Welsh Government
Consultation – summary of response

Equine Identification in Wales.

Implementation of the revised European Union rules on equine identification.

July 2018
Introduction:

Purpose of Consultation

The consultation, published on 7 March 2018 and closed on 30 May 2018, sought the views on the revised European Union rules on equine identification.

Commission Implementing Regulation (EU) 2015/262 of 17 February 2015 laying down rules pursuant to Council Directives 90/427/EEC and 2009/156/EC as regards the methods for the identification of equidae (Regulation 2015/262) came into force on 1 January 2016. It is directly applicable in all Member States and repeals and replaces the previous Commission Regulation (EC) 504/2008. From 1 January 2016 it has been a legal requirement for owners to identify their horses in line with Regulation 2015/262. It is primarily a human health measure, aimed at strengthening the existing system of ‘horse passports’ and ensuring certain horses do not enter the human food chain.

The EU referendum, held on 26 June 2016, resulted in the people of the United Kingdom voting to leave the European Union (EU). Until exit negotiations are concluded, the UK remains a full member of the EU and all the rights and obligations of EU membership remain in force. During this period the UK will continue to implement and apply EU legislation. The outcome of the negotiations will determine what arrangements will apply in relation to EU based legislation once the UK is no longer part of the EU.

Regulation 2015/262 is directly applicable in all Member States, including the UK, but needs to be implemented through domestic legislation. In Wales, we intend to revoke and replace the Equine Identification (Wales) Regulations 2009 (2009 Regulations) with a new Statutory Instrument.

The European Commission (the Commission) issued a 5 point action plan in 2013 in response to the revelations surrounding horse meat contamination within the human food chain. The plan includes actions to strengthen the requirements on equine identification in order to reduce the risk of horses which have been treated with certain medicinal products from entering the human food chain. The Commission also placed a mandatory requirement on all Member States to record horse passports in a central national database.

The main provisions contained within Regulation 2015/262 are fundamentally the same as those contained within the previous Regulation, which is implemented by way of the Equine Identification (Wales) Regulations 2009. However there are some key differences:

- A requirement for all Member States to operate a central equine database containing certain information on horses within their territory, with greater sharing of information between Member States;
- Tighter controls over microchip numbering with an option for Member States to require the micro-chipping of older horses;
• A requirement to notify a Passport Issuing Organisation (PIO) when a horse has been signed out of the human food chain on receipt of certain medicinal treatments and the recording of these details on the central equine database;
• New minimum standards for passports together with stronger powers for the Welsh Government to suspend or withdraw approval to issue passports from organisations which fail to meet the standards.

Consultation Period and Distribution

The consultation document was available on the Welsh Government website and was also circulated directly to stakeholders. During the 12 week period a total of 21 responses were received. All responses have been considered and analysed when producing the Welsh Government's formal response.

Summary of Responses

One farming Union
Ten individuals
One Local Authority
Wales Head of Trading Standards Animal Health & Welfare Panel on behalf of all Welsh Local Authorities.
Two Passport Issuing Organisations
Two Equine Welfare Charities
Three organisations with an interest

The consultation posed 21 questions in total. Overall, the responses to the proposals were positive and supportive, although a number of concerns were expressed by stakeholders, in particular over the issue of enforcement. These views have been fully taken into consideration during the development of the Welsh Government’s response and decisions regarding the implementation of the new Equine Identification Regulations.
Question 1

Do you agree an equine should be identified within six months of birth, or by 31 December in the year of birth, whichever is the later?

76% (16 of the 21 respondents) agreed with the proposal, they believed it was important to identify equines within six months or by 31\textsuperscript{st} December in the year of birth. 14% (3 respondents) did not agree whilst a further 10% (2 respondents) didn’t answer the question.

Question 2

Please provide reasons for your view, and any evidence which informed this. If you consider the deadline for identification should be no later than 12 months following birth, please provide the reasons for this view.

A total of 18 (86%) of the 21 respondents provided comments on this question. The majority agree the Welsh Government should retain the existing arrangements, requiring equines to be identified within 6 months or by 31 December in the year of birth, whichever is the later date. Reasons given by respondents included the view that maintaining the current position would avoid confusion within the equine industry. Respondents also considered the proposal allows a reasonable time period for the identification of foals when seen in the context of the timeframe required to submit an application form for identification to the PIO.

Those respondents who didn’t agree with retaining the 6 months / 31\textsuperscript{st} December deadline were of the view the timeframe should be shortened, with periods between one month and 6 months being suggested. The main concern for this suggestion was foals might be sold without having first been identified, if the current timeframe is retained. Another consideration given in support of early identification is the use of
veterinary medicines, which could potentially be administered before a passport is issued. One respondent was of the view only irresponsible owners would have difficulty in complying with a requirement to identify an equine within a shorter timeframe, whilst others considered Regulation 2015/262 would help in controlling indiscriminate breeding, help in the identification of lost or stolen animals and provide assurances as to the identity of the horse for a future purchaser.

Response
Overall, this was a positive response, with over three quarters of those responding supporting the retention of the status quo which requires foals to be identified within six months or by 31st December in the year of birth, whichever is the later. The Welsh Government therefore intends to retain this timeframe when implementing Regulation 2015/262. This will ensure the domestic regulations in Wales mirror the regulations being implemented in England and Scotland, which both retain the current position. This will ensure standardisation across the UK, which will reduce any confusion amongst the horse owning public.

In response to those concerned a deadline as long as 6 months / 31st December could result in foals being sold prior to being identified, the Welsh Government can confirm Regulation 2015/262 only allows the movement of foals as foal at foot of the dam on which it depends (i.e. un-weaned). Where a foal is weaned and offered for sale it is required to be identified in accordance with Regulation 2015/262 at the time it leaves the holding of birth. As this has been highlighted by a number of respondents as an issue of concern, the Welsh Government will look to raise awareness with the equine industry regarding the identification of equines prior to sale.

The Welsh Government does not agree the timeframe for identifying an equine should be shortened, as this would be extremely difficult to enforce. A cut off date of 31 December is a known point in time, owners have either complied and obtained a passport by this date or not complied and therefore the equine is unidentified. Shortening the timeframe would make it much more difficult for enforcement authorities to ascertain whether a foal was aged within the timeframe deadline for obtaining a passport. It is suggested, as part of the communication strategy, the Welsh Government look to raise this issue with stakeholders in order to promote the voluntary identification of foals at the earliest possible time. This would avoid large numbers of last minute registration at the end of the year.

Question 3

What do you consider to be a reasonable time limit for submitting an application for an identification document?

A total of 17 (81%) of the 21 respondents provided comments on this question. This question related to the length of time available to the PIO to process an application for identification before the deadline date. A wide range of timeframes were recorded, ranging from three hours upwards. Eight respondents however agreed with the one month deadline proposed.
Response

The results of this question do not correlate with some of the responses received for question 4, which asked if one month was sufficient time in which to submit an application before the deadline date for identifying an equine. Some of the responses seem to indicate a number who responded believed this question related to when an owner needed to identify an equine rather than the timeframe for making an application to the PIO.

Question 4

Do you consider one calendar month before the deadline for identification of the equine to be sufficient?

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<th>Deadline of one month for making an application to the PIO</th>
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A total of 71% (15 of the 21 respondents) agreed with the proposal to require owners to submit passport applications to their chosen PIO at least one month before the deadline for identifying the equine. 9% (2 respondents) did not agree with a month deadline, whilst 18% (4 respondents) did not respond to the question.

Response

The majority of respondents were content for a one month time limit to be imposed for a passport application to be submitted to the PIO in order to make the identification deadline. In analysing the responses it appears a number of those responding misunderstood the question -believing it related to when identification should take place rather than the timeframe being considered for a PIO to process any application.

In view of the general support for the proposal of one calendar month being an appropriate timeframe, to allow PIOs to process an application for an identification
document, and in order to maintain consistency with the timescales being set in England and Scotland, the Welsh Government intends to adopt this timescale in respect of applications for identification documents for equidae.

Question 5

Please provide your comments and views on requiring Passport Issuing Organisations (PIOs) to update the Central Equine Database (CED) with new and amended information no later than 15 days from the date of recording the information.

A total of 17 of the 21 (81%) responded to this question. There were differing views as to when this should happen. One respondent considered it was important for the new regulations to specify a timeframe otherwise it provides an opportunity for delay and as a result updating may never happen. Putting a rigid timeframe in place will encourage PIOs to develop procedures and systems to ensure they are efficient. A number (4) thought allowing 15 days for the updating of CED was too long and suggestions ranged between 24 and 72 hours, with 24 hours being considered good practice. Two respondents were concerned if a PIO had a backlog, 15 days would be difficult to comply with so 30 days would be more appropriate. The two PIOs who responded noted they already undertake daily (24 hours) updates. A further two respondents raised questions on how this would be enforced.

Response

The Welsh Government welcomes the wide support for this proposal which will see CED being updated in a timely fashion. In view of the fact both PIOs who responded to the consultation confirmed they are updating CED daily, and the widespread support for the update to be as quick as possible, the Welsh Government considers 24 hours a reasonable time limit for the updating of records. The Welsh Government recognises the benefits to be gained from requiring the recording of certain information in real time, which include accurately identifying equines, for example through checks at abattoirs to ensure any horse presented for slaughter is eligible for the food chain. 24 hours mirrors the timeframe in England, however, Scottish PIOs will have up to 15 days in which to update the Scottish database. In response to the comments on enforcement, the Devolved Administrations will be informed by Equine Register (who run the CED) when PIOs exceed the time limit for updating the database. In such cases the new regulations will set out it will be for the Devolved Administrations to take action in respect of the PIO concerned, which in the event of continued non compliance could result in loss of PIO status.

Question 6

What benefits do you consider would be gained from requiring PIOs to update the CED more quickly than the 15 day deadline? In responding please set out what practical/administrative burdens this might place on PIOs.

A total of 17 (81%) responded to this question with just over half providing reasons for why they thought the deadline should be less than 15 days, this included the two PIOs who are already undertaking daily updates. The benefits included ensuring
CED contained real time data which would enable enforcement bodies, PIOs and abattoirs to have the most up to date and relevant information. One respondent felt a shorter time frame would enable dealers to be monitored and stop equines passing from sale to sale and in instances of private sales potential owners will have access to up to date information. In addition the early updating of CED could aid traceability and prevent criminality.

The local authority response highlighted an issue in respect of seized, abandoned and impounded horses where the LA has a statutory responsibility to retain such horses for a period of 7 days in order for checks to be made in order to locate owners or for owners to come forward to claim their horses. LAs of the view the timeframe for updating CED should be shorter than the proposed 15 days as a delay in updating records could potentially see LAs having to retain horses for 15 days rather than the statutory 7 to ensure all checks have been made and owners given every opportunity to claim their horses, adding considerably to LA costs.

Of the remaining responses a number couldn’t see any benefits of reducing the 15 day period and were of the view a shorter timeframe could place unrealistic burdens on PIOs and result in a disproportionate cost burden to PIOs.

Response

What is clear from the responses is the majority of people are in favour of a deadline being stipulated; however there is a wide variation in the time period which is considered appropriate for PIOs to update CED. Whilst it is noted the two PIOs who responded to the consultation are updating daily, the Welsh government recognises this may not be the case for the remaining PIOs. The introduction of a 24 hour deadline provides a strong argument for what will effectively be real time updates providing real benefits for those using CED i.e. horse owners, enforcement authorities, etc.

In response to the issues raised by the local authorities the Welsh Government understands the sort of horses seized, abandoned or impounded are less likely to have been identified by way of a microchip. In the rare instances a chip is found enforcement authorities have the ability to search CED for ownership details. It seems unlikely a horse would be abandoned simultaneously to an application form being submitted to a PIO for identification. Requiring CED to be updated on a 24 hour basis will ensure Local Authorities will have the ability to check details of any horses seized and it is therefore considered it will not add to local authority costs as they will not need to retain equines for longer than the statutory 7 days as set out in the Control of Horses (Wales) Act 2014.

The responses received in relation to question 6 formed part of the considerations of the Welsh Government when reaching the decision outlined above, namely to require PIOs to update the CED with new and amended information within 24 hours of receiving it.
Question 7

Should the Welsh Government extend the micro-chipping requirement to all horses in Wales, regardless of their age?

Microchipping of all equines

- Yes
- No
- Did not answer

Just over half of all those responding 57% (12) noted they are in favour of extending the micro-chipping requirement to all equines in Wales. 29% (6) of those responding were against making it compulsory to retrospectively microchip older equines, whist 14% (3) respondents didn’t answer the question.

Question 8

Please give your reasons and provide any evidence for why you are in favour / not in favour of question 7.

A total of 19 (90%) of the 21 respondents provided comments on this question. Those in favour provided the following arguments and benefits as to why the Welsh Government should introduce retrospective micro-chipping of older equines in Wales.

Some considered without requiring the retrospective micro-chipping of older (pre 2009) equines the existing legislation is not enforceable. The argument made in this context was 'an identification (passport) document alone does not provide a direct link to the horse', a direct link is only possible once a horse has been micro-chipped. Those in favour of this proposal considered retrospective micro-chipping will ensure the legislation has real value in the UK and the money spent on CED will result in good value for money for tax payers [as it would mean CED would provide a comprehensive record of all equines throughout Wales].

Some of the responses were of the view fraud and the availability of fake passports would be much more difficult if all horses were micro-chipped. It is also seen as
essential for the enforcement of other legislation where there is a need to link a horse to an accountable owner. It is believed it will aid traceability through providing a positive method of identification and as a result will aid food safety, animal welfare, exotic disease outbreak, stray and abandonment and prevent theft. Some responses considered only irresponsible equine owners would find such a requirement difficult to comply with. The proposal has been endorsed by the Equine Sector Council for Health and Welfare and a response from an equine charity noted if left to continue, under the current system it will take a further 21 years before all equines in Wales are micro-chipped. The British Equestrian Trade Association survey of 2015 reported the average cost of keeping a horse as being circa £3,895 per year. The one off cost of micro-chipping a horse could be as low as 1.3% of the average annual horse keeping cost.

Those not in favour of the proposal cited admin costs as being excessive for those who own stud farms or have multiple horses. In addition, one PIO considered it would add to the work and costs of PIOs and also queried how it would be policed going forward. Other comments included concerns over health implications for older horses and the fact the requirement could see an increase in the number of horses abandoned. A further respondent noted the number of equines without micro-chips will decrease year on year as all new foals are micro-chipped.

Response

The Welsh Government recognises the proposal to retrospectively microchip all equines in Wales which haven’t previously been identified with a microchip is a contentious issue. The Welsh Government is aware of the lobbying the industry has undertaken to make a case for all equines in the UK to be micro-chipped. It is also noted over half of those responding to the consultation supported retrospective micro-chipping providing justification as to the benefits for implementing this proposal.

The Welsh Government agrees retrospective micro-chipping of all equines is the clearest way of accurately linking an equine to its passport and would provide significant benefits in terms of enforcement purposes as well as aiding in cases of theft, food safety and animal welfare.

The Welsh Government has also been made aware of the trade in fake and fraudulent passports and considers the introduction of retrospective micro-chipping should help to resolve such issues as it will be considerable harder to fake a passport for a horse which has an implanted microchip.

The Welsh Government is aware of the concern of local authorities with unchipped equines hindering enforcement. It is frequently reported older equines are often found in welfare situations or abandoned, causing frustration to both charitable organisations and enforcement authorities when these equines are not micro-chipped. Introducing provisions requiring all older equines to be micro-chipped would to an extent help identify owners and possibly deter them from abandoning or fly grazing such animals.
The Welsh Government recognises the concerns of those who did not favour retrospective micro-chipping because of the extra costs to owners, breeders and PIOs.

Having considered the responses to the consultation, and the arguments in favour and against the extension of the micro-chipping requirement to all horses in Wales, regardless of their age, the Welsh Government is in favour of the introduction of this proposal. In light of the concerns raised, especially in terms of cost, the Welsh Government proposes that this requirement should be introduced over a period of time, namely 2 years. It should then be possible to microchip older animals at a time of routine veterinary visit thereby minimizing the call out costs for a separate visit. It is proposed the communications plan will set out how the industry in partnership with Welsh Government and enforcement authorities can address issues around the timely introduction of retrospective micro-chipping. Whilst it is noted micro-chipping of all foals will result in the number of equines without microchips decreasing year on year the statistics show it would take in the region of 21 years before the equine herd in the UK is fully micro-chipped.

**Question 9**

Do you agree those organisations currently covered by the derogation for semi feral ponies fall outside the scope of the derogation?

A total of 47% (10) of the respondents believed the current semi feral derogation was outside the scope of Regulation 2015/262 recital 32. 38% (8) disagreed, believing the derogation should continue. 15% (3) did not respond to this question. In analysing the comments at question 10 it is not clear whether those responding to this question fully understood what was being asked as the comments seem to err more towards the derogations continuing which would indicate they are not out of scope.
Question 10

Please give your reasons to your responses in Question 9. Do you think there are any equines within Wales which meet the definitions stipulated in Regulation 2015/262. Please can you provide evidence to support your view.

A total of 18 (86%) of the 21 respondents provided comments on this question. Responses in support of the derogation being retained included views on the role semi feral ponies play in respect of conservation habitats, the ecology, culture and heritage of areas they graze. They are recognised as a feature of areas of outstanding natural beauty. It was also noted it is difficult to trace ponies living in the wild, gathering in some areas is particularly difficult and costly in terms of manpower. It also causes unnecessary stress and suffering to the ponies when they come into contact with humans. It was further noted it is not practical in respect of costs, both veterinary and administrative, to passport these ponies and if required it is likely many owners would abandon them which could ultimately lead to the decline of herds.

Those breeders of semi feral ponies currently covered by derogation believe they fall within scope of the derogation and as responsible breeders have management arrangements in place in order to satisfy the Commission. They put forward arguments in favour of the continuation of such derogations as a way which gives legitimate breeders of semi feral ponies options for the control of numbers within the specified derogated areas.

The consultation responses made individual cases for the continuation of both derogated herds, namely the Cymdeithas Merlod y Carneddau and the Hill Pony Improvement Society of Wales. These are set out below.

- **Cymdeithas Merlod y Carneddau**

  The keeping of the Carneddau ponies is more of a cultural tradition than an enterprise, the herd numbers around 300 and they live under semi wild conditions and are separated from other equidae. As well as the logistical difficulties of gathering them it has been estimated it would cost £10,000 to microchip and identify the entire herd which combined with the stress in handling the ponies might well see owners either abandoning or disposing of entire herds. It is noted the Carneddau ponies play a vital role in maintaining the mountain ecology of the Snowdonia National Park and their grazing plays an important role in maintaining the vegetation in the Eryri SSSI / Special Area of Conservation. It is further maintained the current system which sees ponies micro-chipped when they come off the mountain and into domestic use or to receive veterinary attention works well and can be justified.

- **Hill Pony Improvement Society of Wales**

  It is estimated there are fewer than 500 registered semi feral hill ponies and in the event of further legislation being implemented there is an extreme possibility they may become extinct. The registered native semi feral pony needs protection and whilst numbers have declined the derogation provides breeders with options for the
control of ponies within their designated areas. The Societies are tasked with providing management information to the Welsh Government, this is backed by the Welsh Pony and Cob Society who have introduced sanctions in the form of removal from the Premium Stallion Scheme if the organisations don’t comply.

What is recognised as a problem is those who use the commons to dump unwanted horses as well as horse breeders and owners outside the HPIS who use the commons for their own equines but fail to comply with the legislation. Legitimate commoners, graziers and welfare organisations have little control over the abandonment and fly grazed horses. There are extreme problems on some commons and the removal of such animals is complicated and costly.

Those responding who were not in favour of the Welsh Government supporting a derogation sighted owners of common land grazed ponies outside of the statutory derogated areas wrongly assuming they are also covered by derogation and therefore failing to identify their equines. There was also a suggestion owners hide behind the terms of the derogation when it suits them and is seen as an excuse to get out of responsibility to identify ponies they own. It was also considered that as owners should gather ponies at least once a year (in the autumn) they should follow the rules like other equine owners.

A welfare organisation raised concerns over those semi feral equines who require veterinary treatment and are therefore required under the legislation to be identified. It was considered the requirement to identify the equine would act as a disincentive in seeking medical help, the welfare organisation was of the view the derogation should be removed and all equines identified so the temptation to ignore the welfare situation of the animal would be removed.

It was suggested any derogation was reviewed after 3 years and in the case of semi feral ponies needing veterinary treatment, only products with a zero withdrawal period administered.

It was also noted the existence of breed improvement societies implies human control of reproduction in terms of attempting selective breeding so therefore outside the scope of the derogation.

**Response**

The inclusion of a derogation for semi feral ponies was first introduced in Wales following the implementation of the Equine Identification (Wales) Regulations 2009 (2009 Regulations) and covered herds belonging to members of the Cymdeithas Merlod y Carneddau and the Hill Pony Improvement Society of Wales. It was primarily introduced as a control measure to enable members to hold a sale for the disposal of surplus foals, in the main colt foals. The sale gave private buyers the opportunity to purchase a foal and have it identified at the place of sale, whilst those foals not finding private homes were able to move on a completed application form linked to a rump sticker direct to slaughter. Both organisations ran sales following the implementation of the 2009 Regulations however no sales have been held since 2011.
Whilst the Welsh Government recognises the environmental contribution ponies make to the areas they graze, there is concern the derogation is being abused. The HPIS note in their response the commons are often used to dump unwanted horses. In addition there are also commoners who fall outside the scope of the HPIS who breed their own equines but fail to comply with the legislation. Whilst both organisations operating under the derogation are closely regulated and are content to continue providing management plans to the Welsh Government, it has been raised with the Welsh Government there are other users of the commons who regularly fail to comply with the equine identification process and as a result bring the derogation process into disrepute.

Having considered the arguments both for and against the continuation of the derogation process the Welsh Government is minded to allow the continuation of the derogation for both the Cymdeithas Merlod y Carneddau and the Hill Pony Improvement Society of Wales. In recognising the problems associated with unidentified ponies on common land the Welsh Government would like to see a programme of education targeted at those who use common land. It is proposed the communication plan being developed for the introduction of the new equine identification regulations should include proposals to address the identification of ponies on common land which fall outside the terms of the derogation.

The Welsh Government further notes in order to keep their pure bred Welsh Mountain Pony status the HPIS is required to enter any breeding stock they retain within the stud book of the Welsh Pony & Cob Society, this action triggers a passport which cannot be issued without a micro-chip. Those foals not kept as part of the breeding programme and offered for sale are also required to be micro-chipped and issued with a passport before leaving their designated area. This is welcomed by the Welsh Government as it ensures whilst these semi-feral ponies have the run of the hills providing long term benefits both in conservation and to the character of the area they are all identifiable.
Question 11

Do you agree the Welsh Government should regulate to require owners to re-microchip a horse where the microchip has failed?

A total of 76% (16) agreed the new domestic regulations should require owners to re-microchip equines where a previous microchip has failed. Only 5% (1) disagreed. 19% (4) did not answer the question.

Question 12

Please give you reasons and provide any evidence for why you are in favour / not in favour of this option.

A total of 17 (81%) of the 21 respondents provided comments on this question. Those who responded positively (76%) sighted common sense, the closing of loop holes, traceability, fraud, and the positive identification of equines as justification for being in favour of this option.

One PIO commented they already require owners to re-microchip when the original has failed as the link between the horse, the microchip and the passport underpins the whole principle of the legislation and enables enforcement to take place.

The one respondent not in favour is against the micro-chipping of all equines and states in their view there is no need for any animal to be micro-chipped. They sight the food processors as the ones who should be monitored.

Response

The Welsh Government believes the identification of all equines is essential for both animal health and food safety reasons and therefore welcomes the fact over three
quarters of those responding supported re micro-chipping an equine when the previous chip had failed. It is therefore proposed to include this requirement within the new regulations.

**Question 13**

Do you agree the keeper should be legally responsible for notifying the PIO when a horse has been signed out of the human food chain?

![Pie chart showing responses to Question 13]

62% (13) agreed the Welsh Government should regulate to require owners to notify the PIO when a horse they own is signed out of the food chain. 19% (4) disagreed with this and 19% (4) did not answer the question.

**Question 14**

Please give your reasons and provide any evidence for why you are in favour / not in favour of this option (keeper notifying the PIO when the equine is signed out of the food chain)

A total of 16 (76%) of the 21 respondents provided comments on this question. Various reasons were put forward however in the main it was seen as a critical element of identification and therefore traceability in respect of food safety. Compliance by farmers in respect of livestock was given as an example of a comparable scenario and as such some of the responses suggested it couldn’t be difficult for equine owners to similarly comply. Some of the responses considered only those with something to hide would not comply.

Responses included the view record keeping is part of responsible ownership and as such owners need to keep accurate records of any veterinary medicines administered (livestock farmers are already required to do this) and as such
responsibility should fall to owners or their representatives for updating PIOs. Putting the onus on veterinary surgeons / practices would be overly burdensome.

One respondent was of the view owners should annotate the passport when certain medications had been given, this could then be examined by authorities.

One respondent felt there was a clear risk to equine health and welfare if owners / keepers were tasked with communicating the food chain status of the equine to the PIO and it should therefore be undertaken by the treating vet. Their concerns centred around the fact CED would default to the horse being eligible for the food chain and where an equine needs emergency veterinary treatment and an owner cannot be traced or a passport is not presented a vet is limited in their use of veterinary medicines. The respondent went on to say the British Equine Veterinary Association believes the widest selection of medicines must be available to treat horses. Veterinary surgeons should therefore communicate the food chain status of the equine to the PIO.

One respondent was of the view in practice owners will not inform the PIO a horse has been signed out of the human food chain. In light of this view, the respondent considered there was no point in setting a regulation which was doomed to fail and could not be policed.

**Response**

The Welsh Government welcomes the fact the majority of those who responded agree the keeper should be responsible for notifying the PIO of the food chain status of the equine. The Veterinary Profession has previously noted they do not think it is their responsibility and by introducing regulations requiring them to undertake this task it could ultimately lead to an increase in veterinary charges to owners, which is something that would not generally be welcomed. Whilst it is recognised this will place a new obligation on keepers it is hoped that this new requirement will be addressed thorough the communication plan which will help the equine industry disseminate key messages to equine owners. In the case where an equine is treated with certain medicines we shall be seeking assistance from veterinary surgeons, asking them to alert owners to the new requirements and asking such owners to update the relevant PIO accordingly. In light of the responses received, and given the Welsh Government’s belief record keeping forms part of responsible animal ownership, the intention is to include a requirement within the new domestic regulations which requires the keeper of an equine to notify the PIO or the database about the food chain status of an equine.

**Question 15**

Are there any other issues the Welsh Government needs to address in order to improve compliance? Please provide as much detail as possible.

A total of 14 (67%) of the 21 respondents provided comments on this question. Suggestions as to the reasons why there is a low level of compliance and how it should be addressed, included:
• Owners not fully understanding their responsibilities;
• Owners finding it either too difficult to comply or they have chosen not to as they believe enforcement is not robust and as such they can ‘get away with it’;
• Owners are not convinced about the importance of the 2009 Regulations;
• Passports are not surrendered to PIOs for invalidation following the death of the horse so still remain live in the system;
• The cost of identifying an equine is in some cases more than the value of the animal and some breeders are reluctant to identify an equine until they consider it has a viable future.

Suggestions as to the action the Welsh Government should take included introducing tighter regulations in order to close loopholes, resolve what is perceived as a massive welfare problem and address the overbreeding issue. Several responses centred around undertaking greater checks of equine passports and in particular making markets more accountable, by, for example, requiring operators to scan and check details on the passport at time of entry [to the market], check the seller details correspond with the details on the passport and record all transaction details.

It was further suggested horses should be classed as livestock and therefore subject to inspections in order to identify where they are kept.

It was recognised the regime is expensive to police and greater funding needs to be in place to do this. There was support for the introduction of civil sanctions to allow enforcement without having to resort to court proceedings apart from in exceptional circumstances. One respondent was of the view horse owners need to be held responsible and if they don’t comply there should be fines and prison sentences for those found breaking the law.

One PIO requested early notification of any legislative changes so they have adequate time to implement and publicise changes amongst their owners / members.

Response

The Welsh Government welcomes the positive feedback and support for increased compliance in this area, and the comments made in connection with this. The scope of the consultation relates to the implementation of revised EU rules on equine identification in Wales. To the extent the responses relate to this issue, the WG will look to address these through the communication plan.

Question 16

Do you think steps could be taken to improve compliance with the equine identification regime? If so, please could you specify what you believe could be done.

A total of 15 (71%) of the 21 respondents provided comments on this question. It was considered better monitoring and a mandatory requirement for scanning
equines when they come into contact with official agencies would help, including checks being undertaken at shows and sales.

One respondent felt the regime was viewed by many as a voluntary scheme and only those breeding pedigree stock viewed it with importance because it is seen as being in their interests to passport their equines correctly. Another response highlighted loopholes and the need to close them and not allow any exceptions to the scheme. One organisation suggested free micro chipping should be offered for a limited period for horses born before 1 July 2009 in order to increase compliance, whilst another suggested any equines found without a microchip should be considered as ownerless and as such should be re homed by equine welfare charities.

It was suggested compliance could be improved if the seller provided information to the PIO on the sale of the horse within 30 days of the sale and also advised the new owner to do the same.

As noted previously in the consultation the equine identification regime is expensive to police and a number of respondents recognise increased funding needs to be in place. Other responses included directing resources to communication and targeting those individuals and communities at greater risk of non compliance. Sharing best practice with individuals and communities and the Welsh Government working in partnership with the equine sector, PIOs, LAs to show leadership in educating owners, keepers and veterinary surgeons about what they should be doing and the consequences of not doing it.

In order to improve compliance one respondent noted the need to change behaviours of owners and proposed the following four streams as the most important:

- Education through a detailed communication strategy setting out the importance of the equine identification regime, this strategy to be agreed with and delivered in part by the equine industry;
- Simplify the regulations so the requirements are easy to understand;
- Look at the practicalities of complying and introduce measures making it easier for owners to update information i.e. change of Food Chain status/ownership and Death.
- Make it simpler and more cost effective for local authorities to enforce the Identification Regulations through the use of compliance or enforcement notices.

Response

The Welsh Government welcomes the comments made on how those responding to the consultation see compliance being tightened. Education is recognised as a key element and the communications plan will seek to develop this in partnership with the equine industry, local authorities and PIOs. The suggestion whereby both the seller and buyer should inform the PIO when an equine changes hand does have merit and it is understood one Welsh PIO already operates this system to good effect. As part of the communication plan the Welsh Government intends to
encourage PIOs to undertake a voluntary pilot of this system to see if the introduction of such a process increases compliance in respect of change of ownership details. In the event a decision is taken to implement micro chipping retrospectively (i.e. for all horses born prior to 2009 who are currently un-chipped) the Welsh Government will look to implement this over a two year period during which time it is believed owners will be able to make arrangements to have un-chipped equines micro chipped as part of a routine visit and therefore reducing call out costs for owners.

**Question 17**

*Please provide any other comments you have, particularly in terms of how the requirements of the regulations could be communicated to ensure a strong level of compliance.*

A total of 14 (67%) of the 21 respondents provided suggestions or comments on this question.

Suggestions included providing advice through workshops and exhibition stands at shows along with undertaking physical checks at both sales and shows to increase awareness. One respondent noted cattle could not be moved without informing a national database so couldn’t see why similar rules shouldn’t apply for equines.

A number of suggestions were made as to how horse owners might be targeted and this included communication via equine societies, studs, flyers from PIOs as part of general mailing, workshops, exhibition stands at local shows, farming unions, local press, vets, farmers, commoners associations, local authorities and other equine organisations. One respondent considered engagement and involvement from private vets in educating and advising owners as being key as they are often the first point of contact when asked to initially identify the equine.

A further response believed the press as a whole should be targeted, rather than limit communications to publications which are horse-specific. Social media was also seen as able to play a useful role in communicating changes to a regime.

The suggestion whereby both the buyer and seller notify the PIO on the change of ownership of the equine was also raised again.

A further view suggested non compliance is often associated with low economic value equines, and targeting resources at owners of these equines should not only improve compliance with the regulations but may help improve the welfare of those equines concerned.

**Response**

The Welsh Government welcomes the feedback and will seek to include many of the suggestions made within the communication plan.
Question 18

Do you think compliance with the equine identification regime could be improved through the use of civil sanctions and/or administrative sanctions? Please provide reasons for your response

A total of 15 (71%) of the 21 respondents agreed compliance would be improved through the use of civil or administrative sanctions whilst 3 (14%) didn’t agree and 3 (14%) didn’t answer the question.

Of the 15 who responded positively only 2 offered further comments. It was noted prosecutions are time consuming and expensive and in times of dwindling resources offences linked to equine passports is not seen as a priority. The responses noted civil sanctions are already used in other Trading Standards areas and can be administered in a more timely manner and if used appropriately send out a message of robust enforcement which can result in improved compliance levels. The respondents who commented were of the view civil sanctions would provide greater flexibility in the enforcement of the regime and encourage a greater degree of more effective enforcement.

Response

The Welsh Government welcomes the fact nearly three quarters of those responding support the introduction and use of civil / administrative sanctions and agree with the view it will provide more flexibility for enforcement authorities and if used appropriately will send out a robust message to horse owners that compliance is taken seriously. The Welsh Government therefore intends to introduce civil sanctions into the new domestic regulations.
Question 19

Do you agree, if introduced, any regime of civil sanctions should continue to be underpinned by criminal sanctions and / or the civil court system for more serious offences? Please provide reasons for your response.

A total of 17 (81%) of the 21 respondents agreed civil sanctions should be underpinned by criminal sanctions where appropriate. One (5%) respondent didn’t share this view whilst 4 (14%) didn’t respond to the question at all.

Of the 17 who responded to this question just 3 offered further comments. All were of the view criminal sanctions are an important enforcement tool when compliance has not been achieved through advice and civil sanctions. The threat of criminal prosecution sends a strong and robust message the Welsh Government regards non-compliance of the regulations as a serious breach.

Response

The Welsh Government is pleased to see just over 80% of respondents expressly agree for the need to underpin any civil or administrative sanctions with criminal sanctions. It is agreed without criminal sanctions there is not seen to be a consequence for non-compliance with a civil sanction. The Welsh Government agrees criminal sanctions should underpin the regime.

Welsh Government Officials are in the process of scoping the requirements in order for a scheme of civil penalties to be introduced across Wales.
Question 20

Please provide an estimate of the current costs you incur in complying with the identification requirements (Please include brief details and a breakdown of costs).

A total of 11 (52%) of the 21 respondents provided comments on this question. Costs varied from £50 where owners are permitted to complete the markings on the silhouette themselves (micro-chipping £15, registration £35 per foal) up to £200 for Thoroughbreds and Sport Horses, where as well as the registration fee there are veterinary surgeon costs for completing the silhouette, taking hair / blood for DNA and micro-chipping. It was further noted change of ownership costs vary from zero to £50 depending on the PIO concerned.

Those responding on behalf of PIOs highlighted costs of around £500 annually for software changes to circa £6k for changes in passport styles and layouts with a further £17.5 k for equipment riveter, rivets, passport covers and laminator etc..

Response

The Welsh Government recognises there is a wide divergence in costs. The PIOs charging higher fees tend to be breed societies who often offer more than just simple registration as part of the identification process. Services such as DNA testing add to the value of the animal for breeding purposes. Individuals who breed need to factor in the cost of identification and registration before embarking on a breeding programme. It is noted in the case of identification of multiple animals, many veterinary practices offer discounts for multiple foals.

Question 21

Please provide any additional views or comments you have on the equine identification regime you have not provided by way of a response to earlier questions within this consultation.

A total of 8 (38%) of the 21 respondents provided comments.

Several respondents used the opportunity to repeat previous views, these have not been included as they are discussed earlier.

Other comments included a need for the devolved administrations to take steps to ensure the regulations in all the administrations are as similar as possible so horse owners are clear of their obligations.

In respect of the application process there was a view it shouldn’t be necessary for vets to draw silhouettes on application forms and there needs to be greater communication over the application process as there is perceived confusion over who is responsible for returning a completed identification document to the PIO after a microchip has been inserted. A further point highlighted concerns over the ‘signing out’ procedure in cases where a replacement passport is issued for an animal with a known identity.
The semi feral derogation gave rise to additional comments - namely a request to extend the derogation to other specific areas where wild ponies are found which are currently not identified and the use of powers under 17(4) of Regulation 2015/262 would permit semi feral ponies to be micro-chipped by a vet without issuing a passport provided the microchip number is stored in the PIO database. The PIO would then be able to issue a passport at a later date such as when a semi feral pony leaves the designated area.

It was suggested PIOs should be required to keep their charges as low and competitive as possible and provide a rapid turnaround time. In response to micro-chipping it was considered encouragement could be given to groups of owners (including those who own semi feral ponies) to get together and organise micro-chipping days in order to spread the veterinary cost.

One respondent considered it was impossible to comply with current EU legislation whilst providing urgent veterinary care for any equine which didn’t hold an identification document and as such asked Welsh Government to address this animal welfare issue with VMD so a solution can be found within current legislation.

It was also suggested in the long term there was a need to introduce one PIO similar to the British Cattle Movement Society (BCMS). It was considered such an agency could provide a single point of contact for all horse owners and at the same time negate problems for enforcement authorities as they wouldn’t have multiple organisations to contact. In addition passports could be standardised.

The local authority response included a requirement for PIOs to understand their responsibilities when dealing with requests from enforcement authorities for information.

**Response**

The Welsh Government will look to review the Minimum Operating Standards for PIOs and guidance accompanying the domestic regulations in light of the comments received. Such guidance will cover areas where it appears further clarification would be beneficial. The Welsh Government recognises the importance of working in partnership with the industry and enforcement authorities to help horse owners understand their obligations and with the aim of increasing compliance with the legislation. The specific issue of the drawn silhouette is one for the individual PIOs. In the event a PIO allows individuals and not vets to complete the silhouette it would be for the organisation concerned to assure itself of the competence of those producing the silhouettes, and ensure compliance with the requirements of the legislation.

From the information provided, the Welsh Government does not agree with the suggestion the semi-feral derogation be extended; there have been no requests from owners of semi feral ponies grazing on common / mountain land outside the Carneddau and HPIS areas for such an extension.
The matter of charging is considered to be a matter for each individual PIO, the Welsh Government recognises PIOs are independent businesses and need to factor their charges into their business model. The Welsh Government agrees with owners getting together for group identification days in order to reduce veterinary costs would be a positive way in which to approach the regulations, however this is a matter for individuals and not something which requires the involvement of the Welsh Government.

It has never been the intention the legislation would prevent a veterinary surgeon treating a horse. In the event the vet is uncertain of the food producing status of the equine then they should treat the horse with drugs which are suitable for entry into the food chain or ask the owner to provide the passport after the event so the vet may then record the appropriate medicines. If a horse does not have a passport it does not stop a vet from treating it. The Welsh Government will consider whether this issue should be addressed in the guidance.

The issue of moving to one central PIO has previously been discussed. The introduction of the Central Equine Database in March this year provides local authorities with a central search facility which has the capability to direct the local authority to the correct PIO.

In respect of enforcement this would be a matter for individual local authorities taking enforcement action to discuss with the relevant PIO: from the feedback received it appears PIOs are keen the regulations are enforced and it is therefore in their interests to assist in enforcement cases.