

**Summary of responses to the 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 of identification of equidae (10<sup>th</sup> November to 2<sup>nd</sup> February 2009)**

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# 1. Background

1.1 The purpose of this consultation was 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 issued with a passport.

1.4 The consultation sought the views and comments of 169 stakeholders on proposals to implement this Regulation in England. The list of stakeholders included breed societies and clubs, studbook organisations, horse breeding organisations, veterinary organisations, welfare bodies, horse passport issuing organisations, abattoirs, equine news publications, zoo associations and enforcement bodies.

## 2. Responses

2.1 A total of 71 responses were received from the following:

- Association of British and Irish Wild Animal Keepers
- British and Irish Association of Zoos and Aquariums
- British Appaloosa Society
- British Dressage
- British Driving Society
- British Equestrian Trade Association
- British Equine Veterinary Association
- British Horse Society
- British Horseracing Authority
- British Society For the Abolition of Cruel Identification Methods
- Coloured Horse and Pony Society
- Dartmoor Hill Pony Association
- Dartmoor Pony Heritage Trust
- Dartmoor Pony Society
- Donkey Sanctuary
- East of England Trading Standards Association
- Food Standards Agency
- Hampshire Horsewatch
- Horsewatch UK
- Horse Trust
- Icelandic Horse Society of GB
- LACORS
- Lantra
- Lawrence J. Potter Partners
- Metropolitan Police Mounted Branch
- National Equine Database Ltd. (2 responses)
- National Pony Society
- New Forest National Park Authority
- New Forest Pony Breeding & Cattle Society
- Pet-ID/JRC Horse Register
- Royal College of Veterinary Surgeons

- Siamber Wen Icelandics Stud
- Sport Horse Breeding of Great Britain (2 responses)
- Standardbred & Trotting Horse Association of GB & Ireland
- Suffolk Horse Society
- Thames Valley Horsecatch
- Trading Standards Institute
- United Saddlebred Association-UK
- Verderers of the New Forest
- Weatherbys'
- West Pennine Bridleways Association
- World Horse Welfare
- 20 individual horse owners
- 3 breeders
- 2 individual vets
- 1 equestrian centre owner
- 1 consultant
- 1 horse passport identifier

### 3. Summary of responses

3.1 Chapter 4 of the consultation document raised a number of specific questions on which we sought answers to help us shape the domestic legislation. The questions and responses are summarised below.

**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?**

3.2 The majority agreed that the primary keeper should be responsible for ensuring that the animal has a passport. It was felt that keepers should ensure that an owner provides them access to the passport when they agree to take on the day-to-day responsibility for the animal. Those that disagreed felt that the responsibility should lie solely with the owner. One respondent asked that consideration be given to those cases where equine animals are taken into the care of a welfare organisation where the ownership and passport status of the animal is not known. It was also suggested that the details of the keeper and location of the equine animal should be required on the passport.

We will be including this requirement in our legislation.

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

3.3 There was broad agreement that only the owner should be allowed to submit a passport application in respect of an equine animal. However, a few respondents asked that agents appointed by the owner should also be allowed. One of the zoo organisations asked that the 'holding zoo' be allowed to apply since animals are often held on long-term loan from the 'owning zoo'.

A meeting has been held with zoos and wildlife park organisations (BIAZA & ABWAK) at which it was agreed to provide for the holding zoo to act as the owner for purposes of these new regulations. An owner's appointed agent will also be able to act on their behalf. Our guidance will include a definition of 'owner' to specifically provide for this issue.

**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?**

3.4 There was broad agreement to maintain the current 30 day deadline, although there were calls to ensure that this is effectively enforced. Of those who disagreed, one sought an extension to 45 days and two sought a reduction.

The 30 day deadline will remain and will be included in our legislation.

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

3.5 There was broad agreement that silhouettes should be provided for if PIOs wish to request them, but there was a strong view that these should only be completed by qualified people. Some suggested that digital photographs offer a more accurate and reliable alternative.

PIOs and breed societies will be able to require silhouettes in addition to microchips if they wish to. It will be for each organisation to set their own requirements as part of their individual rules.

**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?**

3.6 Of those who commented, the majority supported the proposal. A few suggested that the ponies should be microchipped either when they leave the defined area, are sold in a market within the area, sold privately or returned unsold from a market in the area to their premises of origin. One felt that the exemption should only be allowed following a review of the disease control implications. Some of those who agreed with the proposal suggested that the exemption should be extended to other populations of feral/semi-feral equines in England. We have since received a proposal in respect of Exmoor.

Provisions will be made in the new legislation for this derogation to be exercised in the designated areas of Dartmoor, the New Forest and, following receipt of an acceptable proposal, Exmoor.

**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?**

3.7 Of those who commented, the majority supported the proposal, although there was a strong view that this should apply only where the veterinary medicines used are unsuitable for food chain animals.

Provisions will be made in the new legislation for this derogation to be exercised in Dartmoor, Exmoor and the New Forest. This will apply to all veterinary medicines, not only those which are unsuitable for the food chain. The veterinary profession felt that this is important to avoid any area of doubt for the vet concerned.

**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?**

3.8 There was broad agreement to this proposal. However, it was suggested that nominated agents or shippers be allowed to do this on behalf of owners. It was also suggested that keepers of equine animals imported for stud where the owner remains in the Third Country should also be able to

apply. One of the zoo organisations also requested that the 'receiving zoo' of equine animals on loan be allowed to apply.

We will be including this requirement in our legislation.

**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?**

3.9 There was broad agreement to this proposal. A few respondents felt that keepers should be allowed to do this with the owner's authorisation. One of the zoo organisations also requested that the 'holding zoo' of equine animals on loan be allowed to request changes.

We will be including this requirement in our legislation.

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

3.10 There was broad agreement to this proposal. However, those who disagreed suggested that consideration should also be given to the use of trained operatives, including zoo keepers.

The Royal College of Veterinary Surgeons have confirmed that inserting a microchip fits the definition of an act of veterinary surgery in the Veterinary Surgeons Act 1966. Microchips can therefore only be inserted by members of the RCVS and trained operatives will not therefore be allowed to insert microchips.

**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)?**

3.11 There was broad agreement to this question. However, the few who disagreed suggested that consideration should be given to allowing for an alternative if a vet advises there is a good medical reason or for working horses because of the location of the collar on the animal's neck.

We will not be providing for implantation in a different place.

**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.**

3.12 A number of alternatives were suggested, although no evidence was provided to attest that any offer equivalent scientific guarantees of unique identification as a microchip and passport. These were tattoos, freeze brands, hot brands, DNA, ear tagging, photographs and hoof brands. It was suggested that PIOs might be allowed to specify any secondary methods of identification to microchipping for their purposes.

Although no alternative methods of identification were suggested which provide equivalent scientific guarantees to microchipping, there will be nothing to prevent PIOs or Breed Societies requesting them as a secondary means of identification to microchips. Owners can also continue to identify their animals as they wish in addition to the microchip.

**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?**

3.13 Respondents were split on this issue. Those who disagreed mainly raised question marks over the robustness of the rump stickers and how the system would be effectively enforced. One respondent agreed with the principle, but suggested the validity period of the sticker should be reduced to 24 hours. NED agreed, but expressed concerns over how they would obtain the information and record details of equines moving direct to slaughter.

Provisions will be included in the new legislation to provide for these arrangements.

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

3.14 A large majority of respondents agreed that it should be owner or primary keeper, or 'accredited representative' who should produce the passport. They agreed that the owner and keeper should make appropriate arrangements between them to allow for this. However, very strong views were expressed that requiring the passport to be carried at all times or at least be available within 3 hours is not practical, especially for riders on long hacks and endurance riders. There were also worries about the greater risk of theft of horse and passport together. It was suggested that a certified photocopy of a passport might be acceptable.

We understand industry's concerns over the practicality of requiring keepers to produce a passport within 3 hours when moving the animal on foot, for example if out on a hack. This deadline is set in the Commission Regulation and we therefore have no discretion on this time limit. However, we will be working with enforcement agencies to ensure that this aspect of the regulations is enforced pragmatically, taking account of the level of risk to the food chain.

Passports must also accompany the animal on any movement not on foot. However, Article 13(2) of the Regulations does provide some exemptions to this requirement as follows:

- If the animal is unweaned and accompanying their dam or foster mare.

- If participating in a training or test of an equestrian competition or event which requires them to leave the competition or event venue (this includes endurance riding and hunting).
- If moved or transported in an emergency situation relating to the animal itself.

Again, we will be working with enforcement agencies to ensure that the regulations are enforced pragmatically.

There are benefits to owners or keepers ensuring that the passport is available during any movement as follows:

- They may be travelling to a competition or event which requires them to produce the passport e.g. for vaccination records, affiliated showing classes, confirmation of horse identity.
- The horse may be injured or involved in an accident and they will have to present the passport to the vet to enable him/her to use the full range of veterinary medicines and not just those suitable for the food chain. It will also allow the vet to update the passport there and then.
- Effective identification and tracing of horses will aid the control of an exotic disease outbreak. For example, in the event of a disease outbreak movement of horses from infected premises may be restricted by an entry on the passport - therefore carrying passports on journeys may aid the prevention of illegal movement.
- If horses are accompanied on all journeys by their passport, this may help to establish if a horse in transit has been stolen or has been moved without the owner's consent.

**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?**

3.15 There was broad agreement to this question. Enforcement bodies commented that this was subject to them being provided with the appropriate readers. It was also requested that any smart card must be capable of carrying the veterinary medicine details and allow for their updating.

We will be providing for the use of smart cards in the future in our legislation.

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

3.16 More respondents disagreed with this question than agreed. It was generally felt that the deadline is too short, especially for smaller part-time staffed PIOs. They also highlighted postal problems in meeting the deadline. Those that did agree suggested that '3 working days' was preferable wording

to 72 hours. Suggestions for alternative timeframes ranged from 5 working days to 28 working days, although most suggested around 5 working days.

We intend to revise this to “issue within 5 working days of receipt”.

**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?**

3.17 There was broad agreement to this proposal, although there were a number of respondents who suggested that consideration should be given to extending this derogation to all foals and welfare cases moving from holding of birth direct to slaughter, not just ferals.

We will be providing for these arrangements in our legislation for animals in the designated areas of Dartmoor, Exmoor and the New Forest only. It will be for the PIOs concerned to make appropriate arrangements to ensure that rump stickers are readily available.

**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)?**

3.18 There was broad agreement to this proposal. Those that were not in favour offered no reasons to explain their response.

We will not be exercising this derogation in our legislation.

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

3.19 There was broad agreement to this proposal. Those who disagreed suggested that the duplicate passports could be sent to keepers authorised by owners or the ‘holding zoo’ of the animal.

We will be requiring that duplicate passports are sent only to owners.

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

3.20 There was broad agreement to this question. Weatherby’s suggested that the microchip number should remain attached to the record of the dead horse so that any NED or PIO search against the number would alert them to a duplicate/fraudulent application. It was also suggested that if only RCVS vets are allowed to insert microchips, then there is no opportunity for the re-use of chips. A number of respondents felt that there is a need to incentivise the notification of deaths or a communications campaign on the importance of reporting deaths to PIO.

We will require the return of passports to the PIO for them to update the National Equine Database in our legislation.

**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?**

3.21 There was general agreement with this proposal. However, there were concerns over the welfare implications of not having the full spectrum of drugs available to treat an animal. It was suggested that where the passport was not available, the owner or keeper be required to take the passport to the vet at the earliest opportunity to be updated and the vet should report them to LAs if they don't (within 2 weeks suggested by LACORS and Trading Standards). It was pointed out that vet medicines administered to zoo animals are already entered in ARKS or ZIMS records. Enforcement of this approach was highlighted as a possible issue as well as ensuring that vets were aware that they needed to demand to see passports before treatment. BHA pointed out that they, the National Trainers Federation and the Association of Racecourse Veterinary Surgeons already advise all trainers to sign horses out of food chain.

Concerns were expressed over the welfare implications of not having the full spectrum of drugs available to treat an animal if the passport is not available. However, appropriate alternative drugs to those which are banned from the food chain are available to the vet to administer but these will usually be more expensive. We will be including these requirements in our legislation.

**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?**

3.22 There was broad disagreement to this proposal. It was suggested that this information would only be available in respect of pedigree animals and the information can only be considered accurate if verified by a breed society. The point was also made that this is not a disease control or food chain issue so it is not relevant to this legislation. It was also suggested that this is just a means of obtaining data for NED to be commercialised. A couple of respondents felt that ID only PIOs must not be able to record or submit this data unless it had been verified by a breed society. Regarding the monthly updates, it was generally felt that this not practical and that quarterly or half-yearly updates should be sufficient.

We will not make this information a legal requirement, but will instead encourage PIOs to require this information.

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

3.23 Those respondents who did respond on this question were unanimous that EU horses imported on a permanent basis should be registered. It was suggested that this should be carried out through an appropriate PIO in the

same manner as domestic passports. However, concerns were expressed about how this would be enforced. It was also suggested that this should not be applied retrospectively to animals already imported into England and one respondent felt that the 30 day deadline was too short. It was also felt that it would be helpful to define 'permanent'.

We intend to explore the practicalities of this suggestion further with Disease Control and Import/Export colleagues within Defra and consider implementing this requirement at a later date.

**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?**

3.24 There was broad agreement to this proposal. However, it was pointed out that the legislation would need to exclude those animals which are exempt under the derogation for the New Forest and Dartmoor.

We accept the point raised and those animals which are exempt under the derogation for feral/semi-feral animals in designated areas will not have to be marked out of the food chain.

**Other comments**

3.25 A number of additional comments regarding the new Regulations were received as follows:

- Proposal for the Dartmoor Commoners Council to be regarded as an issuing authority for the rump stickers and other paperwork, to be approved by Defra and PIO.
- Need to clarify what is meant by 'owner' for zoos. Some animals are loaned to other zoos and zoo organisations would like "owner" extended to include the 'holding zoo'.
- Police should be given powers of enforcement to help combat horse theft.
- Cost may deter some owners from complying.
- UK fragmentation would make it difficult so the regulations must be implemented at same time in Scotland, Wales and N Ireland.
- Microchipping of foals is too expensive for breeders with little obvious benefit – the cost of microchipping is disproportionate to value of foals.
- New Forest & Dartmoor ponies should be microchipped and passported when changing hands within the designated area or if returned to the owner if unsold at sales.
- A register of keepers should be introduced.

- From a welfare point of view, the slaughterhouse option must be kept open – otherwise instances of old and sick animals being abandoned is a real risk.
- No reason why feral/semi-feral ponies cannot be microchipped - Fell Pony Society already do this.
- Enforcement will be key to the new rules being effective

## 4. The way forward

### **Communications strategy**

We will shortly be embarking on a communications campaign which will aim to inform and educate horse owners and keepers and the wider equine industry about the changes in the regulations, how they will affect them and the new responsibilities placed upon them.

### **Enforcement**

The current Regulations are currently enforced by the Meat Hygiene Service at abattoirs and Local Authority trading standards officers elsewhere. From 1 July, we intend to use Animal Health officers as an additional tier of enforcement at livery yards and on farms.

### **Register of keepers**

EC Regulation 504/2008 does not require a register of equine keepers. Defra disease control colleagues are considering the cost-benefits of introducing such a system and the recent consultation on Responsibility and Cost Sharing (“A new independent body for animal health: A modern governance and funding structure for tackling animal disease” see [www.defra.gov.uk/corporate/consult/new-independent-body-ah/index.htm](http://www.defra.gov.uk/corporate/consult/new-independent-body-ah/index.htm)) proposes a levy from livestock keepers who will be required to register for that purpose from 2012.





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