

Consultation on changes to the identification of equines

Department for the Environment,
Food & Rural Affairs

Chartered Trading Standards
Institute response

24th May 2017

About The Chartered Trading Standards Institute

The Chartered Trading Standards Institute (CTSI) is a professional membership association founded in 1881. It represents trading standards officers and associated personnel working in the UK and also overseas – in the business and consumer sectors as well as in local and central government.

The Institute aims to promote and protect the success of a modern vibrant economy and to safeguard the health, safety and wellbeing of citizens by empowering consumers, encouraging honest business, and targeting rogue traders.

We provide information, evidence, and policy advice to support local and national stakeholders.

We have also, as part of our recently revised remit, taken over responsibility for business advice and education concerning trading standards and consumer protection legislation. To this end, we have developed the Business Companion website (www.businesscompanion.info).

The CTSI Consumer Codes Approval Scheme was launched in 2013, superseding the OFT scheme (www.tradingstandards.uk/advice/ConsumerCodes.cfm).

CTSI is a member of the Consumer Protection Partnership, set up by central government to bring about better coordination, intelligence sharing and identification of future consumer issues within the consumer protection arena.

We run events for both the trading standards profession and a growing number of external organisations. We also provide accredited courses on regulations and enforcement.

A key concern for CTSI is that of resources. UK local authority trading standards services enforce over 250 pieces of legislation in a wide variety of areas. They have suffered an average reduction of 46% in their budgets since 2010 and staff numbers have fallen by 53% in the same period.

This response has been composed by CTSI Lead Officer for **Animal Health & Welfare, Stephanie Young**. Should you have any queries or wish to discuss the response please do not hesitate to contact **Stephanie Young** at L0animalhealth@tsi.org.uk

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Response by the Chartered Trading Standards Institute

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

CTSI Response - Inaccurate and out of date data is a weakness for enforcement and leads to a lack of traceability. The UK CED needs to be a robust, simple to operate/ user friendly database that can be operated/accessed in a timely fashion and is open to use by enforcers with wide ranging search facilities for both owner/address /postcode /etc as well s the microchip number of the animals. Allowing owners the option to notify changes to their records online will hopefully increase reporting and subsequent compliance - though consideration needs to be given to some sectors of the horse community that may not use such technology.

It is supported that PIO's are to update the CED within 24 hours. Regulators need accurate and up to date information to be available on demand on CED, this includes FSA officials when equines are presented for slaughter. The CED needs to be accurate with regards the status of the animal and its eligibility for slaughter and it is agreed that the responsibility for reporting changes to horse details to a PIO lies with the owner of the horse or their designated agent.

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

CTSI Response - It is supported that any derogation which allows defined populations of horses living under wild and semi-wild conditions be exempt from the requirement to be identified if this helps endangered breeds to survive, however there needs to be clear concise guidance on the eligibility criteria for exemptions.

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

CTSI response - It is accepted that ponies do not require an identification document until they leave the prescribed areas, however at the point of treatment, for traceability there is a need to issue an identification document, where the chip number is recorded in the database of a PIO, and linked to any passport which is subsequently issued.

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

CTSI Response - It is considered that government should extend the microchipping requirements as traceability is vital for food safety, with additional benefits that microchipping can bring along with keeper/owner checks for animal welfare and traceability in an exotic disease outbreak. Coupled with this it will assist if identification of the relevant owner of an equine when horses have been stolen or strayed - or have been dumped/fly grazed.

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

CTSI Response – If introduced there should be a phase introduction for this with a cut off date for completion.

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

CTSI Response – We would agree with this proposal.

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

CTSI Response - It is agreed that the responsibility should fall to the owner or their agent/representative for reporting changes. To support this it would be advantageous for any information relating to the change of status relating to food chain eligibility to be reported by a veterinary surgeon when signing the equine out of the food chain.

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

CTSI Response – N/A

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

CTSI Response -

- Include in the legislation an exemption for moving a horse without a passport by a regulator for welfare purposes and seizure. Regulator needs to be defined to ensure that this is not abused.
- Include in the legislation the requirement for a foal (regardless of age) that is permanently moved from its place of birth to have a permanent form of identification document/chip regardless of if it is at the foot of its dam

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

CTSI Response - Civil sanctions can have advantages and the use of fixed penalty notices / improvement notices may assist in the enforce the Regulations. The cost of administration of civil sanctions should not be a barrier to the availability for use, and this would need to be considered.

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

CTSI Response – We would agree with this proposal.

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

CTSI Response –No

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

CTSI Response –No

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

CTSI Response - The traceability of equines is important for food safety, disease control and animal welfare implications, as such, regardless of size of business, similar to any other animal that may be farmed, there is a need for ID and traceability. If you make derogations based on business size, it waters down the purpose of the law and impedes effective enforcement measures that may need to be taken to protect animals, consumers and industry.

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

CTSI Response – As above

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

CTSI Response – As above

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

CTSI Response – N/A

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

➤ Additional measure 1 - Requiring the microchipping of all older horses.

CTSI Response - This will ensure that all horses are identified in accordance with the law and there is no derogation. Where there is no assurance that the horse has not been treated previously with a veterinary medicine, as a precaution all older animals should be signed out of the food chain unless the owner / keeper can demonstrate that the animal has not been exposed to veterinary medicines that would exclude it from the food chain.

➤ Additional measure 2 - Replacement of failed and migrated microchips.

CTSI Response - No further views - All horses should have a readable identification and if this fails there needs to be a system for replacement, however there is a need to be mindful of fraudulent practice and checks made at the point of issue of a replacement/ amended passport to ensure that a horse / horse passport has not been stolen.

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

CTSI Response - This would allow real time information to be captured, giving benefits to industry and regulators

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

- Additional measure 1 - Requiring the microchipping of all older horses.

CTSI Response - The legislation for older animals would be unenforceable and there would be a loss of traceability – a missed opportunity.

- Additional measure 2 - Replacement of failed and migrated microchips.

CTSI Response - Whilst the risk of a chip failing is not that common, it does give a lack of traceability should this occur. The legislation ought to be similar to that for cattle identification with 28 days from date of discovery to replace the microchip where an owner /keeper becomes aware that the chip cannot be located.

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

CTSI Response - Timely data is the key to good effective enforcement and disease control and as such, a failure to notify within 24 hours would reduce the value that CED could add to equine traceability in the UK.

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