

# New Legislation for PIOs and Breed Societies

AQHAUK Summary Briefing Document July 2018

## Implementation of the new Animal Breeding Regulation - April 2018

1. The legislation provides for breed societies to be officially recognised by the competent authority, DEFRA in England for breeding programmes to be approved, provided that they meet certain criteria. The rules provide for e.g. an automatic right of entry into the equivalent herd/flock book of another breed society for the same breed in another EU member state provided that the animals (or germinal products) are accompanied by a valid zootechnical certificate.
2. **Changes from 1 November 2018** will include requirements for: new periodic controls on breed society activities to ensure compliance and consistent application of the rules; and, use of new rationalised cross species zootechnical certificates when animals and germinal products are traded between breed societies. To ensure that the correct duty is applied to imports, additional documentary checks will also be needed at ports of entry to the UK, when breeding animals are imported from third countries.
3. **New controls on breed societies** - a proportionate approach is proposed. The priority is to implement the controls in a way which balances the need for sufficient oversight while minimising additional burdens on breed societies. A system of predominantly paper-based checks is planned, at least initially. These will be carried out by the Animal Plant and Health Agency (APHA) in Great Britain and the Department for Agriculture, Environment and Rural Affairs (DEFRA) in Northern Ireland. This will mainly involve the periodic issuing of a pro-forma to recognised breed societies requesting relevant information to assure compliance with the EU rules. The pro forma will seek confirmation e.g., that the breed society is using the correct form of the new single rationalised zoo-tech certificate; of the **quality of its self-controls on breeders; that it is observing the rules on upgrading the classification of progeny to “purebred” via the female line, and; where relevant, that it is using accepted performance testing and genetic evaluation methods. if concerns visit and immediate access if requested**
4. **Penalties for non-compliance** - Going forward breed societies will be subject to penalties where non-compliance is established. The type of penalty will take account of the nature of the non-compliance and the society's past compliance record. Penalties could include variously e.g., ordering postponement of entry in breeding books of breeding animals; prohibiting breeding animals or germinal products being used for breeding in line with the rules; suspension of the issuing of zootechnical certificates by the society, withdrawal of the approval of a breeding programme; or ultimately; withdrawal of the recognition of the breed society if that is deemed necessary. In addition, breed societies will need to continue to observe their wider duties under the law on e.g., fraud. Breed societies will also have a right of appeal to DEFRA, or the relevant devolved authority against any penalties applied. More detail on this will be set out in guidance to be published for implementation.
5. **Zootech certificates** – From 1 November 2018 breed societies will need to use the new rationalised model cross species zoo-tech certificate. In the equine breeding sector, where horses are subject to frequent movement, e.g., for international competition, separate EU animal health law requires a horse to be accompanied for its lifetime by a single lifetime identification document (or 'horse passport'). By way of a derogation from its provisions the new EU rules are to be streamlined with this passport. The arrangements with which equine

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breed societies will need to comply as regards purebred equines are set out in Commission Delegated Regulation (EU) 2017/1940<sup>1</sup>.

6. **Checks at ports of entry** - From 1 November 2018 documentary checks on some imports of breeding animals from third countries, where none are currently required. Imports of breeding animals into the EU are subject to different rates of import duty compared with animals for human consumption. From 1 November 2018, documentary checks on paperwork accompanying third country imports of live animals will be needed at border inspection posts (BIPs). APHA staff are already located at BIPs for the purpose of veterinary checks. These new documentary checks will be carried out alongside existing animal health checks.
7. **Derogations** - Some of these roll over existing provisions, such as permitting the competent authority to refuse to approve a breeding programme that could compromise an existing breeding programme. Some derogations retain flexibility on which breed societies may rely directly such as e.g., an exemption to the requirements for performance testing in the case of breeding programmes aimed at the preservation of, or genetic diversity of, a breed. The UK is going to adopt these derogations
8. The collection of germinal products of purebred breeding animals the new regulation requires these to be collected, produced, processed and stored at semen/embryo collection points approved for intra-EU trade in accordance with EU animal health law. However where germinal products are only for use within the UK these may be carried out at locations approved in accordance with UK legislation. There is a list of recognised facilities available in this country...few a currently approved including some we know.
9. Breed societies may outsource technical activities such as performance testing to a third party, provided that the breed society remains responsible to the competent authority for ensuring compliance by the third party.

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### Consultation on changes to identification of equines - May 2018

1. Two additional rules being given to enforcement officers and they are not court based
  - a) Compliance Notices - similar to an improvement order. Details of what must be done and by when. Further action taken if failure to pay.
  - b) Fixed Penalty Notices - similar to driving offences with a monetary value and set by local authorities
2. Change to Registration Deadlines - Come into force **1 October 2018**.

**A major change is the alteration to the timeframe within which your owners MUST report a new foal registration.** Until now, the only consequence for late registration was the threat of

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action, and a horse being removed from the food chain. This has now changed. As of the 1 October 2018, **all owners must submit a registration by 30 November**, or within 6 months of the birth of the equine. **Failure to do this could result in a CN or FPN being issued.** We need to advise breeders that as of last week, the notifiable period for foals born this year has changed, and they **MUST** inform you by the 30 November 2018.

There is no requirement to sign a horse from the food chain, unless registered after 31 December however **the owner would have committed an offence by delaying the application past the 30 November.**

Consideration must be given to the Central Equine Database, and the availability of the information within it to Enforcement Authorities, and how easy it would be to run a report against all equines born prior to the 30 May 2018, registered after the 30 November 2018, and issue a FPN to the resulting dataset of owners.

Unfortunately, when it comes to FPNs, there is no provision within the new Regulation which states an enforcement period or deadline for enforcement. This means that as long as the offence took place after the new Act came into force, an FPN can be raised retrospectively. This is not the case with a Compliance Notice, as once the owner has correctly registered an equine, they are deemed to be in compliance with the Regulation, and the threat of the Compliance Notice is removed, as stated in the Regulation (Regulation 40.3).

3. **The Passport is now called an ID,** All documents issued are now referred to as an "ID". And as a result, Passport Issuing Organisations are now no longer referred to as PIOs, but simply **Issuing Bodies.**

4. **Transfer of Ownership & the return of ID Documents** It is now a requirement placed on the new owner of a horse that they **MUST** return the ID to the Issuing Body (Article 4.2.b). This means that even where the Issuing Body doesn't require that an owner return an ID when transferring ownership, by the letter of the law, the owner would in fact be committing an offence if they failed to return the ID.

New offences listed within the Regulations

It is now an offence to keep a horse, which is not registered in accordance with the Regulation, and the corresponding EU Regulation (Regulation 24.2, with regard to Regulation 5). This means that ignorance of a keeper is no longer an acceptable excuse, and the **keeper can potentially be prosecuted, separately to the owner.**

A new offence has also been created for knowingly withholding an ID from the responsible person (Regulation 25). There are a number of circumstances where this can be applied, and these might include:

- Where a relationship breaks down, either marital or personal, and one party withholds the documents.
- Livery yards, where an owner refuses to release the documents to the yard owner for an equine in their care.
- Livery yards, where an owner removes a horse and a yard owner withholds the passport until such time as outstanding funds are settled.

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### 5. Updating of the CED

This is probably the most important point as a Registrar. Under Article 15, my obligation to report to the CED has changed from **15 days, to within 24 hours**.

Similarly, it is now expected that I respond to any request from the Secretary of State (DEFRA) within 24 hours, rather than the 14 days previously required (Regulation 15a). If I feel you have suitable grounds for an extension to this 24 hour requirement, I must make your case to DEFRA.

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### Minimum Operating Standards for UK approved Issuing Bodies - updated

1. An immediately searchable, fully computerised database must be held by each organisation, consisting of at least the fields required by the 2016 EU Regulations Article 38(1). The database must also record :

- a) Any evidence of modification, tampering or fraud, including section II (and pre- 2016 Section IX) anomalies (Note format is acceptable).
- b) Details of any passports returned to owners following the death of a horse. These must include the name and contact details of the person to whom the passport was returned as well as the date of return (Note format is acceptable).
- c) Details of any pages previously added to the passport subsequent to its first issue, including date, number of pages and contents (Note format is acceptable).
- d) Details of any temporary documents issued, including issue and expiry dates (Note format is acceptable).
- e) Details of the issue of any substitute issued for a damaged passport (Note format is acceptable).
- f) Details of re-issue of document, noting the reason for reissue (Note format is acceptable).

2. For registered horses if necessary an extended pedigree may be included as a single page extension to Section V, which must follow immediately after the Certificate of Origin and be marked 'Section V, Pedigree'.

3. To complement information already available on CA websites, organisations must provide accurate information outlining all of the legal responsibilities of horse owners in relation to passports. This must be available on the organisation's website, and be provided with any documentation sent to horse owners by an organisation, for example when returning a passport after updating. It is also recommended that this information is provided within the passport itself,

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printed on the inside of the passport cover or a loose leaflet. Organisations are responsible for ensuring that the information provided is complete and up to date.

4. Organisations must keep a detailed record of any changes to the appearance of the passports that they issue over time so they can assist in the identification of fraud. They must retain sample copies of all passport variations.

5. **Documented operating procedures must be in place for the issuing, updating and replacement of passports that reflect the regulation and this document**

6. A regular event now! Vets are not good at matching up the diagram and narrative  
The organisation is responsible for making reasonable checks to ensure that any transponder number and silhouette provided in an application is completed **correctly**, legibly and the application has been signed by a member of the RCVS

7. In all cases a **new application** will need to be completed with an RCVS vet confirming that all the details describing the horse on the application form is correct before a duplicate or replacement passport can be issued.

A passport may be only be reissued in the following situations:

- a) Passport is damaged but remains fully bound, clearly legible in all parts, free of any signs of fraud and a new passport is needed to ensure its ongoing security;
- b) ID only passport needs upgrading to registered passport but the original passport cannot be adapted;
- c) Minor errors were made in the issue of the original passport which need to be corrected.

8. The passport does not need to be issued as a replacement or duplicate and the original food chain status must be recorded in the passport. The original passport must be destroyed. If required elements from the old passport excepting Sections I- V (or their equivalent in pre-2016 issued passports) can be removed and returned to the owner for safe keeping.

9. Owners are required to keep the information in a horse's passport up to date, including ownership details and food chain status. **The regulation allows owners to update information on UK issued Passports through any UK PIO.** DEFRA is considering how this new requirement can best be met, however until the CED is operational PIOs must not update any passport that they did not originally issue except those issued by PIOs no longer in existence or were issued by an organisation outside of the UK.

10. Passports issued in another EU Member State for horses kept on a UK holding can be updated by any UK PIO which must notify the change of record to the central database of the Member State where the animal was born. We hope that when the CED is operational PIOs will be able to send update notifications to other Member State databases via the CED but cannot confirm this until later in 2016. Contact details for other EU Member State central databases can be found here:

End as too page to note - Karen