



# APPG for Animal Welfare & APPG for the Horse

Briefing produced with the Equine Sector Council

## The Urgent Need for an Effective, Enforceable and Enforced Equine Identification System



## Introduction

Failures with the system of identification for the UK equine population became apparent in 2013 during the horse meat scandal. This is also one of the key factors behind a current and growing horse crisis which has led to rising numbers of abandoned horses that charities and local authorities have been left to deal with. Concerns around these abandoned or unwanted horses are not limited to those relating to animal welfare but also include disease management, criminal activity, road safety, community disruption, farmers' livelihoods, safety of the food chain, and escalating financial costs for local and national government.

As a consequence of these concerns, APGAW and the APPG for the Horse have worked with the Equine Sector Council to put together this very short briefing note outlining the problems relating to equine identification and the possible solutions that are achievable with the assistance of Government. This report is meant specifically for politicians and will be sent to the relevant Ministers and Members of Parliament.

We hope that politicians will agree that horses play a significant role in the UK as pets, recreation and entertainment and even enter the food chain. As the equine industry contributes £7 billion to the UK economy, and is a significant source of employment in rural areas, it is important that we consider how Government can help protect this industry and Britain's horses.



Neil Parish, Chairman of APGAW



Baroness Mallalieu, Chair of the All Party Group for the Horse

## Current Position

The equine sector has long been aware of significant problems with the UK's system of equine identification (the 'horse passport' system) and has been raising these concerns with government for some time. The system's primary purpose was to protect the human food chain, but in reality its complexity and a lack of enforcement rendered it ineffective as was proven with the horse-meat scandal in 2013.

Whilst many ordinary horse owners do comply with identification laws, a significant proportion fails to do so and suffers no consequences. The inability to link a horse to its owner is one of the most significant barriers to holding irresponsible horse owners and breeders to account for welfare abuses, and has enabled the fly-grazing of horses to expand across the country unchecked.

Similarly, the absence of a central register of horses makes enforcement of equine identification laws impossible, and provides no basis to discourage criminal activity or to plan for and prevent the spread of equine disease which could pose a significant threat to the UK's £7 billion equine industry. The risks are substantial; for example under the Tripartite Agreement (currently being amended) there are indiscriminate and untraceable movements of horses without health checks between the UK, Ireland and France.

In response to the discovery of horse DNA in products labelled as beef, Defra met members of the Equine Sector Council in February 2013 to discuss the inadequacies of the UK's equine identification system that ultimately allowed the anti-inflammatory drug phenylbutazone to enter the human food chain, posing a theoretical health risk to humans. Additionally, in March the European Commission set

out its 5-Point Plan in response to the horse meat scandal which included amending the overarching legislation governing equine identification (EC Reg 504/2008), a single Competent Authority to issue identification in each Member State, and requiring each Member State to have a Central Equine Database. In September 2012 Defra rejected the renewal of UK's National Equine Database (which cost £200,000 per annum) because in its view the costs did not justify the benefits in the current austerity programme.

The Equine Sector Council is now working with Defra to:

- Strengthen the minimum standards for Passport Issuing Organisations in the UK which is due to be launched in Spring 2014.
- Ensure the amendments to EC Reg 504/2008 will enable an improved equine identification system in the UK that is both effective and enforceable. Negotiations continue for amendments that are due to be implemented during 2014.
- Establish a Central Equine Database that is fit for purpose to enable enforcement, traceability and aid in planning prevention of the spread of equine disease. The plan being developed is aiming for the establishment of a database in 2014.
- Implement and communicate changes to the Tripartite Agreement which have just been approved and will be rolled out in May 2014. This will properly restrict movement of horses between the UK, Ireland and France to those that are traceable and have a higher health status.

## What Else is Needed?

While this progress is welcomed by the Equine Sector Council, APGAW and APPG for the Horse, this briefing aims to make Parliamentarians aware of the need for the:

- Urgency to establish this new identification system and central database
- Understanding of why the existing identification system has failed so that mistakes are not repeated
- Simplicity to ensure the new system can be understood, managed, complied with and enforced
- High standards of identification and record keeping, including retrospective microchipping and batch control on microchips
- Effective enforcement, as the absence has led, in part, to the failure of the existing system and the rise in the deeply destructive and unacceptable practice of fly-grazing.

Without an understanding of these problems and recognition of the need to solve them, both APPGs are concerned that the opportunity to solve the equine crisis will be missed and any savings will be eliminated by on-going costs of dealing with fly-grazing and abandoned horses.

## The Key Issues

### 1. Equine Identification

The UK's system for equine identification is not fit for purpose and has long been open to fraud and abuse. While the systems in other EU Member States are not perfect, Britain's system is uniquely convoluted and so difficult to manage and enforce, in part because more than 75+ organisations can issue identification of widely varying quality and format.

Problems arise because:

- It is very easy to get a duplicate passport and also very easy to tamper with or produce fake passports
- There is little consistency between passports issued by the UK's 75+ Passport Issuing Organisations (PIOs) which makes enforcement more difficult than it needs to be
- There is a wide range of passport quality, with many passports, particularly those for the purpose of 'ID only', easily tampered with or reproduced on home printers. Some PIOs have been implicated in the production of fraudulent passports
- Enforcement of the rules has been seen as a low priority by local authorities due to restricted resources
- A negative cycle of poor understanding and compliance that led to problems with the passport system being so widespread that the current arrangements have been held in contempt by many horse owners, and seen as pointless bureaucracy which only penalises those who choose to abide by the law
- A recent survey of UK horse owners carried out on behalf of the Equine Sector Council (for Health and Welfare) showed that the law is generally poorly understood by horse owners, vets, enforcement bodies and the meat trade and many of the fundamental requirements are not understood and ignored by PIOs.

### Recommendations

- The equine identification system needs simplification and significantly higher standards, and its relaunch must be accompanied by clear guidance, effective communications and robust enforcement for it to fulfil its prime purpose of protecting the food chain and therefore the public.
- The passport regulations need to be identical in all four countries of the UK.
- A single Passport Issuing Organisation would help ensure high standards of traceability, enforcement and management necessary for effective operation of the system, including a central database. However, if for practical reasons it is concluded that there must be more than one PIO, then these all must be held to much more stringent standards than at present and must feed into a central database in real time. Simple measures to improve passports like a single approved passport template incorporating embossing, lamination, stamps and robust binding would make a huge difference to enforcement.
- All horses, ponies and donkeys should microchipped, not only those born after July 2009. This will significantly aid enforcement.
- Retrospective microchipping and batch control on microchips are essential for enforcement, traceability and to prevent fraud.
- The burden of proof of ownership of a horse must be reversed so that the owner must prove they own the animal, e.g. through a microchip, rather than the authorities. This will encourage compliance and aid enforcement.
- Consideration must be given as to how the old passports of varying quality will be removed from the system.
- Horse owners, PIOs, abattoirs and veterinary surgeons need to do their part and ensure they comply with the law.

## 2. Central Equine Database

A Central Equine Database (CED) is an invaluable tool for passport production, enforcement and the prevention of the spread of equine disease. Despite the inadequacies of the data within the former National Equine Database, its demise after Defra's withdrawal of funding in September 2012 has caused great difficulties and separately, the European Commission (as part of the 5-point plan) has proposed that each Member States must have an equine database.

Problems arise because:

- It is now no longer possible to enforce the equine ID regulations. Checks which could take minutes now take at least a week – if not weeks, when in practice identification is often required immediately by Local Authorities, the Animal Health and Veterinary Laboratories Agency (AHVLA), the police, the Vehicle and Operator Services Agency (VOSA) and the Food Standards Agency (FSA) when they are undertaking enforcement activity on the roads, at ports, markets or abattoirs.
- Passports must be simple to assess and verify within minutes – and there must be more stringent methods to ensure that duplicate passports are not issued. Only a CED can enable this.
- There is no central register of horse ownership in Britain. This information is essential for disease prevention and its value has been confirmed by recent peer-reviewed scientific papers.
- The new revised Horse Regulations take this into account and that the Government supports location information as part of the new EU Animal Health Regulation. Two further cases of Equine Infectious Anaemia were reported in 2012, linked to an outbreak in 2010. This episode has revealed key weaknesses in the system, with traceability of horses imported in the same consignment as the EIA positive horses proving to be a problem. A CED is an essential tool for mapping owners in the event of disease outbreak, and is essential for enforcement of the legislation by Defra and local authorities.

## Recommendations

The Equine Sector Council (for Health and Welfare) is working on proposals, led by the British Equestrian Federation, to re-establish a Central Equine Database (CED). The revised Equine ID regulation will require Member States to run a central database and the Sector believes one should be introduced as soon as possible.

- The Government has a responsibility to assist in its funding and the sector should be closely involved in its development and management.
- Data integrity and access by enforcement agencies is critical.
- Minimum Standards of PIOs being introduced by Defra must improve the quality of data held in a CED.
- Defra's interpretation of the Data Protection Act as it relates to horses must be reviewed to ensure that enforcement agencies with the proper authority have access to owner information. Any data protection questions must be resolved at the outset to ensure realtime and direct enforcement can take place. This could be achieved at the point of data collection where horse owners could tick a box to accept the use of their data for this purpose.

### 3. Fly-grazing: Another Consequence of Ineffective Equine ID

One of the consequences of ineffective equine identification is the growth in the illegal practice of 'fly-grazing' – the placement of horses on land without the permission of the landowner. This unacceptable nuisance causes social, public safety, economic and environmental harm, and places large financial burdens on individuals and the taxpayer.

- This practice appears to have increased in recent years in part because it is so easy to get away with: the horses involved are generally not microchipped, and therefore the owners are neither traceable nor held accountable.
- It is impossible to quantify the number of fly grazed horses, but conservative estimates (based on cases where welfare charities have investigated welfare concerns) are that at least 2,500 horses are being fly grazed in Wales, and 3,000 in England – but this number is likely to be far, far higher and it appears to be growing.
- Fly-grazing is a key factor in Britain's growing horse crisis. An estimated 7,000 horses are at risk of abandonment and neglect, around half of which are fly-grazing.
- In just one recent case involving a known horse breeder/dealer who is thought to fly-graze more than 1,000 horses, around 100 horses had to be euthanased on welfare grounds in an operation involving more than 400 horses (the other 300+ were rescued by the local authority and charities).
- Local authorities may have no choice but to cull some groups of neglected or abandoned horses in the coming months, and this would be funded by taxpayers.
- Although generally fly-grazing horses is illegal, the legislation to address it is unfit for purpose. Around eight different pieces of legislation can be applied, imperfectly, in fly-grazing cases however navigating these can require costly legal advice and a lengthy, expensive process. Legislation such as ASBOs and

the Animal Welfare Act are ineffective unless there is an owner to hold accountable. Local Authorities, enforcement agencies and charities must instead invest resources in trying to trace owners and monitor or hold horses for weeks before they can take action. This harms the welfare of the animals, and allows irresponsible owners to remove the horses of value and replace them with those that they no longer want, so providing a free horse disposal service funded by taxpayers and diverting precious resources from these agencies.

- Wales is now taking action to rectify this. Ministers have proposed the Control of Horses Bill to tackle fly-grazing and as well as measures to improve inter-agency working. The Bill effectively removes the need for local authorities to seek the owners of the horses before seizing them, and the burden of proof of ownership then falls onto the owners if they want to claim them back (and must pay costs).
- The November 2013 Westminster Hall debate on fly-grazing continually mentioned the need for more robust equine ID and for these laws to be enforced, which in itself will require greater support for local authorities.

#### Recommendations

- Unless England imposes laws similar to those in Wales, the scourge of fly-grazing will simply continue to move over the border and so exacerbate what is already a growing problem. There is evidence such movement is already happening as has been demonstrated in Alton, Hampshire and Compton, Surrey.
- Microchipping of horses must be mandatory for all horse owners, and this law must be enforced. Horses without microchips must be deemed to be without an owner and rehomed or otherwise disposed of as the Local Authority sees fit. Fly grazers will soon realise that there are consequences when placing their horses on others' land. This will help to reduce the indiscriminate breeding and irresponsible ownership of horses that is now allowed to flourish with impunity.

#### 4. Restriction of the Tripartite Agreement

The Equine Sector Council (for Health and Welfare) welcomes the restrictions recently agreed to The Tripartite Agreement (TPA) which allowed the free movement of horses without health checks between the UK, Ireland and France (except those being transported for slaughter).

- This change will safeguard the welfare of lower value horses, protect the British equine industry from disease entry/spread and impede illegal activities for which horse movements can be used as a cover.
- The revised agreement will restrict the TPA to the movements of 'high health status' horses – initially those with FEI passports and Thoroughbreds from approved studbooks for travel between the UK and France, and Ireland and France. Movements between the UK and Ireland would remain unchanged in light of the common land border.
- Under the new arrangements, all movements of horses between the UK and France and Ireland and France (and vice versa) will need to be notified through the TRACES system, so providing traceability of movements.
- All other horses would be subject to a veterinary inspection before despatch and accompanied by an Intra Trade Animal Health Certificate (ITAHC) – the same arrangements that currently apply for moving horses from the UK to EU Members States, other than Ireland and France.

#### Recommendations

- The revised TPA will only be effective if it is properly complied with and enforced. Therefore its implementation should be carefully planned and monitored and breaches punished.
- The Equine Sector welcomes the new approaches from Defra in involving the sector in these matters, and will actively contribute.
- However there are aspects of enforcement only possible through statutory action. There must be a commitment to such action once non statutory approaches are exhausted.
- Intelligence on such breaches should be acted upon decisively.



## Conclusion

This briefing produced with the Equine Sector Council has provided clear and achievable solutions to the growing problems relating to horses in the United Kingdom, and already Wales have taken notice of some of these solutions in relation to fly-grazing. There is no requirement for an expanse of new legislation, more the better improve tools already in place or gentle tweaking of current regulation.

APGAW and the APPG for the Horse would ask that Defra examine the recommendations within this report on behalf of their collective members, both political and associate, and consider implementations of the solutions within their powers. Work is already being undertaken with Defra in the wake of the horse meat scandal to improve equine identification. However, the Government must ensure that the new system is robust and fit for purpose: the path of least resistance will not be good enough. There is also a clear opportunity to really tackle the problem of fly-grazing which Defra should take advantage of for the benefit of the public who are affected by fly-grazing and the current unfairness of a system which does not penalise those who fail to abide by it.

We would encourage you to write to Defra if you share the concerns we have highlighted within this report. If you have any questions or points to make, please contact Marisa at [admin@apgaw.org](mailto:admin@apgaw.org).