

Ministry of Agriculture,  
Fisheries and Food



General Secretariat  
for Agriculture and  
Food  
Directorate General for  
Livestock  
Sub-Directorate General  
for Animal Husbandry

Ref:

Ref: CAG

Date: 14/12/2007

Subject: Notification of Resolution

To: Mr. Javier Conde Cerrato, President of ANCCE, Cortijo de Cuarto (Cortijo Viejo),  
Bellavista, 41014 SEVILLA

For and on behalf of the Director General for Livestock, the following  
Resolution has been issued this Eleventh day of December in the year Two thousand  
and Seven (2007),

## RESOLUTION

Having had sight of the petition from the ASOCIACIÓN NACIONAL DE CRIADORES DE CABALLOS DE PURA RAZA ESPAÑOLA (the National Purebred Spanish Horse Breeders' Association of Spain) (hereinafter known as "ANCCE"), officially recognized as the said association for the maintenance of the Libro Genealógico del Caballo de Pura Raza Española (the Purebred Spanish Horse Stud Book), in accordance with the stipulations in the Royal Decree 662/2007, dated the 25 day of May, regarding the selection and reproduction of purebred equine livestock, and taking into consideration the following:

## WHEREAS

**FIRST** - That on the Nineteenth day of June in the year Two Thousand and Seven (2007), and under registration number 200700025092, the said petition has been presented before the Sub-Directorate General for Animal Husbandry, in writing, on the Seventh day of June in the year Two Thousand and Seven (2007), together with the Articles of Association of the said association, and all the additional documentation as required by Article 5 of the said Royal Decree 662/2007 of the Twenty-fifth day of May.

**SECOND** - That by means of a facsimile dated the Second day of July in the year Two Thousand and Seven (2007), the Sub-Directorate General for Animal Husbandry required the applicant to submit all relevant information regarding the position and qualifications of each of the those contracted by the Association, more especially the knowledge and training in the subject of Zootechnology of the Technical

Director of the Stud Book, in addition to the accreditation of the zootechnical and veterinarian resources to perform the analytical controls by their own or other authorized means, and the previous documentation presented, in the form of a simple photocopy, with the original or a legally notarised copy.

**THIRD** – That the ANCCE presented the said documentation on the Twelfth day of July.

**FOURTH** – That the corresponding facsimile from the Sub-Directorate General for Animal Husbandry, dated the Seventeenth day of August in the year Two Thousand and Seven (2007), communicated the said petition to the CONDEFERACIÓN ESPAÑOLA DE ORGANIZACIONES DE CRIADORES DE CABALLOS (the Spanish Confederation of Organizations of Horse Breeders) with the Official Breed Stud Book (CECCA), the FEDERACIÓN DE ASOCIACIONES DE GANADO SELECTO (Federation of Select Livestock Associations) (FEAGAS), the FEDERACIÓN DE ASOCIACIONES DE GANADEROS DEL CABALLO ESPAÑOL (the Federation of PRE Breeder's Associations) (FENACE), the UNIÓN DE CRIADOS DE CABALLOS ESPAÑOLES (the Union of Spanish Horse Breeders) (UCCE) and the UNIÓN DE CRIADOS DE CABALLOS DE PURA RAZA (the Union of Purebred Horse Breeders) (UCCPR), to appear in person in all three cases and to present the documents or formulate the allegations as deemed appropriate.

**FIFTH** – That UCCE have presented themselves and requested and obtained a copy of the petition.

**SIXTH** – That on the Fifth day of September, with postmark dated the Thirty-first day of September and with the Ministry Receipt Registration Number 200700034616 have received submitted in writing from the UCCE, dated the Thirtieth day of August, lodging allegations against the petition of the ANCCE and requesting that the ANCCE petition be made inadmissible, and their petition subsequently denied, as well as the maintenance of the Stud Book for the SERVICIOS DE CRÍA CABALLAR Y REMONTA DEL MINISTERIO DE DEFENSA (the Horse Breeding Services of the Ministry of Defence).

**SEVENTH** – That having received written communication from FENACE, on the Thirty-first day of August, with a postmark of the same date, and received in this Ministry on the Fifth day of September, with Receipt Registration Number 200700034616, in which the said organization adheres to the allegations and petitions made by UCCE.

**EIGHTH** – That having received written communication from FEAGAS, on the Twentieth, and received in the Sub-Directorate General for Animal Husbandry on the Fifth day of September, with Receipt Registration Number 1385, in which the said organization expresses its full approval with the ANCCE petition.

**NINTH** – That on the Eighteenth day of September in the year Two Thousand and Seven (2007), the corresponding hearing was held with the interested parties.

**TENTH** – That on the Fifteenth day of September, with postmark dated the Ninth day of October, and Receipt Registration Number 1606 at the Sub-Directorate General for Animal Husbandry, a written petition from UCCE, dated the Ninth day of October was received, formulating allegations against the ANCCE petition, and which requests that the authorization to handle the PRE Stud Book be denied, as it fails to be consistent with the petition, and furthermore declaring the illegality of the resolution dated the First day of March in the year Two Thousand and Seven (2007), by which the right and responsibility of maintaining the PRE Stud Book was granted to ANCCE, a matter that is currently “*sub judice*,” and that the Royal Decree 662/2007 has been legally appealed, and that the recognition is not in accordance with EUROPEAN UNION rules.

**ELEVENTH** – That no other association other than ANCCE has requested authorization to maintain the PRE Stud Book, in accordance with Royal Decree 662/2007, dated the Twenty-fifth day of May.

**TWELFTH** – That the Sub-Directorate General for Animal Husbandry has proposed the assessment of the petition.

## LEGAL GROUNDS

**I.** That this Directorate General is competent for the resolution of the petition, in accordance with the precepts established in Articles 4.1 and 6.1a) of Royal Decree 662/2007, dated the Twenty-fifth day of May, in relation to Article 7 of Royal Decree 1417/2004, dated the Eleventh day of June, by which the basic organic structure of the Ministry of Agriculture, Fisheries and Food are established, in terms of the abovementioned purebred equine breed, for the purposes set forth in the aforementioned Royal Decree 662/2007 dated the Twenty-fifth day of May.

**II.** That upon examining the documents provided by the petitioner, it has been confirmed that it complies with the mandates established by Royal Decree 662/2007 dated the Twenty-fifth day of May.

**III.** That the allegations made by UCCE (and supported by FENACE) must be denied, therefore the petition by ANCCE must be allowed, there being no requirements of inadmissibility, and it complies with all the requirements demanded by the legislation. More specifically, the regime foreseen in Royal Decree 662/2007, dated the Twenty-fifth day of May, which established the extinction of the concession granted through a legal Resolution from this office on the First day of March in the year Two Thousand and Six (2006), according to the provisions to that effect in the Second Transitory Article (of the said Resolution), once official recognition has been granted, according to the terms of European Union Law, which in Spain’s legal framework has the stature of an administrative authorization. On the other hand, in the terms of the Decision 92/353/CEE, made by the Commission, dated the Eleventh day of June in the year Nineteen Hundred and Ninety-two (1992), by which the criteria for the authorization or the recognition of the organizations and associations that maintain, or create stud books for registered equines, determines the need for official recognition,

that is not in the power of the Administration, if it complies with the requirements of the appendix, which have been listed in Article 5 of Royal Decree 662/2007, dated the Twenty-fifth day of May, and which have been verified in this procedure, always bearing in mind, in this particular case, those aspects referring to the Stud Book of origin, are listed in the current legislation, specifically in Chapter IV of the said Royal Decree, in Order APA/3319/2002, dated the twenty-third of December, which establishes the Zootechnical rules for Purebred Spanish Horses, and in Order APA/1018/2003, dated the Twenty-third day of April, which establishes the basic requirements for the selection schemes and performance controls for genetic evaluation of pure bred equines, or as may be the case, those that are officially approved in accordance with the provisions of the current legislation, and which, therefore, must be respected by ANCCE or any other organization that may obtain official recognition to maintain the PRE Stud Book.

In addition, in terms of the allegations made by UCCE of the illegality of the resolution dated the First day of March in the year Two thousand and Six (2006), to grant ANCCE the right and responsibility of maintaining the Stud Book, and Royal Decree 662/2007, dated the Twenty-fifth day of May, the need to apply the current legislation must be taken into consideration, and the presumption of validity of the administrative actions, as well as the legality of the rules until there has been a court ruling.

**IV.** That, in terms of the willingness, demonstrated by ANCCE in the Ninth clause of their petition to present proposals for the “usage and limiting of natural and assisted reproduction methods,” this Ministry cannot, at this point in time, make any declarations, and must therefore wait, as may be the case, for the formulation or not of specific proposals by ANCCE to enable evaluation and issue the corresponding ruling.

**V.** The procedure of the petition has followed the established procedures.

Based on all of the above, having taken account of Law 30/1992, dated the Twenty-sixth day of November, of the Legal Framework for Public Administrations and Common Administrative Procedure, Royal Decree 662/2007, dated the Twenty-fifth day of May, and other applicable general and specific rules,

## **DECLARE**

**First** – To officially recognize that, based on the directives of Article 4 of Royal Decree 662/2007, dated the Twenty-fifth day of May, on the selection and reproduction of pure bred equine livestock, the National Purebred Spanish Horse Breeders’ Association of Spain (ANCCE) has the right and responsibility of maintaining the Purebred Spanish Horse Stud Book.

**Second** – Agree to include the aforementioned organization in the Register established in Article 13 of Royal Decree 662/2007, dated the Twenty-fifth day of May.

**Third** – In accordance with the provisions of the Second Transitory Article of Royal Decree 662/2007, dated the Twenty-fifth day of May, do hereby declare the administrative concession granted to ANCCE through a Resolution by this Directorate

General on the First day of March in the year Two thousand and Six (2006) to be cancelled with effect from the date of the notification of this Resolution, for the provisions of the First Additional Article of Royal Decree 1113/2002, dated the Thirty-first day of October, which regulates pure equine breeds, the legal framework of the stud books, breeder associations and the Zootechnical characteristics of the various breeds.

**Fourth** – The suitable actions will be undertaken for the appropriate compliance with this Resolution by the Sub-Directorate General for Animal Husbandry.

**Fifth** – In accordance with the provisions of Article 57.3 of Law 30/1992, dated the twenty-sixth of November, and with the concurrence of the requirements of the said established precept, this document will be effective from the day of its signature.

Whereas I set my hand and seal this ..... day of ..... in the year Two Thousand and Seven.

The Sub-Directorate General for Animal Husbandry