29 January 2004

Sent by email/post

Dear English Passport Issuing Organisation

APPROVAL OF HORSE PASSPORT SILHOUETTTES AND SOME OTHER MATTERS

I am grateful for the responses to my letter of 22 December.

There were some common issues, which I would like to address first. I am also taking this opportunity to provide you with information about some other developments which will be of interest to you, and to seek your help in monitoring receipt and approval of applications for passports.

I would particularly draw your attention to the ‘Implementation date’ section concerning who can sign silhouettes.

SILHOUETTES AND RELATED MATTERS

Owners

For the avoidance of doubt, the ‘owner’ of a horse will need to have satisfied you that they have proven their competency to complete silhouettes. In addition you need to satisfy us that your arrangements ensure that there is certainty about the identity of the specific horse for which the passport is issued. In some cases other regulatory requirements within the industry or perhaps within the breed society will provide that certainty. An electronic tag will provide that certainty. Or the signature of a vet or another authorised representative of the Passport Issuing Organisation will do so.

Authorisation only by veterinary surgeons.

Some people have mistakenly understood my letter to mean that silhouettes must be signed by a veterinary surgeon. This is not the case. The silhouette can be signed by either a vet or the competent authority, i.e yourselves. While all veterinary surgeons may therefore sign a silhouette we have specifically provided for other people also to sign the silhouette on your behalf as the competent authority. In these cases you need to authorise the person having first satisfied yourself (see below) that they have proven their competency to do the job and are trustworthy. It is of course permissible for PIOs, under their own rules, to insist that a veterinary surgeon or any other authorised person signs the silhouette specified by the PIO.

Authorisation by Breeders

Some PIOs have asked that breeders should be allowed to sign the horse passport silhouette. In discussion with some of you before the December
letter was issued, it was breeders we particularly had in mind in allowing PIOs to authorise other people to sign the silhouette. But being a breeder is not in itself sufficient qualification to be authorised to sign the horse passport silhouette. The breeder (and any other person authorised by the PIO) must have demonstrated to your satisfaction that he or she has previously filled in silhouettes to a standard which satisfies you and are trustworthy. From your responses we note that there are a number of approaches being taken on this point.

Some PIOs specify a minimum number of satisfactory silhouettes that must be completed before the PIO will authorise that person to sign silhouettes. We believe that is a sensible requirement but have no view on what the number should be.

Special Training

Some PIOs have indicated that they run their own training courses in silhouette completion or will authorise only people who have satisfactorily completed suitable training provided by others. We also support this approach, and believe there is scope for co-operation among PIOs in not only providing such training but also in agreeing who are authorised to sign the silhouettes. A person authorised by one PIO is not automatically authorised to sign silhouettes for another, or all, PIOs. However some PIOs have agreed a common approach on authorisation and we would encourage greater co-operation.

Withdrawal of Authorisation

Whatever system is adopted by PIOs to authorise people other than vets to sign the silhouettes it is important that there is some system in place for checking the accuracy of silhouettes signed by these people. Some of you have mentioned the frequency with which the silhouette is verified against the horse (e.g. for competitions) and the penalties that are applied if repeated errors are found (e.g. for a specified period microchips have also to be fitted until you have evidence of competency). There should also be some system of withdrawal of authorisation if the silhouettes are not satisfactory.

Other Horse Certificates/documentation with Silhouettes

Some PIOs transfer silhouettes to the horse passport from other existing certificates e.g. vaccination certificates, or documentation. I understand in the majority of cases the silhouette is signed by a vet. Technically the silhouette would not usually meet fully the requirements of the legislation because most are in English only and the legislation requires the description in the silhouette in the horse passport to be in both English and French (and other languages if desired). The layout of the silhouette may also differ slightly from the format set out in the European legislation.

However, we recognise that it would be unnecessarily expensive to require another silhouette to be completed and signed. We continue to be content for
the vaccination certificate or other silhouettes to be used, providing they contain the same information as required by the European rules and it has been signed by a vet or a person with proven competency to do the job. It is for the PIOs to decide whether to accept a silhouette that had been produced for other purposes. A horse owner cannot demand a PIO to use vaccination certificate or other silhouettes. There is a risk that passports which contain a silhouette which does not strictly conform to the European model may not be accepted if the animal identified in the passport travels to another EU Member State. PIOs which do accept these silhouettes are advised to draw this risk to the owner’s attention.

PIO Authorisation Systems

In replies to my letter of 22 December some PIOs have set out in detail their current authorisation arrangements and have asked Defra to formally approve these details. As the competent authority, it is up to you as the PIOs to decide whether your specific arrangements fall within the guidelines outlined above. However, if any PIOs still feel unsure whether their procedures fall within the guidelines outlined above, please let me know.

Implementation date

I regret that we are unable to agree to the request from some PIOs to defer the 31 January 2004 deadline. However, I understand that the main concern is about application forms not yet received but where the application process was clearly underway before 1 February 2004 and the applicant has a legitimate expectation that an owner-signed silhouette will be accepted. Such cases can be regarded as having met the deadline. This should not be an open-ended interpretation and from 1 May 2004 silhouettes submitted with application forms must fully comply with the guidance set out above and my letter of 22 December. Moreover, after 31 January we would expect application forms or other first-time contact with new applicants to make clear what are the requirements for silhouettes. I hope this interpretation helps you.

Freezemarking and other forms of identification

We received some representations that freezemarking and other forms of identification should be permitted in the same way that microchips can be used to support owner-certified silhouettes.

Currently the European rules only provide for the use of a silhouette. It is clear that these rules are likely to be changed to provide for the use of microchips as an alternative to the silhouette. It is equally clear that the European Commission do not intend to accept other forms of identification. Their concerns centre on welfare-friendly, tamper-proof, and ease of reading considerations. It is against this background that we are content for microchips to be used to support owner-certified silhouettes.
We received a specific request to accept a freezemark in support of owner-certified silhouettes in the following circumstances:

- where that mark is cross-checked before the passport is issued against independent records and a silhouette created at the time the freezemark was applied; and
- only in respect of passports issued before 30 June 2004, and which carry both the freezemark and a Unique Equine Life Number issued by the PIO.

We agree that as this approach provides independent verification of the silhouette details and can be followed. Please can any PIO that wishes to follow this approach contact us to confirm what steps you are taking.

Some other matters

I would like to take this opportunity to bring you up to date on some other developments. First, however I want to acknowledge the points many of you have made about the impact on you and your customers if decisions are taken late or are conveyed in a way that gives rise to confusion. We will do all we can to avoid this happening in the future. While it wont always be practical to consult all of you about everything in advance we will be looking to provide a representative number of you more opportunities to comment on draft letters and guidance before they are issued. I hope you will find this helpful.

Horse Passport (England) Regulations 2004

Many of you will be aware that the Horse Passport (England) Regulations 2003 were criticised by a Parliamentary Committee for technical drafting deficiencies. These deficiencies do not affect the policy contained in the Regulations or the deadline of 30 June 2004 by which owners must have obtained a passport. However, the Government will replace them soon with new Regulations which correct these technical drafting deficiencies. We will send you a copy of the Regulations when they are laid before Parliament along with supporting guidance notes.

Review of who should be authorised to issue horse Passports.

During the debate on the 2003 Regulations in Parliament on 11 December, Alun Michael, Minister of State for Rural Affairs, said he was looking again at who should be authorised to issue passports. This is partly to ensure that we have the most appropriate regime in place to support the business and operational goals of the national equine database which is being established in partnership between Defra and the equine industry. The review has also been prompted because of the increase in the number of organisations wanting to issue passports, and consequential concerns some of you and others have put to the Minister. Recent applications raised questions of principle which he wants to address quickly to provide more certainty for the horse industry. The review will examine the benefits to the industry and Government and ways of increasing co-operation throughout the industry
while respecting the special interests of many existing passport-issuing organisations. Any suggestions for change would be considered and discussed with yourselves and others with an interest before being introduced. We will keep you informed and involved.

**Passport applications: volumes and workload for PIOs.**

Over the coming weeks we need to work with you to monitor the volume of applications and issue of passports against the 30 June deadline. I am aware from a recent meeting with some of you that in some cases there may be an 8-10 week backlog. In further publicising the passport requirements we will be encouraging owners to apply early to ensure they have received their passport in time, but we clearly need to monitor the situation and have contingency plans agreed with you in the event there is a late rush in May-June.

I should be grateful therefore if you could let us know by mid-February and then at the start of March and April:

- the total number of passports you have issued (excluding any where you know the horse is no longer alive or in the UK)
- the total number – if you know it – of application forms you have sent out but which have not yet been returned to you
- the number of applications received but for which no passport has yet been issued
- a comment on how many passports you can issue on a weekly basis and your average turn-round time for issuing a passport

Please could you send this information to:

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