

EXECUTIVE SUMMARY SHEET

Proposing Ministry/Body	Ministry of Agriculture, Fisheries and Food/Directorate-General for Agricultural Production and Markets	Date	24-03-2025
Title of the Regulation	Royal Decree amending Royal Decree 505/2013, of 28 June 2013, regulating the use of the 'native breed' logo on products of animal origin.		
Type of report	Normal <input checked="" type="checkbox"/> Abbreviated <input type="checkbox"/>		
TIMELINESS OF THE PROPOSAL			
Subject	This Regulation amends several provisions of Royal Decree 505/2013 of 28 June 2013, which regulates the use of the 'native breed' logo on animal products.		
Objectives	To promote the use of the native breed logo, which makes it possible to recognise products from native breeds in the labelling thereof, and thus promote the sustainability of the agri-food sector and the conservation of native livestock resources.		
Main alternatives considered	Since it concerns the amendment of several of the provisions of Royal Decree 505/2013 of 28 June 2013, regulating the use of the 'native breed' logo on products of animal origin, it is not possible to offer assessments on alternatives other than the application of this standard.		
CONTENT AND LEGAL ANALYSIS			
Type of regulation	Royal Decree amending Royal Decree 505/2013 of 28 June 2013 regulating the use of the 'native breed' logo on products of animal origin.		
Structure of the Regulation	Explanatory notes in the preamble and a single article.		

Reports collected	The following reports will be collected: <ul style="list-style-type: none">• Report from the Department's General Technical Secretariat• Report of the Ministry of Territorial Policy on the alignment of the draft with the constitutional distribution of powers• Prior approval of the Ministry of Finance.• Report from the Office of Coordination and Regulatory Quality, Ministry of the Presidency, Justice and Parliamentary Relations.• Report of the Interministerial Commission for Food Management (CIOA)• Technical regulations• As well as the opinion of the Council of State.	
Hearing process	Prior public consultation, consultation with the autonomous communities and the sector, and public hearing and information procedures.	
IMPACT ANALYSIS		
COMPLIANCE WITH THE DISTRIBUTION OF POWERS	This Royal Decree is issued under the provisions of Article 149(1)(13 and 16) of the Constitution, which grants the State exclusive jurisdiction over the bases and coordination of general planning of economic activity, and the bases and general coordination of health, respectively.	
ECONOMIC AND BUDGETARY IMPACT	General impact on the economy.	It has no relevant effects
	With regard to competition	<div><input checked="" type="checkbox"/> X the Regulation has no significant impact on competition.</div> <div><input type="checkbox"/> the Regulation has a positive impact on competition</div> <div><input type="checkbox"/> the Regulation has a negative impact on competition</div>

	With respect to administrative burdens	<input type="checkbox"/> Entails a reduction in administrative burdens. Estimated quantification: <input type="checkbox"/> Incorporates new administrative burdens. Estimated quantification: <input type="checkbox"/> X Does not affect administrative burdens.
	With respect to budgets, the Regulation: <input type="checkbox"/> Affects the budgets of the State Administration. <input type="checkbox"/> Affects the budgets of other territorial administrations	<input type="checkbox"/> involves an expense: <input type="checkbox"/> Involves an income. IT DOES NOT AFFECT THE BUDGETS OF THE GENERAL STATE ADMINISTRATION OR OTHER TERRITORIAL ADMINISTRATIONS
GENDER IMPACT	The Regulation has the following gender impact:	Negative <input type="checkbox"/> None X Positive <input type="checkbox"/>
OTHER IMPACTS CONSIDERED	No impact on family or children, nor on equal opportunities, non-discrimination and universal accessibility for persons with disabilities. In addition, the process of drafting this Regulation took into account the principles set out in Law 20/2013 of 9 December 2013 on a market unity guarantee, such as the necessity and proportionality of the Regulation.	
OTHER CONSIDERATIONS		

REPORT ON THE REGULATORY IMPACT ANALYSIS OF THE DRAFT ROYAL DECREE AMENDING ROYAL DECREE 505/2013 OF 28 JUNE 2013 REGULATING THE USE OF THE 'NATIVE BREED' LOGO ON PRODUCTS OF ANIMAL ORIGIN.

I. INTRODUCTION

This report was prepared in accordance with Article 26(3) of Law 50/1997 of 27 November, The Government, and Royal Decree 931/2017 of 27 October 2017 governing Regulatory Impact Analysis Reports.

The draft process began on 1 October 2024, with the prior public consultation running up to 15 October 2024.

II. TIMELINESS OF THE PROPOSAL

a) Rationale.

As one of the policies to transform the EU's economy for a sustainable future, the European Green Deal envisions the design of a fair, sustainable, healthier, and more environmentally friendly food system that is accessible to all.

The 'Farm to Fork' strategy, which builds on the previous strategy, aims to evolve the current EU food system towards more sustainable food consumption and healthy diets in Europe. This sustainability encompasses environmental, social as well as economic objectives.

Livestock farming must continue to contribute to the supply of foods of animal origin to the population, taking on new challenges such as moving toward sustainability. In order to achieve this objective, native breeds are a non-negotiable resource, since they are exploited in extensive production systems with low live-stock loads and fully integrated into unique ecosystems, such as the pasture, the mountain or stubble fields, thus shaping the productive landscape and the cultural identity of each region. It is noteworthy in turn, that this type of livestock production, on numerous occasions, results in obtaining high quality products. The native breeds are therefore considered as important population fixation elements in the rural environment, ensuring generational renewal in the countryside and promoting cultural and tourist aspects that allows these areas to obtain wealth. In conclusion, the conservation and sustainable use of native breeds is an activity that fits perfectly with sustainable livestock production, due to its environmental, productive and social values.

Spain has a wide variety of animal genetic resources, a result of our orographic, climatic, and cultural diversity, as well as the passage of the different peoples who have populated the peninsula throughout our long and rich history. Targeted selection has operated on this basis, carried out by small-scale farmers and shepherds over generations, creating breeds that are fully integrated into the ecosystems in which they are raised.

The Official Catalogue of Livestock Breeds of Spain currently includes 166 native breeds and varieties, of which 148 are classified as endangered.

It is the duty of public administrations to ensure the conservation of this heritage, in compliance with which MAPA historically works within the framework of the National Programme for the Conservation, Improvement and Promotion of Livestock Breeds (updated with Royal Decree 45/2019), which establishes the guidelines developed by purebred livestock breeders' associations and the powers of public administrations (Autonomous Communities and MAPA itself) in this matter.

Likewise, and as a fundamental instrument in the policies developed to promote and conserve animal genetic resources, there is a National Programme Development Plan, which lists a series of specific objectives and seven strategic priorities, among which we can highlight number 6, relating to the sustainable use and alternative ways of making breeds and their products profitable. Within the framework of this priority is Royal Decree 505/2013, of 28 June 2013, which regulates the use of the 'native breed' logo on products of animal origin.

The purpose of this Royal Decree is to regulate the voluntary use of the 'native breed' logo on the labelling of products of animal origin. Its implementation has enabled the inclusion of 73 native breeds and more than 7,000 operators in the production, processing, and distribution phases at the current time.

The application of the standard over more than a decade has allowed the accumulation of knowledge and experience that have made it possible to identify possible improvements to facilitate the use of the 'native race' logo by operators and, therefore, to expand their presence in the market. A market in which consumers are increasingly informed and demand greater knowledge about the origin and nature of the products they purchase.

The 'native breed' logo is compatible with other concepts such as designations of origin, geographical indications and organic products, both with recently updated regulatory frameworks (Regulation (EU) 2024/1143 of the European Parliament and of the Council of 11 April 2024 on geographical indications for wine, spirit drinks and agricultural products, as well as traditional specialties guaranteed and optional quality terms for agricultural products, amending Regulations (EU) No 1308/2013, (EU) 2019/787 and (EU) 2019/1753 and repealing Regulation (EU) No 1151/2012 and Regulation (EU) 2018/848 of the European

Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 respectively) which recognise the role of breeds, particularly native or local breeds, in contributing to the sustainability of production systems.

In this context, where the pursuit of sustainable development is a priority, it is appropriate to maintain the 'native breed' logo, adapting it to the needs of the sector to contribute to greater presence and expansion in the markets.

b) Objectives.

This Royal Decree aims, on the one hand, to adapt Royal Decree 505/2013 to the needs of the sector in order to enhance the use of this logo and thus promote the sustainability of the agri-food sector and the conservation of native livestock resources. On the other hand, it aims to adapt Royal Decree 505/2013 to the current regulatory framework at national and Community level, in particular to the regulations establishing the penalty system and to Regulation (EU) 2016/1012 of the European Parliament and of the Council of 8 June 2016 on animal breeding and Regulation (EU) 2024/1143 of the European Parliament and of the Council of 11 April 2024 on geographical indications for wine, spirit drinks and agricultural products as well as traditional specialities guaranteed and optional quality terms for agricultural products, amending Regulations (EU) No 1308/2013, (EU) 2019/787 and (EU) 2019/1753 and repealing Regulation (EU) No 1151/2012.

c) Principles of Good Regulation.

This Royal Decree has been drafted pursuant to the principles of good regulation provided for in Article 129 of Law 39/2015 of 1 October 2015 on the Common Administrative Procedure of Public Administrations. The principles of necessity and effectiveness, given that the Regulation is the most appropriate instrument for the interests pursued, which are to promote the use of the 'native breed' logo and thus promote the sustainability of the agri-food sector and the conservation of native livestock resources; the principle of proportionality since it contains the essential regulation to meet the needs that are intended to be covered by reducing its content to the minimum necessary; and the principle of legal certainty, since it is consistent with the rest of the national and European Union legal order. Moreover, the Regulation is consistent with the principle of effectiveness, to the extent that the Regulation ensures the maximum effectiveness of its premises with the minimum inherent costs in its application, so as to achieve the general interest objectives covered by the Royal Decree.

In application of the principle of efficiency, administrative burdens are limited to the necessary minimum.

As regards the principle of legal certainty, the Regulation contributes to strengthening that principle, since, on the one hand, it is consistent with the rest of the legal system and, on the other hand, it promotes its certainty and clarity.

And compliance with the principle of transparency is met through the participation in the drafting of the Regulation offered to potential recipients.

d) Alternatives.

The non-adoption of a regulatory measure is ruled out, since it is intended to amend Royal Decree 505/2013, of 28 June 2013 regulating the use of the 'native breed' logo on products of animal origin, currently in force, in order to enhance the use of this logo and thus promote the sustainability of the agri-food sector and the conservation of native livestock resources.

e) Regulatory Annual Plan.

This Regulation is not included in this Ministry's 2024/2025 RAP.

III.CONTENT AND LEGAL ANALYSIS

Content.

The draft Royal Decree consists of a preamble and a single article.

The draft Royal Decree introduces updates and amendments aimed at clearly and precisely defining the concepts of labelling and products of native breed.

Regarding the use of the logo, the obligation for associations managing the same breed to form second-level associations has been eliminated. Amendments have been included to provide greater protection for the native breed logo in its use by operators and in advertising activities. In addition, the marketing restriction is removed when there is a Protected Designation of Origin or a Protected Geographical Indication registered in the Community register provided for in Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012, which contains or consists of the name of a native breed, of products labelled with the native breed logo only to operators covered by that Protected Designation of Origin or Protected Geographical Indication, and only on the product that complies with the corresponding specification and covers the native breed product, without undermining the

compatibility of the use of the native breed logo with other labelling systems and without prejudice to Regulation (EU) 2024/1143 of the European Parliament and of the Council of 11 April 2024 on geographical indications for wine, spirit drinks and agricultural products, as well as traditional specialities guaranteed and optional quality terms for agricultural products, amending Regulations (EU) No 1308/2013, (EU) 2019/787 and (EU) 2019/1753 and repealing Regulation (EU) No 1151/2012. Finally, changes are made to the frequency of verification tasks on the correct application of the specifications for use of the native breed logo by the holders of those specifications.

Legal bases

The legal basis is Royal Decree 45/2019, of 8 February, which establishes the zootechnical standards applicable to purebred breeding animals, hybrid breeding pigs and their reproductive material, updates the National Programme for the Conservation, Improvement and Promotion of Livestock Breeds and modifies Royal Decrees 558/2001 of 25 May 2001; 1316/1992 of 30 October 1992; 1438/1992 of 27 November 1992; and 1625/2011 of 14 November 2011, which establishes among the minimum content of the National Programme for the Conservation, Improvement and Promotion of Livestock Breeds, specific measures to promote native breeds and their products, such as Royal Decree 505/2013, of 28 June 2013, which regulates the use of the 'native breed' logo on products of animal origin.

In addition, Article 26 of Law 30/2022, of 23 December, regulating the management system of the Common Agricultural Policy and other related matters, contains the sanctioning regulations in the field of animal breeding, typifying infringements related to the native breed logo.

Entry into force.

The first final provision of the draft establishes that it will enter into force twenty days after its publication in the Official State Gazette.

In that regard, it must also be taken into account that the factual situation of the specific standard laid down in Article 23 of the Law on the Government is not satisfied, since the proposed standard does not impose 'new obligations on natural or legal persons engaged in an economic or professional activity as a result of the exercise of that activity'. The general standard set out in Article 2(1) of the Civil Code, according to which 'Laws shall enter into force on the twentieth day of their full publication in the "Official State Gazette" is therefore applicable, if they do not provide otherwise', the regime of entry into force provided for in the draft being in accordance with the provisions of this legal standard.

IV. PREVAILING JURISDICTIONAL AUTHORITY

This Regulation is issued pursuant to Article 149(1)(13 and 16) of the Spanish Constitution, which respectively assign the State exclusive powers regarding, the bases and coordination of the general planning of economic activity and the basis and general coordination of health care.

The draft respects the doctrine of the Constitutional Court. Thus, with regard to Rule 13, in Judgement 58/2015 of 18 March 2015, Legal basis 2, it is clarified that: 'In general, as has been recognised by constitutional doctrine, the State's competence in the bases and coordination of economic planning is projected onto the livestock subsector, given the recognised and express relationship it has with general economic policy (SSTC 145/1989, Legal basis 5; 158/2011 of 19 October 2011, Legal basis 8 and 207/2011, of 20 December 2011, Legal basis 7). Thus, the Court has held that it is for the State, pursuant to its responsibility for general organisation of the economy, to establish the overall guidelines for the organisation and regulation of the national agricultural market, leaving it to the Autonomous Region to adopt, within the framework of those general guidelines, any measures which are not contrary to them but complementary, concurrent or neutral, in such a way that, if they are aimed at improving the structures of its own agriculture and livestock farming, they do not interfere negatively or distort the general organisation established by the State, instead either aiding it or being innocuous to state organisation. In addition, the Court has recognised the powers of the Autonomous Region to adopt the necessary provisions in addition to European law and to implement and apply community legislation within their territorial scope provided that, *ratione materiae*, the Autonomous Regions have such powers and do not exceed the boundary established by community and basic national or coordinating legislation (STC 104/2013 of 25 April 2013, Legal basis 5).

There is no history of conflict in this area.

V. DESCRIPTION OF THE PROCEDURE.

This provision is processed in accordance with Article 26 of Law 50/1997 of 27 November.

The prior public consultation indicated in Article 26.2 of Law 50/1997 of 27 November 1997, The Government, was carried out between 1 and 15 October 2024.

Furthermore, the report of the Technical General Secretariat of the Department is available (Article 26.5, fourth paragraph, of Law 50/1997 of 27 November 1997), as is the report of the Ministry of Territorial Policy on the conformity of the draft to the order of constitutional distribution of powers (Article 26.5, sixth paragraph, of Law 50/1997 of 27 November 1997) and the report of AESAN, through the Ministry of Social Rights, Consumer Affairs and 2030 Agenda (Article 26.5(1) of Law 50/1997 of 27 November 1997).

The public hearing and information processes and direct consultation with the Autonomous Communities and the sector have been conducted, as provided for in Article 26.6 of Law 50/1997 of 27 November 1997.

The following reports are expected to be collected:

- Prior approval of the Ministry of Finance.
- Report from the Office of Coordination and Regulatory Quality, Ministry of the Presidency, Justice and Parliamentary Relations.
- Report of the Interministerial Commission for Food Management (CIOA)
- Technical regulations

Finally, the Council of State will be asked for an opinion.

6. IMPACT ANALYSIS.

6.1. Economic impact.

6.1.a) Overall economic impact

This analysis is carried out for the purposes provided in Article 26(3)(d) of Law 50/1997 of 27 November 1997 and Article 2(1)(d)(1) of Royal Decree 931/2017 of 27 October 2017.

The standard therefore lacks general economic impact, although it is intended to promote the use of the native breed logo, offering the possibility of distinguishing products derived from these breeds in the market, which could mean greater added value for their breeders.

6.1.b) Impact on market competition

The draft has no effect on market competition as it does not introduce elements that distort competition in the market, does not involve restrictions on new entrants and does not limit the freedom of operators to compete.

6.1.c) *Impact on the single market*

This standard does not affect Law 20/2013 of 9 December 2013 on the guarantee of the single market and does not involve restrictions on new operators.

6.2. Budgetary impact.

The analysis of this aspect is carried out pursuant to Article 26(3)(d) of Law 50/1997 of 27 November 1997 and Article 2(1)(d)(2) of Royal Decree 931/2017 of 27 October 2017.

a) Budgetary expenditures:

The draft does not involve budgetary expenditures for the General State Administration.

b) Financing of budget expenditures:

Not applicable

d) Indicators.

Not applicable

e) Revenues.

The draft does not affect the revenue of the General State Administration.

f) Other expenses.

The draft does not affect the staff expenditure of Public Administrations, nor allocations, remunerations or any other expenditure of a similar nature.

g) Other Administrations.

The draft does not affect the budgets of other Territorial Administrations.

6.3. Analysis of administrative burdens.

The burdens are analysed in accordance with Article 26(3)(e) of Law 50/1997 of 27 November 1997 and Article 2(1)(e) of Royal Decree 931/2017 of 27 October 2017.

Administrative burdens refer to all administrative tasks to be carried out by businesses or citizens in order to comply with the obligations derived from the Regulation.

As regards the possible creation of such burdens by the draft, Article 2(1)(e) of Royal Decree 931/2017 of 27 October 2017 governing regulatory impact analysis reports requires the text of this document to include 'identification and measurement of said administrative burden'.

Consequently, an analysis of the impact of the proposal is being carried out, identifying all the burdens that have undergone modifications with respect to those established in the current regulations. It is concluded that, compared to the current regulations, the draft eliminates burdens for holders of the specifications by eliminating the obligation to establish themselves as a second-level entity in the event that several breeder associations manage the same breed. This measure is currently open to 9 breeders' associations that are currently forming 3 secondary associations for the management of the native breed logo.

Furthermore, these burdens for license holders are expected to be reduced by eliminating the requirement for them to conduct semi-annual inspections on all operators authorised to use the logo. Instead, it is stipulated that verification visits be conducted regularly and at an appropriate frequency, determined based on the risk of non-compliance, prioritising newly created or incorporated operators, those that had a deficiency in the previous year, and those operators that have not been inspected in the last five years. At least 20% of authorised operators must be covered annually, thus reducing the burden on licence holders to one-tenth.

6.4. Gender impact.

The purpose of gender impact reports is to analyse and assess the potential results of adopting the Regulation from a perspective of suppressing inequalities and the regulation's contribution towards achieving the objectives of equal opportunities and equal treatment for women and men based on baseline indicators, expected results and the expected impact. The gender impact report is a basic tool for collecting information on social realities, from a gender perspective, for all citizens affected by the Regulation, in order to identify and assess the various effects that seemingly neutral regulatory provisions could have on women and men and, ultimately, to identify any potential existing inequalities and the possible effects of the proposed regulation on both sexes.

With regard to the gender impact analysis of this draft, in accordance with the provisions of Article 19 of Organic Law 3/2007 of 22 March 2007 for effective equality between women and men and Article 26(3)(f) of Law 50/1997 of

27 November 1997, we must start from the fact that the legislation aims to introduce amendments to Royal Decree 505/2013 of 28 June 2013 regulating the use of the 'native breed' logo on products of animal origin, to adapt it to the needs of the sector in order to enhance the use of this logo and thus promote the sustainability of the agri-food sector and the conservation of native livestock resources.

Thus, the draft does not provide for any actions with either a direct positive or negative gender impact. Therefore, initial inequalities are deemed not to exist with regard to equality of opportunity and treatment between women and men, and the draft does not provide for any change in this situation._

Ultimately, for the purposes of Article 26(3)(f) of Law 50/1997 of 27 November 1997, The Government, and Article 19 of Organic Law 3/2007 of 22 March 2007 on effective equality between women and men, the draft has no gender impact.

6.5. Impact on the family

The tenth additional provision of Law 40/2003 of 18 November 2003 on the protection of large families requires analysis of the impact of the draft Regulation on families. It is not considered that any impact may be deduced from its contents in this regard, and therefore the impact on families should be classified as zero.

6.6. Impact on childhood and adolescence

Pursuant to the provisions of Article 22(d) of Organic Law 1/1996 of 15 January 1996 on the legal protection of minors, the partial amendment of the Civil Code and the Civil Procedure Act, as amended by Law 26/2015 of 28 July 2015 amending the system for the protection of children and adolescents, it is necessary to analyse the impact of the Regulation on children and adolescents, the conclusion being that no such impact can be inferred from its contents and that the impact must therefore be classified as zero.

6.7. Environmental impact

This Royal Decree has no environmental impact.

6.8. Other impacts.

Finally, in accordance with Article 26(3) *in fine* of Law 50/1997 of 27 November 1997 and Article 2(1)(g) of Royal Decree 931/2017 of 27 October 2017, there are no impacts on equal opportunities, non-discrimination and universal accessibility for persons with disabilities;

VII. IMPACT DUE TO CLIMATE CHANGE.

Based on its content, the impact of this draft, in terms of climate change mitigation and adaptation, is zero.

EX POST EVALUATION

Pursuant to the provisions of Article 28(2) of the Government Law, Articles 2(5) and 3 of Royal Decree 286/2017 of 24 March 2017 regulating the Annual Regulatory Plan and the Annual Report on Regulatory Evaluation of the General State Administration and establishing the Regulatory Planning and Evaluation Board and Article 2(1)(j) of Royal Decree 931/2017 of 27 October 2017, this Regulation is not considered to be subject to evaluation since none of the legal assumptions provided render this evaluation compulsory.

Wednesday 24 March 2025.