

Consultation on the implementation of Electronic Identification for Sheep and individual recording for Sheep and Goats.

Council Regulation (EC) No 21/2004 establishing a system for the identification and registration of ovine and caprine animals (as amended).

March 2009

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# Chapter 1: This consultation

## What is this consultation about and who is carrying it out?

### Purpose

1.1 The purpose of this consultation is to seek views on the implementation in England of electronic identification for sheep and individual recording for sheep and goats as required by Council Regulation (EC) 21/2004 of 17 December 2003, as amended (“the Regulation”). The Regulation as well as establishing an EU system for identification and tracing of sheep and goats, also provides for the introduction of electronic identification (EID) and individual recording.

1.2 The objective of the Regulation is to improve the effectiveness of the identification and tracing system for sheep and goats by introducing individual traceability. The FMD outbreak in 2001 identified inadequacies in the EU sheep and goat identification and tracing arrangements laid down in Council Directive 92/102/EEC and in 2003 new rules were agreed to phase in improvements to EU identification and traceability arrangements. The first phase was to introduce double tagging in 2005, but to maintain batch recording. The second phase was to move to individual animal traceability which necessitated the introduction of individual animal recording and electronic identification. This implementation date was provisionally set for 2008 but was extended by the Council of Ministers on 16 December 2007 to 31 December 2009.

1.3 Throughout the EU sheep and goats are moved in large volumes. This is especially so in the UK. The volumes involved make individual recording difficult or impractical in many situations. The introduction of electronic identification will make the recording of individual animal numbers quicker, easier and more accurate. Given the small sheep and goat populations in some Member States the application of electronic devices will not be mandatory for all EU Member States, however **the introduction of individual recording will be**. In the UK the application of EID devices is mandatory for sheep (**except those intended for slaughter within 12 months of age – para 4.6 refers**), because we far exceed the threshold set out in EU law, but not for goats. Individual recording will be required for both species.

1.4 The proposed new legislation will replace the existing Sheep and Goats (Records and Identification and Movements) (England) Order 2007, and will apply to England only. Indeed, this consultation covers **England only** – the Welsh Assembly Government in Wales, the Scottish Office Agriculture, Environment and Fisheries Department in Scotland and the Department for Agriculture and Rural Development in Northern Ireland will be responsible for implementing the Regulation in their respective jurisdiction.

1.5 The Regulation is directly applicable in all EU Member States. It will be complemented by domestic Regulations which are required to define offences, penalties, derogations and some additional provisions necessary to implement the Council Regulation in England.

1.6 This document:

- Summarises the current regulatory regime;
- Describes the new Regulation and how we propose to apply it in England; and
- Includes as Annexes:
  - i. A summary of questions on which we are seeking views (**Annex A**).
  - ii. Summary of the two partial Impact Assessments (**Annex B**);
  - iii. A description of the proposed new arrangements (**Annex C**);
- Attached separately as Appendices
  - iv. 2 partial Impact Assessments and a summary of overall costs (**Appendix 1 and 2**)
  - v. The draft English regulations that would implement the Regulation (**Appendix 3**)
  - vi. List of consultees (**Appendix 4**)

#### **What previous consultation has been carried out on this subject?**

1.7 Defra has conducted several earlier consultation exercises on the Regulation. This includes consultation with industry in 2003, during the negotiation phase of the Regulation, public consultation exercises in 2005, 2006 and 2007 on the English regulations as EU requirements were phased in. A further informal consultation was held with industry in November/December 2007 and spring 2008 on proposed amendments to the implementation date of EID and the individual recording requirements. These were subsequently adopted as amendments to the Regulation itself.

1.8 We set up an industry EID Co-ordination group in 2005 (re-convened in June 2008) with the aim of identifying key issues and challenges to practical and workable implementation of the Regulation and to discuss these challenges and possible solutions. This consultation document takes account of the outcomes of these discussions.

#### **What will the outcome of this consultation be?**

1.9 Following this consultation, Defra will fully consider the responses and take them into account in drafting domestic Regulations – “The Sheep and Goats (Records, identification and Movement) (England) Order 2009”. These will be laid before Parliament in a timeframe which will meet the coming into force date of the outstanding implementation requirements of the Regulation – **31 December 2009**.

## **What is the deadline for comments?**

1.10 Comments should be received by **23 June 2009**.

## **What comments are requested?**

1.11 Chapter 4 raises specific questions (**summarised at Annex A**) on which Defra is seeking views. These relate to the proposed implementation of the provisions of the Regulation which take effect from 31 December 2009. You may comment on all or only some of the questions raised. You may also submit additional comments.

1.12 The consultation is accompanied by the partial Impact Assessments (IAs) (**attached separately as Appendix 1 and 2**). Two IAs have been produced, one for sheep and goats born before 31 December 2009 and one for sheep and goats born or identified after 31 December 2009. These IAs set out an assessment of the costs and benefits of the proposals. Views on these impact assessments, its underlying assumptions and their applicability would be welcomed. We believe the benefits of electronic identification do not outweigh the significant costs.

1.13 When responding, it would be helpful if you would make clear the nature of your organisation (if any) where this is not readily apparent, and the capacity in which you are responding (e.g. an officer representing an organisation or an individual).

1.14 Any responses received will normally be made public, unless you have specifically asked for them to remain confidential.

## **How do I respond to this consultation?**

1.15 Responses should be sent in writing or by email to the following address:

Livestock (Sheep and Goats) Identification Team  
Livestock and Livestock Products Hub  
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## Chapter 2: Summary of the current sheep and goat identification regime in England

### The Sheep and Goats (Records, Identification and Movement) (England) Order 2007

2.1 The Sheep and Goat (Records, Identification and Movement) (England) Order 2007 has been in force since 11 January 2008. This Order implements the double identification and batch recording requirements which are effective until **31 December 2009**.

2.2 The main provisions contained within the current legislation are:

- All sheep and goats must be identified with two official means of identification bearing the same identical number within 6 months of birth for (intensively reared stock) **ie animals housed overnight**, or 9 months of birth for (extensively reared stock) **ie animals not housed overnight** and in any case before the stock leave the holding on which it was born.
- The only exception from the need to apply a double means of identification is for those animals which are intended for domestic slaughter within 12 months of birth. Animals intended for domestic slaughter within 12 months of age may be identified using a single non-electronic slaughter batch tag.
- Lost or damaged tags must be replaced within 28 days of the loss or damage being detected. The lost or damaged tag must be replaced with an identical tag, or (if the animal is on its birth holding) another UK tag or (if the animal is not on its birth holding) a red R tag. Whenever a replacement tag is applied (of whatever type), a record of the replacement should be made in the replacement section of the holding register and where appropriate a cross reference made between the old and new identification numbers.
- All movements onto and off a holding must be recorded in the holding register on a batch basis within 36 hours of a movement taking place. For movements off the holding keepers have a choice between making a record in the register or retaining a copy of the movement document. The register must also include replacement information and keeper details as required by the Regulation.
- All movements between holdings (except between holdings within 5 miles of the keeper's main holding where the animals remain under the care and control of the keeper) must be accompanied by a movement document and must contain the batch information of the animals being moved. The receiving keeper must forward a copy of the movement document to the local authority within 3 days of receipt of animals onto the holding.
- All movements are recorded on a central database, in England this is the Animal Movements Licensing System (AMLS) and data entry is carried out by local authorities upon receipt of the movement document.

- Inventory returns must be submitted centrally on an annual basis as at 1 December by 31 December each year.

**Chapter 3: The new requirements** The Regulation establishes a system for the identification and registration of ovine and caprine animals. The next phase of the regulatory requirements is to introduce the application of electronic identifiers for sheep and the introduction of individual recording for sheep and goats. We have to do this from **31 December 2009**.

3.1 This:-

- Requires the application of electronic identifiers to sheep born or identified after 31 December 2009;
- Extends the existing batch recording requirements in the holding register to individual recording for sheep and goats born or identified after 31 December 2009 and includes additional record keeping elements such as date of identification, month and year of death, breed and genotype where known;
- Extends the existing batch recording requirements in the movement document to individual recording for **all** sheep and goats, as follows:
  - For animals born or identified after 31 December 2009 individual recording is mandatory from 1 January 2011;
  - For animals born before 31 December 2009 individual recording is mandatory from 31 December 2011, except in the case of animals moving direct to slaughter or via a market to slaughter in which case batch recording continues to apply.
  - The existing slaughter derogation for sheep and goats intended for slaughter within 12 months of age continues to apply. But there is one change. The holding register entry for these animals when they move on or off the holding must, from 31 December 2009, record the number of animals within a batch which have the same holding of birth identity.

## Chapter 4: Proposed implementation in England

4.1 The last phase of the EU rules governing the identification of sheep and goats will be implemented in England on 31 December 2009 through a combination of the Regulation itself and new domestic legislation (The Sheep and Goats (Records, Identification and Movement)(England) Order 2009) (**Appendix 3**). The provisions of the Regulation are directly applicable in UK law but domestic legislation is required to define offences, penalties and those exemptions ('derogations') in the Regulation that we propose to apply, plus some additional provisions needed for implementation. The draft Impact Assessments (**Appendix 1 and 2**) and summary (**Annex B**) sets out our estimates of the costs and benefits of implementation.

4.2 The paragraphs below describe how we propose to implement the changes to the existing rules which take effect from 31 December 2009 and include some specific questions which we would welcome views. References in *italics* are to Articles in the domestic implementing legislation, other references are to the Regulation (unless otherwise stated). Your answers will help us to shape the domestic Regulations. We would also welcome views on any other aspect of the proposed implementation (including the Impact Assessments).

### Scope

4.3 The additional legislative requirements require all sheep born or identified after 31 December 2009 to be electronically identified (subject to exemptions described above). The existing double tagging rules continue to apply to goats, although goat keepers and keepers of sheep born before 31 December 2009 may choose to electronically identify their animals. The rules also provide for changes to the record keeping requirements, including individual recording, and flexible arrangements for replacement identifiers which we have taken advantage of to propose a simplified replacement system. Brief system descriptions are at **Annex C**.

4.4 The implementing provisions of the new measures which take effect from 31 December 2009 are discussed below. A reference to the implementing *Article* in the proposed regulation and a cross reference to the relevant EC obligation are covered in [Regulation 21/2004](#). **Where there is no change to the domestic requirements no reference is made below.**

### Numbering System

4.5 International Organization for Standardization (ISO) standards govern the way electronic transponders used for livestock identification must be coded. In particular the numbering system must ensure that animal numbers issued are unique forever, must not exceed the number 274,877,906,943 and must be flexible enough to cater for other livestock species should EID become mandatory for them. We have discussed various options with UK industry stakeholders; the preference was to incorporate existing flock/herd marks in the solution. The system which has been agreed has been incorporated in the enhancement programme for the Eartag Allocation System (ETAS). This is:

<b>D</b>	<b>F/H</b>	<b>F/H</b>	<b>F/H</b>	<b>F/H</b>	<b>F/H</b>	<b>F/H</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>
(0)	(9)	(9)	(9)	(9)	(9)	(9)	(9)	(9)	(9)	(9)	(9)

Key **D** = database    **F/H** = Flock or Herd    **N** = Animal number

- The first digit (**D**) is set to zero so that the remaining 11 digits can each go up to the number 9.
- This option allows up to 99,999 animals in a flock or herd to be individually identified. Once these numbers have been used up a new flock/herd mark will be required.

There will be no change to the number system used for non electronic tags for goats. This will continue to be:

<b>F/H</b>	<b>F/H</b>	<b>F/H</b>	<b>F/H</b>	<b>F/H</b>	<b>F/H</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>
(9)	(9)	(9)	(9)	(9)	(9)	(9)	(9)	(9)	(9)	(9)	(9)

## Identification of sheep

4.6 All sheep born or identified after **31 December 2009** must be identified with two identifiers, one of which must be electronic (*Article 4.2*). The exception to this rule is animals intended for slaughter within 12 months of age, where a single non-electronic slaughter batch tag may be applied (*Article 4.3*). Animals which are identified with a slaughter tag must be slaughtered within 12 months of age and cannot subsequently be electronically identified and kept for longer than 12 months unless the animal is still on its holding of birth.

4.7 There is no flexibility with regard to the application of EID devices to animals over 12 months of age. These sheep must bear an electronic identifier if identified on or after 31 December 2009. However, we can choose whether or not we wish to permit the use of slaughter tags instead of two identifiers (one of which is electronic) to animals which the keeper on the birth holding intends to be slaughtered within 12 months of age. This is known as the slaughter derogation.

4.8 We have discussed the various options with industry in some detail. These options are to:

1. Require only those sheep which are to be kept beyond the age of 12 months to be electronically identified. These animals would need to be individually recorded on a movement document and in the holding register. All animals which are intended for slaughter within 12 months of age would be subject to the slaughter derogation ie identified with a non electronic slaughter tag and recorded on a batch basis.
2. Require only those sheep moving direct to slaughter or via a market to slaughter to be subject to the slaughter derogation. These animals could

continue to be recorded in movement documents and holding registers on a batch basis. All other sheep would need to be identified electronically and would need to be individually recorded.

3. Require all sheep, with no exception, to be identified electronically. This would mean that all animals would need to be individually read and recorded.

Options 1 and 2 would also permit keepers to choose to apply electronic identifiers to all sheep should they wish to.

4.9 Option 1 is the preferred option because it is the least cost option overall (see impact assessment for EID animals – **Appendix 1**). It also reduces the individual recording burden for many keepers and it does not introduce any regulatory burden over and above the minimum imposed by the Regulation. There is however a practical issue with this option because the Regulation requires the sender of the sheep to record how many sheep within the batch being moved have the same holding of birth identity. The problem relates to batches of sheep where the sheep constituting a batch originate from more than one holding of birth. This is typically found in movements from a store lamb finishing unit to a market and from markets to slaughter. For those businesses affected, having to record the numbers of sheep (and goats) having the same holding of birth identity would increase the cost of handling and increase recording burdens.

4.10 Industry have suggested to us that the additional record keeping burden on markets and store lamb finishers could be reduced significantly if slaughter sheep were to be fitted with electronic slaughter tags for management purposes (in price these fall between conventional slaughter tags and a conventional EID tag). This would enable the holding of birth details to be read electronically, instead of having to be done manually, thus saving the considerable handling costs. It would, however, increase costs to some producers who might have to apply these electronic tags because they are more expensive than conventional ones. On balance industry has said they reluctantly accept this additional cost, because it allows existing trading practices through markets to continue and does not impose increased record keeping burdens on the whole of the industry.

4.11 We are therefore proposing (*Article 11*) that we implement the slaughter derogation in full so that animals intended for slaughter within 12 months of age do not need to be electronically identified or individually recorded. The commercial solution identified by industry should overcome the practical issues with this option.

**Question 1. Do you agree that Defra should implement the slaughter derogation to its fullest extent, which is the least burdensome and lowest cost option overall. If you do not agree please explain why and identify your preferred option.**

4.12 The existing rules applicable in England provide for an individual number to appear on each slaughter tag. This is a safety net in the event of a disease outbreak which would allow Government to introduce individual recording of slaughter animals to facilitate their movement. The changes to the Regulation (Annex A.7), whilst allowing for the inclusion of an individual number on the slaughter tag, would require that number to be individually recorded on movement documents and in holding registers. As the slaughter tag is not an electronic tag we recognise that requiring individual recording of these numbers would be difficult and probably impossible, particularly in high volume movement situations such as at markets and slaughter houses. We are therefore proposing (*Article 11.2*) that only the flock/herd mark appears on slaughter tags fitted on and after 31 December 2009.

**Question 2. Do you agree that the slaughter tag should not include an individual number because of the increased recording burden this would impose on keepers throughout the movements chain?**

4.13 There is however a practical issue (see para 4.9) with recording batches of sheep where the sheep constituting a batch originate on more than one holding of birth. Industry has identified a commercial solution which would require an electronic transponder to be incorporated in the slaughter tag. Incorporating an electronic transponder (which will be a different number from the visual number) will not increase the record keeping requirement for keepers and is not a mandatory requirement. **It will be for keepers to agree with the destination point of the animals (ie market, abattoirs) whether an electronic slaughter tag should be used.** Where such a tag is used the keeper will not be required to record the electronic number of the slaughter tag, this number is only for administrative use. Keepers will only be required to list the slaughter tag details for a batch of animals containing different holding of birth identities. Where animals are being moved from the holding they were born on keepers will only need to record the number of animals being moved.

## Identification of goats

4.14 The rules for the identification of goats will not change (*Article 14*). Goats will continue to be required to be identified with two non-electronic identifiers, but keepers may fit electronic identifiers if they wish. The slaughter derogation is currently used for goats and we do not propose to alter the existing requirements. Very few goats are sold via markets and therefore the practical issues that exist for sheep do not apply to goats.

**Question 3. Do you agree that we maintain the use of the slaughter derogation for goats unaltered?**

## Replacement Rules

4.15 Where a tag becomes lost or is illegible, the Regulation (*Article 4.6*) provides for an identical numbered replacement or different numbered replacements to be fitted as long as traceability is maintained. The current system of replacements has proved to be too complex for keepers, particularly because different replacement rules apply to different cohorts of animals. The complexity has resulted in lower levels of compliance than we would have hoped for and has led to unwelcome financial penalties for some keepers.

4.16 Discussion with industry has identified the need to simplify the replacement rules so that the same rules apply, as far as possible, regardless of the age of the animals and whether they are sheep or goats. We are therefore proposing (*Articles 12 -13, and 16-20*) to introduce a far simpler system of replacements which provides for:

- a) Identical numbered replacements;
- b) Retrospective EID (for older animals); and
- c) Different numbered replacements.

4.17 Identical numbered replacements and retrospective EID will be voluntary. Identical numbered replacements are being allowed as many specialist breeders prefer to retain an animal's unique lifetime identity. Retrospective EID is being allowed for animals because some keepers may find it easier to manage the individual recording requirements from December 2011 using EID. The main method of replacement is expected to be the application of a new set of identifiers, because this will reduce the costs (see impact assessments).

4.18 The system proposed for the application of different numbered replacements would require the keeper to remove the surviving tag and apply two new identifiers (either one electronic and one conventional or two conventional depending on the age of the animal). A cross reference would be made in the replacement section of the holding register. Where different numbered replacement identifiers are applied other than on the holding of birth the replacement identifiers must be red in colour (please refer to **Annex C** for full details). The only significant difference between the replacement system for animals born before 31 December 2009 or those born after 31 December 2009 is the level of cross referencing. Replacement red identifiers applied other than on the holding of birth must always be cross referenced, but only differently numbered replacements applied on the holding of birth in respect of animals born after 31 December 2009 need be cross referenced. This is because changes which take effect to the holding register in respect of animals born or identified after 31 December 2009 require individual numbers to be recorded in the holding register when an animal is identified. It is therefore important that where an identity which is already recorded in the register is replaced, the register records that identity as no longer in use. Whilst a replacement record must be completed for older animals on their holding of birth, it need not include a cross reference between the old and the new identifiers.

4.19 We could provide for different numbered replacements on the holding of birth in respect of animals born before 31 December 2009 to be cross referenced. It would make the cross referencing procedures the same for all animals and therefore simplify the process. There would however be no benefit for traceability because animals born before 31 December 2009 will not be required in the register and are still on the holding they were born on. There would be increased costs for the keeper to cross reference the old and new identifiers in the register. On balance we have decided against requiring a cross reference to be recorded in the holding register for older animals on the grounds of cost and practicality.

**Question 4. Do you agree the proposed simplified replacement rules. If not please explain why and what you would propose instead.**

**Question 5. Do you agree that we should not require cross referencing where different numbered replacements are applied on the holding of birth in respect of animals born before 31 December 2009 only? Or would you prefer to see replacements cross referenced as for animals born after 31 December 2009 so that the rules are the same?**

4.20 The provision to remove a surviving tag to facilitate the application of a new set of replacement identifiers will require the surviving tag to be removed. We have discussed this provision with veterinary advisers and there is concern about the cutting out of metal tags which could cause pain to the animal. We are therefore proposing (*Article 7*) that metal tags cannot be removed from an animal unless there are welfare reasons for doing so. Where a surviving tag is a metal tag, keepers will need to apply identical replacements. Keepers who do not wish to apply identical replacements because of cost should not apply metal tags.

**Question 6. Do you agree that metal tags should not be removed because of potential welfare issues?**

## **Approval of identifiers and reading equipment**

4.21 The Regulation provides (A.1) for all identifiers to be approved (as before) but extends the range of devices available for use by the keeper. It provides for the use of eartags, tattoos, pastern tags, electronic eartags, boluses, electronic pastern tags and injectable transponders, although the use of electronic pastern tags and injectable transponders is optional. We are proposing to authorise the use of all methods of identification provided for with the exception of injectable transponders (*Article 2 – identification device*). We propose not to authorise the use of injectable transponders because there are still public health concerns surrounding their use, particularly associated with the risk of migration from the injection site. We will review the use of injectable transponders and their application requirements as more information becomes available.

**Question 7. Do you agree that the use of injectable (subcutaneous) transponders should not be authorised until such time as public health issues have been addressed?**

4.22 Because animals fitted with a bolus cannot be visually identified as such, there is a risk that a receiving keeper might assume that a visual identifier has been lost and attempt to apply a new set of identifiers. This would cause problems, particularly where the result is that an animal has two electronic identifiers bearing different numbers. Following discussion with stakeholders it has been suggested that where a bolus is used for identification purposes the match up (ie non electronic) eartag should be distinguishable from other eartags so the user has a visual reference when a bolus is used as a means of identification. We are therefore proposing (*Article 10*) that where a bolus is applied the match up eartag should be black with distinguishable letters and numbers. There is also no alternative, where a black match up tag is lost, than to apply an identical numbered replacement.

**Question 8. Do you agree that where a bolus is applied the match up non electronic eartag should be black with distinguishable letters and numbers?**

4.23 We are also proposing that where a tattoo is used to identify an animal it should not be used in conjunction with a bolus (*Article 10*). This is because it would not be possible to include a visual identifier on a tattoo to indicate that a bolus had been applied.

4.24 It is not always immediately apparent, where an animal has an electronic tag and a conventional tag, which is the electronic one. This increases the reading time taken where hand held readers are used in high volume situations. We are therefore proposing (*Article 8*) that where an electronic tag is used this tag must be **yellow** in colour. Yellow will be a reserved colour and may only be used for electronic tags (or electronic pastern marks). Conventional eartags can continue to be supplied in any colour with the exception of the reserved colours (Yellow, red and black).

**Question 9. Do you agree that all electronic tags should be yellow in colour to ensure that electronic tags are distinguishable from non-electronic ones? If not please explain why and offer an alternative solution.**

4.25 Guidelines and procedures for the implementation of electronic identification have been adopted (*Article 9 and Commission Decision 968/2006*) - . [2006/968](#)

These set out minimum standards but also provide for additional tests in accordance with the Technical Guidelines of the Joint Research Centre. In England we propose (*Article 5*) to require all electronic identifiers and electronic

reading equipment to conform to the minimum standards and the additional tests provided for in the Technical Guidelines - [Part 1](#) and [Part 2](#)

**Question 10. Do you agree that we should only authorise the use of electronic identifiers and reading equipment which conform to the minimum requirements and the Technical Guidelines?**

## Holding Registers

4.26 There is no change to the register recording requirements for animals born before 31 December 2009.

4.27 From 31 December 2009 for animals born or identified after this date and which are not subject to the slaughter derogation, the following additional information must be recorded (*Article 5* and Annex B) are:

- a) The individual number of the animal;
- b) The year of birth and the date the animal was identified;
- c) The month and year of death; and
- d) The breed and genotype (if known).

4.28 The current English legislation requires records to be retained for 3 years. But this provision does not entirely reflect the requirement of the Regulation (*Article 5.3*). We therefore propose to amend the implementing provisions (*Article 21.8*) to reflect the EU requirements and now require the register to be retained for 3 years from the date when an animal referred to in the register dies or leaves the holding.

4.29 Animals born after 31 December 2009 which are identified in accordance with the slaughter derogation will continue to be recorded on a batch basis.

4.30 There is however a practical issue (*described at 4.9-11*) where the slaughter derogation is applied and mixed batches of animals ie with different holding of birth identities are moved. In these situations the holding register must record the number of animals with the same holding of birth identity within the batch. **Industry has identified a commercial solution (electronic slaughter tag) which will reduce the record keeping burden on markets, store lamb finishers and abattoirs.**

4.31 We are proposing (*Article 21.5*) that the holding register is no longer contained in a schedule to the Order. Instead it will be made available on the Defra website. It will not be mandatory to use this register as long as the format is the same (ie columns in same order). This will allow keepers to maintain records electronically if they wish.

## Movement Documents

4.32 The additional information which will be required to be recorded on the movement document is the individual identification number of each animal (Annex C.2). This requirement applies to **all** animals regardless of when they were born and will be phased in as follows:

- a) For animals born or identified after 31 December 2009, the provisions will apply from 1 January 2011; and
- b) For animals born before 31 December 2009, the provisions will apply from 31 December 2011, except that animals moving direct or via a market to slaughter will not need their individual numbers recorded at all.

We are proposing (*Article 22.3(a)*) that the movement document is no longer contained in a schedule to the Order. Instead the movement document will be made available on the Defra website. It will be acceptable for markets, as now to continue using their own movement documents as long as the document contains all the legislative requirements and is in the same format.

## Exports

4.33 Animals intended for export (*Article 34*) cannot be identified with a single slaughter tag. Animals which are born or identified after 31 December 2009 which are intended for export must be identified with a conventional eartag and an electronic identifier. As it is no longer possible for animals identified with a slaughter tag to be re-identified with an electronic identifier. Keepers wishing to make their animals available for export must ensure that animals are double identified (including one electronic identifier) on the holding of birth.

## Contingency arrangements

4.34 There will be occasions ie power or equipment failure, when it is not possible for high volume premises i.e. markets and abattoirs to read and record individual animal details. These situations will be exceptional, but when they occur will disrupt trade because the throughput and resources available would not allow manual individual recording to be carried out and the regulatory requirements to be complied with.

4.35 In these exceptional circumstances, for markets and abattoirs only, we are proposing (*Article 28*) that they will not be required to individually record animals. Local Authorities have enforcement responsibility in markets and abattoirs and we are proposing that markets and abattoirs agree with their local authority a contingency plan that, with agreement by the Local Authority, could be invoked in the event of power or equipment failure. Defra will be working closely with Local Authorities and industry to draw up guidelines for contingency plans, which will amongst other things include obligations to carry spare reading equipment, equipment maintenance contracts to ensure minimum downtime, recording requirements and follow up action required.

**Question 11. Do you agree that contingency arrangements should be put in place to ensure that normal trading practices are not disrupted in the event of power or equipment failure? If so what do you think these arrangements might be?**

## **Database**

4.36 The Regulation provides for a batch recording database (from 1 January 2008) and this (AMLS) has been in place in England since 2001. There is no requirement for the database to be enhanced to record individual information. There are however certain exemptions from the need to maintain a holding register and complete movement documents if a database which records individual information exists. Government has no plans, at this stage, to provide for individual animals' details to be recorded on the central database.

## **Penalties**

4.37 A person committing an offence under the proposed regulations will be subject to prosecution which would result in imprisonment or a fine not exceeding the statutory maximum.

4.38 The domestic rules are a cross compliance requirement and breaches of the rules will lead to reductions in single farm payment.

## **Enforcement**

4.39 It is proposed that Local Authorities will continue in their current enforcement role. The Rural Payments Agency (RPA) will continue to carry out statutory on farm inspections to confirm compliance with the rules.

## **Further suggestions on implementation**

4.40 In this document we have tried to select implementation options which are least cost or lowest burden, where the regulation provides flexibility. There may be others which we have not identified.

**Question 12. Do you have any suggestions about how we could further reduce costs and burdens?**

## **Annex A: Summary of Questions**

**Question 1. Do you agree that Defra should implement the slaughter derogation to its fullest extent, which is the least burdensome and lowest cost option overall. If you do not agree please explain why and identify your preferred option.**

**Question 2. Do you agree that the slaughter tag should not include an individual number because of the increased recording burden this would impose on keepers throughout the chain?**

**Question 3. Do you agree that we maintain the use of the slaughter derogation for goats unaltered?**

**Question 4: Do you agree the proposed simplified replacement rules? If not please explain why and what your proposals are.**

**Question 5. Do you agree that we should not require cross referencing where different numbered replacements are applied on the holding of birth in respect of animals born before 31 December 2009 only? Or would you prefer to see replacements cross referenced as for animals born or identified after 31 December 2009 so that the rules are the same?**

**Question 6. Do you agree that metal tags should not be removed because of potential welfare issues?**

**Question 7. Do you agree that the use of injectable transponders should not be authorised until such time as public health issues have been addressed?**

**Question 8. Do you agree that where a bolus is applied the match up non electronic eartag should be black with distinguishable letters and numbers?**

**Question 9. Do you agree that all electronic tags should be yellow in colour to ensure that electronic tags are distinguishable from non-electronic ones? If not please explain why and offer an alternative solution.**

**Question 10. Do you agree that we should only authorise the use of electronic identifiers and reading equipment which conform to the minimum requirements and the Technical Guidelines?**

**Question 11. Do you agree that contingency arrangements should be put in place to ensure that normal trading practices are not disrupted in the event of power or equipment failure? If so what do you think these arrangements might be?**

**Question 12. Do you have any suggestions about how we could further reduce costs and burdens?**

## **Annex B: Summary of the Two Partial Impact Assessments – (see Appendix 1 & 2 for full documents)**

### **Introduction**

B.1 The Regulation provides a different set of rules and transitional arrangements for animals identified before 31 December 2009. Two impact assessments (IAs) (**attached at Appendix 1 and 2**) have therefore been prepared which cover policy options for animals born before and after the implementation date. The two IAs will be combined once the preferred option in each case has been agreed

### **Main Impact Assessment (EID IA) – Animals Born or identified AFTER 31 December 2009.**

B.2 The EID IA (**see Appendix 1**) considers 3 policy options for sheep:

- (a) Option 1: Introduces EID but exempts all sheep intended for slaughter under 12 months of age.
- (b) Option 2: Introduces EID but exempts only those sheep intended for slaughter under 12 months of age and moving directly to slaughter, or to slaughter via a livestock market
- (c) Option 3: Introduces EID for all sheep.

B.3 For goats it is assumed that a derogation is applied. The derogation allows for Member States with a goat population of less than 160,000 (which includes the UK) to be exempt from the EID requirements. Therefore the options for goats considered in this IA are:

- (d) Option 1: Continue with our existing identification system (which includes a reduced identification regime for goats slaughtered under the age of 12 months) and introduce and implement individual recording from 31 December 2009;
- (e) Option 2: Extend the existing identification system to all goats (by abolishing the existing slaughter derogation) and introduce and implement individual recording from 31 December 2009.

**Impact Assessment for Animals Born BEFORE 31 December 2009.**

B.4 The IA for older animals considers three options (see **Appendix 2**), which, cover changes to replacement tag rules from 2010-2014, by when almost all of these animals will be dead. Assuming that the cost for individual recording is constant the options for these animals are as follows:-

- (a) Option 1: Individual recording from 2012 and retain existing rules for replacement tags.
- (b) Option 2: Individual recording from 2012 and align replacement tag Rules with those of EID'd animals from 2010.
- (c) Option 3: As option 2 but no cross referencing required when animals lose a tag on their holding of birth.

## Annex C: System Descriptions

### Description of Proposed New Arrangements - Sheep

The following table describes the minimum requirements necessary to implement the electronic identification (EID) and recording requirements for sheep from 31 December 2009. Where existing provisions are not referred to, they will remain unaltered.

	Requirement (Ref in italics is to requirement in EC Regulation 21/2004)	Detail	Legislative reference in domestic SI
Holding registration	No change to existing provisions ( <i>Art 8(2)</i> )		Part 9, <i>Article 25</i>
Identification for sheep not intended for slaughter within 12 months of age	<p>Animals which are not by 31 December 2009 already officially identified must be identified with two means of identification bearing the same numbers, one of which must be an EID device. (<i>Art 4(2)a and b and 9(3)</i>)</p> <p>The only exception from the need to apply a double means of identification is for those animals which are 'intended' for domestic slaughter within 12 months of birth (<i>Art 4.2 and A.7</i>)(see slaughter derogation below).</p>	<ul style="list-style-type: none"> <li>• The two means of identification should be either: <ul style="list-style-type: none"> <li>• eartag and electronic eartag, bolus or electronic pastern tag;</li> <li>• tattoo and electronic eartag, bolus or electronic pastern tag</li> </ul> </li> <li>• The identifiers can be any colour but <b>red</b>, <b>black</b> and <b>yellow</b> tags may only be used in the circumstances specified in the Regulations. . Where a bolus is applied the accompanying eartag must be black. All electronic identifiers must be yellow and replacement tags applied when an animal is not on its holding of birth must be red.</li> <li>• The identification must be applied within 6 or 9 months of birth (depending on whether the animals are reared intensively or extensively) or</li> </ul>	<p>Part 2 <i>Articles 7 and 8</i></p> <p>Part 3, <i>Article 10</i></p>

		<p>when they first move from the holding on which they were born, whichever is the soonest.</p> <ul style="list-style-type: none"> <li>• The information which will appear on the two means of identification must be identical, unique to the animal and will consist of :  UK + 0 +flock mark of birth + individual number (up to a maximum of 5 digits) <p>NOTE – all unique numbers on UK tags will be allocated by ETAS</p> <ul style="list-style-type: none"> <li>• Management tags cannot contain the letters UK, in case they get confused with official tags.</li> <li>• Additional management information can appear on eartags as long as the official ID mark is clearly distinguishable</li> <li>• No upgrading unless on HoB</li> </ul> </li></ul>	
Replacement Identification	<p>Replacement identification for animals identified before 31 December 2009</p> <ul style="list-style-type: none"> <li>• Lost or damaged identifiers must be replaced as soon as possible. The lost or damaged identifier must be replaced with an identically numbered identifier or a different numbered replacement. (<i>Art 4.6 and B1, 8<sup>th</sup> indent</i>)</li> </ul>	<ul style="list-style-type: none"> <li>• All lost or damaged identifiers must be replaced within 28 days of the loss or damage being identified.</li> <li>• All identifiers used as replacements for electronically identified animals should be ETAS-allocated and have the same number format as for new born animals. <ul style="list-style-type: none"> <li>○ Replacements can have the same identical number as the one that has been lost. If the identifier that has been lost is the EID one then the retagging counter should be incremented when the identical replacement is issued.</li> <li>○ Alternatively a new set of different</li> </ul> </li> </ul>	Parts 4 and 6, <i>Articles 12, 13 and 17-20.</i>

		<p>numbered identifiers can be applied. In this scenario the replacement identifiers (where appropriate) must be red (unless applied on the holding of birth (HOB) and the surviving identifier removed.</p> <ul style="list-style-type: none"> <li>○ Where a bolus is used as one of the identifiers and the corresponding eartag is lost the only option is to replace the lost tag with an identically numbered one.</li> <li>● All identifiers used for replacement of slaughter tags should be ETAS allocated and bear the letter UK and the flockmark of the holding the replacement was applied on. If the replacement is not applied on the HOB it must be red.</li> <li>● Whenever a replacement tag is applied (of whatever type), a record of the replacement should be made in the replacement section of the holding register: <ul style="list-style-type: none"> <li>○ Where an identical tag, slaughter tag, or replacement for a lost identifier for an animal identified before 2008 is applied the record should indicate that a replacement has been applied;</li> <li>○ Where a new set of identifiers are applied a full cross reference between the old and the new tag must be recorded, unless the animal is on its holding of birth and born before 31 December 2009.</li> </ul> </li> <li>● The current exemptions for markets on the replacement of lost tags continue to apply.</li> </ul>	
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		<ul style="list-style-type: none"> <li>• It will be an offence for animals to leave a holding without the correct identification.</li> </ul>	
Export Identification	Same as for newborn animals except that tattoos are not permitted.( <i>Art 4.(2) and (3)</i> ).	<ul style="list-style-type: none"> <li>• Animals identified with a slaughter tag (see below) cannot be exported, unless the animal is re-identified on its holding of birth in accordance with the requirements for newborn animals.</li> </ul>	<i>Article 33</i>
Animals intended for slaughter	Animals intended for domestic slaughter within 12 months of age may be identified using a single slaughter tag. ( <i>Article 4.3 and A.7</i> ). This single tag must include an individual animal number, which is allocated by ETAS. Lost or damaged tags must be replaced within 28 days of the loss/damage being detected – see replacement section above.	<ul style="list-style-type: none"> <li>• Animals intended for slaughter may be identified with a single slaughter tag, which must be applied within 6 or 9 months of age or when the animal leaves its birth holding, whichever is the soonest.</li> <li>• Individual numbers must not be used on slaughter tags because this would require slaughter animals to be individually recorded.</li> <li>• The slaughter tag will consist of: <ul style="list-style-type: none"> <li>UK + flock mark of holding of birth tag</li> </ul> </li> <li>• Animals identified with a single slaughter tag cannot subsequently be double identified, unless the animal has not left its holding of birth.</li> </ul>	<i>Article 11</i>
Holding register	<p>Animals identified after 31 December 2009</p> <p>All animals, other than those intended for slaughter and identified with a slaughter tag must be individually recorded in the register and all</p>	<ul style="list-style-type: none"> <li>• Movement details must be recorded in the register within 36 hours of the movement taking place.</li> <li>• For “off” movements keepers have the option of retaining a copy of the movement document rather than making a record of the movement in the register. If they decide to retain the movement document, they must ensure that</li> </ul>	<i>Part 7, Article 21</i>

	<p>movements onto and off a holding must be individually recorded. Animals intended for slaughter should be recorded on a batch basis, but where there are mixed identities in the batch the number of animals with the same identity must be recorded. (<i>Article 5 and B</i>)</p> <p>Animals identified before 31 December 2009</p> <p>All animals should be recorded in the register on a batch basis when they move on or off a holding (<i>Article 5 and B</i>)</p>	<p>all movement documents are kept with the register, in order of date.</p> <ul style="list-style-type: none"> <li>• The number of animals moved must be recorded in the holding register.</li> <li>• The length of time that keepers need to keep the holding register is 3 years from the last day when an animal dies or leaves the holding, however in respect of animals identified before 31 December 2006 records need only be retained for 3 years.</li> <li>• Copy must be available for inspection on the holding at all times.</li> <li>• A model holding register will be provided on the Defra website, but it will also be acceptable for a keeper to maintain electronic records.</li> <li>• Replacement information must be recorded.</li> </ul>	
<p>Movement documents</p>	<p>All movements between holdings must be accompanied by a movement document. All animals, other than those intended for slaughter and identified with a slaughter tag must be individually recorded in the movement document. Animals intended for slaughter should be recorded on a batch basis. (<i>Article 6 and C</i>)</p>	<ul style="list-style-type: none"> <li>• All movements between holdings must be accompanied by a movement document (5 mile rule applies).</li> <li>• The model movement document will be provided on the Defra website.</li> <li>• The receiving keeper must forward a copy of the movement document to the LA within 3 days of receipt of animals onto the holding.</li> </ul>	<p>Part 8, <i>Article 22 and 23.</i></p>

Annual Inventory	No change to existing provisions (B.1 and D1)		<i>Article 24</i>
Animals arriving from Scotland, Wales and Northern Ireland.		Must be identified in accordance with EU rules, or if identified before 31 December 2009 in accordance with the rules applicable in the despatching territory at the time of identification.	<i>Article 30</i>
Imported animals	Animals to be re-identified in accordance with the requirements for new born animals. ( <i>Article 4.4</i> )		<i>Article 31</i>
Eartag approvals, allocation of numbers and additional information	No change to the existing provisions.	<ul style="list-style-type: none"> <li>ETAS will continue to allocate UK tag numbers so as to ensure that each animal has a unique identity.</li> </ul>	<i>Article 10</i>
Markets		Continue with no splitting of lots after sale once animals enter a market	<i>Article 26</i>

## Description of Proposed New Arrangements - Goats

The following table describes the minimum requirements necessary to implement the revised recording requirements for goats from 31 December 2009. Where existing provisions are not referred to, they will remain unaltered.

	Requirement (Ref in italics is to requirement in EC Regulation 21/2004)	Detail	Legislative reference in domestic SI
Holding registration	No change to existing provisions ( <i>Art 8(2)</i> )		Part 9, <i>Article 25</i>
Identification for goats not intended for slaughter within 12 months of age	No change to existing provisions ( <i>Art 4 and 9</i> )  See also provisions for slaughter animals	<ul style="list-style-type: none"> <li>• The two means of identification should be either: <ul style="list-style-type: none"> <li>• Eartag and eartag/tattoo or pastern tag.</li> </ul> </li> <li>• Electronic identification for goats is voluntary. Where applied the rules for sheep apply.</li> <li>• The identifiers can be any colour but <b>red, black and yellow</b> tags may only be used in the circumstances specified in the Regulations. Where a bolus is applied the accompanying eartag must be <b>black</b>. All electronic identifiers must be yellow and replacement tags applied when an animal is not on its holding of birth must be red.</li> <li>• The identification must be applied within 6 or 9 months of birth (depending on whether the animals are reared intensively or extensively) or when they first move from the holding on which they were born, whichever is the soonest.</li> <li>• The information which will appear on the two means of identification must be identical, unique to the animal and will consist of:</li> </ul>	Part 2 <i>Articles 7 and 8</i>  Part 3, <i>Articles 11 and 14</i>

		<p>UK + herd mark of birth + individual number (up to a maximum of 6 digits)</p> <p>NOTE – all unique numbers on UK tags will be allocated by ETAS</p> <ul style="list-style-type: none"> <li>• Management tags cannot contain the letters UK, in case they get confused with official tags.</li> <li>• Additional management information can appear on eartags as long as the official ID mark is clearly distinguishable</li> </ul>	
Replacement Identification	<p>Replacement identification for animals identified before 31 December 2009</p> <ul style="list-style-type: none"> <li>• Lost or damaged identifiers must be replaced as soon as possible. The lost or damaged identifier must be replaced with an identically numbered identifier or a different numbered replacement. (<i>Art 4.6 and B1, 8<sup>th</sup> indent</i>)</li> </ul>	<ul style="list-style-type: none"> <li>• All lost or damaged identifiers must be replaced within 28 days of the loss or damage being identified.</li> <li>• All identifiers used as replacements should be ETAS-allocated and have the same number format as for new born animals. <ul style="list-style-type: none"> <li>○ Replacements can have the same identical number as the one that has been lost.</li> <li>○ Alternatively a new set of different numbered identifiers can be applied. In this scenario the replacement identifiers (where appropriate) must be red (unless applied on the HOB) and the surviving identifier removed.</li> </ul> </li> <li>• All identifiers used for replacement of slaughter tags should be ETAS allocated and bear the letter UK and the herdmark of the holding the replacement was applied on. If the replacement is not applied on the HOB it must</li> </ul>	<p>Parts 4 and 6, <i>Articles 12, 13 and 17-20.</i></p>

		<p>be red.</p> <ul style="list-style-type: none"> <li>• Whenever a replacement tag is applied (of whatever type), a record of the replacement should be made in the replacement section of the holding register: <ul style="list-style-type: none"> <li>○ Where an identical tag, slaughter tag, or replacement for a lost identifier for an animal identified before 2008 is applied the record should indicate that a replacement has been applied;</li> <li>○ Where a new set of identifiers are applied a full cross reference between the old and the new identification number tag must be recorded, unless the animal is on its holding of birth and born before 31 December 2009.</li> </ul> </li> <li>• The current exemptions for markets on the replacement of lost tags continue to apply.</li> <li>• It will be an offence for animals to leave a holding without the correct identification.</li> </ul>	
Export Identification	Same as for newborn animals except that tattoos are not permitted ( <i>Art 4.(2) and (3)</i> ).	<ul style="list-style-type: none"> <li>• Animals identified with a slaughter tag (see below) cannot be exported, unless the animals is re-identified on its holding of birth in accordance with the requirements for newborn animals.</li> </ul>	<i>Article 33</i>
Animals intended for slaughter	Animals intended for domestic slaughter within 12 months of age may be identified using a single slaughter tag ( <i>Article 4.3 and A.7</i> ). This single tag must include an individual animal	<ul style="list-style-type: none"> <li>• Animals intended for slaughter may be identified with a single slaughter tag, which must be applied within 6 or 9 months of age or when the animal leaves its birth holding, whichever is the soonest.</li> <li>• Individual numbers must not be used on</li> </ul>	<i>Article 11</i>

	<p>number, which is allocated by ETAS. Lost or damaged tags must be replaced within 28 days of the loss/damage being detected – see replacement section above.</p>	<p>slaughter tags because this would require slaughter animals to be individually recorded.</p> <ul style="list-style-type: none"> <li>The slaughter tag will consist of: <p style="text-align: center;">UK + herdmark of holding of birth tag</p> </li> <li>Animals identified with a single slaughter tag cannot subsequently be double identified, unless the animal has not left its holding of birth.</li> </ul>	
<p>Holding register</p>	<p>Animals identified after 31 December 2009</p> <p>All animals, other than those intended for slaughter and identified with a slaughter tag must be individually recorded in the register and all movements onto and off a holding must be individually recorded. Animals intended for slaughter should be recorded on a batch basis, but where there are mixed identities in the batch the number of animals with the same identity must be recorded (<i>Article 5 and B</i>)</p> <p>Animals identified before 31 December 2009</p>	<ul style="list-style-type: none"> <li>Movement details must be recorded in the register within 36 hours of the movement taking place.</li> <li>For “off” movements keepers have the option of retaining a copy of the movement document rather than making a record of the movement in the register. If they decide to retain the movement document, they must ensure that all movement documents are kept with the register, in order of date.</li> <li>The number of animals moved must be recorded in the holding register.</li> <li>The length of time that keepers need to keep the holding register is 3 years from the last day when an animal dies or leaves the holding, however in respect of animals identified before 31 December 2006 records need only be retained for 3 years.</li> <li>Copy must be available for inspection on the holding at all times.</li> <li>A model holding register will be provided on</li> </ul>	<p>Part 7, <i>Article 21</i></p>

	All animals should be recorded in the register on a batch basis when they move on or off a holding ( <i>Article 5</i> and B)	<p>the Defra website, but it will also be acceptable for a keeper to maintain electronic records.</p> <ul style="list-style-type: none"> <li>• Replacement information must be recorded.</li> </ul>	
Movement documents	All movements between holdings must be accompanied by a movement document. All animals, other than those intended for slaughter and identified with a slaughter tag must be individually recorded in the movement document. Animals intended for slaughter should be recorded on a batch basis. ( <i>Article 6</i> and C)	<ul style="list-style-type: none"> <li>• All movements between holdings must be accompanied by a movement document (5 mile rule applies).</li> <li>• The model movement document will be provided on the Defra website.</li> <li>• The receiving keeper must forward a copy of the movement document to the LA within 3 days of receipt of animals onto the holding.</li> </ul>	Part 8, <i>Article 22 and 23.</i>
Annual Inventory	No change to existing provisions (B.1 and D1)		<i>Article 24</i>
Animals arriving Scotland, Wales and Northern Ireland.		Must be identified in accordance with EU rules, or if identified before 31 December 2009 in accordance with the rules applicable in the despatching territory at the time of identification.	<i>Article 30</i>
Imported animals	Animals to be re-identified in accordance with the requirements for new born animals. ( <i>Article 4.4</i> )		<i>Article 31</i>
Eartag approvals,	No change to the existing provisions.	<ul style="list-style-type: none"> <li>• ETAS will continue to allocate UK tag numbers so as to ensure that each animal has a unique</li> </ul>	<i>Article 10</i>

allocation of numbers and additional information		identity.	
Markets		Continue with no splitting of lots after sale once animals enter a market	<i>Article 26</i>

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