



Minutes

Meeting	EEF EU-Committee Meeting
Date	19 March 2018
Time	11h00 – 16h30
Location	EEF/BEL NF office, Belgicastraat 9, Box 2, 1930 Zaventem, BEL
Chair	Bo Helander
Minutes	Carina Mayer

Participants	
Bo Helander	Chair
Frank Spadinger	Member
Catherine Bonnichon	Member
Jacky Buchmann (excused)	Member
Klaus Miesner (excused)	Member
Invited	
Hanfried Haring (excused)	President
Mark Wenten	Chairman EHN
Carina Mayer	Secretary General

Pt.	Topic	Annex
1	EU Commission decision against the International Skating Union (ISU)	X
2	European Court of Justice Decision in 2016 with regards to prize-money in horse racing & its effect on equestrian sport	X
3	EC proposal on VAT rates	X
4	Movement of horses in the EU: Veterinary issues in Romania and Turkey	X
5	HGV driver rules in the EU & its effect on equestrian sport	X
6	EHN Update: <ul style="list-style-type: none"> - Consumer sales - Identification - Veterinary products - Etc 	
7	AOB	

1. EU Commission decision against the International Skating Union (ISU)

BH provides a summary of the current status related to this subject. The EEF is tasked to investigate whether or not the ISU intends to appeal against the EU Commission's decision (*note: It was confirmed at the EU Sports Forum held in Bulgaria on 23 March 2018 that the ISU has submitted an appeal*). The Committee recommends that Equestrian as a whole (ie through the EHN) should make an effort to explain to the European Parliament the potential risk that is attached to the outcome of this decision (good governance, integrity, transparency, etc). It is absolutely necessary to maintain a balance between organized sport for the community vs sport organized by commercial companies and the core values of sport have to be kept, in particular with regards to our responsibility towards the horse.

It is agreed that the final outcome of this case shall be closely monitored and focus should be put on good governance in order to restore trust in the sports sector.

2. European Court of Justice Decision in 2016 with regards to prize-money in horse racing & its effect on equestrian sport

The European Court of Justice decided in its judgment of 10 November 2016 (C-432/15) in the Bastova case under Czech law that "profit-related" amounts of money are not subject to VAT. The reasoning of the ECJ is basically that the uncertainty of the payment which depends on "winning or losing" is not suitable to justify a connection between service (supply of the horse for running an event) and service in return (prize-money). Therefore it can only be a non-taxable service.

The Organizers therefore consider to reduce the prize-money by the "previous" turnover amount in order to avoid rising costs for the event. The German Supreme Tax Court (BFH) in its judgment on professional poker players of 30 August 2017 refers to the aforementioned ECJ judgment. The fiscal authorities have not yet published any opinions on this.

It is agreed that there is indeed a financial risk for European event organizers as a result of the Bastova case. A paper shall be prepared for the FEI Bureau, outlining the problem and asking FEI disciplines to implement this in their rule revision process for 2019 so that a harmonized solution is implemented for all FEI disciplines.

3. EC proposal on VAT rates

Catherine Bonnichon explains the current initiative for the creation of a single EU value added tax area.

In a new VAT system all Member States shall be restricted by the same rules and be granted equal freedom in setting VAT rates. The harmonized and less restrictive rules would enable all Member States, in addition to the two reduced rates of a minimum of five percent and an exemption with deductibility of the VAT paid at the preceding stage currently allowed, to apply another reduced rate between five and zero percent. Instead of

extending the already extensive list of goods and services to which reduced rates can be applied, Annex III shall be replaced by a negative list to which reduced rates cannot be applied.

The new proposal is very favorable for Equestrian sport and EEF member countries shall lobby within their own countries for support of the proposal.

4. Movement of horses in the EU: Veterinary issues in Romania and Turkey

Bo Helander reports on recent veterinary issues in Romania (infectious anemia) and Turkey (Glanders) which led to strong reactions from the EU. In the case of Turkey a six-month ban was imposed by the European Union on 17 January which restricts the importation of registered horses, including FEI horses, from Turkey to any EU territory.

With regards to Romania we are aware of at least Belgium and Italy requiring a 10 day attestation of any horse returning from ROU events. Such horses will have to be fully compliant to 2010/347 (Approved Holding, Coggins test, TRACES etc.). Horses that are not compliant to all the requirements are at risk of being isolated for up to 90 days. This would also be the case for horses that have been in contact with a returning horse that is noncompliant. At the moment the FEI cannot allow competitions in Romania for horses with their origin outside Romania and that are travelling on 10 day attestations. The reason for this is that these horses on their return are at high risk to be considered as non-compliant to EU legislation and therefore could cause massive problems at events and/or in stables. The ROU NF horses that are fully compliant with 2010/347 are considered as low risks and can compete as normal.

The Committee agrees that close attention shall be kept on the review of 2010/347 and that information shall be obtained from the FEI on how exactly the FEI High Performance Horse is being defined. If an FEI passport is a sole criteria for a high performance horse then this would be a problem in the eyes of the EU-Committee. The current initiative towards a full registration of equine movements from one location to another (as supported by the FEI) is considered as a problem by the EU-Committee and Bo Helander shall get in contact with Göran Akerström regarding this subject.

5. HGV driver rules in the EU & its effect on equestrian sport

The EEF has been informed by the GBR NF that the European Parliament at present is putting forward a Mobility Package. Catherine Bonnichon is asked to investigate whether this is the case and provide a detailed reference to the respective regulation, if possible. It is currently a problem that national police is not able to distinguish horse lorries that transport competition horses from those lorries that transport for example slaughter horses. Roly Owens from World Horse Welfare is following such subjects very closely (ie Regulation 1/2005 protection of animals in transport) and shall be contacted by the EEF.

(Note: After the meeting the following information is provided by Catherine Bonnichon on this subject:

The regulation 1/2005 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97 is applicable for animal transport.

The recital 21 refers also to the professional criteria : "Registered Equidae, as defined in Article 2(c) of Directive 90/426/EEC (°), are frequently transported for non-commercial purposes and such transports must be carried out in line with the overall objectives of this Regulation. Having regard to the nature of such movements, it appears appropriate to derogate from certain provisions where registered Equidae are transported for competition, races, cultural events or breeding. However, it is not appropriate to apply such derogation to Equidae transported, directly or after transit through a market or marshalling centre, to a slaughterhouse for slaughter, which in accordance with Article 2(d) and 8(1), second indent of Directive 90/426/EEC, are to be considered as 'Equidae for slaughter'."

The article 1 paragraphe 5 defines the scope of the Regulation: " This Regulation shall not apply to the transport of animals which does not take place in connection with an economic activity and to the transport of animals directly to or from veterinary practices or clinics, under the advice of a veterinarian."

It seems that there are 2 Mobility packages::

- *Europe on the Move; (link)*
- *Clean mobility. (link)*

In addition to the above this is the text adopted last week in the plenary session regarding the proposal for a directive of the European Parliament and of the Council amending Directive 2003/59/EC on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers and Directive 2006/126/EC on driving licences. In accordance to the Commission website, (link) "Following the vote in Parliament, the Council is expected to formally adopt the Directive in June".

Also some news regarding the request of the inquiry committee on the application of Council Regulation (EC) 1/2005 on the protection of animals during transport. An implementing report would have been preferred by the EP Conference of the Presidents.

6. EHN Update:

Mark Wentein provides an update on the following subjects:

- **Consumer sales**
Live animals have been excluded from the scope of the regulation and each country can now make its own regulation (which can be regarded as positive or negative, depending on the perspective).
- **Identification**
Every member should have a central database for the identification of horses but for example GBR and ROU don't have it. Ideally such databases should be in a constant exchange and able to communicate with each other. Currently, however, it is only a

one-way action and European databases are not connected, they are just “islands”. For trotters and thoroughbreds there is an international cooperation of databases. Mark Wentein recommends that equestrianism should think as a sector and questions whether it is good that so many organizations can issue passports. The UELN is still in discussion and the FEI and NFs definitely want to keep it.

- **Veterinary products**

A triologue discussion on this subject has started (with EU-Parliament & EU-Commission & Governments) and a possible adoption can be expected before the end of 2018.

- **Helmet labeling safety measurements 1384-2017**

This has not been published on European level yet, only on national level in some countries.

7. AOB

EHN Manifesto

The EEF EU-Committee proposes the following items to be put forward for the EHN Manifesto:

- promoting horse welfare & responsible horse ownership
- engaging in communication with EU institutions regarding the values of non-profit sport (transparency, good governance, integrity, safety) and emphasizing the need for a healthy balance between commercial & non-profit sport in light of sustainable community development
- engaging continuously in VAT matters related to the equine industry
- contributing to matters related to European transportation of sport & recreation horses
- advocating the concept of the social license & demonstrating the value of the horse for society