

# Consultation on the implementation of Commission Regulation (EC) No 504/2008 of 6 June 2008 implementing Council Directives 90/426/EEC and 90/427/EEC as regards methods for the identification of equidae

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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 domestic implementation of Commission Regulation (EC) 504/2008 of 6 June 2008. The aim of this Regulation is to improve the system ('Horse Passports') for the identification of equidae by updating and replacing Commission Decisions 93/623/EEC and 2000/68/EC, and implementing Commission Decisions (90/426/EEC) and (90/427/EEC). It will also replace the existing legislation, Horse Passports (England) Regulations 2004.

1.2 Horse Passports are primarily a human health measure designed to protect the food chain from horse meat that may have been obtained from horses treated with veterinary medicines unsuitable for food chain animals.

1.3 The main provision of the new Commission Regulation is the strengthening of the link between the horse and the information on its medical treatment stored on its passport to reduce the risk of unsuitable horses entering the food chain. This will be achieved by means of an implanted microchip containing a unique identification number. Microchips will be mandatory for foals born after 1 July 2009, and older animals if not previously registered.

1.4 This consultation covers **England only** – the Welsh Assembly Government will be responsible for implementing the Regulation in Wales, the Scottish Office Agriculture, Environment and Fisheries Department in Scotland and the Department for Agriculture and Rural Development in Northern Ireland.

1.5 The Commission 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 Commission Regulation in England.

1.6 This document:

- summarises the current regulatory regime;
- describes the new Commission Regulation and how it is proposed to apply it in England; and
- includes as Annexes:
  - i. a summary of questions on which we are seeking views.
  - ii. the initial draft impact assessment;
  - iii. revised efficiency criteria for Passport Issuing Organisations (PIOs);
  - iv. a list of consultees and

- v. the text of Commission Regulation (EC) No 504/2008.

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

1.7 Defra conducted an informal consultation with industry in May 2006, during early negotiations on the new Commission regulation, in order to seek views on mandatory microchipping.

1.8 A cross-sector Stakeholder Workshop was held in May 2008 with the aim of identifying key issues and challenges to successful implementation of Commission Regulation 504/2008 and to discuss these challenges and possible solutions. A number of subsequent stakeholder focus groups have been held to discuss specific issues raised for various sectors of the industry. 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 – “Horse Passport (England) Regulations 2009”. These will be laid before Parliament in a timeframe which will meet the coming into force date of the Regulation.

**What is the deadline for comments?**

1.10 Comments should be received by noon on 2 February 2009.

**What comments are requested?**

1.11 Chapter 4 raises specific questions (summarised at Annex A) on which Defra is seeking views. These are related to the proposed implementation of the new Commission Regulation (Annex E). 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 a draft initial Impact Assessment (Annex B) which sets out a first assessment of the costs and benefits of the proposals. Views on this assessment, its underlying assumptions and their applicability would be welcomed.

1.13 The Efficiency Criteria against which PIOs are assessed (Annex C) are also attached. Failure to comply with these criteria can result in PIOs having their Defra approval removed. Comments on these criteria would also be welcomed.

1.14 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). It will also assist us in taking account of the points you raise if you make clear the section or paragraph to which they relate.

1.15 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?**

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

Equine ID Team  
Department for the Environment, Food & Rural Affairs  
Area 5A, 9 Millbank  
c/o 17 Smith Square  
London  
SW1P 3JR

Email: [horse.passports@defra.gsi.gov.uk](mailto:horse.passports@defra.gsi.gov.uk)

# Chapter 2: Summary of the current horse passport regime in England

## The Horse Passports (England) Regulations 2004

2.1 The Horse Passports (England) Regulations have been in force since 2004. These domestic Regulations implement Commission Decisions 93/623/EEC and 2000/68/EEC which concern the identification of equidae. Horse Passports are essentially a human health measure to ensure that horses do not enter the human food chain, if they have been treated with certain veterinary medicines harmful to human health

2.2 The main provisions contained within the current legislation are:

- All owners must obtain a passport for each equine they own. This includes ponies, donkeys, and other equidae (but not zebra and other exotic equidae). Equines must not be sold, exported, slaughtered for human consumption or used for the purposes of competition or breeding without a passport;
- Passports are issued by passport-issuing organisations (PIOs) who are approved under European legislation (Commission decision 92/353/EEC);
- Owners must declare whether or not animals are ultimately intended for human consumption, by signing the relevant Declaration in the horse passport if:
  - i. banned drugs are administered to the animal;
  - ii. when the animal is exported, or
  - iii. when the animal is consigned to slaughter.

A declaration stating that the animal is not intended for human consumption cannot be reversed;

- Equidae are identified in the passport by means of a completed silhouette (diagram showing the distinguishing marks of an animal) which is completed by a veterinary surgeon or a person deemed competent by the PIO. Some breed societies require members to have their horses microchipped in addition to completing a silhouette;
- An exemption from the passport requirement is provided for semi-feral equidae residing in designated areas;
- The current legislation is enforced by the Meat Hygiene Service at slaughterhouses and by Local Authority Trading Standards Departments in other areas.

## **Chapter 3: The new EU Regulation, Commission Regulation (EC) No 504/2008**

3.1 Commission Regulation (EC) No 504/2008 of 6 June 2008 (Annex E) implements Commission Decisions 90/426/EEC and 90/427/EEC and updates and replaces Commission Decisions 93/623/EEC and 2000/68/EC establishing an identification system for equidae. The new Regulation builds on the existing system of a single identification document (passport), issued for life when the animal is born or imported. The main change is the requirement for the passport to be linked to the animal by an electronic microchip containing a 'unique life number' with passport and microchip details recorded on a database.

3.2 Key features of the new Regulation, which enters into force on 1 July 2009, are:-

- Extends the passport rules to zebra and other exotic equidae not previously covered;
- Places responsibility on keepers to ensure equidae have been identified in accordance with the Regulation;
- For passports issued after 30 June 2009, foals (and adult equidae not previously issued with passports) must be implanted with microchips containing a unique code number;
- Provides exemptions from passport and microchip requirements for animals kept under wild or semi-wild conditions;
- Requires equidae to be accompanied by their passport at all times with some exceptions notably, when stabled or at pasture or moved on foot where the passport can be retrieved within 3 hours;
- Allows Member States to authorise the use of 'smart cards' instead of paper passports to accompany equidae moving within national boundaries;
- Provides clarification on use of passports, for restricting movements, during the outbreak of an exotic equine disease;
- Tightens the requirements for passports to be available and updated at the time of any administration of veterinary products; and
- Introduces a revised passport format which includes a new Certificate of Origin to record pedigree details and a new section to be used in the event of a disease outbreak.

3.3 Chapter 4 provides a more detailed description of these provisions and explains how we propose to implement them in England.

## Chapter 4: Proposed implementation in England

4.1 The new passport rules will be implemented in England through a combination of Commission Regulation 504/2008 (Annex E) and new domestic Regulations. The provisions of the Commission Regulation are directly applicable in UK law but domestic Regulations are required to define offences, penalties and those exemptions ('derogations') in the Commission Regulation that we propose to apply, plus some additional provisions needed for implementation. The draft Impact Assessment (Annex B) sets out our initial estimates of the costs and benefits of implementation.

4.2 The paragraphs below describe how we propose to implement the new rules and include some specific 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 the proposed implementation (including the Impact Assessment and PIO Efficiency Criteria). References to 'Articles' refer to the Commission Regulation.

### Scope

4.3 The new legislation will require all wild and domesticated horses to be identified [Article 2(2)(c)]. This expands the scope of the current identification requirement to zebras and other wild horses kept in zoos, safari parks etc. It will be possible for passports for these previously exempted animals to be obtained under the existing rules if applications are made before 1 July 2009. From 1 July 2009 foals (and older animals not previously registered) will need to have a passport and microchip in accordance with the new rules

### Responsibility of keepers

4.4 It will be an offence to keep an equine animal without a valid passport [Articles 3(1) and 3(2)]. We propose that responsibility for complying with this requirement should lie with the person having day to day responsibility for the care and welfare of the animal. This will normally be the owner but, depending on how and where the animal is kept and transported, this primary keeper responsibility can lie elsewhere (e.g. full livery yards, welfare organisations, and transporters).

4.5 Where the primary keeper is not the owner, he or she will need to make suitable arrangements with the owner to ensure the animal has a passport which can be made available when required.

**Question 1.** Do you agree that the primary keeper – the person having day-to-day responsibility for the care and welfare of the equine – should be responsible for ensuring the animal has a passport?

### Identification of equidae born in the Community

4.6 Applications for passports can only be submitted by the keeper, or, where specifically required by a Member State, the owner of an equine animal [Article 5(5)].

We propose to maintain the current arrangement that only the owner can submit a passport application.

4.7 The application for a passport must be made before 31 December in the year of the animal's birth or within 6 months of their birth, whichever is later with an option for Member States to limit this period to within 6 months of birth only [Article 5(6)]. We propose not to apply this option and retain the existing application deadline, i.e. before 31 December of the year of its birth or within 6 months of its birth, whichever is later. It will be an offence for an owner to fail to comply with this deadline.

4.8 Passport Issuing Organisations (PIOs) must ensure that the format of the passport conforms to the model document set out in Annex I to the Commission Regulation [Articles 5(1) to 5(4)]. These passports must be in an indivisible format and at least Section I (identification and silhouette) of the passport must be completed before a PIO can issue it. The PIO must also complete Section II with the correct information from the certificate of origin. It will be an offence to re-order or re-number the sections within a passport [Article 5(7)]. It will also be an offence to duplicate or replace a passport [Article 5.8] except in certain specified circumstances (see paragraphs 4.28 to 4.32 below).

4.9 On the sale or transfer of an equine animal from one owner to another, we propose to maintain the current requirement for new owners to notify the issuing body of the change of ownership details within 30 days. It will be an offence for a new owner not to have applied for change of ownership within 30 days.

**Question 2.** Do you agree that only the owner can submit a passport application?

**Question 3.** Do you agree we maintain the current deadlines for obtaining a passport and that the current 30 day deadline is maintained for notifying changes of ownership?

### **Derogation from the completion of Section I (identification details) of the identification document**

4.10 Subject to the rules of issuing PIOs, where a microchip has been implanted it will no longer be a requirement to complete the description details (head, legs, body and colour), at points 3(b) to (h) of Part A of Section I of the passport and the silhouette in Part B of Section I. A photograph or similar print showing sufficient details to identify the animal may also be used instead of a silhouette in this case [Article 6]. It will be for individual PIOs to decide whether to allow these options. At present some PIOs allow the owner may complete the silhouette if the horse has been micro-chipped it has been suggested that we allow this practice to continue.

**Question 4.** Do you think that we should continue to allow owners to complete the silhouette in these cases?

## **Derogations concerning the identification of certain equidae living under wild or semi-wild conditions**

4.11 Certain wild or semi-wild equine animals need only be identified and microchipped when they are moved out of the defined areas [Article 7]. We propose to apply this option to equine animals kept in the defined areas of Dartmoor and The New Forest (see also paragraph 4.18) and maintained in the Commoners and Verderers lists.

4.12 We also propose that owners of adult equidae in these designated areas will be required to microchip their animals if treated by a veterinary surgeon. This will ensure that an abattoir can identify those ponies which have received medicinal treatment and which may not be suitable for the food chain.

**Question 5.** Do you agree that we should exempt equine animals kept in the defined areas of Dartmoor and the New Forest from the microchip requirement?

**Question 6.** Do you agree that adult equidae which are kept in one of the defined areas of Dartmoor or the New Forest must be identified, in accordance with the new Regulation, if treated with veterinary medicines?

## **Identification of imported equidae**

4.13 We propose that the owner, rather than keeper, of an imported animal must apply for a passport or register an existing registration document with a PIO within 30 days of import from a Third Country [Article 8(1)]. Also, only the owner will be able to request the PIO to complete additional papers and record details where the existing documentation does not meet the requirements of the Regulation [Article 8(2)]. It will be an offence for an owner not to comply with these requirements.

**Question 7.** Do you agree that the owner, rather than keeper, of an imported animal must apply for an identification document or register an existing registration document with an issuing body within 30 days of import from a Third Country?

**Question 8.** Do you agree that only the owner can request the PIO to complete additional papers and record details where the existing documentation does not meet the requirements of the Regulation?

## **Verification of single identification documents issued for equidae**

4.14 PIOs are required to take appropriate measures [Articles 9 and 10] to ensure that multiple identification documents are not issued in respect of an individual equine animal. We propose that this should take the form of checking microchip numbers on the National Equine Database.

## Measures to detect previous active markings

4.15 It is proposed that, as part of their normal inspection routine for passport application purposes, veterinary surgeons should be responsible for checking for existing microchips and any evidence of previous microchip removal [Article 10.1]. If evidence of a previous microchip is found then the microchip number (if known) must be recorded on the passport and the passport issued must be signed as not intended for the food chain. It will be an offence for the veterinary surgeon, who is acting on behalf of the PIO, not to perform these checks.

## Electronic methods of identity verification

4.16 This is the central provision of the new Commission Regulation, requiring, from 1 July 2009, a microchip to be implanted when an equine animal is first identified for passport purposes. Member States have discretion to lay down the minimum qualification required for a person to insert a microchip [Article 11(1)]. It is the view of the Royal College of Veterinary Surgeons (RCVS) that the implantation of a microchip as required by the Regulation, i.e. "parenterally 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. We therefore intend to require that the minimum qualification required to insert a microchip under this Regulation is membership of the RCVS.

**Question 9.** Do you agree that membership of the RCVS should be the minimum qualification required to insert a microchip is?

4.17 We do not intend to allow for implantation at a different place on the neck [Article 11(2)]. After a microchip has been inserted, veterinary surgeons must complete the passport with a silhouette showing the position of the micro-chip, the micro-chip number and its adhesive sticker, and sign Section I Part A.

**Question 10.** Do you agree that we do not allow for implantation of a microchip at a different place on the neck, as provided for in Article 11(2)?

## Alternative methods for identity verification

4.18 Member States may authorise alternative methods of identification which provide equivalent scientific guarantees to microchipping [Article 12]. Apart from the identification method set out in paragraph 4.19 below we have not received proposals for any other alternative methods.

**Question 11.** Are there any alternative methods providing equivalent scientific guarantees, of unique identification as a microchip and passport, that you would like us to consider? If so, please provide full details and supporting evidence.

4.19 In the case of wild or semi-wild ponies in Dartmoor and the New Forest it has been suggested that an agreed design of rump sticker could be used an alternative method when ponies permanently leave these designated areas either through the sales at Beaulieu Road, Chagford or Tavistock to the holding destination or directly from these areas to the slaughterhouse.

## Proposed procedure

### 4.20 At the sales:

- the pony is marked with a tamper-proof adhesive sticker, dated with the date of sale, lot number and issued by an approved breed society, and
- the buyer has applied to an approved breed society for a passport and provided full name and address details, and
- a photocopy of the passport application, marked with the number of the adhesive label, accompanies the animal.

### 4.21 The buyer must:

- take the animal directly to the holding of destination outside the designated areas;
- within 30 days of arrival microchip the animal, have its silhouette drawn, and send the microchip number and silhouette to an approved breed society to enable the society to issue a passport; and
- ensure that the animal is not moved from the holding of destination until the passport is received.

4.22 Foals will be allowed to move directly to slaughter if identified by a temporary adhesive rump sticker issued by an approved PIO which is valid for 48 hours (see paragraph 4.27). Older horses will require a passport and a rump sticker issued by an approved PIO – again the sticker will be valid for 48 hours.

**Question 12.** What are your views on the proposed rump sticker arrangements for wild and semi-wild ponies permanently leaving the New Forest and Dartmoor?

## Movement and transport of registered equidae and equidae for breeding and production

4.23 Identification documents must accompany equine animals at all times [Article 13] except when:

- stabled or at pasture and the passport can be produced without delay by the keeper;
- moved temporarily on foot and the passport can be produced within 3 hours;
- unweaned and accompanying their dam;
- participating in a competition or event which requires the equine to leave the competition or event venue; or
- moved or transported in emergency situations.

4.24 If the passport is not available as required, an offence will be committed by the owner or primary keeper. As in paragraphs 4.4 and 4.5 above, primary keepers who are not owners will need to make arrangements with the owner of the animal, in order to ensure that the passport can be produced without delay.

**Question 13.** Do you agree that it should be the owner or primary keeper who should produce the passport for inspection?

### **Derogation for certain movements and transport without or with simplified identification documents**

4.25 Member States may provide a derogation from the requirement for the passport to accompany an equine animal at all times provided that they are accompanied by a 'smart' card – plastic data storage cards with embedded computer chips [Article 14]. We propose to introduce this derogation in principle to allow the use of an approved smart card system at some point in the future when the technology has advanced sufficiently. PIOs will be required to apply for authorisation to smart cards from Defra.

**Question 14.** Do you agree that we apply the derogation in principle to provide for the use of smart cards in order to 'future proof' the legislation?

4.26 When passports are returned to PIOs, e.g. for updating, they will be required to issue a temporary document to allow equines to be moved within the UK for a period not exceeding 45 days [Article 14(3)]. We propose to specify that a temporary document should be supplied if a PIO is unable to return passports submitted for updating within 72 hours. It will be an offence for an owner to move equine(s) accompanied by an expired temporary document.

**Question 15.** Do you agree that 72 hours is a reasonable timeframe for issuing temporary documents?

### **Movements and transport of equidae for slaughter**

4.27 Equines transported to the slaughterhouse must be accompanied by their passport [Article 15(1)] – if the passport does not accompany the animal, an offence will be committed by the owner or primary keeper (see paragraphs 4.4 & 4.5). An exemption from this requirement is provided, subject to certain conditions, for animals transported to slaughter directly from the holding of birth to the slaughterhouse [Article 15(2)]. We propose to apply this exemption only for those wild or semi-wild animals specified at paragraph 4.19 above.

**Question 16.** Subject to your views on alternative methods of identification, do you agree that the derogation for equine animals to travel, from their holding of birth to slaughter, without a passport should be limited to wild or semi-wild ponies identified using the proposed rump sticker arrangements?

## Duplicate passports

4.28 When passports are reported lost and the animal's identity can be established, PIOs will issue a duplicate passport, marked as such, and with Section IX completed to show the animal as not intended for the food chain [Article 16(1)]. It will be an offence for the PIO not to comply with these requirements.

4.29 Member States may derogate from this requirement and allow a duplicate passport to be issued with it showing the animal as only temporarily marked out of the food chain for a period of 6 months, provided the keeper can satisfactorily demonstrate, within 30 days of the date of the loss of the original passport, that the horse has not been given any medicines which might prevent it from entering the food chain.

4.30 We are not minded to apply this derogation. We do not envisage circumstances in which it would be possible to supply evidence to the degree required to prove the animal had not been treated with veterinary medicines prohibited in the food chain.

**Question 17.** Do you agree with the proposal not to apply the option to allow duplicate passports to be issued with the animal only temporarily marked out of the food chain (for 6 months)?

4.31 When duplicate passports are issued we propose to require them to be sent to the owner of the animal rather than the keeper [Article 16(3)].

**Question 18.** Do you agree that duplicate passports should be sent to the owner of the animal rather than the keeper?

## Replacement identification documents

4.32 When passports are reported lost and the animal's identity cannot be established, PIOs, will issue a replacement passport, marked as such, and with Section IX completed to show the animal as not intended for the food chain [Article 17]. It will be an offence for the PIO not to comply with these requirements.

## Suspension of passport for movement purposes

4.33 The validity of passports for movement purposes will be suspended when the premises on which equidae are kept are subject to movement restrictions as a result of a disease outbreak or when they are situated in a Member State which is not free of African Horse Sickness. Official veterinary surgeons, under the guidance of Animal Health, will have responsibility for completing the relevant sections of the passport.

## Death of equidae

### Passports

4.34 The Commission Regulation requires passports to be destroyed on the death or loss of the animal. However, Member States may derogate from this requirement

and instead require the passport to be returned to the issuing PIO [Article 19(4)]. In line with our current domestic provisions we propose to apply this option to maintain the paper trail once the document has been stamped as “invalid”. This will also allow issuing bodies to return passports to owners once stamped if they wish to retain them. It will be an offence for the owner or primary keeper not to send the passport to the issuing PIO within 30 days of the death or loss of the animal. PIOs will also inform the National Equine Database (NED).

## **Microchips**

4.35 Member States are required to ensure that on the death of animals, microchips are destroyed or otherwise rendered unusable to prevent their future fraudulent use [Article 19(1) (a)].

4.36 In the case of animals intended for the food chain we propose that abattoirs check for the presence of microchips and ensure removal and destruction from horse carcasses. This is both to prevent fraudulent re-use and to prevent contamination of the horse meat. If an implanted microchip cannot be recovered from a carcass of a horse slaughtered for food, the official veterinarian must declare the carcass as unsuitable for food. The microchip number will be subsequently cancelled on NED.

## **Animals which are disposed of other than for the food chain**

4.37 When the equine carcass is destroyed we consider that the micro-chip will be also be destroyed as part of the disposal method (e.g. incineration, rendering, cremation etc.). As an additional safeguard to prevent the fraudulent re-use of the chip the keeper is required to return the passport to the PIO who will update NED and cancel the micro-chip number on the database.

**Question 19.** Do you agree with the proposed system for preventing the fraudulent re-use of micro-chips following the death of a horse?

## **Equidae intended for slaughter for human consumption and medication record**

4.38 Equidae are deemed to be intended for human consumption unless irreversibly declared as ‘not intended’ at Part II of Section IX of the passport [Article 20(1)]. If equidae are treated with veterinary products which are unsuitable for the food chain the passport has to be marked accordingly by the attending veterinary surgeon.

4.39 Veterinary medicines which can be used on equidae intended for the food chain are:

- products authorised for use in equidae which have a designated withdrawal period;
- products containing active ingredients which appear in Annexes I - III to Commission Regulation No 2377/90 (for information see [http://ec.europa.eu/enterprise/pharmaceuticals/mrl/mrl\\_key.htm](http://ec.europa.eu/enterprise/pharmaceuticals/mrl/mrl_key.htm)); or

- products containing active ingredients on the list of substances essential for the treatment of equidae Commission Regulation No 1950/2006 (for information see <http://www.vmd.gov.uk/ProductInfo/AuthMed/authhorse.htm>).

4.40 Veterinary medicines which are not included above should not be administered to equidae intended for human consumption. If a veterinary surgeon uses one of these products, the passport has to be signed as 'not intended for the food chain'. Commonly available medicines not allowed for food chain animals include Phenylbutazone, Metronizodole and Chloramphemicol.

4.41 The Commission regulation requires veterinary surgeons:

- to ascertain an equine animal's status regarding the food chain before treating it with a medicinal product [Article 20(2)];
- to ensure that an equine animal treated with a product not permitted for animals entering the food chain is irreversibly declared as not intended for human consumption [Article 20(3)];
- to enter the required details of the medicinal product used and its withdrawal period onto the relevant section of the passport [Article 20(4)].

4.42 In implementing these provisions we recognise that there will be circumstances where the owner or primary keeper will not be able to make the passport available at the time of treatment (e.g. in an emergency). Therefore, if the passport is not available we propose that the veterinary surgeon:

- treat the equine with veterinary medicines suitable for animals intended for the human food chain as described in 4.39;
- treat the equine with veterinary medicines not suitable for the human food chain provided he is satisfied as to the equine's identity, has seen its passport previously and knows that it has been marked as unsuitable for the food chain;

In both cases, the veterinary surgeon must provide the owner or primary keeper with a note of the medicines administered which is to be used to update the passport as soon as possible. The veterinary surgeon should keep their own record of the treatment given. The owner will be committing an offence if they fail to update the passport accordingly.

4.43 This process for dealing with equidae presented for treatment without their passport reflects current practice in Scotland.

4.44 It will be an offence to fail to comply with the above requirements.

**Question 20.** Do you agree that with the proposal covering medicinal treatment of equidae where the passport is not available at the time of treatment?

## Database

4.45 PIOs are required to record and keep information for at least 35 years or at least 2 years from the death of the animal, and communicate this information to the central database of the Member State where the animal was born immediately after it has recorded it [Article 21(2)]. We also propose that PIOs provide monthly updates to NED in line with current procedures. PIOs not complying with these requirements will contravene the efficiency criteria placed on them by the National Rules and their approval may be removed.

4.46 It has been suggested that since the Certificate of Origin now forms a compulsory section of the passport, Sire and Dam information should become mandatory and provided by the PIOs to the central database on a monthly basis.

**Question 21.** What are your views on requiring Sire and Dam information to be mandatory and submitted to the central database (the National Equine Database) on a monthly basis?

4.47 NED currently contains information on all horses issued with a UK passport. It has been suggested that to enhance disease control capabilities it would be desirable for any horse imported into the UK on a permanent basis, which holds a fully compliant EU passport and not registered with a UK PIO, to register with the central database within 30 days.

**Question 22.** What are your views on compulsory registration of EU horses imported on a permanent basis?

## Penalties

4.48 A person committing an offence under the proposed regulations will be subject to a fine not exceeding the statutory maximum.

4.49 Failure of PIOs to comply with the Efficiency Criteria (Annex C) may result in the withdrawal of their status as an approved PIO/Breed Society.

## Enforcement

4.50 It is proposed that the Meat Hygiene Service and Local Authorities will continue in their current enforcement role and Animal Health will also check compliance with the legislation on farms and yards.

## Transitional provisions

4.51 The Commission Regulation requires all equidae born by 30 June 2009, but not registered under the existing rules, to be identified in accordance with the new Regulation by 31 December 2009 at the latest [Article 26(3)]. We propose that all passports issued to adult equidae after 1 July 2009 are considered as duplicate or replacement passports, since they will have an unknown medical history, and are marked out of the food chain (paragraphs 4.28 & 4.32).

**Question 23.** Do you agree that all passports applied for adult equidae after 1 July 2009 should be considered as duplicate or replacement passports and therefore marked out of the food chain?

## Annex A: Summary of Questions

**Question 1.** Do you agree that the primary keeper – the person having day-to-day responsibility for the care and welfare of the equine – should be responsible for ensuring the animal has a passport?

**Question 2.** Do you agree that only the owner can submit a passport application?

**Question 3.** Do you agree we maintain the current deadlines for obtaining a passport and that the current 30 day deadline is maintained for notifying changes of ownership?

**Question 4.** Do you think that we should continue to allow owners to complete the silhouette in these cases?

**Question 5.** Do you agree that we should exempt equine animals kept in the defined areas of Dartmoor and the New Forest from the microchip requirement?

**Question 6.** Do you agree that adult equidae which are kept in one of the defined areas of Dartmoor or the New Forest must be identified, in accordance with the new Regulation, if treated with veterinary medicines?

**Question 7.** Do you agree that the owner, rather than keeper, of an imported animal must apply for an identification document or register an existing registration document with an issuing body within 30 days of import from a Third Country?

**Question 8.** Do you agree that only the owner can request the PIO to complete additional papers and record details where the existing documentation does not meet the requirements of the Regulation?

**Question 9.** Do you agree that membership of the RCVS should be the minimum qualification required to insert a microchip is?

**Question 10.** Do you agree that we do not allow for implantation of a microchip at a different place on the neck, as provided for in Article 11(2)?

**Question 11.** Are there any alternative methods providing equivalent scientific guarantees, of unique identification as a microchip and passport, that you would like us to consider? If so, please provide full details and supporting evidence.

**Question 12.** What are your views on the proposed rump sticker arrangements for wild and semi-wild ponies permanently leaving the New Forest and Dartmoor?

**Question 13.** Do you agree that it should be the owner or primary keeper who should produce the passport for inspection?

**Question 14.** Do you agree that we apply the derogation in principle to provide for the use of smart cards in order to 'future proof' the legislation?

**Question 15.** Do you agree that 72 hours is a reasonable timeframe for issuing temporary documents?

**Question 16.** Subject to your views on alternative methods of identification, do you agree that the derogation for equine animals to travel, from their holding of birth to slaughter, without a passport should be limited to wild or semi-wild ponies identified using the proposed rump sticker arrangements?

**Question 17.** Do you agree with the proposal not to apply the option to allow duplicate passports to be issued with the animal only temporarily marked out of the food chain (for 6 months)?

**Question 18.** Do you agree that duplicate passports should be sent to the owner of the animal rather than the keeper?

**Question 19.** Do you agree with the proposed system for preventing the fraudulent re-use of micro-chips following the death of a horse?

**Question 20.** Do you agree that with the proposal covering medicinal treatment of equidae where the passport is not available at the time of treatment?

**Question 21.** What are your views on requiring Sire and Dam information to be mandatory and submitted to the central database (the National Equine Database) on a monthly basis?

**Question 22.** What are your views on compulsory registration of EU horses imported on a permanent basis?

**Question 23.** Do you agree that all passports applied for adult equidae after 1 July 2009 should be considered as duplicate or replacement passports and therefore marked out of the food chain?

## Annex B: Partial Impact Assessment Summary: Intervention & Options

**Department/Agency:**  
Department for  
Environment, Food and  
Rural Affairs

**Title:**  
Impact Assessment of new equine ID regulations

**Stage:** Consultation

**Version:** 2.3

**Date:** 27 October 2008

Related Publications: EC Regulation 504/2008

Available to view or download at:

[http://www.ec.europa.eu/food/animal/identification/equine/index\\_en.htm](http://www.ec.europa.eu/food/animal/identification/equine/index_en.htm)

Contact for enquiries: Sean Hogan

Telephone: 020 7238 6039

**What is the problem under consideration? Why is government intervention necessary?**

The consumption of meat from horses that have been treated with veterinary medicines not suitable for the food chain represents a human health risk. Commission Regulation 504/2008 will be implemented on 1<sup>st</sup> July 2009 in order to improve current methods of equine identification and to ensure a harmonised approach across the EU. The Regulation is directly applicable although domestic legislation is required to cover offences penalties and the derogations.

**What are the policy objectives and the intended effects?**

All horses are currently required to have a passport. The main change under the proposed legislation is the requirement for the passport to be linked to the animal by implantation of an electronic microchip. This will reduce the risk to human health by providing a link between the horse and its passport, thus preventing horses treated with substances not intended for food producing animals from entering the food chain. The UK must implement the Regulation in order to avoid costly infraction proceedings, to protect the horsemeat export trade and to retain the use of key equine medicines.

**What policy options have been considered? Please justify any preferred option.**

Three policy options have been considered: (i) Minimum implementation of EU Regulation without the use of derogations, (ii) Minimum implementation with the use of all possible derogations, and (iii) Minimum implementation with the use of selected derogations only (see evidence base for details). The latter is the preferred option as it reduces implementation costs while maintaining safeguards where appropriate.

**When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?**

Five years of implementation of the regulation.

**Ministerial Sign-off** For Consultation Stage Impact Assessments:

*I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.*

Signed by the responsible Minister:



..... Date: 04/11/08

## Summary: Analysis & Evidence

**Policy Option: 1.**

**Description: Minimum implementation without derogations**

COSTS	ANNUAL COSTS		Description and scale of <b>key monetised costs</b> by 'main affected groups' (i) One-off cost of identifying horses [£3.08 m] (ii) Annual cost to livery yards of performing checks on horses £[0.14 m] (iii) Annual cost of identifying new horses [£0.28 m]
	<b>One-off (Transition)</b>	<b>Yrs</b>	
	£ 3.45 m	1	
	<b>Average Annual Cost (excluding one-off)</b>		
£ 1.08 m	5	(PV)	<b>£8.21 m<sup>1</sup></b>
Other <b>key non-monetised costs</b> by 'main affected groups'			

BENEFITS	ANNUAL BENEFITS		Description and scale of <b>key monetised benefits</b> by 'main affected groups' (i) Maintaining export of horsemeat [£1.26-2.52 m with a mid-point estimate of £1.89m], OR (ii) Allowing continued use of key veterinary medicines [£0.66-3.39 m with a mid-point estimate of £2.03 m]
	<b>One-off</b>	<b>Yrs</b>	
	£ 0	5	
	<b>Average Annual Benefit (excluding one-off)</b>		
£ 1.89 – 2.03 m	5	(PV)	<b>£ 8.53 – 8.67 m</b>
Other <b>key non-monetised benefits</b> by 'main affected groups'			

**Key Assumptions/Sensitivities/Risks** A population figure of 1.35 million equines is used throughout this assessment.

Price Base Year	Time Period Years	<b>Net Benefit Range (NPV)</b> £0.32 – 0.46 m	<b>NET BENEFIT (NPV Best estimate)</b> £
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What is the geographic coverage of the policy/option?		UK		
On what date will the policy be implemented?		1 July 2009		
Which organisation(s) will enforce the policy?		Various		
What is the total annual cost of enforcement for these organisations?		£ No change		
Does enforcement comply with Hampton principles?		Yes		
Will implementation go beyond minimum EU requirements?		No		
What is the value of the proposed offsetting measure per year?		£		
What is the value of changes in greenhouse gas emissions?		£		
Will the proposal have a significant impact on competition?		No		
Annual cost (£-£) per organisation (excluding one-off)	Micro	Small	Medium	Large
Are any of these organisations exempt?	No	No	N/A	N/A

<b>Impact on Admin Burdens Baseline (2005 Prices)</b>				(Increase - Decrease)
Increase of	£0.1 m	Decrease of	£	<b>Net Impact</b> £0.1 m
Key:				<b>(Net) Present Value</b>
				<b>Annual costs and benefits: Constant Prices</b>

<sup>1</sup> Discount rate of 3.5% used. Since the policy will only come into effect in mid-2009, costs and benefits for year 1 (2009/10) have also been discounted in addition to subsequent years.

<b>Policy Option: 2.</b>	<b>Description: Minimum implementation with all derogations</b>
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<b>COSTS</b>	<b>ANNUAL COSTS</b>		Description and scale of <b>key monetised costs</b> by 'main affected groups'
	<b>One-off (Transition)</b>	<b>Yrs</b>	
	<b>£ 3.45 m</b>	1	
	<b>Average Annual Cost (excluding one-off)</b>		
	<b>£ 0.7 m</b>	5	(PV) <b>£6.51 m</b>
Other <b>key non-monetised costs</b> by 'main affected groups'			

<b>BENEFITS</b>	<b>ANNUAL BENEFITS</b>		Description and scale of <b>key monetised benefits</b> by 'main affected groups'
	<b>One-off</b>	<b>Yrs</b>	
	<b>£ 0</b>	5	
	<b>Average Annual Benefit (excluding one-off)</b>		
	<b>£ 1.89 – 2.03 m</b>		5 (PV) <b>£ 8.53 – 8.67 m</b>
Other <b>key non-monetised benefits</b> by 'main affected groups'			

**Key Assumptions/Sensitivities/Risks**  
 A population figure of 1.35 million equines is used throughout this assessment.

Price Base Year 2008	Time Period Years 5	<b>Net Benefit Range (NPV)</b> <b>£2.02 – 2.16 m</b>	<b>NET BENEFIT (NPV Best estimate)</b>
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What is the geographic coverage of the policy/option?	UK			
On what date will the policy be implemented?	1 July 2009			
Which organisation(s) will enforce the policy?	Various			
What is the total annual cost of enforcement for these organisations?	£ No change			
Does enforcement comply with Hampton principles?	Yes			
Will implementation go beyond minimum EU requirements?	No			
What is the value of the proposed offsetting measure per year?	£			
What is the value of changes in greenhouse gas emissions?	£			
Will the proposal have a significant impact on competition?	No			
Annual cost (£-£) per organisation (excluding one-off)	Micro	Small	Medium	Large
Are any of these organisations exempt?	No	No	N/A	N/A

<b>Impact on Admin Burdens Baseline (2005 Prices)</b>	(Increase - Decrease)
Increase of £0.1 m      Decrease of £	<b>Net Impact £0.1 m</b>

Key: **Annual costs and benefits: Constant Prices**      **(Net) Present Value**

<b>Policy Option: 3.</b>	<b>Description: Minimum implementation with selected derogations</b>
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<b>COSTS</b>	<b>ANNUAL COSTS</b>		Description and scale of <b>key monetised costs</b> by 'main affected groups'
	<b>One-off (Transition)</b>	<b>Yrs</b>	
	£ 3.45 m	1	
	<b>Average Annual Cost (excluding one-off)</b>		
£ 0.79 m	5	(PV)	£6.88 m
Other <b>key non-monetised costs</b> by 'main affected groups'			

<b>BENEFITS</b>	<b>ANNUAL BENEFITS</b>		Description and scale of <b>key monetised benefits</b> by 'main affected groups'
	<b>One-off</b>	<b>Yrs</b>	
	£ 0	5	
	<b>Average Annual Benefit (excluding one-off)</b>		
£ 1.89 – 2.03 m	5	5 (PV)	£ 8.53 – 8.67m
Other <b>key non-monetised benefits</b> by 'main affected groups'			

**Key Assumptions/Sensitivities/Risks**  
 A population figure of 1.35 million equines is used throughout this assessment.

Price Base Year 2008	Time Period Years 5	<b>Net Benefit Range (NPV)</b> £ 1.65 – 1.79 m	<b>NET BENEFIT (NPV Best estimate)</b>
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What is the geographic coverage of the policy/option?	UK			
On what date will the policy be implemented?	1 July 2009			
Which organisation(s) will enforce the policy?	Various			
What is the total annual cost of enforcement for these organisations?	£ No change			
Does enforcement comply with Hampton principles?	Yes			
Will implementation go beyond minimum EU requirements?	No			
What is the value of the proposed offsetting measure per year?	£			
What is the value of changes in greenhouse gas emissions?	£			
Will the proposal have a significant impact on competition?	No			
Annual cost (£-£) per organisation (excluding one-off)	Micro	Small	Medium	Large
Are any of these organisations exempt?	No	No	N/A	N/A

<b>Impact on Admin Burdens Baseline (2005 Prices)</b>			(Increase - Decrease)		
Increase of	£0.1 m	Decrease of	£	<b>Net Impact</b>	£0.1 m
Key:			<b>Annual costs and benefits: Constant Prices</b>	<b>(Net) Present Value</b>	

## Evidence Base

The contents of this evidence base are as follows:

**Section One:** Background to Horse Passports and general requirements of the existing legislation.

**Section Two:** Background to the new Regulation and summary of key of requirements.

**Section Three:** Description of policy options

**Section Four:** Costs of policy options

**Section Five:** Benefits of policy options

**Section Six:** Supplementary Information

## **Section 1: Background to Horse Passports and general requirements of the existing legislation**

### **The Horse Passports (England) Regulations 2004**

1.1 The Horse Passports (England) Regulations have been in force since 2004. These domestic Regulations implement Commission Decisions 93/623/EEC and 2000/68/EEC which concern the identification of equidae. Horse Passports are essentially a human health measure to ensure that horses do not enter the human food chain, if they have been treated with certain veterinary medicines harmful to human health

1.2 The main provisions of the current legislation are:

- All owners must obtain a passport for each equine they own. This includes ponies, donkeys, and other equidae (but not zebra and other exotic equidae). Equines must not be sold, exported, slaughtered for human consumption or used for the purposes of competition or breeding without a passport;
- Passports are issued by PIOs who are approved under European legislation (Commission decision 92/353/EEC);
- Owners must declare whether or not animals are ultimately intended for human consumption, by signing the relevant Declaration in the horse passport if:
  - i. banned drugs are administered to the animal;
  - ii. when the animal is exported, or
  - iii. when the animal is consigned to slaughter.

A declaration stating that the animal is not intended for human consumption cannot be reversed;

- Equidae are identified in the passport by means of a completed silhouette (diagram showing the distinguishing marks of an animal) which is completed by a veterinary surgeon or a person deemed competent by the PIO. Some breed societies require members to have their horses microchipped in addition to completing a silhouette;
- An exemption from the passport requirement is provided for semi-feral equidae residing in designated areas;
- The current legislation is enforced by the Meat Hygiene Service at slaughterhouses and by Local Authority Trading Standards Departments in other areas.

## **Section 2: The new EU Regulation – Commission Regulation (EC) No 504/2008**

2.1 Commission Regulation (EC) No 504/2008 of 6 June 2008 implements Commission Decisions 90/426/EEC and 90/427/EEC and updates and replaces Commission Decisions 93/623/EEC and 2000/68/EEC establishing an identification system for equidae. The new Regulation builds on the existing system of a single identification document (passport), issued for life when the animal is born or imported. The main change is the requirement for the passport to be linked to the animal by an electronic microchip containing a 'unique life number' with passport and microchip details recorded on a database.

### **Main provisions**

2.2 Key features of the new Regulation, which enters into force on 1 July 2009, are:-

- Extends the passport rules to zebra and other exotic equidae not previously covered;
- Places responsibility on keepers to ensure equidae have been identified in accordance with the Regulation;
- For passports issued after 30 June 2009, foals (and adult equidae not previously issued with passports) must be implanted with microchips containing a unique code number;
- Provides exemptions from passport and microchip requirements for animals kept under wild or semi-wild conditions;
- Requires equidae to be accompanied by their passport at all times with some exceptions notably, when stabled or at pasture or moved on foot where the passport can be retrieved within 3 hours;
- Allows Member States to authorise the use of 'smart cards' instead of paper passports to accompany equidae moving within national boundaries;
- Provides clarification on use of passports, for restricting movements, during the outbreak of an exotic equine disease;
- Tightens the requirements for passports to be available and updated at the time of any administration of veterinary products; and
- Introduces a revised passport format which includes a new Certificate of Origin to record pedigree details and a new section to be used in the event of a disease outbreak.

## **Section 3: Policy options**

3.1 Three policy options have been considered regarding the domestic implementation of this new European Regulation. All three options relate to minimum implementation of the EU Regulation.

### **Option 1: Minimum implementation without the use of derogations**

3.2 This option involves the following key changes.

#### Article 2: Definitions

3.3 The definition of equidae in the new Regulation has been widened to encompass all wild equines in addition to domesticated horses. This expands the scope of the identification requirement to zebras and other wild horses kept in a zoo or safari park.

#### Article 3: General obligations to identify equidae

3.4 A new requirement that equidae shall not be kept if not identified by a passport. Persons who provide full 'primary' care of equidae e.g. full livery yards will need to check that horses being delivered onto their premises have a passport. Animal Health will be performing checks at farms and yards in order to enforce this requirement.

#### Article 5: Identification of equidae born in the Community

3.5 Article 5 introduces two new sections for passports issued after 1 July 2009. A mandatory 'certificate of origin' will be required for registered horses and a new Section VIII which suspends the validity of a passport in the instance of a disease outbreak.

#### Article 6: Completion of Section I of the passport

3.6 This removes the need for the passport to contain a completed silhouette and written description, contained on Section I, provided that the horse has been microchipped. There is also a provision that the owner can choose to voluntarily use a photograph or similar print showing sufficient details to identify the animal.

#### Article 8: Identification of imported equidae

3.7 This requires owners of horses imported into the EU to obtain a passport within 30 days. This represents no change from the existing legislation. If the horse is imported with a fully compliant passport it must be registered with an approved issuing body the number of third country passports which are compliant with EU requirements is very low.. However, the new regulation allows existing papers to be made up into a passport, which would represent a cost saving for importers.

## Articles 9 & 10: Verification of single ID document issued for equidae and measures to detect previous microchips

3.8 Passport Issuing Organisations (PIOs) will be required to verify, by checks on existing records, that a previous document has not been issued for a horse when dealing with an application. This will take the form of checking microchip numbers on the National Equine Database (NED). Vets are also required to check for the presence of previous micro-chips. PIO's and vets should already perform these checks so no significant changes are envisaged.

## Article 11 Microchips

3.9 A major provision of the new Regulation is that all foals born after 1 July 2009 must be implanted with a microchip. However, as noted in Article 6 above, the Regulation removes the obligation for the passport to contain a completed silhouette provided the horse has been microchipped.

3.10 This article allows Member States to lay down the minimum qualification required for a person to insert a microchip. The consensus view of Defra and the Royal College of Veterinary Surgeons is that this is an act of veterinary surgery and should be carried out by a vet.

## Article 13

3.11 This outlines the requirement for horses to be accompanied by their passports at all times and a list of derogations for when this it is not necessary. This represents no significant change from current requirements with the exception of the allowance of movement in emergency situations without the need of a passport which is a relaxation of the current requirements and beneficial from a horse welfare perspective.

3.12 If a horse is stabled or at pasture there is a requirement for owners/ those with primary responsibility to produce the passport without delay this may involve the provision of the passport to animal health inspectors.

## Article 14: Movement with Simplified Documents

3.13 This provides a derogation to Article 13 to allow horses, if authorised by the competent authority, to move within the Member State accompanied by a smart (computer chipped) card as opposed to a passport (see 3.28 below).

3.14 This Article also requires PIOs to issue temporary documents to the owner when the passport is returned for updating. The temporary document is valid for 45 days and must include as a minimum the UELN and microchip number of the horse.

## Article 17

3.15 This requires replacement passports to be signed out of the food chain – this represents no change to the current system.

## Article 18

3.16 This article requires official veterinary surgeons to sign the new section VIII (movement restrictions) of the passport if the equine holding is subject to a disease control order or during an outbreak of African Horse Sickness.

## Article 19

3.17 This requires the removal of the microchip from horses intended for the food chain. If the microchip cannot be found then the carcass must be declared as unfit for human consumption.

3.18 The keeper is also required to return the passport and the PIO to subsequently identify the horse as dead on NED and cancel the micro-chip number. This represents no significant change.

## Article 20

3.19 This requires veterinary surgeons to ensure that any veterinary medicines they administer are recorded on the passport and/ or the horse is signed out of the food chain if a banned substance is given. If a veterinary surgeon is required to treat a horse where its food chain status is unknown or the passport is not present then the vet must treat the horse as if it is intended for the food chain. This means using alternatives to those substances which should never to given to a food producing animal.

## Article 21, 22 and 23

3.20 These articles are concerned with the keeping of records by PIOs on a central database and passing these to a central Member State database if one exists. This represents no change to the current system where PIOs submit records on a monthly basis to NED.

## Article 26: Transitional arrangements

3.21 This requires horses which have not previously been identified under the current horse passports regime to be identified in accordance with the new rules which will require them to be micro-chipped and marked out of the food chain.

## **Option 2: Minimum implementation with the use of all derogations**

3.22 Possible derogations are listed below:

### Article 5: Identification of equidae born in the Community

3.23 Allows an alternative provision that a passport has to be applied for within six months rather than the current arrangements that a passport must be applied for with six months or by 31 December of the year of birth, whichever is latest. This provision has no impact on costs and we propose to retain the current requirements which mirror those for other species and are easier to enforce than a rigid 6 months requirement.

### Article 7: Derogations concerning the identification of equidae living under wild or semi wild conditions

3.24 This provides a derogation from the need for a full passport in certain wild or semi-wild equine populations. Animals need only be identified and micro-chipped when they are moved out of the defined areas. This article provides the legal base for the current derogations allowed with the New Forest and Dartmoor. The legislative requirements for ponies remaining on the moor or forest do not change.

### Article 12: Alternative Methods of Identification

3.25 Currently, the only proposal for an alternative method to the micro-chip is for a tamper proof temporary rump sticker to cover the movement of semi feral ponies from the New Forest and Dartmoor directly to slaughter and from specified sales within these designated areas to the holding destination. It is proposed that horses move through the sales on the basis of a passport application and a temporary tamper proof rump sticker and are micro-chipped at the holding destination within 30 days.

3.26 Under this derogation foals may move directly to slaughter from the holding of birth to the slaughterhouse provided they are marked with a rump sticker in line with the derogation provided in Article 20.

3.27 Older horses included on the commoners list may move directly to slaughter on the basis of a passport and rump sticker.

### Article 14: Movement with Simplified Documents.

3.28 This provides a derogation to Article 13 to allow horses, if authorised by the competent authority, to move within the Member State accompanied by a 'smart' card as opposed to a passport. We intend to provide for this option for future use but it is not possible to estimate the cost of this derogation as the technology for equine smart cards is not currently available. The benefit of this derogation is that fewer passports may be lost in transit.

### Article 15

3.29 This derogation as referred to in Article 12 allows the movement of foals directly to slaughter without the requirement of a passport.

### Article 16

3.30 This requires all duplicate passports to be signed out of the food chain which represents no change to the current system. However it also offers a derogation to this requirement if within 30 days of the loss the owner can demonstrate to the competent authority that the horse's status as intended for the food chain has not been compromised by any medicinal treatment. The competent authority can then suspend the animal from the food chain for a period of 6 months.

### **Option 3: Minimum implementation with the use of selected derogations only**

3.31 Apart from maintaining the current passport application deadlines (paragraph 3.23); the only derogation we would not wish to exercise is in relation to duplicate

passports (paragraph 3.30). We do not propose to apply this derogation as it could be open to abuse and it is very difficult to envisage that evidence could be provided to the level necessary to guarantee the animal's status had not been compromised prior to the loss of the passport.

## **Section 4: Costs of policy options**

### **Option 1: Minimum implementation without the use of derogations**

4.1 The cost of the key changes as detailed in section 3 are described below and summarized in Table 1.

#### Article 2: Definitions

4.2 All older zebras and wild horses are expected to be issued with a passport prior to 1<sup>st</sup> July 2009. There are about 300 of these animals in the UK. The cost of the passport application is about £25. In addition, a silhouette of the animal is required for the passport. Although the cost of obtaining a silhouette from a vet is assumed below to be about £60, zoos would typically have a vet on-site so that the cost of obtaining a silhouette for these animals is assumed to be lower at £25.

4.3 After 1<sup>st</sup> July any zoo or safari park foals born will be issued with a passport and implanted with a micro-chip.

#### Article 3: General obligations to identify equidae

4.4 British Equine Trade Association research estimates that about 13% of horses are kept at part or full livery (this excludes DIY livery). Since the total equine population in the UK is assumed to be about 1.35 m, this equates to roughly 175,500 horses which will need to be checked when the Regulation first comes into effect. It is estimated that these initial checks will take 15 minutes each. A wage rate of £8 per hour is used.

4.5 For each subsequent year, it is assumed that there would be an approximate 30% 'turnaround' of horses entering or leaving keepership.

4.6 In order to enforce this new keeper requirement Animal Health will be performing checks at farms and yards up to a max £30,000 per annum. It is estimated that this budget would equate to checks on about 300-400 horses. It is assumed that it would take a staff member of the livery yard about 30 minutes to comply with each check.

#### Article 5: Identification of equidae born in the Community

4.7 Passport issuing organisations will need to update the format of passports. The cost of this will be passed on to horse owners. PIOs have estimated that this requirement will add £0.5 to the cost per passport for the next five years. Sixty-five thousand passports are issued each year.

#### Article 8: Identification of imported equidae

4.8 The numbers of third country passports that are compliant with EU requirements is thought to be negligible. The regulation allows existing papers to be made up into a passport which could represent a cost saving of £5 per passport. There are 1900 third country imports each year and it is assumed that 50% of these would benefit from this change in the legislation.

## Article 11: Microchips

4.9 Each year 50,000 foals are born in the UK, of which 50% already require microchips to comply with Breed Society/ Weatherby rules. Therefore, an additional 25,000 foals each year will be required as a result of this regulation to be microchipped. However, microchipping would remove the requirement for a completed silhouette. It is assumed that the per unit cost of microchipping is £60, which is comparable to the cost of obtaining a silhouette completed by a vet. If the silhouette is completed by an authorised identifier/breeder rather than a vet, the cost is lower at about £23.

4.10 It is assumed that, for 70% of the foals that are currently not microchipped, the silhouette is completed by a vet. This means that there is no additional cost for these foals under the new regime. The remaining 30% of silhouettes are completed by an authorised identifier/ breeder at an average cost of £23 per horse, microchipping these foals would cost on average £60 per foal including call out fee - this gives an increased cost of £37 per foal.

## Article 14

4.11 This article requires that passport issuers provide temporary documents to the owner when the passport is returned for updating. It is assumed that 10% of the total number of passports issued (980,000 as recorded by the NED) are returned for updating per year and that there is a cost of £2 per document which includes 15 minutes PIO time.

## Article 18

4.12 Animal Health have indicated that the original signing of section VIII (movement restrictions) could be conducted during an initial disease outbreak visit and would represent no additional cost. In order to re-sign the passport to lift the movement restrictions, it would cost 3 hours at £80/hour to re-visit a holding and re-sign. However, it is not possible to predict numbers of outbreaks or the number of holdings affected

## Article 19

4.13 MHS will on behalf of Defra enforce the requirement to remove microchips from horses intended for the food chain. It has been agreed that this will not result in an increase to the current Service Level Agreement funding.

## Article 20

4.14 This article requires veterinary surgeons to treat horses as if intended for the food chain if their food chain status is unknown or the passport is not present. In practice this means using more expensive alternatives, e.g. Phenylbutazone (which is not suitable for use in animals intended for the food chain) costs £2.60 per treatment. Its alternatives Finadyne and Metacam cost £4.24 and £10.98 respectively.

4.15 50,000 horses are treated in emergency situations per year. Assuming that in 40% of these cases the passport was not present or the horse's status was not

known to the veterinary surgeon, this would result in an additional cost of at least £32,800 per year (assuming that Finadyne could replace Phenylbutazone in all cases), to a maximum of £167,600 per year.

4.16 Other drugs that could not be used in cases of unknown status include chloramphenicol for which the alternatives are cheaper and Metronidazole, for which there is no available alternative, but its use is very limited and usually administered to hospitalised horses. The horse would be signed out of the food chain if this substance had to be used.

#### Article 26: Transitional arrangements

4.17 The new Regulation requires all horses that have not previously been identified under the current regime to be identified in accordance with the new Regulation, which would require them to be microchipped. There are currently 1.35 m horses, of which we believe 980,000 are passported, with up to 370,000 horses yet to be identified. It is thought that 25% of these horses will be identified prior to July 2009 in order to avoid the microchipping requirement and being automatically marked out of the food chain, so they will not be affected by the change in the regulation.

4.18 Of the remaining 277,500 horses, about 70% (i.e. 194,250 horses) would have been identified by a silhouette completed by a vet. As discussed previously, the cost of this is comparable to the cost of microchipping, so there would be no change in the cost of identifying these horses.

4.19 The remaining 30% (i.e. 83,250 horses) would have been identified by a silhouette completed by an authorised identifier or breeder, the cost of which is cheaper at about £23. These horses would be affected by a cost increase of £37, as the cost of microchipping is about £60 per horse.

Table 1. Cost of key changes

<b>ONE-OFF COSTS</b>	
Requirement	Costs (£)
<b>Article 2: Cost of obtaining passports for older zebras and other wild horses</b>	
Cost of passport application and silhouette	15,000
Admin burden of completing passport application	1,200
Total one-off cost	16,200
<b>Article 3: Cost to livery yards of performing initial checks on horses in their care</b>	
Admin burden of performing initial checks	351,000
<b>Article 26: Transitional arrangements</b>	
Total one-off cost (over baseline)	3,080,250
<b>Total one-off costs</b>	<b>3,447,450</b>
<b>ANNUAL COSTS</b>	
<b>Article 2: Cost of passports and microchips for zoo and safari park foals</b>	
Cost of passport application and silhouette	1,000
Admin burden of completing passport application	80

<b>Total annual cost</b>	<b>1,080</b>
<b>Article 3: Cost to livery yards of checks on horses in their care</b>	
Admin burden of performing checks	105,300
Cost of monitoring and enforcement (passed on to livery yards)	30,000
Admin burden of complying with monitoring	1,400
Total annual cost	136,700
<b>Article 5: Cost of adding new sections in passports</b>	
Total annual cost	32,500
<b>Article 8: Cost saving for obtaining passports of imported horses</b>	
Total annual cost (over baseline)	-4,750
<b>Article 11: Cost of microchipping</b>	
Total annual cost (over baseline)	277,500
<b>Article 14: Movement with simplified documents</b>	
Total annual cost	196,000
<b>Article 20</b>	
Total annual cost (over baseline)	32,800
<b>Article 12: Alternative methods of identification</b>	
Total annual cost (over baseline)	<b>32,930</b>
<b>Total annual costs</b>	<b>704,760</b>

In addition to the cost of key changes listed above, the total cost of option 1 will also include the cost of not using any of the possible derogations. These are described below and summarised in Table 2.

Article 7: Derogations concerning the identification of equidae living under wild or semi wild conditions

4.20 The cost of not exercising this derogation is the cost of obtaining passports for and microchipping about 3000 ponies in the New Forest and Dartmoor.

Article 12: Alternative methods of identification

4.21 Semi-feral ponies from the New Forest and Dartmoor passing through sales are currently covered by a derogation that allows them to move with a tamper-proof temporary rump sticker and to obtain a passport at the holding destination. In the case of these ponies, the silhouette for the passport is usually completed by a trained identifier rather than a veterinary surgeon, so that the cost is about £23. Under the new Regulation, the animals would need to be microchipped but would not require a completed silhouette, so that there would be an additional cost of £37 per animal. This additional cost is listed in Table 1.

4.22 If this derogation was not applied under the new Regulation, the ponies would have to be identified and microchipped before they are sent to the sales. This would save sellers/owners the cost of the sticker (£2). However, there are animal welfare and health and safety risks associated with microchipping the animals in the wild.

4.23 Older semi feral ponies moving directly to slaughter from the New Forest and Dartmoor may do so if they are accompanied by a passport and rump sticker. This will save £58 per pony (£60 microchipping, less £2 for a rump sticker).

4.24 At this stage it has not been possible to obtain data from the New Forest on the number of semi-feral ponies going to sales/slaughter, but data from Dartmoor indicate that there are about 800 ponies going to sales/slaughter and about 90 older ponies going directly to slaughter.

#### Article 15

4.25 This derogation allows the movement of foals direct to slaughter without the requirement for a passport. About 500 foals move directly to slaughter every year. If this derogation was not applied, an additional £85 (£25 for the passport application + £60 for microchipping) would be spent per animal per year.

#### Article 16

4.26 This derogation makes it possible to mark a duplicate passport to show an animal temporarily excluded from the food chain for a period of 6 months, instead of being definitively signed out of the food chain – provided the owner can prove that the animal has not been treated with unsuitable veterinary products. As stated in section 3, this derogation is the only one that we would not wish to apply.

4.27 There would be an additional cost associated with not applying this derogation as, potentially it could increase the number of animals eligible for the food chain. Approximately 0.5% of total passports issued (i.e. 4,800 passports) are duplicated each year. Of these, it can be assumed that 65% are signed out of the food chain. This leaves 1,680 horses.

4.28 Of the 50,000 horses that die each year, about 4,200 (8%) are slaughtered for human consumption. Therefore, it is assumed that about 134 of the 1,680 horses with duplicate passports could potentially enter the food chain if this derogation was applied (this depends on owners providing sufficient quality evidence of veterinary treatment). If the derogation is not applied, the owners of these horses could potentially lose £600 per horse (£400 for the cost of the carcass and £200 for an alternative disposal method).

Table 2. Cost of not applying derogations

<b>ANNUAL COSTS</b>	
<b>Requirement</b>	<b>Costs (£)</b>
<b>Article 7: Identification of equidae living under wild or semi-wild conditions</b>	
Total annual cost	255,000
<b>Article 12: Alternative methods of identification</b>	
Total annual cost	-1,780
<b>Article 15</b>	
Total annual cost	42,500
<b>Article 16</b>	

Total annual cost	80,640
<b>Total annual cost</b>	<b>376,360</b>

Using the above figures, it is estimated that option 1 has a one-off cost of £3.45 m (total one-off cost from Table 1). The one-off cost is the same for all three options. Option 1 also has annual costs of £1.08 m (total annual cost from Table 1 + total annual cost from Table 2).

**Option 2: Minimum implementation with the use of all derogations**

4.29 Option 2 has a one-off cost of £3.45 m and annual costs of £0.7 m (total annual cost from Table 1).

**Option 3: Minimum implementation with the use of selected derogations**

4.30 Option 3 has a one-off cost of £3.45 m and annual costs of £0.79 m (total annual cost from Table 1 + total annual cost of Article 16 from Table 2).

## **Section 5: Benefits of policy options**

5.1 There are a number of significant qualitative and quantitative benefits of implementing the Regulation as described below.

### **Human Health**

5.2 The main driver behind the EU Regulation is protection of the human food chain. Improved equine identification will reduce the risk of human exposure to substances not permitted for the food chain. For example, phenylbutazone, a commonly used veterinary medicine, has been shown to cause aplastic anaemia in humans - a very serious auto immune condition which left undiagnosed may cause death within six months. Passports of equines treated with such products have to show the animal as unfit for the food chain.

5.3 However, as UK consumption of horsemeat is minimal, this measure will not benefit the UK directly.

### **Equine disease control**

5.4 Improved equine identification- particularly the use of microchips to provide the link between the horse and information contained on its passport will improve the efficiency and effectiveness of disease control.

### **EU Infraction action**

5.5 Failure to implement the new Regulation could lead the EU Commission to open infraction proceedings which could result in a large fine and prove costly in terms of the resource required to deal with the process.

### **Sanctions**

5.6 If the UK were to fail to implement the Regulation- the EU Commission could impose sanctions such as banning the export of horse meat from the UK or removing authorisations for the veterinary medicines which are not to be administered to horses for human consumption. Both sanctions would have significant financial and welfare implications.

### **Ban on horsemeat export**

5.7 Currently 4200 horses are slaughtered in the UK each year for human consumption. The main markets for UK horsemeat in the EU are Finland, France, Greece, the Irish Republic and Latvia. Approximately 1,473 tonnes of horsemeat was exported to the EU in 2007, with a value of about £2.5 m. There does not seem to be any consistent trend in horsemeat exports over the past few years – it was £2.7 m (1,576 tonnes) in 2004 but decreased to £2.2 m (1,298 tonnes) in 2005 and to £1.8 m (1,301 tonnes) in 2006.

5.8 If the EU were to impose a ban on the export of horse meat from the UK, then owners would lose approx £600 per horse – based on £400 for the carcass received from the slaughterhouse and a cost of £200 to dispose of the horse by a different means.

$$4200 \times \text{£}600 = \text{£}2.52 \text{ million}$$

5.9 However the new microchipping requirement and the treatment of late applications for older horses will tighten up controls which may result in a maximum of 50% reduction of horses being slaughtered for the food chain.

$$2100 \times \text{£}600 = \text{£}1.26 \text{ million}$$

By avoiding a ban on UK horsemeat exports, the new Regulation will therefore lead to a benefit of £1.26 – 2.52 m per annum.

5.10 It seems certain that should the Government opt not to implement the Commission Regulation that the EU would impose a ban on UK horsemeat export, for human health reasons. It should be noted that the above figures do not factor in the costs that infraction proceedings, brought against the UK, for failure to implement the Regulation. While the costs of such proceedings are unknown they would likely be significant.

### **Removal of key veterinary medicines**

5.11 If phenylbutazone (“bute”) was removed from the market then vets would be required to administer an alternative eg Finadyne or Metacam. Both of the medicines are more expensive than Bute. If we assume 30% of horses are given bute, at a rate of £2.60 per horse, in a given year the additional cost of administering Finadyne or Metacam are estimated as follows:

$$\text{Finadyne} + \text{£}1.64 \times 405,000 = \text{£}664,200$$

$$\text{Metacam} + 8.38 \times 405,000 = \text{£}3.39 \text{ million}$$

5.12 The additional costs could have an effect on horse welfare and increase suffering in the horse.

### **Derogations**

5.13 Failure to implement would mean that the useful derogation for semi-feral foals moving directly from the designated areas to the slaughterhouse without the need of a passport could not be applied.

## **Section 6: Supplementary information**

### **Stakeholder engagement and risk assessment**

6.1 We have held detailed discussions with stakeholder groups, from various sectors of the industry, throughout the development of this policy. This has given us the information to take the consultation to this stage. No issues have been raised by stakeholders that will prevent successful implementation.

6.2 In terms of an overall risk assessment of the measure, as pointed out above the main risk factors, e.g. with respect to human health and curtailment in some circumstances of some veterinary medicines, would be associated with not implementing rather than proceeding with the regulation.

### Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

**Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.**

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	No	Yes
Small Firms Impact Test	No	Yes
Legal Aid	No	Yes
Sustainable Development	No	Yes
Carbon Assessment	No	Yes
Other Environment	No	Yes
Health Impact Assessment	No	Yes
Race Equality	No	Yes
Disability Equality	No	Yes
Gender Equality	No	Yes
Human Rights	No	Yes
Rural Proofing	No	Yes

## **Outcome of Impact Tests not referred to in the Evidence Base**

### **Competition Assessment**

The proposal is unlikely to have a negative impact on competition as all areas of the industry will have to adhere to the same rules. Within the transponder supply market, it is our view that the proposals may even promote additional competition as the increase in the use of transponders may encourage other companies to venture into this market, which is currently only served by four companies.

### **Small Firms Impact Test**

This proposal will have no disproportionate effect on small and medium businesses as all the businesses that will be impacted by the changes made are, by definition, small to medium business enterprises.

### **Legal Aid**

After consultation with the Ministry of Justice, it has been concluded that this proposal has only a negligible impact on legal aid as it appears that the majority of horse owners would not pass the means test to allow them access to legal aid.

### **Sustainable Development**

The proposal is fully compliant with the principles of sustainable development. Where it has been indicated that the implementation of the regulations would be unfeasible we have

### **Carbon Assessment**

The proposal will have no significant effect on carbon emissions. Whilst there may be a small increase in the number of vet visits made to owners' premises (to implant chips that were previously not required), this would not be significantly more than those journeys made for other purposes (vetting, medical treatment etc.). Indeed it is much more likely that the vet will have been in attendance, at initial identification, anyway as many passport-issuing organisations require a vet to complete the silhouette.

### **Other Environmental Issues**

The proposal will have no additional impact on environmental issues.

### **Health Impact Assessment**

The Proposal will not directly impact on health or well-being and will not result in health inequalities.

### **Race Equality**

We consulted with the Gypsy and Traveller Unit, within the Department for Communities and Local Government, to ensure that this proposal does not

disproportionately effect on gypsy and traveller community, which has an historical relationship with equines. The conclusion of our testing is that this proposal does not. There are no limitations on other groups with meeting the requirements of the proposal on the grounds of racial background.

### **Disability/Gender Equality**

There are no limitations on meeting the requirements of the proposal on the grounds of disability or gender. The proposal does not impose any restriction or involve any requirement which a person of a particular disability or gender would find difficult to comply with. Conditions apply equally to all individuals and businesses involved in the activities covered by the Proposal.

### **Human Rights**

The proposal is consistent with the Human Rights Act 1998.

### **Rural Proofing**

As this proposal affects all Equidae, irrespective of their geographical location, it is not felt that rural areas will be disproportionately affected by the measures introduced.

# Annex C: Passport-issuing organisation efficiency criteria

## Equal Opportunities/Non-Discrimination.

- 1 Operate on the basis of equal opportunities and non-discrimination on behalf of employees, members and customers. None of these should receive more or less favourable treatment on the grounds of:
  - race;
  - colour;
  - ethnic or national origin;
  - gender;
  - sexual orientation;
  - marital status;
  - disability or
  - religion.

## Records

- 2 These should be held in electronic format and contain at least:
  - the unique life number;
  - the species;
  - the breed;
  - the sex;
  - the colour;
  - the date (day, month and year) of birth;
  - at least the last 15 digits of the code transmitted by the transponder, or the code transmitted by a radio frequency identification device not complying with the standard defined in Article 2(2)(b) together with information on the required reading system, or the alternative method;
  - the country of birth;
  - the date of issue and any amendment of the identification document;

- the name and address of the person to whom the identification document is issued;
- the status as registered Equidae or Equidae for breeding and production;
- the name of the animal (birth name and where applicable the commercial name);
- the known status of the animal as not intended for slaughter for human consumption;
- if the animal is registered with a breed association, details on the certificate of origin<sup>2</sup>;
- information concerning any duplicate and replacement identification documents in accordance with Articles 16 and 17, and
- the notified date of death of the animal.

### **Management of Electronic Records**

- 3 Ensure that proper control is exercised over the electronic records and potential electronic records so that the organisation is able to:
- maintain them so that the record remains intact and can be accessed, and accurately interpreted;
  - provide the records for registration, passport issue, transfer of ownership and disposal;
  - keep the records secure and monitor who has access to them;
  - records should be kept for at least two years after the death of a horse;
  - act in accordance with the Data Protection Act and Freedom of Information legislation;
  - provide information as described above to the National Equine Database and/or Defra at a time and frequency requested by those bodies on behalf of the Secretary of State;
  - ensure safe and secure back-up and recovery procedures are adopted;
  - provide data to the National Equine Database in accordance with the technical requirements stated by Defra/NED.

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<sup>2</sup> Should include all information listed in Section II.

## General Efficiency Criteria

- 4 Nominate **one** point of contact between the organisation and Defra, this person should be contactable during normal business hours (as stated on your communications and website, if you have one). Any changes to this contact person should be notified as soon as possible to Defra and National Equine Database.
- 5 Be able to answer telephone enquiries on a daily basis during normal business hours. Where offices are staffed only part-time there must be an answer phone facility and all calls returned within 7 working days at the latest.
- 6 Where an e-mail and fax facility is available, all e-mails and faxes must be dealt with within 7 working days at the latest.
- 7 Postal correspondence must be dealt with promptly. An acknowledgement of all applications for horse passports should be issued unless the passport is to be issued within 15 working days.
- 8 Must be able to provide a list of officers, their names, contact details, and areas of responsibility when requested by a relevant Defra official.
- 9 Have established operating procedures in place for handling complaints. Such procedures should include:
  - written acknowledgement of receipt of the complaint;
  - confirmation in writing of how the complaint is to be dealt with;
  - the time scale;
  - written confirmation of the outcome of the complaint and
  - any appeal procedures.

Defra reserves the right to review and undertake an audit of passport issuing organisations if a relevant complaint is received.

- 10 Respond promptly to requests by Defra for information.

## Issuing Passports

- 11 Before the issue of a passport you shall take appropriate measures to ensure that no identification document has already been issued to the animal. These measures shall involve at least:
  - consult all appropriate paper and electronic records available<sup>3</sup>;

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<sup>3</sup> Initially this will mean checking your own records (both paper and electronic) and interrogating NED. As and when other centralised databases become available, you will be expected to check these as well.

- inspect the animal for evidence of a previously implanted chip<sup>4</sup>, using an appropriate device, or evidence of the surgical removal of a previously implanted chip<sup>5</sup>, and
- inspect the animal for any evidence of an alternative method of identification as laid down in the Horse Passport (England) Regulations 2009.

It is anticipated that inspections of the animal will be carried out by the vet, who for this purpose will act as an agent of the PIO, when he/she is on site to implant a chip into the animal being identified.

The vet will also be responsible for entering onto the silhouette, if a silhouette is required by your society rules, the position of the chip, therefore complying with Article 11(3)(c) of Commission Regulation 504/2008.

- 12 Issue passports that conform to all the requirements set out in the Horse Passport (England) Regulations 2009 and any subsequent amendments to that legislation. Notably this should lead to the production of passports that are indivisible and adhere to Article 5(1) and (7) of Commission Regulation 504/2008.
- 13 Provide a sample of your current passport to Defra when requested.
- 14 Maintain appropriate records and details of passports issued in an electronic format, including applications for Section IX pages.
- 15 Issue passports with a unique life number issued in accordance with instructions issued by Defra.
- 16 Record the microchip number in Section I of the passport. Ensure that the silhouette, if required by your society rules, in Section II is completed either by:
  - a veterinary surgeon or
  - someone who has demonstrated that they have, either by training or experience, sufficient expertise to complete a silhouette to an acceptable standard.

Please note that you are responsible for ensuring that a silhouette is clearly legible.

- 17 Have operating procedures that clearly demonstrate that, for applications for passports for a specific breed, owners are advised to contact the appropriate breed society in the first instance to register their animal. This will allow

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<sup>4</sup> If a previously implanted chip is present, you are required to contact NED and confirm the existence of an associated passport. If one exists you shall contact the PIO in question and Trading Standards if you believe that a fraudulent action is being undertaken. If there is no associated passport you are to issue the passport but complete Section IX, irreversibly removing the animal from the human food chain.

<sup>5</sup> If there is evidence of the removal you are to issue a passport but complete Section IX, irreversibly removing the animal from the human food chain.

verified breed information to be entered in the passport, information that will be required should the owner wish to register the animal, or its progeny, with the studbook at a later date. It is strongly recommended that a statement to this effect is contained in your guidance, publicity material or in the application form for a horse passport.

- 18 Have established operating procedures in place for issuing passports and the replacement of lost or damaged passports. Such procedures should include:
- guidance on the passport issuing process;
  - what needs to be done and by whom;
  - the fees (which you would need to ensure are reasonable and proportionate to the work involved) and
  - time scale.
- 19 Where a duplicate or replacement passport is issued, you are required to complete Section IX of the document, irreversibly removing the animal from the human food chain, and update your database accordingly.
- 20 If you receive an application for a passport for an animal after the time allowed in Article 5(6) of EC/504/2008 (31 December in the year of its birth or within six months of its birth whichever is the latter) you are to complete Section IX of the passport, irreversibly removing the animal from the human food chain.
- 21 It can reasonably be expected that an organisation should be able to issue a passport within 4 to 6 weeks of receiving a correctly completed application. Where an application is incomplete or incorrect, additional time may be required. It is accepted that passports that require verification of breeding data may take longer but in these cases the owner should be informed about the likely time scale for issue of the passport.
- 22 When you receive a passport for the amendment of details contained therein (e.g. change of ownership) you are to issue a temporary document. Such a temporary document shall:
- comprise at least a reference to the UELN and, where available, the microchip code and
  - be valid for the movement or transportation of the animal, within the UK, for a period not exceeding 45 days, after which time, if the passport has not been returned, you will issue another.

The format of this temporary document shall be as set by Defra, in consultation with PIOs and NED.

- 23 Where the passport received for amendment is one that was originally issued in another Member State the passport should be amended as required, the changes registered on your database and then returned.

- 24 Where the passport received for amendment is one of third-country origin and is compliant with current domestic legislation, the passport should be amended as required, the changes registered on your database and then returned.
- 25 Where a third-country passport is received that is not compliant with current domestic legislation, you shall amend that document so that it complies with current legislation. Where the document cannot be amended to comply, it should be endorsed “Not valid within the EU”, recording the fact that you have done so in your records and a new passport issued. The original document should be returned to the owner along with the new one.
- 26 Be able to confirm to Defra, if requested, the number of passports issued per month. Also the number of deaths per month and number of changes of ownership per month – in cases where the organisation has been notified of such changes by horse owners.
- 27 Be able to confirm the number of passport applications that have been received for which a passport is yet to be issued.
- 28 Be able to confirm the current turnaround time for issuing passports.
- 29 Submit acceptable template of passport data to Defra, and a copy of application form and guidance notes issued to customers and prospective customers.
- 30 Passports for horses slaughtered for human consumption will be returned to you by the slaughterhouse, the Meat Hygiene Service will be responsible for informing NED that these horses have been slaughtered.
- 31 In all other cases of an animal’s death it will be your responsibility to inform NED once you have been informed of the death, they will then invalidate the associated microchip number to prevent fraudulent use of the code.
- 32 Passports returned after the death of an animal should be invalidated and returned to the owner if they have so requested.

### **Alternative Identification Methods**

- 33 Where a PIO is required, by domestic legislation, to provide stickers as a means of alternative identification for equidae (e.g. for wild or semi-feral equidae), they shall take all reasonable measures to ensure that these stickers are tamper-proof and can uniquely identify the animal. Such measures could include the use of perforations and unique numbering series.

### **Issuing of Certificates of Origin**

- 34 Only stud book PIOs are allowed to issue these.
- 35 When issuing them studbook PIOs must follow the procedures laid down in Annex B, paragraphs 21 – 24.

## **Cessation of Trading and Sale or Transfer of Business**

- 36 All data on passports issued to be transferred to Defra and/or the National Equine Database before the organisations either ceases trading, sells or transfers the business.

## **Agreements with NED**

- 37 All data uploaded to NED by PIOs must be in accordance with instructions issued by NED or Defra on what data, controls and verifications are required and must comply with the terms of the individual contracts agreed between NED and the PIO concerned.

## **Audit by or on behalf of Defra.**

- 38 Defra will aim to audit all PIOs over a three to five year period, but with the option of more frequent audits if the circumstances warrant it (e.g. to investigate complaints etc.).

## **Withdrawal of Recognition**

- 39 Defra has the power in legislation to withdraw recognition from any PIO that consistently fail to meet the required level of service. This includes:
- consistent failure to abide by these guidelines;
  - failure to pass mandatory records to the National Equine Database in the correct format and frequency or
  - failure to supply Defra with information that it needs to monitor the operation of the society and the issue of horse passports.

## **Annex D: List of Consultees**

See separate document.

## **Annex E: Commission Regulation (EC) No. 504/2008**

See separate document.