

# **Consultation on the implementation of revised EU rules on Equine Identification in Scotland**

**Consultation period  
22 August 2016 to 3 October 2016**

**Commission Regulation EU/2015/262 laying down  
rules pursuant to Council Directives 90/427/EEC and  
2009/156/EC as regards the methods for the identification  
of equidae (Equine Passport Regulation)**



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To: (See list at Part 5 of Consultation Document)

22 August 2016

Dear Stakeholder

**Consultation on the implementation of revised EU rules on Equine Identification in Scotland**  
**Commission Implementing Regulation (EU) 2015/262**

You are invited to respond to the consultation on revised European Union rules on equine identification in Scotland.

Details regarding the purpose and the scope of the consultation, and how to respond to it are contained in pages 2 and 3 of the consultation document.

To improve ease of analysis of the consultation response we would be grateful if, where possible, you could respond by way of the on-line survey facility hosted by Citizen Space. A link to the Scottish Government consultation survey on Citizen Space can be found [here](#).

Other methods for responding are explained in the consultation paper.

Your consultation response is important to us so please note that the consultation will close on **3 October 2016**. Any response received after this date is unlikely to be included in the consultation analysis.

As with all consultations, we need to know how you wish your response to be handled, and in particular, whether you are happy for your response to be made public. The Respondent Information Form (RIF) should be completed by everyone providing a response to the consultation document. Further information concerning the RIF and how your response will be handled can be found on pages 3 and 4 of the consultation document.



If you have any queries about this consultation please contact June Letham by email: [HorseID@gov.scot](mailto:HorseID@gov.scot) or by telephone: 0300 244 9246.

The consultation pack comprises:

- The Consultation Document
- The Respondent Information Form (RIF)
- Consultation Questionnaire (to be completed when sending a response.)
- Link to [Commission Regulation \(EU\) 2015/262 \(Equine Passport Regulation\)](#)

Please feel free to forward copies of the consultation document to anyone else that you consider might have an interest in them.

We look forward to your response.

Yours sincerely

Equine Identification Team  
Animal Health & Welfare Division  
Scottish Government

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## **PART 1 – ABOUT THIS CONSULTATION**

### **Topic of this consultation**

This consultation is seeking views on new proposals regarding the identification of equidae<sup>1</sup> in Scotland.

### **Objective of this consultation**

Commission Regulation (EU) 2015/262<sup>2</sup> was adopted on 11 September 2014 and came into effect throughout all European Member States on 1 January 2016. The identification rules will be implemented in Scotland through new domestic regulations in line with Commission Regulation (EU) 2015/262.

### **Geographical extent**

Equine Identification is a devolved matter and this consultation applies only to Scotland. Implementation of the regulation in other parts of the UK will take place in due course. The appropriate administration should be approached for further information.

### **Audience**

Anyone may reply to this consultation. The Scottish Government would particularly like to hear from Scottish Horse Passport Issuing Organisations; the equine sector in Scotland, individuals and organisations, welfare organisations and Scottish Local Authorities.

### **Body responsible for this consultation**

The Scottish Government's Animal Health and Welfare Division - Equine Identification Team is responsible for this consultation.

### **Duration**

This consultation starts on 22 August 2016 and closes on 3 October 2016. This consultation is for 6 weeks to allow the domestic legislation to come into force early 2017.

### **How to make an enquiry**

Please contact Scottish Government Animal Health and Welfare Division (Equine Identification Team) if you have any queries: Tel 0300 244 9246; email [HorseID@gov.scot](mailto:HorseID@gov.scot)

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<sup>1</sup> "Equidae" may be referred to as "horse" and means a wild or domesticated soliped within the genus *Equus* of the family *Equidae*, and their crosses

<sup>2</sup> [Commission Implementing Regulation \(EU\) 2015/262](#)

## **Responding to this consultation paper**

We are inviting responses to this consultation paper by **3 October 2016**.

Please respond to this consultation using the Scottish Government's consultation platform, Citizen Space. You view and respond to this consultation online [here](#). You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 3 October 2016.

We recommend that you fully consider this Consultation Document and all the questions before sitting down to complete the on line survey.

Alternatively, you may use the Consultation Questionnaire Word document supplied to provide your response electronically by sending it, **along with your completed Respondent Information Form (RIF)** (see "Handling your Response" below) to: [HorseID@gov.scot](mailto:HorseID@gov.scot)

Handwritten responses will be accepted, although the previous methods are preferable. Again, you should use the Consultation Questionnaire provided as this will aid our analysis of the responses received. Please send your response, **along with your completed RIF** to:

Horse Identification Consultation  
Scottish Government  
Equine Identification Team  
Animal Health & Welfare Division  
P Spur  
Saughton House  
Broomhouse Drive  
Edinburgh  
EH11 3XD

Please note that responses not using either the online Citizen Space survey or the Consultation Questionnaire Word document provided might not be considered in the analysis of this consultation.

### **Handling your response**

If you respond using [Citizen Space](#), you will be directed to the RIF. Please indicate how you wish your response to be handled and, in particular, whether you are happy for your response to be published.

If you are unable to respond via Citizen Space, please complete and return the RIF included in this document. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to

responses made to this consultation exercise.

### **Next steps in the process**

Where respondents have given permission for their response to be made public and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at [Consult.Scotland.gov.uk](https://consult.scotland.gov.uk). If you use Citizen Space to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so.

### **Comments and complaints**

An opportunity to provide comments on your experience of the consultation is provided as part of the consultation questions. Alternatively you may also send any comments that you may have about how this consultation exercise has been conducted to the contact details in the 'Responding to this consultation' section.

### **Scottish Government consultation process**

Consultation is an essential part of the policy-making process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online [here](#). Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Consultations may involve seeking views in a number of different ways, such as public meetings, focus groups, or other online methods such as [Dialogue](#).

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.



## **PART 2 – BACKGROUND INFORMATION**

### **Introduction**

The Scottish Government is seeking comments on the new proposals regarding the identification of equines in Scotland. The new EU regulation (EU) 2015/262 repeals and replaces Commission Regulation (EC) No 504/2008<sup>3</sup>. Horse passports are mandatory for all equidae across the EU.

The identification rules will be implemented in Scotland through new domestic regulations in line with Commission Regulation (EU) 2015/262 which came into force on 1 January 2016. It is directly applicable in all Member States.

Key to the new equine ID proposal is for each Member State to have in place by 1 July 2016 a Central Equine Database (CED) that records equine identification, including microchip and passport number, as well as ownership details.

### **Summary**

In response to the horse meat fraud in 2013, the European Commission (EC) set in place a 5 point action plan<sup>4</sup>. One of the outcomes of this plan was to revise the Equine Identification Regulation (EC) No 504/2008 to tighten up controls on the issue, use, and quality of horse passports.

The new Regulation, Commission Implementing Regulation (EU) 2015/262 laying down rules pursuant to Council Directives 90/427/EEC<sup>5</sup> and 2009/156/EC<sup>6</sup> as regards the methods for the identification of equidae (Equine Passport Regulation), came into force on 1 January 2016 repealing and replacing 504/2008 and is directly applicable in all Member States.

The purpose of the legislation is to protect public health by ensuring that horses which have been treated with certain veterinary medicines harmful to humans, do not enter the food chain. Key to the new Equine Identification Regulation is the establishment and operation of a CED in each Member State. Previously a centrally managed database was optional.

The Scottish Horse Passport Issuing Organisations (PIOs) operate their own databases, as do most UK PIOs, however, the new requirement for a central database means the data they hold will also have to be held centrally. Each Member State must have a centrally managed database in place by 1 July 2016.

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<sup>3</sup> [Commission Regulation \(EC\) 504/2008](#)

<sup>4</sup> [Horsemeat: EU Action plan to tackle fraudulent food practices; APRIL/MAY 2013 edition](#)

<sup>5</sup> [Council Directive 90/427/EEC of 26 June 1990 on the zootechnical and genealogical conditions governing intra-Community trade in equidae](#)

<sup>6</sup> [Council Directive 2009/156/EC of 30 November 2009 on animal health conditions governing the movement and importation from third countries of equidae](#)

## **Background**

The European Commission (EC) announced proposals in March 2013 to replace the European legislation that underpins the horse identification (passports) regime. This was as a direct result of the findings of fraud on unlabelled horse meat in beef products.

The EC 5 point action plan which was put in place to prevent food fraud included a strengthening of the horse passport regime, a view which is supported by the Scudamore Report. Horse passports have been mandatory for all equidae across the EU since 2005. Since 2009, microchips have also been required for newly identified animals.

Horse passports are essentially a human health measure to ensure that horses do not enter the human food chain if they have been treated with substances not suitable for food chain animals.

A passport is not an ownership document; it is an identification document which records the identity and details about the horse, owner information and the veterinary medicines administered to the horse.

The new Regulation introduces a mandatory obligation to operate a central equine database containing basic identification of all horses within their territory from 1 July 2016.

### **Central Equine Database in the UK**

The UK Central Equine Database (UKCED) will contain records of all horses resident in or brought into the UK that have been correctly identified; it will record whether or not a horse is eligible for human consumption; and it is anticipated that enforcement bodies will have direct access to the database.

PIOs will continue to issue passports, recording this information on their own databases, but will also be required to upload the data to the UKCED.

Cooperation between central database operators is a requirement of the new Regulation to allow other Member States to search basic information in order to facilitate sharing of equine identification data across the EU.

### **Scottish Equine Database**

Equine Identification is a devolved policy area that sits alongside the wider responsibilities that Scottish Ministers have for animal health and welfare and The Scottish Government is aware through stakeholder engagement with the equine sector in Scotland, that they favour a Scottish Equine Database (SED).

The operating model for the UKCED is that information will be uploaded directly by PIOs in England, Wales and Northern Ireland. The PIOs in Scotland will upload information directly to the SED which will interface with and have interoperability for data exchange with the UKCED to provide an all-UK dataset.

## **Information on EU requirements on the Identification of Equidae**

Council Directive 90/427/EEC which laid down the zootechnical conditions governing intra-Union trade in equidae has recently been repealed by Regulation 2016/1012 (zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products). The Regulation was published on 9 June 2016 and took effect on 19 July 2016. Thereafter the date of application is scheduled for 1 November 2018 once implementing Acts have been created.

It is a regulatory obligation ensuring that registered equidae that are being moved are accompanied by a document or zootechnical certificate issued by the approved breeding organisations, breeders' associations or competent authority referred to in that regulation.

Council Directive 2009/156/EC lays down the animal health conditions for the movement and the importation from third countries of equidae.

### **Use of passports in trade**

Zootechnical and genealogical conditions governing intra-union trade in equidae provides that registered equidae are to be identified by an identification document issued in accordance with the above Regulation or by an international association or organisation which manages horses for competition or racing.

## **PART 3 – DEROGATIONS, OPTIONS, COSTS**

### **Derogations**

#### **Article 12 – Deadline for identification of equidae born in the Union**

The new Regulation states that the deadline for identification should be no later than 12 months following the date of birth. Article 12(2) provides a derogation which allows Member States to limit this to 6 months or to the calendar year of birth.

Currently in Scotland, an equine must be identified within 6 months of birth or by the 31 December in its year of birth, whichever is later. The new Regulation allows a greater degree of flexibility in that the deadline for issue of a passport should be no later than 12 months following birth. However, there is the option for this to be limited to within 6 months of birth or the calendar year of birth. In answering this question please provide reasons for your choice.

**Question 1. Should an equine be identified within 6 months of birth, by the end of the calendar year of its birth, or no later than 12 months following its birth?**

#### **Article 25 – Derogation for movements with a smart card**

Article 25(1) allows the movement or transport of equidae within the same Member State with a 'smart card' rather than its passport provided the 'smart card' carries the information set out in Annex II of the new Regulation and is issued by the same body that issued their identification document.

We anticipate that a smart card could be produced at a minimal cost and would provide an additional practical benefit of identification. We therefore propose to exercise the derogation.

**Question 2. Do you support the use of the derogation to allow owners or keepers the option to move or transport their animals within Scotland without their ID document, provided they are accompanied by a smart card?**

#### **Article 37 – Equidae intended for slaughter for human consumption and medication record**

Article 37(5) allows the Member State to adopt measures to ensure that it is the responsibility of the veterinarian (as opposed to the standard rule which is that it is the responsibility of the keeper) to notify the Passport Issuing Organisation (PIO) that the animal is not intended for the food chain or directly notifying the Central Equine Database within 14 days from the date of signing Part 2 of Section 2.

This is a new derogation providing an option where the responsibility to notify the issuing body or the central database of a change in the food chain status of the equine lies with the veterinarian. We consider that part of the responsibility of ownership of an equine is to notify the PIO or the database about the food chain status of their animal; therefore it is not appropriate that this responsibility is transferred to the veterinarian.

## **Requirements and Options**

### **Article 11 – Applications for identification documents for equidae born in the Union**

Article 11(2) states that Member States shall set the time limits for the submission of the application for identification. Whichever limit is set, issuing bodies should have sufficient time to process applications. We consider that this should be 20 days before the deadline for identification of the equine. This would be in-keeping with the current Minimum Operating Standards for UK approved PIOs, whereby a PIO, on receipt of a correctly completed application form is required to issue a passport within 20 working days.

**Question 3. Do you think that the time limit for submission of the application to the PIO should be 20 days before the deadline for identification of the equine?**

### **Article 18(5)(c) – Identity verification**

The Competent Authority may require that equine animals deemed to be identified in accordance with the new Regulation, are marked by implantation of a transponder where the competent authority considers it is necessary to ensure identity verification. This gives Scottish Government the option of requiring that all equidae identified before 1 July 2009 but without a transponder, to be implanted with transponder. This would in effect be a requirement for Microchipping of older animals.

**Question 4. Do you think that it is necessary that all equines born before 1 July 2009 should be identified by implantation of a transponder and what is the evidence for it being necessary for identity verification of these equidae?**

## **Costs/Charging/Fixed Penalty Notices**

### **Costs**

**Question 5. Other than the costs listed in the Partial Business and Regulatory Impact Assessment (BRIA), do you envisage any further financial impact on yourself/your business or organisation as a result of the implementation of this Regulation?**

## **Charging - Minimum rate for administering and issuing passports**

An Official Food and Feed Controls (OFFC) Audit recommended that Scottish Government should consider with Scottish PIOs, a standard set of fees for administering and issuing passports. Under EU legislation, Scottish Ministers are responsible for approving breed organisations or associations. This approval confers responsibilities, such as the right to issue horse passports, i.e. to become a PIO. As such, PIOs are providing a service to horse owners on Ministers' behalf.

**Question 6. Do you consider that Scottish Government should explore with the Scottish Passport Issuing Organisations a minimum rate for administering and issuing of passports?**

## **Fixed Penalty Notices**

Enforcement of the Horse Passport Regulations is undertaken by Local Authorities; Food Standards (Scotland) is responsible for carrying out appropriate checks at slaughterhouses. The Scottish Government is considering the principle of introducing an enforcement mechanism whereby failure to comply with certain provisions of the Regulations carries a fine in the form of a Fixed Penalty Notice. This would fall short of a criminal court prosecution.

**Question 7. Do you think that compliance with the Horse Identification Regulations could be improved through the use of Fixed Penalty Notices?**

## Partial Business and Regulatory Impact Assessment

### Title of Proposal

**COMMISSION IMPLEMENTING REGULATION (EU) 2015/262 laying down rules pursuant to Council Directives 90/427/EEC and 2009/156/EC as regards the methods for the identification of equidae (Equine Passport Regulation)**

### Purpose and intended effect

- **Background**

The European Commission became aware in 2013 that horse meat was entering the human food chain. Horse meat which was either being fraudulently sold to consumers or had been treated with certain medications which would deem an animal not suitable for human consumption. Following discussions with The European Commission, it was decided that current equine identification rules were not fit for purpose and that along with changes to equine identification documents, each Member State should establish a Central Equine Database (CED).
- **Objective**

To change current policy to ensure that horses do not enter the human food chain if they have been treated with substances not suitable for food chain animals. To tighten up controls on the issue, use and quality of horse passports and establish a UK Central Equine Database (UKCED) that will contain records of all horses resident in the UK.
- **Rationale for Government intervention**

To comply with European legislation, the Scottish Government is required to implement the revised Horse Identification (Scotland) Regulations in order to protect public health. The EU regulation also requires the establishment of a mandatory UKCED. In addition, through consultation with Scottish Passport Issuing Organisations (PIOs) and equine sector stakeholders, it is clear that there was a preference for a standalone Scottish Equine Database (SED) which would provide Scottish data to the UKCED. There are a number of benefits to a having a SED, for example, equine identification is a devolved policy area alongside areas such as disease control and welfare in which it would assist with delivery of wider policy objectives. It would also help to prepare for the EU Animal Health Regulation which is likely to require central recording of the normal place of residency of equines.

### Consultation

- **Within Government**

Within Government we have accessed the Equine Stakeholder Group (established in 2014) to discuss some of the issues that will have an impact on the equine sector as a result of the revised horse identification regulations. The Group includes representatives from Scottish PIOs, the British Horse Society Scotland, Scottish Equine Breeders Association (SEBA), SSPCA, World Horse Welfare, British Equine Veterinary Association (BEVA), Local Authorities and SG officials.

- **Public Consultation**

A formal consultation on these Regulations will take place from **22 August to 3 October 2016**.

- **Business**

To date correspondence and discussion with PIOs in Scotland, both individually and through existing stakeholder engagement, has not yielded details of additional costs or burden. Many of the PIOs or horse related businesses are small businesses and we will continue to work with them to maximise compliance with the requirements, possibly by taking a phased approach to some elements.

As well as asking a specific question within the Public Consultation in order to develop a more detailed assessment of costs and burden, Scottish Government officials will arrange meetings with a number of businesses in the Scottish Equine Sector while the public consultation is underway.

## **Options**

- **Option 1 – Do nothing (ruled out)**

This is not a viable option since it would mean Scottish Ministers are in breach of their on-going obligations under European Union Law and failure to implement the Regulation could lead to enforcement action. This might involve the Commission bringing infraction proceedings in the Court of Justice of the European Union, or individuals seeking damages for breach of EU law in national courts. Breaching EU law can lead to a Member State being required to pay fines or damages or both.

- **Option 2 – Use of no derogations (not preferred)**

It is unlikely that this would be the best course of action as some derogations currently made use of are repeated in the new Regulation and are necessary to maximise compliance, for enforcement purposes, to protect public health and to make it easier to identify fraud.

- **Option 3 – Use of some derogations (preferred)**

This option would allow the use of only derogations that are of benefit to the equine sector, or are seen as necessary by Scottish Government veterinary and policy officials.

## **Sectors and groups affected**

- Passport Issuing Organisations
- Horse owners/keepers
- Businesses
- Breed Associations
- Vets



- Enforcement bodies
- Consumers of horse meat
- Abattoirs (that process equines)

## **Benefits**

### **Option 1 – Do nothing**

- Potential risk of infraction
- No benefit to the equine sector

### **Option 2 – Use of no derogations**

- Risk to public health
- Lack of enforcement
- Risk of fraud
- Lack of identification and traceability

### **Option 3 – Use of some derogations (preferred)**

- Ensure protection of public health
- Improve quality, security and standard of horse passports
- Identify fraudulent activity
- Creation of central equine database
- Effective welfare regime
- Ensure identity verification by implantation of a microchip for equines born before 1 July 2009.

## **Costs**

Since 2005 all equine owners have been required to have a passport for each animal in order to comply with EU legislation. Since 2009, all foals and newly identified animals have been required to be identified by implantation of a microchip. Failure to transpose EU legislation into domestic legislation puts Government at risk of substantial fines.

**Passports.** The Scottish Government has provided Scottish PIOs with a 2 year supply of materials to enable them to produce identification documents which will comply with the new passport standards set out in the legislation. Thereafter, PIOs will be required to provide their own materials.

**Database.** The Scottish Government has agreed in principle to contribute to the build cost and future maintenance of the UKCED for an initial period of 2 years. However, it is clear from stakeholder engagement with the Scottish equine sector, that they have a preference for the establishment of a stand-alone Scottish Equine Database (SED). The cost of the SED is £182k and will be met by the Scottish Government. The budget figure also includes interface with the UKCED, and the operation and management of live systems through to the end of March 2017.

**Smart cards.** In order to encourage compliance with the new Regulation, The Scottish Government can see the value of allowing the movement of equidae within Scotland not accompanied by their identification document, provided they use a Smart Card. The option of using a Smart Card is not an alternative to a passport, but an additional means of identification. The estimated cost to anyone wishing to use a Smart Card is between £5 - £10.

**Microchipping of older animals.** All foals born after 1 July 2009, or horses not identified before that date, must be identified by implantation of a microchip. Horses identified before 1 July 2009 do not currently need to be microchipped. Certain defined populations of wild and semi-wild animals are exempt from the requirement to be implanted with a microchip, however, there are no identified populations within Scotland.

The benefits of microchipping older animals can be seen as significant. For example, it makes it much easier for enforcement bodies and vets to identify an animal that may have been abandoned, lost or stolen; it provides added security in terms of welfare as well as traceability in the event of a disease outbreak.

It costs, on average, £3,000 per year to keep a horse. This can, in monetary terms, prove to be a significant financial burden to their owners, particularly as they get older. The end-of-life disposal costs for a horse can be £400-600. The benefits for the animal and the owner are likely to outweigh the small financial cost of microchipping and will also contribute to the effectiveness of enforcement.

#### **Associated costs for microchipping**

<b>GROUP</b>	<b>AFFECT</b>	<b>BENEFIT</b>	<b>ESTIMATED COST</b>
Owners	Benefit/Cost	Assists with reuniting animals with their owners in cases of loss or theft	The average cost of chipping a horse and updating a passport is £40.
PIO's	Benefit/Cost	Additional passport updates provide extra income	The cost to update a passport can be £10-21. The average is £13.45. There may also be a "time" cost to PIOs.
Vets	Benefit/Cost	Implantation of microchips will provide extra income	The average cost to chip a horse can be £15-£30. Varying call out charges which can be dependent on distance, costing on average £34. The call out charge can, however, be absorbed if the implantation of the chip is carried out during a scheduled vet visit, otherwise there may be additional costs incurred.
Abattoirs	Benefit	Easier access to more accurate identification which will also boost	N/A (There are currently no abattoirs that slaughter horses in Scotland)

		consumer confidence	
Consumers	Benefit	More peace of mind that the meat they are consuming is safe to eat	None
Enforcement Authorities	Benefit/Cost	Easier to identify the horse and owners for successful prosecutions being brought	Can potentially reduce costs as the time and costs associated with identifying and proving ownership will be reduced.

### **Scottish Firms Impact Test**

**This will be completed once the data from the Consultation is collected and analysed.**

### **Competition Assessment**

Using the Competition and Markets Authority Competition Filter questions we have concluded that the proposals will neither directly or indirectly limit the number or range of suppliers, limit the ability of suppliers to compete or reduce suppliers' incentives to compete vigorously.

### **Test run of business forms**

There will be no specific business forms involved with the implementation of the proposed legislation.

### **Legal Aid Impact Test**

The proposal is unlikely to have an impact on the legal aid fund.

### **Enforcement, sanctions and monitoring**

Food Standards Scotland (FSS) is responsible for carrying out appropriate checks at slaughterhouses, which includes the information relating to veterinary medicines administered. Responsibility for other enforcement of the legislation rests with Local Authorities. In addition, PIO's are also subject to audit to ensure that they comply fully with the requirements of the Regulation. Scottish Government has the authority to withdraw recognition from any authorised PIO's that consistently fails to abide by the provisions of the legislation. Finally, there is a penalty system in place for anyone who commits an offence under the Regulation.

### **Implementation and delivery plan**

The new equine passport regulation will be transposed into domestic regulation and replace The Horse Identification (Scotland) Regulations 2009. It is anticipated that the new legislation will come into force in early 2017.

### **Post-implementation review**

We plan to audit all Scottish PIO's within 2 years following implementation of the new Regulation.

**Summary and recommendation**

Option 3 is preferred. This offers the best measures to ensure the safety and effectiveness of the horse passport regime. It provides improved protection to public health and enhanced enforcement of the Regulation.

Option 3 also allows for the microchipping of equines born before 1 July 2009 which may have been registered, however, have not been implanted with a transponder. The introduction of microchipping of these older animals could be introduced on a voluntary basis to begin with.

**Summary costs and benefits** – subject to the outcomes of the consultation and in discussion with the equine sector, the financial impact of the implementation of the Regulation will be published along with the new Regulation subject to Parliamentary consideration and approval.

## **PART 4 – CONSULTATION QUESTIONS**

All the consultation questions are listed below. When considering these, we ask that you take into consideration the information provided in this document alongside any other knowledge or personal experiences that could be relevant. All opinions are welcome.

We ask that you use either the online Citizen Space facility or the consultation questionnaire provided to respond to this consultation as this will help with our analysis of responses. Please try to answer all the questions; however, if you are unable to answer any particular question then please feel free to move on to the next.

The questionnaire and on-line facility will also ask questions relating to your interest in this matter, this will aid in the analysis of the responses to this consultation.

In order for us to deal with your response appropriately in terms of making responses publically available, please ensure that you complete a Respondent Information Form. This will ensure that if you ask for your response not to be published that we regard it as confidential and will treat it accordingly.

**Question 1.** Should an equine be identified within 6 months of birth, by the end of the calendar year of its birth, or no later than 12 months following birth?

**Question 2.** Do you support the use of the derogation to allow owners or keepers the option to move or transport their animals within Scotland without their ID document, provided they are accompanied by a smart card?

**Question 3.** Do you think that the time limit for submission of the application to the Scottish Passport Issuing Organisation (PIO) should be 20 days before the deadline for identification?

**Question 4.** Do you think that it is necessary that all equines born before 1 July 2009 should be identified by implantation of a transponder? Please provide comments on the evidence that this is necessary for identity verification of these equidae?

**Question 5.** Other than the costs listed in the partial Business and Regulatory Impact Assessment (BRIA), do you envisage any further financial impact on yourself/business/organisation as a result of the implementation of this Regulation?

**Question 6.** Do you consider that Scottish Government should explore with the Scottish Passport Issuing Organisations a minimum rate for administering and issuing of passports?

**Question 7.** Do you think that compliance with the Horse Identification Regulations could be improved through the use of Fixed Penalty Notices?

## **About the consultation**

While we have done our best to explain the issues facing us, there may be aspects that you feel that we have not explained well or have not covered at all.

The following questions in this consultation paper are to provide you with the opportunity to raise such points, and to provide us with feedback on the consultation itself.

**Question 8.** Do you have any other comments on the way this consultation has been conducted?

**Question 9.** Do you consider that the consultation explained the key issues sufficiently to properly consider your response?

**Question 10.** Do you consider that you had sufficient time to respond to the consultation?

**Question 11.** Do you have any other comments or recommendations regarding the new equine identification Regulation?

## **PART 5 – DISTRIBUTION LIST**

Animal Plant and Health Agency  
Appin Equestrian Centre  
Ayrshire Equestrian Centre  
British Horse Society Scotland  
British Veterinary Association (Scotland)  
Clydesdale Horse Society  
Dryden Riding School  
East Lothian Livery  
East Lothian Pony Club  
Eriskay Pony Mother Studbook Society  
Eriskay Pony Society Limited (TEPSL)  
Farm Animal Welfare Council  
Farming & Wildlife Advisory Group  
Food Standards Scotland  
Forestry Commission Scotland  
Halymyres Stables  
Highlands & Islands Equality Forum  
Highland Horse Riding  
Highland Pony Society  
Highland Riding Centre  
Houston Farm Riding School  
Hyndshawland Farm Stables  
Kilconquhar Castle Estate Equestrian Centre  
Loch Leven Equine Practice  
Lochhill Stud Farm & Equestrian Centre  
Lomondside Stud & Equestrian Centre  
Meat Hygiene Service  
National Fallen Stock Company  
National Farmers Union Scotland  
National Pony Society Scotland  
North Lammermuir Riding Club  
Over Dalkeith Stables  
Oxenford Equestrian Centre  
Pony Breeders of Shetland Association  
Road Haulage Association  
Royal Highland & Agricultural Society of Scotland  
Royal Zoological Society of Scotland  
Rural Affairs, Environment and Climate Change Committee  
Scotland's Rural College  
Scottish Association of Meat Wholesalers  
Scottish Crofting Federation  
Scottish Equestrian Association  
Scottish Equine Breeders Association  
Scottish Federation of Meat Traders Association  
Scottish Local Authorities  
Scottish Wildlife Trust

Shetland Pony Studbook Society  
Small Farms Association  
SSPCA  
Tannoch Stables  
The Donkey Breed Society – DBS Scotland  
The Trekking and Riding Society of Scotland  
Thoroughbred Association  
Women's Food and Farming Union



**Consultation on the implementation  
of revised EU rules on Equine  
Identification  
(Equine Passport Regulation)**

**RESPONDENT INFORMATION FORM**

**Please Note** this form **must** be returned with your response.

Are you responding as an individual or an organisation?

- Individual  
 Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name  
 Publish response only (anonymous)  
 Do not publish response

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes                       No



## CONSULTATION QUESTIONNAIRE

Please ensure that you have read and understood the consultation document before completing this questionnaire.

Respondents should take into consideration the information provided in this document alongside any other knowledge or personal experiences that could be relevant.

When returning this questionnaire, please ensure that you have enclosed your completed Respondent Information Form to ensure that we handle publishing your response in the correct manner. This will ensure that if you ask for your response not to be published that we regard it as confidential and will treat it accordingly.

If you have any queries, please contact us; contact details are provided in the consultation document. Thank you for taking the time to respond to this consultation.

### Information about you

The following questions aim to gather general information about respondents that will aid in the analysis of the responses to this consultation.

We ask that you try to answer all the questions, however, if you are unable to answer any question then please feel free to move on to the next. ***If you consider a question is not applicable, please indicate as such in the comments box.***

### Sector and origin

It would be helpful for our analysis if you could indicate which of the sectors you most align yourself/your organisation with for the purpose of this consultation. (Please tick ONE which is MOST APPLICABLE to you):

Owner	<input type="checkbox"/>	Breed Association	<input type="checkbox"/>
Keeper	<input type="checkbox"/>	Local Authority	<input type="checkbox"/>
Breeder	<input type="checkbox"/>	Government Agency	<input type="checkbox"/>
Horse Passport Issuing Organisation	<input type="checkbox"/>	Member of the general public	<input type="checkbox"/>
Equestrian Centre	<input type="checkbox"/>		
Riding School	<input type="checkbox"/>		
Other (please specify)			

***If you disagree with a proposal, please provide the reasons why and any supporting evidence where appropriate.***

## Derogations

**Question 1.** Should an equine be identified within 6 months of birth, by the end of the calendar year of its birth, or no later than 12 months following birth?

By 6 months  By end of calendar year of birth  No later than 12 months

Comments

**Question 2.** Do you support the use of the derogation to allow owners or keepers the option to move or transport their animals within Scotland without their ID document, provided they are accompanied by a smart card?

Yes  No

Comments

## Requirements and/or options

**Question 3.** Do you think that the time limit for submission of the application to the Scottish Passport Issuing Organisation (PIO) should be 20 days before the deadline for identification?

Yes  No

Comments

**Question 4.** Do you think that it is necessary that all equines born before 1 July 2009 should be identified by implantation of a transponder? Please provide comments on the evidence that this is necessary for identity verification of these equidae?

Yes  No

Comments

**Question 5.** Other than the costs listed in the partial Business and Regulatory Impact Assessment (BRIA), do you envisage any further financial impact on yourself/business/organisation as a result of the implementation of this regulation?

Yes  No

Comments

**Question 6.** Do you consider that Scottish Government should explore with Passport Issuing Organisations in Scotland, a minimum rate for administering and issuing of passports?

Yes  No

Comments

**Question 7.** Do you think that compliance with the Horse Identification Regulations could be improved through the use of Fixed Penalty Notices?

Yes  No

Comments

### About the consultation

While we have done our best to explain the issues, there may be aspects that you feel we have not explained well or have not covered at all.

The following questions in this consultation paper are to provide you with the opportunity to raise such points, and to provide us with feedback on the consultation itself.

**Question 8.** Do you have any other comments on the way this consultation has been conducted?

Yes  No

Comments

**Question 9.** Do you consider that the consultation explained the key issues sufficiently to properly consider your response?

Yes  No

Comments

**Question 10.** Do you consider that you had sufficient time to respond to the consultation?

Yes

No

Comments

**Question 11.** Do you have any other comments or recommendations regarding the new equine identification regulations?

Yes

No

Comments

**PLEASE PROVIDE YOUR RESPONSE NO LATER THAN 2 OCTOBER 2016**



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**OGL**

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