriminatory or would impede on trade.

In the case of the Lipizzaner breed, first Austria and years after the accession to the EU Slovenia have notified that they have approved a studbook of the origin of the Lipizzaner breed in accordance with Decision 92/353/EEC. This situation is not unique (e.g. Haflinger) and certainly not desired, but also not specifically excluded by current Union zootechnical legislation.

Since the Lipizzaner are not members of the World Breeding Federation under the auspices of which the UELN has become an established industry standard, the unique life number provided for in Commission Regulation (EC) No 504/2008⁴ must be assigned by the competent authority of a Member State to the database recording the issuance of an identification document (three-digit ISO country code + number of database from 001 to 999) in a way that is compatible with the UELN.

EU legislation, and in particular Commission Decision 96/78/EC⁵, focusses on the legal right of entry of a purebred equine animal for breeding in the main section of the studbook of the breed which is established or maintained by an approved breeding organisation. All Lipizzaner which are entered in an approved studbook for that breed that follows the principles set out by the mother studbook have the legal right and are eligible for mutual entry in the main section of any of those studbooks. In the absence of a definition of "breed" in EU legislation and given that the EU legislation requires for horses only one generation for entry in the main section - for cattle 3 generations are the minimum - the breed of an equine animal is defined by the relationship between the mother studbook and her daughter studbooks.

It is our understanding that the legal right of entry in the main section of a studbook for Lipizzaner does not exist where a daughter studbook follows the principles laid down by another mother studbook for that breed. In *sensu stricto* each of the mother studbooks should identify horses entered in the other mother studbook and its daughters as acceptable within a cross breeding programme (Article 1(2) of Decision 96/78/EC) and thus re-establish the legal right of entry.

Breeders of Lipizzaner horses in the EU have the right to request registration of their horses in an approved studbook for that breed of their choice. They may choose a studbook of the breed in another Member State, however that studbook may only accept the request under the conditions that it has rules of procedure that do not discriminate the breeder in other Member States, for example language arrangements, and has notified the

Commission Regulation (EC) No 504/2008 of 6 June 2008 implementing Council Directives 90/426/EEC and 90/427/EEC as regards method for the identification of "9"jd,e (OJ L 140, 7.6.2008, p. 3).

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 (OJ L 19, 25.1.1996, p. 39).

competent authority of the Member State where the breeder keeps his/her animals that it intends to extend its geographical area of activity into that Member State, and this notification was not contested on the grounds listed in Article 2(2) of Decision 92/353/EEC.

On request by the breeder, the Slovenian stud book, as any other approved studbook for that breed, may register Lipizzaner from other parts of the world that fit in the approved breeding programme. In addition, imported Lipizzaner have the legal right of entry in any studbook for that breed approved in the EU, if they come from a breeding organisation listed by the Commission in accordance with Directive 94/28/EC. EU legislation has no provisions for pre-emptive listing of all known horses of the Lipizzaner breed in a single studbook, not least because in accordance with Decision 96/78/EC there are also procedural conditions for the entry into the main section that require the identification as foal at foot and a covering certificate, what has to be ascertained in each individual case.

In the EU, Section II of the passport is the official zootechnical certificate (see Article 8(1) of Directive 90/427/EEC). This section is not the pedigree, because according to studbook rules more generations may be required, but the passport is sufficient to request entry in the main section of the studbook and thus to materialise the legal right of entry.

In accordance with EU legislation, notably Regulation (EC) No 504/2008, the implantation of a transponder is compulsory for foals born after 1 July 2009. Every special mark applied to a horse before that date and in addition (e.g. DNA or brand) has been applied in accordance with studbook rules (see third indent of point 3(b) of the Annex to Decision 92/353/EEC) or national provisions.

EU legislation has not detailed the conditions for performance testing and genetic evaluation of equidae, including for publication of the results. However, when a breeding organisation is being approved, this aspect is part of the evaluation of the application (see points 2(e) and 3(a) of the Annex to Decision 92/353/EEC).

4. Breeding organisations in third countries may be recognised to obtain the same status as those in Member States, i.e. the animals registered in their studbooks have the legal right of entry in the studbook approved for that breed in a Member State, if the procedures laid down in Directive 94/28/EC are followed. However, this does not mean that a pedigree Lipizzaner from a studbook in a third country which is not listed by the Commission for various reasons cannot be entered in an approved studbook in the EU. Such an animal or its genetic material can be imported subject to compliance with the relevant animal health conditions, and may be presented to a studbook in the EU which will verify the information of the pedigree and may decide to enter the animal in the main section according to merits. In this case the breeder of the animal has no legal right of entry but depends on a favourable decision by the studbook and indeed the animal may be refused.