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| Title: Equine Identification (England) Regulations 2018 (SI 2018/761) | Post Implementation Review |
| PIR No: N/A | Date: 15/11/2023 |
| Original IA/RPC No: N/A | Type of regulation: Domestic |
| Lead department or agency: Defra | Type of review: Statutory |
| Other departments or agencies: N/A | Date measure came into force: 01/10/2018 |
| Contact for enquiries: Helen Johnston | Recommendation: Amend RPC Opinion: N/A Choose an item. |

1. What were the policy objectives of the measure? (Maximum 5 lines)

The intended effect of the measure ([S.I. 2018/761](#)) was to ensure that horse meat produced in England was safe for human consumption. The retained EU legislation it enforces introduced a number of directly applicable requirements including a national database of equine passport (identification) information and improving standards for equine passports and passport issuers.

There were also some options which were implemented to enhance the legislation for better effect. This included, for example, the option to require all horses to be microchipped, with a unique microchip number.

2. What evidence has informed the PIR? (Maximum 5 lines)

This PIR was based on three information sources:

- i. data collected from a 12-week public consultation([Improvements to equine identification and traceability in England: consultation results and government response - GOV.UK \(www.gov.uk\)](#)) on improvements to equine identification and traceability in England, with 394 responses from across the equine sector, including private horse owners, industry bodies, equine vets, equine business owners, equine breeders, welfare organisations and the racing/elite sport sectors.
- ii. economic analysis, using existing data from the old economic model as well as new data from updated assumptions. The analysis is proportionate to the low net costs. We have used a light touch approach for this PIR because the net costs are approximately £0.5m per annum which is far below the +/- £5m per annum threshold. After new analysis, total costs for this measure has been approximated to £5.32m which is a negligible change to the total cost estimated in the original impact assessment of £5.05m [Appendix A Equine Identification England Regulations Impact Assessment IA No. Defra 1785.pdf](#). The small change is due to a small increase in the estimated number of horses in England, an increase in the value of business owner time and an increase in the estimated proportion of UK horses in England.
- iii. stakeholder engagement, through ongoing dialogue with key stakeholders being the British Horse Council (BHC), the thoroughbred racing and breeding sector, the 826 Equine Studbooks Association, semi-wild equine interests, equine vets, equine transporters and shipping agents, industry focus groups, welfare organisations, Local Authorities, the Chief Veterinary Officer, the Animal Health and Welfare Board England, and other government bodies (Animal and Plant Health Agency, Food Standards Agency) and devolved administrations.

3. To what extent have the policy objectives been achieved? (Maximum 5 lines)

The existing equine identification system in England was developed in line with EU regulations. It is based on the requirement for paper documents (equine passports) and underpinned by a Central Equine Database (CED) of all equines recorded as resident in England.

The regime as implemented in England was designed by Defra to support the EU priority of protecting public health, through maintaining the integrity of the human food chain. However, while this remains a priority here, the UK Government also needs the system to support the safeguarding of both equine health and welfare.

Since the system was not built with these functions in mind, it does not support them as well as it could. It focuses on the owner and their responsibilities, rather than the location of the animal and those who are responsible for it on a day-to-day basis. This means we have limited knowledge of where equines are kept. As well as the welfare issues this creates, poor traceability poses a risk in terms of potential disease spread in an outbreak situation.

To that end, we conducted a consultation from 5 April 2022 to 28 June 2022 to take feedback on the existing system as per SI 2018/761 and on improvements going forward.

The Government response, published on 5 April, set out the policy direction for improvements to equine ID and traceability in England, including greater digitisation to ease owners' ability to access, record and update equine details.

We are now engaging with industry in detail on policy proposals, including the introduction of digital ID, whilst retaining paper passports where required for zootechnical reasons or international travel.

This work is also feeding into work on the new imports regime, exploring how industry systems and enhanced traceability can link up to support smoother processes for international movements of equines to and from GB, and the ID and verification of 'high health status' horses.

Some of the changes will require new legislation which is expected to be implemented in early 2024. We are working with legal colleagues on amending the Equine Identification (England) Regulations 2018.

Sign-off for Post Implementation Review: Chief economist/Head of Analysis and Minister

I have read the PIR and I am satisfied that it represents a fair and proportionate assessment of the impact of the measure.

Signed: **Clare Kendall**

Date: 15/11/2023

Richard Benyon.

Further information sheet

Please provide additional evidence in subsequent sheets, as required.

4. What were the original assumptions? (Maximum 5 lines)

It is an EU requirement for all “equidae” to be individually identified with a passport and, in most cases, a microchip. This is to ensure the safety of horse meat for human consumption by providing a reliable record of the horse’s veterinary treatment. EU investigations in 2013 showed that some horse meat contained substances not suitable for human consumption, and replacement EU Regulation 2015/262 has been introduced to address weaknesses in the current regime. Government intervention to implement the new regulation is needed to address market failures, human health externalities and asymmetric information between sellers and buyers of slaughter horses.

Costs and Benefits:

A key assumption in the original impact assessment was the number of horses in the United Kingdom, which was assumed to be 796,000. This was then used to find both total horses in England (597,000), the estimated non-racing horse population in the UK (428,000) and England non-racing horses born before 2009 (113,955). This is the key assumption in the original impact assessment.

Further assumptions were made on the cost of a passport update, microchip insertion, the value of business owner time, and the proportion of UK horses in England.

5. Were there any unintended consequences? (Maximum 5 lines)

The CED is mainly paper based (although some basic information can be updated digitally) therefore it is not user friendly, and it can be time consuming and costly for equine owners to update the equine records system. Updates require the owners to send the physical passport to Passport Issuing Organisations (PIOs), and therefore some owners are not updating equine information regularly, despite this being a legal requirement. This results in significantly out of date and inaccurate information being held on the database.

The original impact assessment identified that both individuals and horse businesses would be affected by this change in legislation. Although a Small Business Assessment was not undertaken in the regulatory triage assessment, we have found now that small businesses were disproportionately affected by the legislation as most horse businesses have fewer than 50 employees.

6. Has the evidence identified any opportunities for reducing the burden on business? (Maximum 5 lines)

The key advantage of amending SI 2018/761 to enable increased digitisation is better data accuracy, streamlining processes and bureaucracy for owners and keepers. Greater digitisation will ease owners’ ability to access, record and update equine details.

There will also be positive impacts for trade with English businesses. Increased digitisation, which will incorporate health information and traceability, is going to underpin the streamlining of the borders processes for equine exports and imports (and re-entry to GB) under the Target Operating Model and establish ‘high health status’ horses to qualify for reduced physical checks at BCPs. This forms part of the new borders’ regime design.

7. How does the UK approach compare with the implementation of similar measures internationally, including how EU member states implemented EU requirements that are comparable or now form part of retained EU law, or how other countries have implemented international agreements? (Maximum 5 lines)

The UK's approach through SI 2018/761 was largely similar to the EU, with some examples of where the UK went above the standards required rather than the EU, known as 'gold-plating'. Additional information is in table 1, as written at the time.

Table 1 Enhancements being considered including gold plating

| Proposed additional measure | Further details | Article (EU Regulation 2015/262) | Justification |
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| Microchipping | | | |
| Mandatory micro chipping of older horses | Gold-plating - additional requirement permitted by EU legislation which may incur some additional cost | Article 18 (5) (C) | Horses identified before 2009 did not previously need to be microchipped. It is estimated that there are around 152,000 of these horses still alive (see Annex 2). As a result it is often hard to identify these horses in the field, causing difficulty with enforcement of identification, welfare and food safety legislation. Mandatory microchipping of older horses could help to overcome this. Many parts of the equine sector support mandatory microchipping of older horses as a means to ensure robust equine identification. However, views are polarised and there is a significant, vocal minority who oppose this change. Horse owners may incur additional costs |
| Mandatory replacement of failed microchips | Gold-plating - additional requirement permitted by EU legislation which may incur some additional cost. | Article 18 (5) (A) | Microchip failure is thought to be extremely rare. However, if a horse's microchip were to fail this would create difficulties in ascertaining its identity. Outline diagrams are not always mandatory for horses that were originally microchipped, so the replacement of failed microchips is essential to link these horses to their passports and therefore their food safety records. Horse owners may incur additional costs. |

| Central Equine Database (CED) | | | |
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| PIOs to update CED with changes to horse details within 24 hours. | Gold-plating - goes beyond minimum EU requirement. | Article 38 (3). | New EU legislation requires PIOs to notify the central database of changes to a horse's details within 15 days. It is essential that the database contains up to date information on a horse's status so that the regime can be managed and enforced effectively by PIOs and enforcement authorities. Most parts of the sector agree that a tighter updating timeframe for PIOs is required. PIOs may incur additional costs. |
| Basic horse details available to the public | Non regulatory - additional to EU requirement | N/A | EU legislation requires certain horse details held on CED to be made available to other Member States. The same system could be used by the public at negligible additional cost to Government to allow them to also search the database for limited non-personal information. Public access to data would enable owners to ensure that their records are correct and would also be of use to businesses such as abattoirs to inform commercial decisions. Small cost to Government only. |
| Option for owners to notify PIOs of changes to equine identification details via CED before sending in their passport. | Non-regulatory - use is optional | Articles 27 (3) and 37 (4) | Owners are responsible for reporting changes to their horse's details, including ownership information, to PIOs. Anecdotally equine stakeholders state that levels of reporting are currently low, which creates difficulties for enforcement authorities and PIOs as the data they hold is out of date. Stakeholders, including the Equine Sector Council, believe that giving owners access to an optional online mechanism to notify PIOs of necessary changes to their records is vital to increasing reporting and therefore improving the efficacy of the regime. We have confirmed with Government Digital Service that this extra functionality would be simple to develop and does not require additional complexity such as GOV.UK Verify. Our assessment is therefore that the necessary functionality would provide significant benefits, and could be provided at low cost to Government. |

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| Option for CED to notify changes in equine identification details to EU member states on behalf of PIOs. | Nonregulatory - use is optional. | Articles 38 and 40. | EU legislation requires CED to notify other Member State's databases of changes to horse's details in certain situations. It also requires PIOs to do the same thing themselves in other situations. The functionality that will have to be put in place to perform the notifications from CED could also be used at very low cost to Government to conduct the other, similar notifications on behalf of PIOs, making updates easier for PIO users and simplifying the overall process. |
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