



Department
for Environment
Food & Rural Affairs

Consultation on changes to the identification of equines

Summary of responses

May 2018



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Introduction

Timing

Defra ran a consultation from 5 April to 16 May 2017 to invite views from interested parties about our proposals to implement the EU Equine Passport Regulation – (EU) No. 2015/262.

Questions

19 questions were posed in the consultation document inviting views on:

- the Central Equine Database
- semi-wild ponies
- microchipping
- telling (Equine) Passport Issuing Organisations about an equine's food chain status
- enforcing the rules.

Scope

The proposals applied to England (only).

Responses

Defra received 230 responses. Each has contributed to the policy decisions summarised in this document. Defra is grateful to everyone who took time to reply.

The responses are discussed in this document.

Consultation documentation

The original consultation documentation is published online at

<https://consult.defra.gov.uk/equine-id/revised-eu-rules-on-equine-id-eu-reg-eu-2015-262/>

Analysis

Figure 1, below, summarises the range of interests who sent in views. The largest number of responses came from owners and keepers followed by veterinary and horse health professionals, and breed societies, Passport Issuing Organisations (PIOs) and Stud Books.

Figure 1 – Summary of interests

Interest group	Number of responses
Equine business interests	8
Breed Societies, PIOs and Stud Books	27
Charity / welfare organisation	12
Public sector	9
Owners & Keepers	123
Public	6
Veterinary and horse health	42
Trade association	3
Grand total	230

Main findings

Central Equine Database (question 1)

Summary of question

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

Background

The Central Equine Database (also referred to as “the CED”) is a new requirement under the EU Equine Passport Regulation 2015. Previously an option, it is now mandatory on Member States.

The rationale given within the text of the EU Regulation is to “exchange and synchronise data” held by multiple PIOs “with a view to provide not only the required animal health guarantees but also ... animal welfare and public health”.

PIOs must record detailed information about equine ID in databases they hold and then upload certain key information to the CED. The EU Regulations allows PIOs up to 15 days to upload data to the CED. In the consultation, Defra proposed requiring shortening the deadline in order to achieve the central aims of the CED.

In the consultation document, Defra proposed that:

- a PIO should update the CED with new or amended information within 24 hours of the record being created or amended by that PIO in order to offer the benefits of a near ‘real time’ set of records; and that
- Defra would look at opportunities for the public to access the database to check and update their records.

Accordingly, question 1 asked a broad and open question inviting views about our implementation of the CED.

Responses received

169 responses were received to question 1, as summarised in figure 2, below.

Figure 2 – Number of responses to question 1

Interest Group	Number of responses
Equine business interests	5
Breed Societies, PIOs and Stud Books	27
Charity / welfare organisation	11
Public sector	9
Owners & Keepers	88
Public	3
Veterinary and healthcare	23
Trade association	3
Grand total	169

Gauging support

The open nature of the question invited a backdrop of responses that demonstrated broad support for the CED. 60 responses offered broad support versus four that were demonstrably opposed to the proposals.

The most consistently expressed theme was in fact that owners and keepers need to be sufficiently motivated to keep their information up to date, including change of ownership and the death of an equine in order that the CED is a success. 50 responses addressed this point.

14 responses commented on the value of CED in helping to deal with cases of poor welfare, abandonment and straying, lost or stolen equines.

Timing of updates

Views were mixed about the suggestion that PIOs should update the CED within 24 hours of creating or amending their records. Alternative suggestions ranged from 2-3 days to the maximum permissible 15 days.

19 responses indicated clear support for updates within 24 hours, 11 of which were from PIOs, pointing to the need for contemporaneous information in order to make a success of

the CED. However, within these, some concerns about potential cost implications for PIOs were raised.

14 responses suggested allowing longer than 24 hours. Four PIOs raised concerns centred on their ability to provide the updates in that time as well as about the reliability of IT systems, particularly for smaller PIOs who may have fewer staff or shorter working hours.

Access to CED

Three responses suggested that the Police should have access to the CED to help in instances of alleged or suspected theft.

14 responses suggested allowing public access for owners and enforcement bodies to check records. However, 28 responses were received emphasising the need to ensure editing rights are limited to PIOs and not the general public in order to minimise the risk of error and fraud. 18 of these responses were from PIOs, highlighting a point of potential concern for them.

Other points raised

As noted, this was an open question which invited a range of views which have been noted. Points raised have been listed in order of magnitude of response:

- People who fail to register their animals will create a potential gap in the records of the CED and therefore its effectiveness (15);
- The CED may be an opportunity to reduce the number of individual PIOs, potentially into a single entity; otherwise it may be an opportunity to standardise the approach taken across PIOs (10);
- The CED should be designed to accommodate derogations for semi-wild ponies (12, identical responses);
- All equidae should be passported and/or microchipped forthwith to ensure there are no gaps in the CED and its usefulness as an enforcement tool (8);
- Vets should be given access to check food chain status of any animal being treated and possibly empowered to update the PIO or CED directly of any treatment they have administered (6, and reflected in remarks from the British Veterinary Association);
- Movements of equidae should also be logged (4)
- Clarification will be required on which set of records take precedence from those held by individuals, PIOs and the CED (3, from owners);

- Concern about the CED being closed within a few years of launch, with the former National Equine Database given as an example (2, both from vets).

Defra's consideration of the points raised

Defra has noted the range of views received and has considered carefully each one.

Since the consultation exercise the CED has been successfully tested with data from PIOs being brought online and has naturally reached a state of being fully operational for PIOs, local authorities and the Food Standards Agency.

Defra has decided to require records are updated within 24 hours. In particular Defra noted the support for a system that contains up to date information. Up to date information is important in order to check quickly and effectively for compliance and carrying out any necessary enforcement.

In response to concerns about capacity for PIOs to comply, the 24 hour limit applies only to notifying the CED once the PIO has entered new records onto their own database, and applies only to working days. If, for instance, a small PIO only operates one day a week, in practice this means that the PIO should update their records, and once complete, upload the information to the CED at the close of the day. We anticipate that the information upload can be completed within a few minutes. We appreciate that it may take slightly longer initially as PIOs become accustomed to a new way of working.

The potential cost of changes appeared in some responses. Defra has funded the development of the CED and PIOs have already uploaded their data. Looking forward, PIOs' daily updates should take only a few minutes to complete. As a result, there is not an appreciable ongoing cost attributable to the CED that needs to be passed on to owners by PIOs when updating their records within the CED.

Defra notes concerns about security and restricting who can edit records within the CED. Data protection and fraud prevention is an absolute priority and requirement of the CED. PIOs will be able to update the records within the CED, and the Food Standards Agency will be able to update only in relation to the slaughter of an animal. As data has been uploaded from PIOs to the CED, records have been checked for accuracy, anomalies investigated and any necessary corrections made. Defra has noted the support for owners and the public to be able to check certain records within the CED.

Defra agrees that the CED will be most effective if owners comply. The consultation included proposals and questions about enforcement to help ensure this is indeed the case.

Defra notes the suggestion for a separate section of the database for semi-wild ponies. Defra proposes to continue the derogation of semi-wild ponies from the general requirement to passport and microchip equines recognising their contribution to the national herd and heritage and the impracticability of fully identifying animals living in a semi-wild state. There would not therefore be a corresponding record to enter into the

CED. The question of derogation is covered in the summary and Defra's response to questions 2 and 3, below.

Defra notes the broader range of points raised. The scope of the consultation did not extend to tracing equine movements nor to reviewing the wider role and number of PIOs. Nevertheless these points have been noted and can be fed into future policy development.

The way forward

Having read and considered all the points made in the responses to the consultation and having undertaken thorough testing of the system in development, Defra launched the CED on 8 March 2018. Looking forward, Defra confirms that:

- all PIOs must use the CED;
- all PIOs must update their records within the CED within 24 hours;
- the experience from developing and running the CED will feed into the development of Defra's future Livestock Implementation Service (LIS) and the advances it will make for livestock traceability;
- points raised that are outside the scope of this consultation exercise, for example around the number of PIOs and traceability of equine movements, have been noted and can be fed into any future policy development and review.

Semi-wild horses (question 2 and 3)

Summary of questions

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

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

Background

In the consultation document, Defra explained that under the Horse Passport (England) Regulations 2009, which applied in England, we made use of a derogation allowing

defined populations of equines living in semi-wild conditions to be exempted from the rules on passports and microchips. Instead, such animals were identified in lists, for example those kept by the Dartmoor Commoners' Council.

The exemption could apply only when the horses remained in the defined areas and were outside human control for their survival and reproduction. The exemption ceased to apply when such a horse was moved outside one of these areas, entered domestication or received medical treatment at which point the general rules around identifying equines applied.

In England, horses covered by this exemption included semi-wild ponies living on Dartmoor, Exmoor, New Forest and Wicken Fen.

The equivalent derogation is available under the EU Equine Regulation 2015 and Defra has discretion to apply it once more to semi-wild ponies in England.

Defra asked two questions in the consultation to inform its decision about whether to retain the equivalent derogation in the new regulations that are required to implement the 2015 EU Regulation.

Responses received

Defra received 226 responses to question 2. Four respondents to the consultation did not answer this question.

Of the 226 responses:

- 65% respondents agreed,
- 29% disagreed, and
- 6% neither agreed nor disagreed.

This is summarised in figure 3 and 4, below.

150 respondents replied to question 3, which invited further detailed comments and these are summarised below.

Figure 3 – Responses to question 2

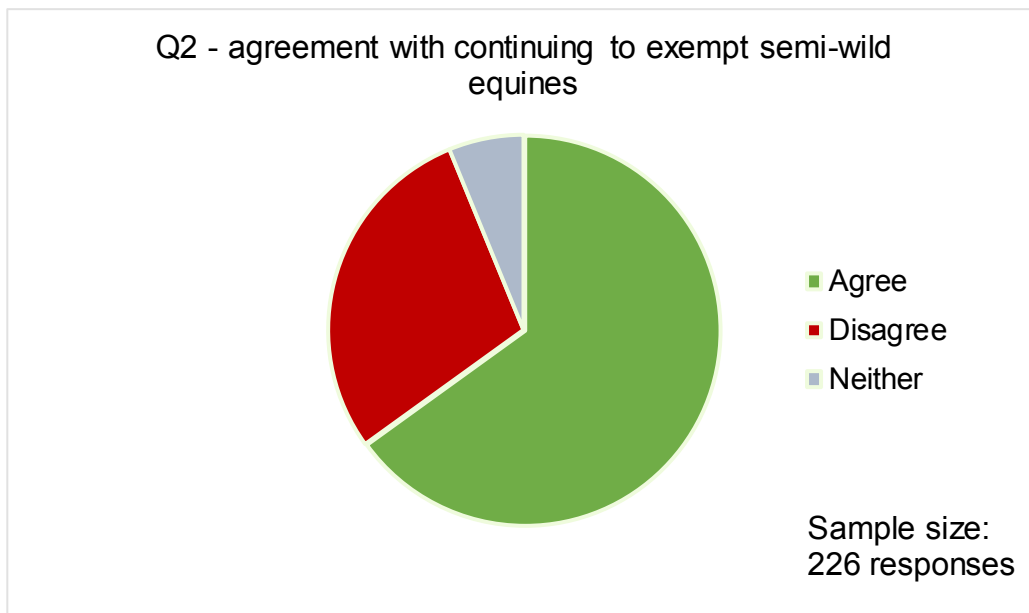


Figure 4 – Responses to question 2 by interest group

Interest group	Agree	Disagree	Neither
Breed Societies, PIOs and Stud Books	15	6	5
Charity / welfare organisation	10	2	-
Equine business interests	7	1	-
Owners & Keepers	72	44	6
Public	2	3	-
Public sector	6	1	2
Trade association	1	1	-
Veterinary and healthcare	34	7	1
Grand Total	147	65	14

Gauging Support

Most interests groups lean toward agreeing with continuing to derogate semi wild ponies, particularly among the responses from charities, sector organisations and vets.

Respondents argued in favour of preserving breeds of semi-wild ponies, highlighting their role within the national herd and heritage, explaining alternative identification methods that establish ownership and the fact that any such animal treated by a vet must subsequently be fully identified in accordance with the general rules in the EU Regulation.

Opinion is more evenly split from public and trade association responses, although the number of responses from these groups is too small a sample to draw conclusions.

Points raised

From the range of views given:

- 45 responses, the majority of which were from those identifying as owners, keepers or vets, suggested that semi-wild equines should be identified. Arguments in favour included the fact the animals are owned and concerns about fly grazing;
- 43 responses, mostly from owners and vets, suggested that vets could insert microchips when treating semi-wild equines if not before;
- 17 responses, half of which were from charitable organisations and the remainder from PIOs, owners keepers, local authorities and the Dartmoor Commoners' Council, suggested maintaining the status quo and allowing the exemption to continue for semi-wild ponies, arguing that it allows "endangered breeds to survive" and that, in any case, such ponies must be fully identified if given a veterinary medicine;
- 24 responses supported this view by setting out alternative ways to identify semi-wild ponies, including by way of markings, sprays and tattoos; and
- A further group of five PIOs felt that technological advances are likely to improve identification methods in the future.

Defra's consideration of the points raised

The majority of respondents were supportive of our proposal to continue to allow horses living under wild or semi-wild conditions in Dartmoor, New Forest, Exmoor and Wicken Fen to benefit from the existing derogation from the requirement to be identified, until they are moved from these locations, enter domestication, or receive medical treatment. We therefore intend to retain this derogation.

Of the suggestions received about whether the human food chain can be better protected, the responses tended to reflect the status quo, which is to require individual identification of the equine if and when a veterinary medicine is administered or upon leaving the

derogated area. Such animals would then be included in the Central Equine Database allowing for the strongest possible checks to take place if subsequently presented for slaughter.

In order to encourage compliance with the rules, we intend to allow exempt wild and semi-wild ponies of any age to be moved to another holding with a 'rump sticker' that bears a unique number issued and a passport, both issued by the relevant Passport Issuing Organisation and valid for seven days. Thereafter we intend to require the insertion of a microchip within 30 days.

Alternative forms of marking are, provided lawful, a choice for the owner of the animal. Of all the identification methods suggested 'The Mutilations (Permitted Procedures) (England) Regulations 2007' dictates that only hot branding, freeze branding, tattooing and microchipping are lawful for unpassported feral and semi-feral equines.

The way forward

Defra has carefully weighed up the range of views offered and has decided:

- To make use of the derogation available in the EU Equine Regulation 2015 for semi-wild ponies in Dartmoor, Exmoor, New Forest and Wicken Fen, and
- To include provision for it in the domestic regulations to be laid before Parliament later this year.

Microchipping (question 4, 5 and 6)

Introduction

This section of the Summary of Responses document:

- summarises the questions asked;
- sets out the background to these consultation questions;
- lists the points raised by consultees for each of questions 4, 5 and 6 in turn; and then
- summarises Defra's overall response to the points raised and our suggested way forward.

Summary of questions

Questions 4, 5 and 6 asked about the microchipping of equines.

Question 4 asked whether all equines should be inserted with a microchip. Question 5 invited views to explore further problems, costs and solutions associated with microchipping all equines.

Question 6 asked whether owners should be required to re-microchip a horse if there is a problem with the original chip.

Background to questions

The EU Equine Regulation 2015 requires the microchipping of all equines born after 2009. The consultation document explained that individual Member States can, at their discretion, require the microchipping of all horses, regardless of age, and not just those born after 2009.

The consultation included the option of requiring all equidae in England to be microchipped, regardless of age, if beneficial and practicable. This option was set out in detail in the impact assessment published alongside the consultation document and is generally referred to as the 'retrospective microchipping' of equines.

A related issue is the failure or migration of microchips after insertion. Whilst thought to be rare, it can make positive identification of an equine difficult and time consuming and therefore more expensive and less effective. The consultation asked consultees' opinion.

Retrospective microchipping (question 4)

Summary of question

Question 4 had two parts:

4a – “Do you think that government should or should not extend the microchipping requirement so that all horses, including foals born after (or horses not identified before) 1 July 2009, should be microchipped?”

4b – “If so, please explain why.”

Responses received

222 respondents replied to question 4a and their responses are illustrated in figure 5 and 6, below.

160 respondents answered question 4b, offering arguments to support their answer.

In analysing the responses, Defra has categorised the answers to 4b as presenting arguments for, against or neutral to the case for retrospective microchipping. This is summarised in figure 7 and 8, also below.

Figure 5 – Number of responses given for, against and neutral to retrospective microchipping under question 4a

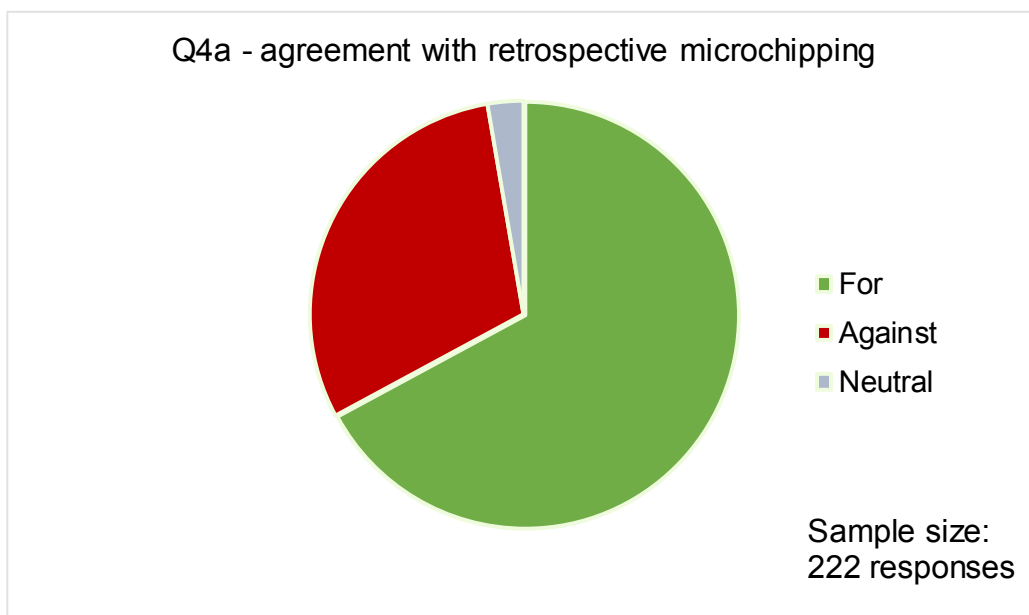


Figure 6 – Summary of responses by interest group to question 4a

Interest group	For	Against	Neutral
Breed Societies, PIOs and Stud Books	15	11	0
Charity / welfare organisation	2	6	1
Equine business interests	3	5	0
Owners & Keepers	83	34	4
Public	4	0	1
Public sector	6	3	0
Trade association	3	0	0
Veterinary and healthcare	33	8	0
Grand Total	149	67	6

Figure 7 – Balance of arguments offered that were for, against and neutral to retrospective microchipping under question 4b

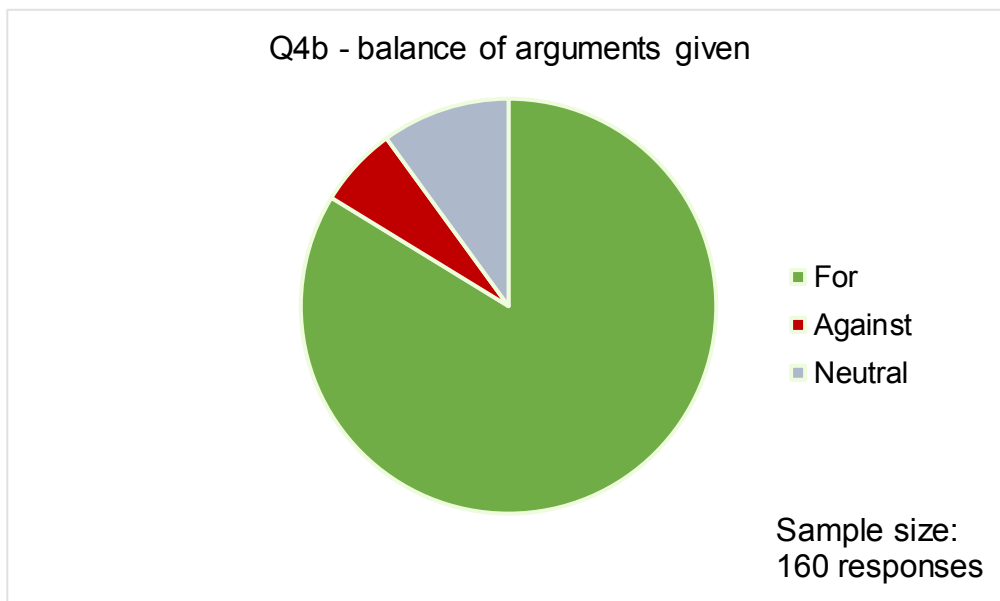


Figure 8 - Summary of nature of responses by interest group to question 4a

Interest group	For	Against	Neutral
Breed Societies, PIOs and Stud Books	17	2	1
Charity / welfare organisation	3	0	8
Equine business interests	3	1	0
Owners & Keepers	72	6	5
Public	4	0	0
Public sector	6	1	0
Trade association	2	0	1
Veterinary and healthcare	27	0	1
Grand Total	134	10	16

Of the 222 respondents that indicated whether they support retrospective microchipping:

- 67% were in favour,
- 30% opposed, and
- 3% were neutral.

Of the 160 respondents that offered arguments to support their initial answer:

- 84% argued in favour of retrospective microchipping,
- 6% argued against, and
- 10% appeared neither to agree nor disagree.

Arguments in favour of retrospective microchipping:

Arguments in favour included:

- Ease of identification of chipped horses;
- Improved traceability and easier return of lost or stolen horses and finding owners of fly-grazed, abandoned or mistreated equidae;
- Making it harder for thieves to sell on stolen horses;
- Helping dissuade unnecessary breeding habits;
- Creating a level playing field for all owners;
- Improving robustness of the identification system and reliability of records;
- Improving safeguards at the point of slaughter;
- The reliability and relatively low cost of microchips, particularly when carried out by a vet alongside an already planned visit. The Equine Sector Council cited the 2015 Equestrian Trade Association industry survey which estimated the one of cost of a microchip, if combined with annual vaccination, could be as low as 1.3% of the average horse keeping cost. In combination, this suggests allowing a 2 to 3 year implementation period within which a microchip should be inserted. Other responses pointed to the availability of help of charitable organisations;
- Similarity to requirements for dogs and the benefits offered.

Arguments against retrospective microchipping:

Arguments against, included:

- Not thinking it appropriate except at the time of sale of an animal;
- Recommending the viability of freeze marking as an alternative;
- Natural reduction in numbers of older, unchipped, equidae;
- Cost to owners, particularly for older horses;
- Suggestion it might distress older horses.

The majority of responses that have been treated as presenting neutral arguments are identical ones from owners who have not commented on implications for domesticated equines but would support for semi-feral ponies if professionally-trained and accredited individuals administer the microchips.

Other points raised about retrospective microchipping

Other 'neutral' points include suggestions that:

- The decision to microchip should be left to owners;
- Unscrupulous owners would flout the rules;
- Suggestion that it seems excessive to microchip very old equidae;
- Animals that may already have permanent marking would not benefit from a microchip.

Further exploring retrospective microchipping (question 5)

Summary of question

Question 5 was similarly split into two parts.

Question 5a asked, "what practical problems do respondents anticipate if we were to introduce a legal requirement for all horses to be microchipped?"

Question 5b asked, "If you have identified any problems, can you suggest solutions?"

Responses received

195 respondents replied to question 5a.

119 replied to 5b.

Problems suggested

Problems were raised about potential costs and non-compliance:

- 57 responses expressed concern at the potential cost of inserting a microchip, with particular emphasis placed on costs for older horses and feral ponies. Some were also concerned about causing distress to very old or unfamiliar equines. Some were concerned about the potential loss of semi-wild herds if the cost is unaffordable for owners;
- 35 responses expressed concern about individuals who may not want to comply creating unfairness for those that do;
- Six responses suggested that alternative marks, particularly if already present, should be sufficient.

Solutions suggested

A number of solutions were suggested, including a significant number indicating that there are no insurmountable problems:

- 67 responses appeared to suggest that there are no significant issues to overcome if all equines are to be microchipped.
- The above included the view that the cost of inserting a microchip is relatively insignificant compared to the typical cost of owning and tending to a horse.
- Some suggested allowing a period of grace of two to three years for people to comply with what would be a new requirement before undertaking any enforcement. It was pointed out that this would allow owners time to comply and to combine with a routine vet visit rather than incur a callout fee in its own right. It would also ease bottlenecks of large numbers of owners attempting to comply within too short a period and exceeding veterinary capacity to insert chips.
- 47 responses highlighted the importance of effective enforcement, several of those voicing doubt about the practical enforceability of a change to the rules; this highlights the importance of effective enforcement as part of the solution.
- 10 responses suggested that funding support would be one way of encouraging greater take up of microchipping;
- Seven responses highlighted a potential role for horse gatherings such as competitions, events and fairs where it might be possible to offer microchipping in greater numbers and at reduced cost as well as avoiding a call out fee from a vet;
- Six responses highlighted the similarities to requirements for owning a dog which is already a legal requirement and some clear parallels to reasons for microchipping horses;

- Five responses highlighted the importance of better communication of the requirements, which could include ensuring PIOs hold the correct advice and making use of the aforementioned gatherings.
- One practical suggestion included ensuring that sufficient numbers of people, for example enforcement officers and events managers carry scanners to be able to carry out spot checks.
- Others suggested compelling compliance by giving charities greater powers, enabling local authorities to seize unchipped horses and having a zero tolerance policy at point of slaughter.

Replacement of failed or migrated microchips (question 6)

Summary of question

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

Responses received

229 answers were received.

Of these:

- 86% agreed with re-microchipping,
- 11% disagree, and
- 3% answered that they did not know.

This is illustrated in figure 9, below.

A breakdown by stakeholder interested is included in figure 10, also below.

Figure 9 – Agreement with re-microchipping failed or migrated microchips

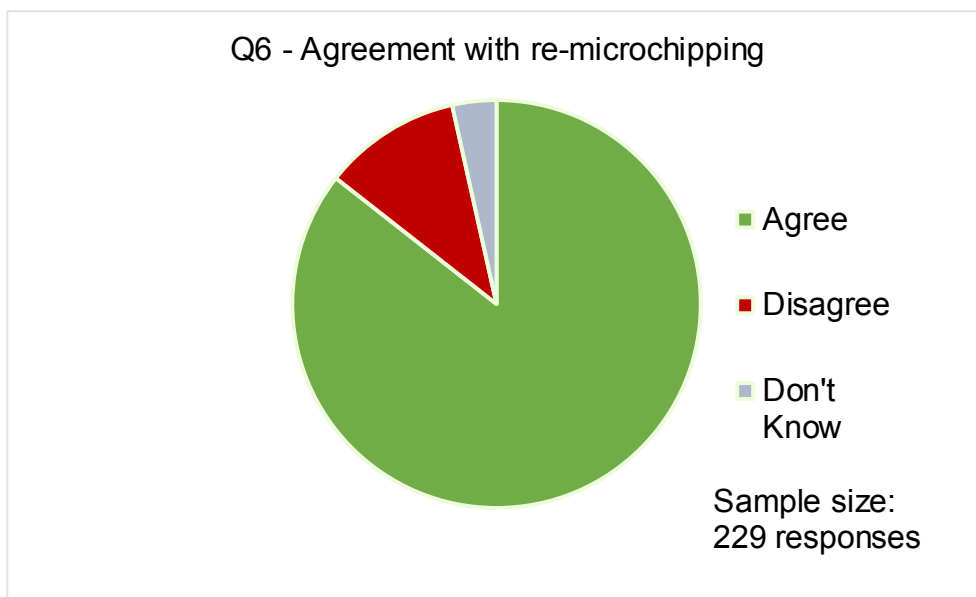


Figure 10 – Balance of agreement by stakeholder interest group to requiring re-microchipping where the original has failed or migrated

Interest group	Agree	Disagree	Don't Know
Breed Societies, PIOs and Stud Books	19	6	2
Charity / welfare organisation	9	2	1
Equine business interests	7	1	0
Owners & Keepers	111	11	1
Public	5	0	1
Public sector	7	2	0
Trade association	1	1	0
Veterinary and healthcare	37	2	3
Grand Total	196	25	8

Defra's consideration of the points raised (questions 4, 5 and 6)

Retrospective microchipping

Clear arguments were received both in favour and opposing retrospective microchipping.

Defra acknowledges concerns about the potential cost of microchipping all equines. We also recognise the significant number of responses suggesting that this cost represents only a small portion of the overall typical cost of keeping and tending to an equine.

We note with interest the variety of ideas to minimise costs. These ranged from simply allowing sufficient time for microchipping to coincide with a routine visit from a vet to ideas about vets being on hand to microchip equines at various types of gathering.

Defra agrees that a two year period of grace is appropriate to ensure people have time to comply and can find the best possible value for money, ideally by combining microchipping with another routine attendance from a vet.

A number of important benefits were highlighted by respondents, including helping to enforce good animal welfare, dissuading thieves and easing the re-uniting of lost, straying or stolen animals with their owners.

A clear connection must be made with the implementation of the UK's Central Equine Database. In order to be most effective, it should contain information about all equines (other than those in areas designated for semi-wild ponies: see questions 2 and 3) so that local authorities and the FSA can discharge their duties using the best possible up-to-date.

We note also the suggestion that requirements should be even and fair for all owners of equines as well as the benefits to the sector from being able to identify quickly horses whether as part of a routine check or investigation into potential loss or wrong doing.

Related to this, Defra notes the strength of feeling around enforcement and the unfairness felt by those who comply but feel frustrated about the inevitably that irresponsible owners might not. The consultation looked at enforcement and the introduction of civil sanctions in large part to address this concern.

Replacement of failed or migrated microchips

In line with the strong majority view of respondents, the government proposes regulating to require the re-microchipping of a horse where the original chip has failed or migrated.

The way forward

Defra has considered carefully the range of views presented and noted the strong support for retrospective microchipping and replacement of failed/migrated microchips.

Having weighed up the arguments, Defra intends to:

- require the insertion of a microchip into equidae that do not already have one
- include the provision in regulations to be laid before Parliament later this year
- allow a two year period after the regulations have been laid for people to comply with the new requirement before any enforcement action may be taken on the matter
- require the replacement of microchips found to have failed or migrated.

Notifying Passport Issuing Organisations (questions 7 and 8)

Summary of questions

Question 7 asked, “Do you agree that the owner should be legally responsible for reporting [to the PIO] changes to a horse’s identity, such as when that horse has been signed out of the food chain by a vet?”

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

Background

The consultation document explained that an equine’s food chain status is an important piece of information required by EU Equine Passport Regulation that is contained in an equine’s passport and the corresponding records held by PIOs and entered in the CED.

The relevant PIO must be told when a horse has been signed out of the food chain by a vet. The PIO must be informed of the fact within 14 days. It then has 24 hours from the date of the record being created or amended to update the equine’s record in the CED.

Under the EU Equine Passport Regulation, Member States can choose whether it is the keeper, the owner or the vet who must notify the PIO of a change. In the consultation document, Defra proposed making owners legally responsible for ensuring that notice is given to the PIO.

Consequently, question 7 asked if respondents agree and question 8 invited opinions to the contrary.

Responses received

All 230 respondents replied to question 7.

100 respondents also answered question 8, which invited further views.

Gauging support

From the 230 responses:

- 69% agreed that the owner should be legally responsible for reporting changes to a horse's identity,
- 26% disagreed, and
- 5% neither agreed nor disagreed.

This is illustrated in figure 11, and a breakdown of answers by sector is provided in figure 12, both below.

114 of the 230 respondents identified themselves specifically as being an 'owner' and therefore directly affected by the outcome of the question. Of these:

- 61% agreed that they should be legally responsible as owners,
- 32% disagreed, and
- 6% neither agreed nor disagreed.

Figure 11 – Summary of whether respondents agree that the owner of a horse should be legally responsible for reporting changes to its identity

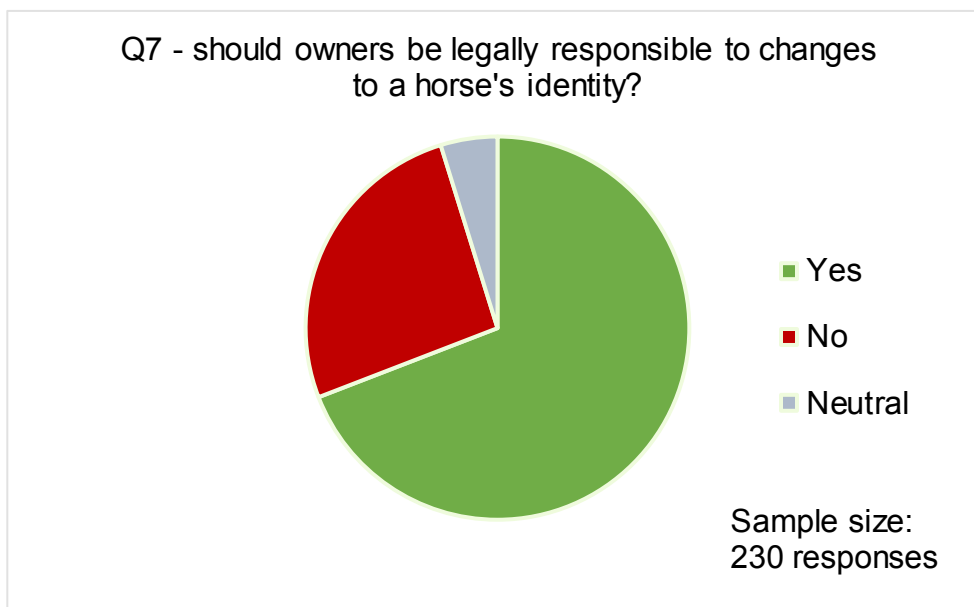


Figure 12 – Number of responses that agree that the owner of a horse should be legally responsible for reporting changes to a horse's identity

Row Labels	Yes	Neutral	No
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Breed Societies, PIOs and Stud Books	23	1	3
Charity / welfare organisation	11	-	1
Equine business interests	5	-	3
Owners & Keepers	74	7	42
Public	5	-	1
Public sector	6	-	3
Trade association	3	-	-
Veterinary and healthcare	32	3	7
Grand Total	159	11	60

Points raised

A range of opinion was given by respondents, from basic agreement with the proposal to argued reasons why vets or keepers should be considered.

The majority view, from 159 respondents, was in agreement that owners should be legally responsible for reporting changes in an equine's identity.

However, 33 suggested that vets should have this role instead. Of those offering this alternative view, two thirds identified as owners / keepers (23 responses) and only 1 as a vet.

Reasons included it being incumbent upon vets to check the passport and CED entries prior to treatment and it being the vet's actions that will require that necessary updates to the passport, PIO and CED are made.

14 respondents suggested there could be a shared responsibility whereby vets should be able to update the CED and inform PIOs as well as the owner.

Similar reasons were given, including that vets administer the treatments that require a change to the records so could logically report the change to the PIO. There was also a clear perception that vets are generally more au fait with the rules and regulations and are considered to be trustworthy. Defra has noted concern from some that vets might not always update records correctly.

18 respondents suggested that keepers should take legal responsibility instead of owners, or at least share it with owners and, as above, possibly also with vets.

A recurring example was that of racehorses. Here, the reason was given as an owner potentially being removed from the day to day keeping and tending of the equine. Similarly, consultees suggested instances where an equine might have been lent to another person who may have cause to seek veterinary intervention and therefore should be responsible for updating records whilst the equine is in their care.

13 respondents responded stating either that they do not agree with the slaughter of equines or that they would prefer the system to exclude equidae from slaughter by default. The latter included suggestion that owners be allowed to sign in their animal within a defined and relatively short period of time, with six months given as one suggestion.

In effect, this would invert the current arrangement whereby an animal is eligible for slaughter (which remains the owner's choice and not a requirement nor expectation) until it is signed out; and which must be done if the animal has been given a medicine that could be harmful to human health. There appears to be appetite from some owners to be allowed to sign their equine out the food chain at the time the animal is first registered and for that decision to be permanent.

Nine respondents voiced concern about the standard of communication on the issue as well as a desire to see the amount of burden on owners kept to a minimum.

Although the question 8 was intended to capture opposing views to the notion of owners being given legal responsibility, 17 respondents took the opportunity to re-affirm their agreement in the comments.

Other views, not directly applicable to the question, made by one or two respondents each, but which have been noted, included:

- wanting to highlight welfare concerns for exported horses;
- concern about PIOs being expected to update records within 24 hours;
- concern about passports containing information that contradicts the records in the CED, and
- a question as to why a paper passport is necessary if digital records are created.

Defra's consideration of the points raised

The majority of respondents favour owners being legally responsible for reporting changes to the PIO pertaining to a change in their horse's identity.

We have noted the case for joint responsibility between owners, keepers and vets, as well as the case for vets alone to be made responsible for changes to an equine's food chain

status. Defra's concern is that shared responsibility could make enforcement of the rules more difficult if multiple parties can pass blame. Equally, we note that EU rules, by way of a derogation, do allow for a vet to act in place of the owner but it would first require domestic legislation to bring into effect and was not proposed in Defra's consultation document.

We also note that some of the comments appear to be in relation to a suggestion that some vets fail to update passport records. This is not something that Defra can substantiate in the confines of a consultation exercise. However, it is important to note that the previous regulations (the Horse Passports Regulations 2009) made it an offence for vets to fail to update passports where necessitated by a treatment given, itself a clear requirement of the EU rules (at Article 20 of the EU Equine Regulation of 2008 and similarly included at Article 37 of the succeeding 2015 EU Equine Regulation). Defra proposes similar provision is included in the new regulations that implement the newer EU Regulation.

Some suggested that vets update CED direct. Defra notes this view and recognises the potential advantage in ensuring timely updates and reducing the chance of owners neglecting to update PIOs themselves. We also recognise the advantage of a single, clear flow of responsibility for revising records. On balance, Defra considers that the vet should ensure the passport is physically updated in accordance with the EU rules and then the owner must notify the PIO. Elsewise there is a greater risk of inconsistencies in the audit trail and the potential to make enforcement more challenging because individuals' obligations are less clear.

As noted in our response to question 1, since the running of this consultation exercise the CED has been brought into operation for PIOs, local authorities and the Food Standards Agency.

Alongside future policy review, Defra will consider whether there is an enhanced role for vets to act as an effective safeguard. In part this should be informed by evidence as to whether owners and vets have been involved in any breaches of the new regulations.

Defra notes the body of opinion for either signing out equines by default or allowing owners to so choose as well as the strength of feeling about the issue. The EU Equine Regulation, at Article 37, clearly states that equidae are by default eligible for slaughter. It equally clearly states that **the owner may, at their own discretion, sign an animal out of eligibility for slaughter thereby ensuring every owner has the right to choose at any time the future of their animal.**

The way forward

Having noted the broad support for owners taking legal responsibility for reporting changes to a horse's identity given in response to question 7 and the range of views offered in response to question 8, Defra intends:

- to legislate such that the owner should be legally responsible for reporting changes to a horse's identity, and
- to consider alongside future review of the CED and LIS and the new regulations whether there is a greater role for vets to add assurance to the process.

Enforcement (question 9, 10 and 11)

Summary of questions

Questions 9, 10 and 11 dealt with enforcement.

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

This question invited views about specific types of behaviour that the new regulations should help to address. A list was published at Annex D of the original consultation document¹. It included a range of behaviours. For example, failing to acquire or update a passport, or failing to record veterinary medicines.

Question 10 asked, "do you think that compliance with the equine identification legislation could be improved through the use of civil sanctions and/or administrative sanctions?"

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

Background

The consultation document explained that local authorities were responsible for enforcing the Horse Passport (England) 2009 Regulations. The new regulations are required to replace these in order to implement and enforce the EU Equine Passport Regulation 2015.

Under the 2009 Regulations, individuals found guilty of an offence could face criminal conviction and a fine. However, the time and expense of a court case made local authority enforcement less appealing and the same outcome in terms of compliance can be achieved in different ways.

The consultation proposed introducing civil sanctions as an alternative to prosecution. It also proposed retaining criminal procedures for use where deemed appropriate by local authorities. Civil sanctions typically include notices that set out the remedial action

¹ <https://consult.defra.gov.uk/equine-id/revised-eu-rules-on-equine-id-eu-reg-eu-2015-262/>

required to remedy a breach as well as the ability to offer cost recovery and monetary penalties.

Responses received

Question 9

108 responses were received to question 9, about whether there are additional behaviours that need changing to improve compliance.

33 responses highlighted the importance of effective communication. Ideas included:

- Developing a leaflet or card that PIOs can issue to owners, particularly new owners, to clearly show what their responsibilities are as well as potential sanctions for failure to comply;
- Ensuring all agencies hold consistent guidelines;
- Installing coordinators who could reach out to, and educate, harder to reach individuals and groups;
- Issuing warning letters to those found in breach of the rules;
- Publicising when enforcement has led to improvements, for example in cases of successfully tackling fly grazing.

A second clear theme emerged around failure to return a passport to the rightful owner or keeper of an equine. 12 respondents suggested that it should be an offence to withhold a passport, including examples such as following the sale of an equine, the breakdown of a partnership or the failure to settle a bill. Another respondent suggested that PIOs should act as quickly as possible when they are in possession of a passport so that it can be returned to the owner and in order to avoid unacceptable periods within which a passport is not with the animal and available for updates by a vet.

One respondent suggested that buying equines with missing, defaced or incomplete identification should be added to the list of behaviours, as well as ensuring that owners are above the age legally required to be responsible for an animal.

Other views expressed in answer to the question, but that are not deemed behaviours that need addressing, include:

- A general desire to see more enforcement;
- Allowing local authorities to seize horses;
- Allowing people to 'tip off' PIOs or enforcement officers about non-compliance;

- Encouraging effective collaboration between enforcement officers and welfare organisations such as the RSPCA;
- A general desire to see sufficient funding for enforcement;
- Increasing checks at slaughter.

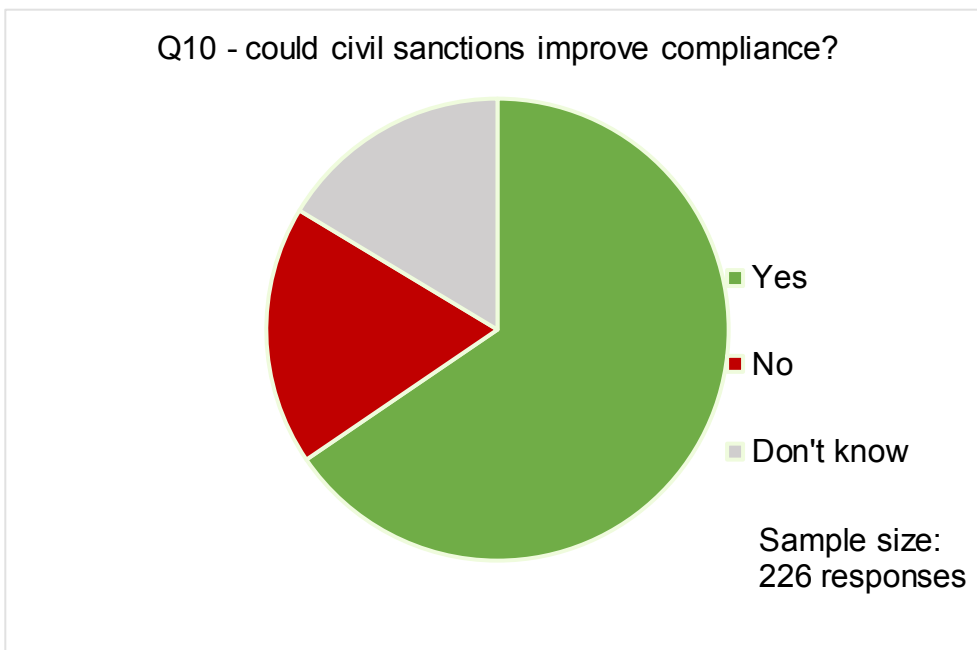
Some responses repeated answers offered to earlier questions and that are summarised elsewhere within this document.

Question 10

226 responses were received to question 10, which asked whether respondents thought that compliance could be improved using civil or administrative sanctions.

The answers are illustrated at figure 13, below.

Figure 13 – Summary of whether respondents thought that compliance could be improved using civil or administrative sanctions under question 10



Of the 226 responses:

- 66% agreed,
- 18% disagreed, and
- 16% neither agreed nor disagreed.

Results were broadly similar for respondents the most likely to be directly affected by the introduction of civil sanctions. 120 respondents identifying as owners or keepers and of these:

- 60% agreed
- 17% disagreed
- 23% neither agreed nor disagreed.

25 PIOs and breed societies answered, with:

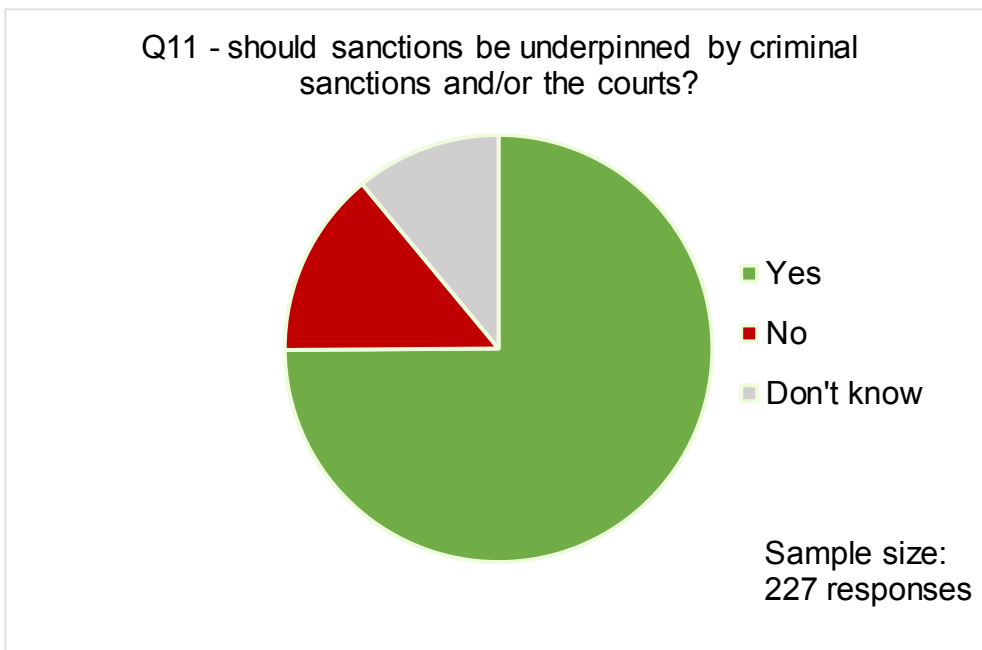
- 88% agreeing, whilst
- 12% neither agreed nor disagreed.

Question 11

227 responses were received to question 11, which asked whether civil sanctions, if introduced, should be underpinned by criminal sanctions and/or the courts.

The answers are summarised in figure 14, below.

Figure 14 – Summary of whether respondents thought that civil sanctions, if introduced, should be underpinned by criminal sanctions and/or the courts



Of the 227 responses received:

- 75% agreed that civil sanctions should be underpinned by criminal ones,
- 14% disagreed, and
- 11% neither agreed nor disagreed.

Results were broadly similar for respondents the most likely to be affected by the policy. Of 122 respondents identifying as owners or keepers:

- 70% agreed,
- 14% disagreed, and
- 16% neither agreed nor disagreed.

22 PIOs and breed societies answered, and of these:

- 84% agreed,
- 8% disagreed, and
- 8% neither agreed nor disagreed.

Defra's consideration of the points raised

Two thirds of respondents to the consultation appear to support the introduction of civil sanctions, with three quarters agreeing that enforcement should be underpinned by criminal proceedings where appropriate.

The clearest feedback is the importance of effective communication. Whilst we do not think particular changes need to be made within the law to achieve this, Defra will consider further the steps it can take and encourage in others.

Defra notes ideas such as whether PIOs can be either given or develop straightforward guidance for owners. Defra agrees that this could include advice to prospective owners about the importance of checking for obvious signs of tampering or inaccuracy within a passport before proceeding with a purchase.

Whilst we acknowledge the potential concern raised, the acts of destroying, defacing or altering a passport, as well as knowingly being in possession of a forged passport, were already behaviours listed at Annex D and that we seek to address.

We agree that equine passports should not be withheld from the rightful owner. It is not acceptable for a third party to knowingly cause the rightful owner or keeper to break the law. We will consider carefully the wording included in the legislation such that it will be an offence to withhold a passport from the legal owner or rightful keeper.

Defra notes the general comments including for improved enforcement. This is why Defra proposed changes within the consultation such as the introduction of civil sanctions and cost recovery for local authorities.

The way forward

Defra has noted the responses and will seek to:

- introduce civil sanctions in the new regulations;
- provide the right tools to local authorities to carry out enforcement action including compelling compliance through enforcement notices and the ability to recover costs and issue fines;
- retain the ability to refer breaches to the courts;
- include an offence pertaining to withholding a passport from the legal owner or rightful keeper; and
- improve the overall standard of communication about the obligations on those responsible for equines.

Impact assessment (Question 12 to 19)

Summary of questions

Questions 12 to 19 invited feedback on the impact assessment that was published alongside the consultation document.

Responses received

Question 12

This question asked whether respondents could identify costs and impacts not already included in the impact assessment.

105 substantive responses were received.

The following potential impacts were highlighted:

- costs to PIOs of adapting to the CED and educating owners about changes;
- costs to owners and welfare groups of microchipping equines for the first time and of replacing failed or migrated microchips, including the cost of calling out a vet;
- costs to owners of semi-wild ponies were they to be required to arrange the insertion of microchips;
- costs of enforcement borne by local authorities.

Question 13

This question invited comments on the costs and estimates identified in the impact assessment.

41 substantive responses were received.

The following feedback was given:

- the time it would take PIOs to upload data to the CED was felt possibly to have been underestimated;
- a particular breed of ponies may suffer from an above average failure rate of microchips which may increase costs for their owners compared to others;
- there should be benefits to owners and consumers from measures that contribute to a reduction in fraud;
- opposing views that on the one hand vets may reduce costs as more equines are microchipped and on the other that they might increase costs as the requirement becomes mandatory.

Question 14

This question invited comments on the likely impact that would be felt by business.

66 substantive responses were received.

Feedback included that:

- workload will increase for Passport Issuing Organisations;
- micro-businesses can feel the effect of small changes;
- any new costs would be felt by owners of semi wild ponies;
- any new costs would be felt by riding schools;
- a grace period for retrospective microchipping would help businesses adjust and comply.

Question 15 and 16

This question asked how we could minimise any negative impact on business.

70 substantive responses were received.

Respondents commented that:

- either financial assistance or a grace period would help business to comply;
- rules for semi wild ponies should not be changed significantly;
- vet fees should be capped;
- persons other than vets should be trained to insert microchips.

Question 17

This question asked respondents, where possible, to provide an estimate of how much it has costed them to comply with the Horse Passport Regulation 2009.

96 substantive comments were received, although not all of these included data. Whilst they may not be representative of everyone in the sector, respondents indicated that:

- inserting a microchip costs between £15 and £50. £25 was the most frequent figure given;
- unless combined with another visit such as routine vaccination, the call out fee for a vet appears to be between about £30 and £50 but can be higher;
- an identification certificate appears to cost in the region of £30;
- equine passport fees range from £13.50 to £60;
- PIOs mentions costs of between £5,000 and £60,000 to adapt to changes in rules and in readying for the launch of the CED;
- welfare charities that work with equines identify and microchip rescued animals as part of their work and would also be affected by changes to equine ID and enforcement.

Questions 18 and 19

These questions invited views for and against:

- retrospective microchipping;
- replacement of failed or migrated microchips; and
- requiring Passport Issuing Organisations to update the Central Equine Database within 24 hours of a change to the PIO's records.

The comments received are summarised below.

Figure 15 – Summary of arguments offered to questions 18 and 19

Measure	Argument given in favour	Arguments against
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Retrospective microchipping	<ul style="list-style-type: none"> Increases ease of identification of equines; Makes it easier to find owners; Removes a loophole; Additional protection to the food chain; Encourage wide scale compliance with rules; Assist tackling abandoned, lost, strayed or stolen equines; Extra security for owners; Older horses would be more likely to have been given drugs so should be identifiable; ID system is most effective when all equines are identifiable. 	<ul style="list-style-type: none"> Owners of older horses might not comply or falsely claim they have chipped their horse; Impracticability of chipping semi-wild ponies; Horsemeat is not generally eaten in the UK; Enforcement challenges; Costs may exceed value of some equines; Most owners don't present their equines for slaughter.
Replacement of failed or migrated microchips	<ul style="list-style-type: none"> Aids traceability; System will rely on functioning forms of identification; Not overly burdensome as a relatively rare event. 	<ul style="list-style-type: none"> Faults may be with the scanner and not the chip; It comes at a cost; The new location of a migrated chip could be marked instead; Opens possibility of fraudulently re-identifying an equine.
Requiring PIOs to update the CED within 24 hours	<ul style="list-style-type: none"> Timely data is essential to an effective system; Is already the policy of some PIOs; A change in status is immediate so the records should follow suit; Minimises risk of recently medicated horses being presented for slaughter. 	<ul style="list-style-type: none"> May be challenging for some PIOs who rely on volunteer efforts or if they encounter IT issues; Unlikely that recently medicated equines will be presented for slaughter.

Defra's consideration the points raised about the impact assessment

Defra is grateful to respondents that offered feedback on the impact assessment. Defra will reflect on the feedback in preparing a final Regulatory Triage Assessment, which is similar to an impact assessment ahead of laying the new regulations necessary to implement the EU Equine Passport Regulation 2015.

The impact assessment estimated that the insertion of a microchip costs around £26.25. The most frequent figure given by consultees was £25, but recognising it can range.

Similarly the £13.50 cost of updating a passport appears broadly correct, but there are instances of higher costs. Costs that PIOs incurred in order to help launch the CED are noted as are the statements that costs can be felt by business and welfare charities. The final assessment will acknowledge the estimates offered.

Defra has also reflected on the comments provided in reaching a view that it is appropriate to allow a period of grace of two years for owners to comply with retrospective microchipping which previously would not have needed a microchip.

Defra has noted concerns about cost effectiveness and practicability of microchipping semi-wild ponies and these have informed our view that the previous derogation should continue to apply to semi-wild ponies under the new regulations.

Defra as noted remarks about costs to local authorities associated with enforcement. The proposed introduction of civil sanctions is intended to address this issue.

The way forward

Defra is grateful to respondents for their feedback on the impact assessment.

The feedback will be used:

- in the drafting of the new regulations to be laid before Parliament;
- in preparing the final Regulatory Triage Assessment (similar to impact assessment);
and
- future policy review.

List of acronyms

CED – the Central Equine Database

LIS – Livestock Implementation Service

PIO – one or more Passport Issuing Organisations