EXPLANATORY MEMORANDUM TO

THE CATTLE IDENTIFICATION (AMENDMENT) REGULATIONS 2015

2015 No. 219

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This instrument amends the Cattle Identification Regulations 2007 to remove the requirement for keepers of bovine animals (cattle, bison and buffalo) in England to include in their holding register the unique identification code of the mother (dam) of bovine animals moved onto their holding. The requirement will remain for animals born on the holding. The change removes a requirement that goes beyond EU minimum legislative requirements and that currently duplicates in the holding register information that is also contained in the national database. It therefore removes gold-plating.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 This instrument amends the Cattle Identification Regulations 2007 to remove a requirement that goes beyond the minimum requirements of EU legislation.

4.2 Regulation (EC) No 1760/2000[1] sets out the requirements for the identification and registration of bovine animals (cattle, bison and buffalo) in the European Union. This Regulation imposes a number of obligations on any person that keeps bovine animals, including the requirement to keep an up-to-date holding register. The holding register must include for each bovine animal on the holding its unique identification code, date of birth, sex and breed or colour of coat.

4.3 The Cattle Identification Regulations 2007 include a requirement in England for the holding register to also include the mother's (dam) identification code of each bovine animal, due to the high incidence of Bovine Spongiform Encephalopathy (BSE) at the time the original EU legislation was implemented.

5. Territorial Extent and Application

5.1 This instrument applies to England only.

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[1] Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The EU cattle tracing regime was set up in 1998 to ensure full traceability of all bovine animals (cattle, bison and buffalo) in the wake of the BSE crisis to protect public health and restore consumer confidence in the beef market. The regime was updated through EC Regulation 1760/2000 and it requires, amongst other things, that all bovine animals have a unique identification number and that all keepers of bovine animals keep an up-to-date holding register which includes certain information for each bovine animal on their holding. All keepers of bovine animals have to notify births, movements and deaths of bovine animals to be recorded in a national database, the Cattle Tracing System (CTS). Keepers also have to provide certain information on the registration of birth of each bovine animal to be included in the national database. This information includes the unique identification code of the dam of the bovine animal being registered.

7.2 Effective cattle identification underpins the Government's food safety policy of traceability of meat from farm to fork, and ensures that BSE controls are effective. Traceability makes an important contribution to animal disease control strategies, such as Bovine Tuberculosis and Foot and Mouth Disease. The CTS contains identification and traceability information on all the bovine animals in Great Britain.

7.3 The amendment to the Cattle Identification Regulations 2007 removes the requirement for keepers of bovine animals to include in their holding register the unique identification code of the dam of each bovine animal moved on to their holding. This is no longer considered necessary as the dam identification information is already held on the CTS database upon registration of the birth of each bovine animal. This amendment therefore removes a requirement to hold duplicate information in the register of the holding the animal has moved to. This information is contained in CTS and available to inspectors. Therefore this amendment does not affect animal disease control capability or food safety.

7.4 The requirement will remain for bovine animals born on the holding. This is because dairy calves are usually separated from their dams before the deadline to register the birth to the database and, in that case, it is important that the dam information is recorded in the holding register early or farmers risk having their applications for cattle passports rejected if the information is incorrect. Within the EU, the UK is the member state with the longest deadline for registration of births (at 27 days from birth.)

7.5 The amendment maintains the strength and efficiency of the current system whilst removing a requirement that goes beyond EU minimum legislative requirements, therefore reducing the regulatory burden on industry. The amendment is a Red Tape Challenge commitment.

<u>Consolidation</u>

7.6 We do not intend to consolidate the Regulations at this stage.

8. Consultation outcome

8.1 A ten-week public consultation took place from 20 August to 31 October 2014. Thirty responses were received, from a variety of organisations and individuals with a personal interest. Twenty-seven of the respondents (90%) supported the proposed amendment to remove this requirement. Two respondents (6.6%) did not support the proposal and one respondent (3.3%) expressed no interest in the matter. The two respondents who did not support the proposal expressed concerns about the risk of not having this information, which is valuable in the case of a disease outbreak. However, this information will be in the holding register of the holding of birth of any bovine animal and in the CTS database to ensure traceability.

8.2. The consultation asked for views on the estimate of an average of fifteen seconds saved per movement. This estimate was reached through practical experience and was supported by the National Farmers' Union (NFU) prior to consultation. Eighteen of the respondents (60%) supported the estimate, while four respondents (13.3%) did not agree. Of the rest of respondents, one respondent (3.3%) expressed no interest and seven (23.3%) did not know. Of the four respondents who did not agree with the estimate, three (10%) believed that the time saved would be longer and one (3.3%) suggested that it would be shorter. The Impact Assessment developed for this amendment uses the estimate of an average of fifteen seconds saved for each bovine animal moved on to a holding.

8.3. The consultation also asked whether there are other potential costs and benefits to consider. Seventeen respondents (56.7%) stated that there were no other potential costs, seven (23.3%) did not know, one (3.3%) expressed no interest and five (16.7%) responded that there were other potential costs and benefits. Of the latter, only one respondent gave details on their response and stated that there was a cost from understanding and adapting to the new requirements. However, we estimate the familiarisation costs to be negligible because the new requirement will be simple for keepers to understand and implement.

8.4 A Summary of responses to the consultation and Government response is available at www.gov.uk/government/consultations/bovine-animal-keeper-holding-register-changing-what-needs-to-be-recorded

9. Guidance

9.1 Defra will work with cattle industry organisations to inform bovine keepers of the change. The guidance to keepers of bovine animals in gov.uk website will be updated to reflect the change. The Rural Payments Agency will update their guidance for inspectors.

10. Impact

10.1 The impact on business, charities and voluntary bodies is a reduction in the costs for keepers of bovine animals estimated at £163k per year (at 2009 prices). There will be negligible costs of familiarisation to the amended requirements.

10.2 The impact on the public sector is negligible. There will be negligible costs for updating guidance.

10.3 An Impact Assessment is attached to this memorandum and will be published alongside the Explanatory Memorandum on www.legislation.gov.uk.

11. Regulating small business

11.1 The legislation applies to small business. Most farmers and agricultural businesses employ less than twenty people.

11.2 The change has a positive effect on small businesses as it is a deregulatory measure that reduces the regulatory costs of complying with the regulations.

12. Monitoring & review

12.1 The success criteria for the amendment will be a reduction on the time required to meet the requirements to update the holding register. The amendment will be reviewed as part of the review of The Cattle Identification Regulations 2007 by 6 April 2018.

13. Contact

13.1 Nieves Bottomley at the Department for the Environment, Food and Rural Affairs Tel: 020 7238 5860 or email: Nieves.Bottomley@defra.gsi.gov.uk can answer any queries regarding the instrument.