



Department  
for Environment  
Food & Rural Affairs

# Consultation on changes to the identification of equines

April 2017



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## Summary of proposals

<b>Purpose</b>	These proposals describe how Defra intends to implement EU Regulation 2015/262 regarding equine identification. This Regulation came into effect throughout all Member States on 1 January 2016 and needs to be transposed and implemented through domestic legislation.
<b>Geographical scope</b>	This consultation relates to proposed changes to legislation in <b>England only</b> . Governments for each of Scotland, Wales and Northern Ireland will consult separately in respect of those territories and the Scottish consultation already taken place.
<b>Audience</b>	This consultation is open to everyone. Defra would particularly like to hear from anyone who owns or looks after a horse, veterinary professionals, passport issuing organisations, local authorities and organisations representing the equine sector.
<b>Duration</b>	This consultation will run for 6 weeks from 5 April to 16 May 2017.
<b>How to respond</b>	<p>To submit your consultation response, please use Citizen Space (our on-line consultation tool) at:  <a href="https://consult.defra.gov.uk/equine-id/revised-eu-rules-on-equine-id-eu-reg-eu-2015-262">https://consult.defra.gov.uk/equine-id/revised-eu-rules-on-equine-id-eu-reg-eu-2015-262</a></p> <p>Responding to this consultation document is an opportunity to make your views known to the relevant government department as part of the consultation process.</p> <p>Alternatively, you can request a hard copy of the questionnaire (to complete and return to us by post) by contacting the details shown within the 'Enquiries' box.</p> <p>Your submission should be as concise as possible.</p>
<b>Enquiries</b>	<p>During the consultation, if you have any enquiries, or wish to receive hard copies of the consultation documents, please contact:</p> <p>Andrew Morris          Department for Environment, Food and Rural Affairs          Area 5A Nobel House          17 Smith Square          London          SW1P 3JR</p>

	Or e-mail: <a href="mailto:EquineID.Consultation@defra.gsi.gov.uk">EquineID.Consultation@defra.gsi.gov.uk</a>
<b>After the consultation</b>	<p>We will summarise all responses and place this summary on our website at <a href="http://www.gov.uk/defra">www.gov.uk/defra</a>. This summary will include a list of names of organisations that responded. It will not list people's personal names, addresses or other contact details (for either organisational or individual responses).</p> <p>We will retain a copy of responses so that the public can see them; copies will be made available on request. Also, members of the public may ask for a copy of responses under freedom of information legislation.</p>
<b>Confidentiality and Data Protection</b>	<p>Information provided in response to this consultation document, including personal information, may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes – these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004.</p> <p>If you want information that you provide to be treated as confidential please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.</p> <p>In view of this, it would be helpful if you could explain to us why you regard the information you have provided in your response as confidential and so do not want it to be disclosed. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.</p>
<b>Compliance with the Code of Practice on consultation</b>	<p>This consultation is issued in line with the principles of consultation issued by the Cabinet Office. These can be found at:  <a href="https://www.gov.uk/government/publications/consultation-principles-guidance">https://www.gov.uk/government/publications/consultation-principles-guidance</a>.</p> <p>If you have any comments or complaints about the consultation process, please address them to:</p> <p>Consultation Co-ordinator  Support and Scrutiny</p>

	<p>EUM&amp;I 8A 8th Floor, Nobel House 17 Smith Square London SW1P 3JR 02080264521 Or email: <a href="mailto:consultation.coordinator@defra.gsi.gov.uk">consultation.coordinator@defra.gsi.gov.uk</a></p>
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# Introduction

## Purpose of this consultation

The purpose of this consultation is to seek views on our proposed approach to the implementation in England of Commission Regulation (EU) No 2015/262 regarding the identification of equines (the “new EU regulation”).

## Background

The new EU regulation repeals and replaces Commission Regulation (EC) No 504/2008 and forms part of the EU Commission’s Five-Point Action Plan on food fraud. The fundamental aim of this new regulation is to strengthen the existing regime of equine identification in order to reduce the risk of horses which have been treated with harmful medicines from entering the food chain.

The new EU regulation became law in all Member States on 1<sup>st</sup> January 2016. This means that since 1<sup>st</sup> January 2016, it has been a legal requirement for owners to identify their horse in line with this regulation.

The main provisions contained within the new EU regulation are fundamentally the same as those that have been in place since 2009 but with the following key changes:

- All Member States must have a central equine database, with greater sharing of information between Member States.
- Tighter controls over microchip numbering with an option for Member States to require microchipping of older horses.
- Requirement to notify a Passport Issuing Organisation (“PIO”) when a horse has been signed out of the food chain prior to medical treatment – with details also being recorded on the central database. Our proposal is to place this responsibility on horse owners (see responsibility for notifying a PIO that a horse has been signed out of the food chain section).
- New minimum standards for passports together with stronger powers for PIOs to allow Government to suspend or withdraw approval to issue passports from organisations which fail to meet the standards.

## Summary of the main existing and new responsibilities

A summary of the key features, both existing and **new responsibilities**, of the new EU regulation are below.

Group affected	Key features and responsibilities of the new EU regulation
Passport Issuing Organisation	<ul style="list-style-type: none"> <li>• Issuing and updating passports.</li> <li>• Maintaining electronic records of passports.</li> <li>• <b>Uploading and updating records to the Central Equine Database (new responsibility).</b></li> </ul>
Horse owner	<ul style="list-style-type: none"> <li>• If implemented, microchipping of older horses would mean obtaining a passport from a PIO for every horse owned and keeping certain details in the passport up to date.</li> <li>• <b>Notifying a PIO of any horse kept in the UK for which the passport was issued in another Member State (new responsibility).</b></li> <li>• <b>Notifying a PIO when there are any changes to a horse's identity, including where it has been signed out of the food chain in its passport (new responsibility).</b></li> </ul>
Horse keeper (who may also be the owner)	<ul style="list-style-type: none"> <li>• Ensuring that the passport is kept with the horse.</li> <li>• Providing the horse's passport to a vet administering medical treatment.</li> </ul>
Vets	<ul style="list-style-type: none"> <li>• When identifying a horse - checking that it has not previously been microchipped, implanting a microchip where one is not already present, checking and signing passport application forms.</li> <li>• <b>When identifying a horse – ensuring that an accurate estimate of the horse's age is recorded on the application form where the actual date of birth is unknown (new responsibility).</b></li> <li>• When treating a horse - confirming the identity of the horse against its passport, check the food chain status of the</li> </ul>



horse as recorded in the passport, and either update the medication record (if the horse is not signed out of the food chain) or ensure that the animal is appropriately signed out of the food chain.

# Transposition and implementation of the legal requirements in England

This section describes how we propose to transpose and implement the new rules and includes some questions on which we would welcome views. Your answers will help us to shape the domestic regulations. We would also welcome views on any other aspect of our proposed approach (including the Impact Assessment).

## Transposition of the legal requirements into domestic legislation in England

On 23 June, the EU referendum took place and the people of the United Kingdom voted to leave the European Union. Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will continue to negotiate, implement and apply EU legislation. The outcome of these negotiations will determine what arrangements apply in relation to EU legislation in future once the UK has left the EU.

The new EU regulation (Appendix 2) is directly applicable in all Member States, including the UK, but needs to be transposed through domestic legislation. In keeping with the Government's commitment to better regulation, we will do so by replacing the Horse Passport Regulations 2009 with a new Statutory Instrument, rather than by amending the 2009 regulations.

## Scope

Equine identification is a devolved matter. The proposed implementation approach and this consultation cover **England only**.

## Implementation

### Principles regarding early policy decisions

Since the Statutory Instrument will implement EU law, there is limited scope to amend, interpret, extend or otherwise remove legal obligations. However there are some areas of flexibility which are at the discretion of Member States.

Following ongoing informal engagement and consultation with stakeholders, Defra has made some early decisions on certain areas of flexibility. We are not inviting views on

these areas but for transparency have provided a summary of decisions already taken and our rationale at Annex C.

## Proposals on which we are inviting views

### Central Equine Database

Defra has appointed a supplier to deliver the new Central Equine Database (“CED”) for the UK. Good progress is being made and feedback from PIOs during user testing so far has been very helpful. We expect that all PIOs should be able to start using the CED around mid-2017. They will be legally required to upload and update passport information from their own databases to the CED. Statutory agencies and enforcers will have full access to data to help them identify horses and owners, for example to check that a horse presented for slaughter is eligible for the food chain or to trace the owner of any horse which is abandoned or straying.

We are proposing to introduce the following measures to ensure that government has accurate information about horses identified or kept in the UK:

1. A requirement for PIOs to update the CED with new or amended information within 24 hours of the record being created or amended by the PIO rather than the 15-day maximum deadline which is set in the EU legislation. This will enable enforcement bodies to have up to date information as near as possible to “real time” which will be more effective in verifying the food chain status (i.e. whether or not it is safe for consumption) or in locating owners for horses that are abandoned, lost or straying.
2. Defra is looking at opportunities across livestock and equine species to simplify and make more effective livestock traceability systems so that we can continue to improve the livestock keepers’ experience, improve data quality and to secure greater consumer confidence in equine products, while enabling more effective disease control. As part of this work we will investigate the feasibility of providing the public with access to the database so that they can check and update their records. A greater partnership approach to compliance could increase levels of reporting and lead to better data availability, while increasing value for industry and government.

**Question 1: Do you have any comments on our plans for ensuring that information about horses held on the UK Central Equine Database is accurate and up to date?**

### Horses living under wild or semi-wild conditions

Under the Horse Passport (England) Regulations 2009, we have made use of an EU derogation allowing defined populations of horses living under wild and semi-wild

conditions to be exempt from the requirement to be identified while they remained within the defined areas and outside of human control. Under EU law they are subject to the full identification rules if they are moved outside of these areas, enter domestication or receive medical treatment. Horses covered by this exemption in England are those living wild on Dartmoor, Exmoor, New Forest and Wicken Fen.

We propose to continue to allow this exemption, but know there are concerns about its operation. We are seeking views on what we could do to improve the operation of the exemption for the people that own or care for these important breeds, whilst balancing the need to comply with EU law and in protecting human health should the horses be sent for slaughter for food.

**Question 2: Do you agree or disagree that we should continue to allow horses living under wild or semi-wild conditions in Dartmoor, New Forest, Exmoor and Wicken Fen to continue to be exempt from the requirement to be identified until they are moved from these locations, enter domestication, or receive medical treatment?**

**Question 3: Within the constraints of the new EU regulation and the need to ensure that horses which have received harmful veterinary medicines do not go for food, can you suggest how the identification requirements for wild and semi wild horses can be improved or simplified?**

## **Microchipping of horses**

In England, foals born after (or horses not identified before) 1 July 2009 horses do not currently need to be microchipped.

The new EU regulation allows Member States the option of requiring all horses not identified before 1<sup>st</sup> July 2009 and without a microchip, to be implanted with a microchip. It would effectively mean that all horses, regardless of age, have to be microchipped. At this stage, we do not propose to change the status quo. We are however, willing to consider, clear evidence that this would be beneficial and represent good value for money, and only if the practical challenges with microchipping the historic herd can be overcome.'

**Question 4: Do you think that government should or should not extend the microchipping requirement so that all horses, including foals born after (or horses not identified before) 1 July 2009, should be microchipped? If so, please explain why.**

**Question 5: What practical problems and costs do you anticipate if we were to introduce a legal requirement for all horses identified before 2009 to be microchipped? Where possible, please draw on experience as well as any wider evidence that you may have to support your reasoning. If you have identified any practical problems or costs, can you suggest solutions?**

## Replacement of failed microchips

The new regulation provides Member States with an option to require that all horses whose previous implanted microchip has ceased to function, to be identified in accordance with the new regulation.

In England, there is currently no legal requirement to replace a microchip when the original microchip fails or migrates and cannot be found.

We propose to regulate to require the owner to re-microchip where their horse's microchip has failed or migrated. Microchip failure /migration is rare but, when it does occur, confirming the identification of the horse and re-linking it to its record is difficult and time consuming. Our opinion therefore is that the re-microchipping of the horse in question would represent better value for money, while ensuring more effective traceability.

**Question 6: Do you agree with our proposal to regulate to require the owner to re-microchip a horse where the original chip has failed or migrated?**

## Responsibility for notifying a Passport Issuing Organisation that a horse has been signed out of the food chain

A vital part of the regime is accurate and up to date information about an animal's food chain status on both passport and CED so that the right decision can be taken by a vet treating a horse and by abattoir staff when a horse is presented for slaughter.

The new EU regulation introduces a requirement for a keeper to notify a PIO when a horse has been signed out of the food chain by a vet within 14 days of treatment. The PIO must update the CED within 15 days of receipt of the notification but that this time limit is likely to be reduced to within 24 hours, as proposed within this consultation document (see the Central Equine Database section).

Member States have flexibility to place responsibility for doing this on either the owner or the vet treating the animal, rather than the keeper. Defra's view is that record keeping is part of responsible animal ownership and we plan to regulate to place this responsibility for notification to the PIO on **horse owners**. The owner may delegate the responsibility for doing this (for example to the person who is responsible for the day to day care of the animal) but would remain legally responsible for ensuring that a PIO has been notified when a horse has been signed out of the food chain.

**Question 7: Do you agree that the owner should be legally responsible for reporting changes to a horse's identity, such as when that horse has been signed out of the food chain by a vet?**

**Question 8: If you do not agree can you explain the reason for your choice and tell us who you think should be responsible and why i.e. keeper, vet or other (please**

specify)?

## Penalties, enforcement and driving up compliance

The new EU regulation requires Member States to set penalties for non-compliance. These penalties are necessary to properly enforce the equine passport regime and must be effective, proportionate and dissuasive.

We know that there is a currently a low level of regulatory compliance with the equine identification regulations within England and have identified the main causes as being:

- People's understanding of their responsibilities under the regime is limited.
- People find it too difficult to comply or have chosen not to do so because they believe enforcement is not robust.

### **People's understanding of their responsibilities under the regime is limited**

We want to make it easier for people to understand what it is they have to do and why. We believe this can only be achieved by government and the equine sector working together. For our part, we are committed to providing clear information and will expect PIOs, Local Authorities and the equine sector to show leadership in educating owners, keepers and veterinary surgeons about what they should be doing as well as the consequences of not doing it.

### **People find it too difficult to comply or have chosen not to do so because they believe enforcement is not robust.**

Local Authorities in England were responsible for enforcing the Horse Passport (England) 2009 Regulations. Individuals found guilty of an offence were subject to a criminal conviction and a fine.

Local Authorities have told Defra that the regulations were difficult to enforce because the regime and the offences were confusing and it was expensive and time consuming for a Local Authority to take a case through the criminal courts. Therefore Defra and the Devolved Administrations have been considering how to improve the enforcement system.

We want to make it easier for Local Authorities to deal with breaches of the legislation in an efficient and proportionate manner. In order to achieve this we are proposing to:

- Review the existing offences.

- Consider the introduction of civil sanctions and guidance for Local Authorities so they are clear about what tools are available for them to deal with those that break the rules.

## Review the existing offences

We plan to identify the behaviours that we need to prevent and ensure that a framework is in place to deal with that behaviour. At Annex D, we have listed the behaviours that we need to change.

**Question 9: Please tell us if there is any other behaviour(s) which we need to change to improve compliance other than those already listed at Annex D.**

## Possible introduction of civil sanctions and guidance for Local Authorities

To make it easier for Local Authorities to deal with a breach of the legislation we are considering the principle of replacing the current enforcement policy of criminal-only sanctions with the option of using civil sanctions that could be underpinned, as necessary, by either criminal sanctions and/or the civil courts. We will work with Local Authorities so they have clear guidance on what statutory and administrative sanctions are available for dealing with those who are not following the rules. This could include reporting a Veterinary Surgeon to the RCVS, or a PIO to Defra, who would then consider if further action was necessary.

**We know that there is some support for the introduction of new civil sanctions.** We have some further work to do to establish whether we have the powers to introduce civil sanctions. If introduced, this option could provide Local Authorities with the legal right to use a range of civil sanction enforcement options, including written warnings, advice letters, and simple cautions as well as the ability to issue a fine, for example in the form of a Fixed Penalty Notice. Further information relating to the proposed civil sanctions that could be available to Local Authorities under the revised domestic legislation can be found within Annex E.

The introduction of civil sanctions would mean that horse owners, keepers and veterinary surgeons would no longer face the automatic threat of a criminal conviction for what could be considered to be minor offences. Serious offenders could still be prosecuted, while allowing enforcement bodies to use alternative sanctions with legitimate businesses and individuals who are trying to do the right thing.

Our over-arching aim with regards to these proposals will be to drive up the current low level of regulatory compliance that exists by owners, keepers and veterinary surgeons. For our part, we will provide Local Authorities with clear information and guidance on how and when to use these new powers. In return, we will allow Local Authorities to use any new

enforcement tools which we can provide to shape their own enforcement regimes in a way that delivers the policy outcomes as set out within our guidance, the EU regulation as well as their own overall locally agreed enforcement policies and priorities.

**Question 10: Do you think that compliance with the equine identification legislation could be improved through the use of civil sanctions and/or administrative sanction?**

**Question 11: Do you agree that, if introduced, any regime of civil sanctions and/or administrative sanction should continue to be underpinned by criminal sanctions and/or the civil court system?**

## Costs

### Impact assessment

An assessment of business impact has been prepared by Defra and details from this assessment are included as a supporting document for this consultation. This document has been independently assessed by the Regulatory Policy Committee and can be located at Appendix 1.

**Question 12: Other than those listed in the Regulatory Impact Assessment (Appendix 1 refers), do you envisage any further costs or non-financial impact, both positive and negative, on yourself, your business or organisation as a result of the implementation of the Regulation?**

**Question 13: Do you have any comments regarding the costs and estimates that we have identified within the Regulatory Impact Assessment?**

**Question 14: Do you have any comments regarding the likely impact that will be felt by business, including any areas that we have not considered in these new regulations? Please can you separate out the impact that will be felt by small (up to 49 FTE employees) and micro-businesses (up to 10 employees).**

**Question 15: How can we minimise any negative impact on business? Please can you separate any way that we can minimise any negative impact on small (up to 49 FTE employees) and micro-businesses (up to 10 employees).**

**Question 16: Are there any steps we could take in implementing any of the measures that would minimise their cost to small (up to 49 FTE employees) and micro-businesses (up to 10 employees)?**

**Question 17: If possible, please provide an estimate of how much it costs you to**



**comply with the identification requirements at present?**

**Question 18: Do you have any views on whether any of the three proposed additional measures will improve the effectiveness of the horse passport regime to reduce the risk of horses which have been treated with harmful medicines from entering the food chain? Please can you explain your answer and provide as much information as possible.**

- **Additional measure 1 - Requiring the microchipping of all older horses.**
- **Additional measure 2 - Replacement of failed and migrated microchips.**
- **Additional measure 3 - Requiring PIOs to update the CED with changes to horses within 24 hours.**

**Question 19: What do you think would be the effect of not including these additional measures? Please give your reasons for each additional measure.**

- **Additional measure 1 - Requiring the microchipping of all older horses.**
- **Additional measure 2 - Replacement of failed and migrated microchips.**
- **Additional measure 3 - Requiring PIOs to update the CED with changes to horses within 24 hours.**

## Annex A: List of questions in this consultation

Question 1: Do you have any comments on our plans for ensuring that information about horses held on the UK Central Equine Database is accurate and up to date?

Question 2: Do you agree or disagree that we should continue to allow horses living under wild or semi-wild conditions in Dartmoor, New Forest, Exmoor and Wicken Fen to continue to be exempt from the requirement to be identified until they are moved from these locations, enter domestication, or receive medical treatment?

Question 3: Within the constraints of the new EU regulation and the need to ensure that horses which have received harmful veterinary medicines do not go for food, can you suggest how the identification requirements for wild and semi wild horses can be improved or simplified?

Question 4: Do you think that government should or should not extend the microchipping requirement so that all horses, including foals born after (or horses not identified before) 1 July 2009, should be microchipped? If so, please explain why.

Question 5: What practical problems and costs do you anticipate if we were to introduce a legal requirement for all horses identified before 2009 to be microchipped? Where possible, please draw on experience as well as any wider evidence that you may have to support your reasoning. If you have identified any practical problems or costs, can you suggest solutions?

Question 6: Do you agree with our proposal to regulate to require the owner to re-microchip a horse where the original chip has failed or migrated?

Question 7: Do you agree that the owner should be legally responsible for reporting changes to a horse's identity, such as when that horse has been signed out of the food chain by a vet?

Question 8: If you do not agree can you explain the reason for your choice and tell us who you think should be responsible and why i.e. keeper, vet or other (please specify)?

Question 9: Please tell us if there is any other behaviour(s) which we need to change to improve compliance other than those already listed at Annex D.

Question 10: Do you think that compliance with the equine identification legislation could be improved through the use of civil sanctions and/or administrative sanction?

Question 11: Do you agree that, if introduced, any regime of civil sanctions and/or administrative sanction should continue to be underpinned by criminal sanctions and/or the civil court system?

Question 12: Other than those listed in the Regulatory Impact Assessment (Appendix 1 refers), do you envisage any further costs or non-financial impact, both positive and negative, on yourself, your business or organisation as a result of the implementation of the Regulation?

Question 13: Do you have any comments regarding the costs and estimates that we have identified within the Regulatory Impact Assessment?

Question 14: Do you have any comments regarding the likely impact that will be felt by business, including any areas that we have not considered in these new regulations? Please can you separate out the impact that will be felt by small (up to 49 FTE employees) and micro-businesses (up to 10 employees).

Question 15: How can we minimise any negative impact on business? Please can you separate any way that we can minimise any negative impact on small (up to 49 FTE employees) and micro-businesses (up to 10 employees).

Question 16: Are there any steps we could take in implementing any of the measures that would minimise their cost to small (up to 49 FTE employees) and micro-businesses (up to 10 employees)?

Question 17: If possible, please provide an estimate of how much it costs you to comply with the identification requirements at present?

Question 18: Do you have any views on whether any of the three proposed additional measures will improve the effectiveness of the horse passport regime to reduce the risk of horses which have been treated with harmful medicines from entering the food chain? Please can you explain your answer and provide as much information as possible.

- Additional measure 1 - Requiring the microchipping of all older horses.
- Additional measure 2 - Replacement of failed and migrated microchips.
- Additional measure 3 - Requiring PIOs to update the CED with changes to horses within 24 hours.

Question 19: What do you think would be the effect of not including these additional measures? Please give your reasons for each additional measure.

- Additional measure 1 - Requiring the microchipping of all older horses.
- Additional measure 2 - Replacement of failed and migrated microchips.

- Additional measure 3 - Requiring PIOs to update the CED with changes to horses within 24 hours.

## Annex B: List of consultees

- British Horse Society
- American Miniature Horse Club GB or Miniature Horse Club of Great Britain
- American Quarter Horse Association UK (AQHA UK)
- Anglo-European Studbook Ltd
- Animal Health and Welfare Board for England
- Animal Health and Welfare Panel
- Appaloosa Horse Club UK Ltd
- Arab Horse Society
- Association of British Riding Schools
- Association of Chief Police Officers - lead for rural policing
- Association of Show and Agricultural Organisations
- BBA Shipping- major bloodstock transporters
- Breeders Elite Studbook for Irish and European Sport Horses
- British and Irish Association of Zoos and Aquariums
- British Appaloosa Society
- British Association for the Purebred Spanish Horse Ltd
- British Connemara Pony Society
- British Driving Society
- British Equestrian Federation
- British Equestrian Trade Association
- British Equine Veterinary Association
- British Hanovarian Horse Society
- British Horseracing Authority

- British Miniature Horse Society
- British Morgan Horse Society
- British Palomino Society
- British Percheron Horse Society
- British Show Jumping Association
- British Skewbald & Piebald Association
- British Spotted Pony Society
- British Veterinary Association
- British Warmblood Breeders Studbook UK
- C H Meats
- Caspian Horse Society
- Cleveland Bay Horse Society
- Coloured Horse and Pony Society
- Dales Pony Society
- Dartmoor National Park Authority
- Dartmoor Pony Society
- Donkey Breed Society
- Drury's
- Exmoor National Park
- Exmoor Pony Society
- Farmkey
- Fell Pony Society
- Fjord Horse National Stud-book Association of Great Britain
- Friesian Horse Association of Great Britain and Ireland Ltd
- G & GB Hewitt Ltd

- Hackney Horse Society
- Haflinger Society of Great Britain
- Horse Passports Agency Ltd
- Horserace Betting Levy Board
- Hurlingham Polo Association
- Icelandic Horse Society of Great Britain
- International Federation for Equestrian Sports
- International Miniature Horse and Pony Society
- Jockey Club
- Keith Meldrum
- Lipizzaner National Studbook Association of Great Britain
- Lipizzaner Society of Great Britain
- Lusitano Breed Society of Great Britain
- Microchip Trade Association
- National Equine Welfare Council
- National Pony Society
- New Forest National Park Authority
- New Forest Pony Breeding & Cattle Society
- Northern Ireland Horse Board Co-Operative Society Ltd
- Oakdale (NI) Ltd
- Pet ID Equine
- Peter Boddy
- Philip Hayman
- Rare Breed Survival Trust
- Royal College of Veterinary Surgeons

- Royal Society for the Prevention of Cruelty to Animals
- Shire Horse Society
- Showjumping Association of Ireland - Ulster Region
- Sport Horse Breeding of Great Britain
- Stephen Hendry
- Stillmans (Somerset) Ltd
- Suffolk Horse Society
- The British Show Horse Association
- The Horse Trust
- The Irish Draught Horse Society (GB)
- The Sports Pony Studbook Society
- The Standardbred and Trotting Horse Association of Great Britain and Ireland
- The Thoroughbred Breeders' Association
- The Traditional Gypsy Cob Association Ltd (GB)
- Trakehner Breeders Fraternity
- United Saddlebred Association UK Ltd
- Verderers of the New Forest
- Veteran Horse Society
- Weatherbys ID passports
- Weatherbys main GSB NTR
- Welsh Pony & Cob Society
- World Horse Welfare
- Yorkshire Country Meats



## Annex C: Early decision items which have been finalised and are included for information purposes.

Legislative measure	Current arrangements, in England (under the old EU regulations)	Recommendation of option taken and its justification
The new EU regulation allows Member States to state whether the owner of a horse, or its keeper, should be responsible for identifying a horse	Primary responsibility for ensuring that a horse is identified rests with its owner.	<p>We will maintain the current arrangement that the owner is primarily responsible for obtaining a horse passport.</p> <p>We believe that these arrangements work well and that any change would introduce new or transitional costs to businesses.</p>
The new EU regulation allows Member States the ability to set more restrictions on the format of a passport.	PIOs must ensure that the format of their passport conforms to the model document set out in the equine passport legislation.	<p>We do not intend to set more restrictions on the format of the passport than already exists at the moment but we reserve the right to do so in the future if the need arises. The PIOs must ensure that the format of their passport conforms to the model document set out in the new EU regulation.</p> <p>Evidence suggests that any additional restrictions on passport format would introduce additional cost on the private organisations that issue them. Horse-owning businesses also benefit from some flexibility in passport format with some common additions to passports being racing or performance information.</p>
The new EU regulation requires Member States to set the time limit for the submission of the passport application, while requiring it to set a limit that ensures issuing	Applications are required to be submitted within 6 months of birth or before 31 December in the year of birth, whichever was later.	<p>We will maintain the current status quo of requiring applications to be submitted within 6 months of birth or before 31 December in the year of birth, whichever is later. It will be an offence for an application for an equine passport to be submitted outside of the stated period.</p> <p>Stakeholder engagement has revealed that the retention of the current situation is supported by most equine businesses, and avoids the cost and confusion of</p>

bodies have sufficient time to process the application.		change. We believe that the current deadline is generous especially when the maximum allowable deadline for the issuing of passports is taken into consideration.
The new EU regulation allows Member States to limit the maximum 12 month deadline to register a horse's birth to either 6 months or to the calendar year of birth.	Horses must be registered within 12 months of their date of birth.	We do not intend to apply the Article 12 (2) option. We will be using the maximum issue deadline of 12 months as under the current system. This means that applications for a passport would continue to have to be submitted no later than 12 months following the date of birth of the foal. It will therefore be an offence for an owner to fail to comply with this deadline.  It is our belief that by making use of the maximum allowable deadline we will increase the flexibility as well as reducing the costs place upon both passport issuing organisations and horse-owning businesses.
The new EU regulation allows Member States to allow the use of smart cards instead of passport.	Smart cards can be used as an alternative to passports.	We will continue to allow the use of smart cards. This provides more flexibility to horse owners.  Stakeholder contact, however, has indicated that, in reality it is an option that is unlikely to be exercised.
The new EU regulation allows Member States the ability for microchips to be inserted in a different place in a minority of horses.	Microchips are inserted between poll and withers in the middle of the neck in the area of the nuchal ligament of the horse.	We will continue to maintain the status quo of poll and withers in the middle of the neck in the area of the nuchal ligament and will not allow the implantation at a different place.  We believe that the standardisation of this practise saves time and cost to all microchip reading businesses and vets.
The new EU regulation requires Member States to set rules to ensure microchip numbers are unique.	Vets must insert a uniquely numbered microchip.	We will maintain status quo of requiring vets to only insert ISO compliant microchips that are uniquely numbered.  We believe that alternative options for ensuring the uniqueness of microchip numbers are more onerous on business and government and may require additional investment in complicated systems.

<p>The new EU regulation requires Member States to set rules regarding the minimum qualification for inserting a microchip.</p>	<p>The view of the Royal College of Veterinary Surgeons (“RCVS”) is that the implantation of a unique microchip as required by the legislation i.e. parenteral under aseptic conditions between poll and withers in the middle of the neck in the area of the nuchal ligament, is an act of veterinary surgery.</p>	<p>We will maintain status quo that the minimum qualification required to insert a unique microchip under these regulations will be membership of the RCVS.</p>
<p>The new EU regulation allows Member States the ability to allow unpassported foals to move straight to slaughter.</p>	<p>We permit a system where unpassported foals can go straight to slaughter.</p>	<p>We will maintain the status quo of allowing foals to move straight to slaughter. As foals they should not have been exposed to medicines that would harm the food chain.</p>

## Annex D: Proposed behaviours that we need to change to improve compliance

### All equines

- Owning or keeping a horse which has not been properly identified with a passport – and if required a microchip (owner and keeper).
- Applying for a passport late (owner).
- Applying for a second passport unless the original is lost (owner).
- Failing to ensure that the passport is kept with the horse (owner).
- Moving a horse without its passport unless covered by an exemption (owner or keeper).
- Failing to give the passport to the new owner after sale or transfer of ownership (person selling or transferring ownership).
- Failing to notify the issuing body of change of ownership, food chain status or death of animal (owner).
- Fraudulently applying for a passport (all).
- Destroying, defacing or altering a passport or knowingly being in possession of a forged passport (all).
- Allowing a passport [e.g. if horse dies] to be altered and used fraudulently (all).
- Obstructing the enforcement of these Regulations (all).
- Implanting a microchip unless done by a RCVS qualified vet (or equivalent overseas qualification).
- Implanting a microchip in the wrong place (vet).
- Failing to check for signs of previous identification before implanting a microchip (vet).
- Failing to comply with Article 20 of the new EU regulation by not ensuring correct practice when recording microchip numbers (vet).
- Failing to record the veterinary medicines administered, supplied or prescribed in the passport of the animal treated. If they have to render the animal temporarily or permanently unsuitable for human consumption (vet).

- Failing to make a passport available to a veterinarian (owner and keeper).
- Implanting a microchip not confirming to ISO standards as set out in Article 2(n) of the new EU regulation (vet).
- Giving veterinary treatment to any unpassported horse that would exclude it temporarily or permanently from the human food chain, except in an emergency (vet).

**Semi wild or wild horses covered by derogations from full identification in Dartmoor, New Forest, Exmoor and Wicken Fen**

- Failing to identify an animal after veterinary treatment.
- After the sale of a horse, failing to apply for a passport within 30 days of its movement off the designated area.

# Annex E: Proposed civil sanctions

## What is a civil sanction?

A civil sanction is a penalty for non-compliance with the requirements of legislation. They focus on putting right any harm that has been caused. It is an intermediate sanction that sits between a warning letter and a criminal action. Once granted by regulators, it will allow, in this instance, Local Authorities the discretion to choose the most appropriate enforcement action. It should be noted that serious offenders can still be prosecuted, if and only when it is necessary to do so.

## What civil sanctions might be available?

We have some further work to do to establish whether we have the powers to introduce civil sanctions. Depending on the outcome of that work the following options might be available:

**Fixed Monetary Penalties (FMP):** This is a low level fixed penalty which the regulator may impose for a specific minor offence.

**Variable Monetary Penalties (VMP):** This is a monetary penalty which can be imposed for more serious offences where it has been decided that prosecution is not in the public interest.

**Restoration Notices:** This is a written notice which requires a person to take steps to restore harm caused by the non-compliance, so that the position is restored as far as possible to what it would have been if no offence has been committed.

**Stop Notices:** This is a written notice requiring a person to stop an activity which is causing harm or presents a significant risk of causing serious harm until the steps specified in the notice have been taken. These are steps to remove the risk of serious harm or return to full compliance with the law.

**Compliance Notices:** This is a written notice issued by a regulator which requires a person to take specific steps within a specific period of time to ensure that an offence does not continue or happen again.

**Enforcement Undertakings:** This is a voluntary agreement by a person to take steps to make amends for non-compliance and its effects. The regulator decides whether or not to accept the undertaking in each individual case.