

National Sheep Association

The Sheep Centre, Malvern, Worcestershire WR13 6PH
Telephone: (01684) 892661 Facsimile: (01684) 892663
www.nationalsheep.org.uk



Chief Executive:
Peter Morris

RESPONSE OF
THE NATIONAL SHEEP ASSOCIATION
TO DEFRA'S SUPPLEMENTARY CONSULTATION ON
IMPLEMENTATION OF COUNCIL REGULATION (EC) NO 21/2004 OF
17 DECEMBER 2003 ESTABLISHING A SYSTEM FOR THE
IDENTIFICATION AND REGISTRATION OF OVINE AND CAPRINE
ANIMALS AND AMENDING REGULATION (EC) NO 1782/2003 AND
DIRECTIVES 92/102/EEC AND 64/432/EEC, AS AMENDED.

AUGUST 2009

*National Sheep Association is an organisation which represents the views and interests of sheep producers throughout the UK.
NSA is funded by its membership of sheep farmers and its activities involve it in every aspect of the sheep industry.*

A Company Limited by Guarantee. Registered in England. Registration No. 37818. Registered Charity No. 249255



National Sheep Association is (NSA) is pleased to be able to respond to Defra's supplementary consultation on implementation of council regulation (EC) no 21/2004 of 17 December 2003 establishing a system for the identification and registration of ovine and caprine animals and amending regulation (EC) no 1782/2003 and directives 92/102/EEC and 64/432/EEC, as amended.

As the only UK wide specialist organisation solely representing the interests of sheep farmers, NSA can say from a position of authority that never has a regulatory issue raised feelings of anger amongst sheep farmers in a way that this one has and continues to do. The protracted saga surrounding the proposed introduction of this wholly unwelcome nonsensical regulation has already done untold damage to the relationship between sheep farmers and those regulators and authorities that seek to have the rules implemented.

Therefore responses to the questions raised in this supplementary consultation about the implementation of regulation 21/2004 are given against the background of an unshakeable belief, universally held within NSA, that the principles at the heart of this regulation are flawed and illogical. They are totally disproportionate for what they seek to achieve and heaven forbid that the industry finds itself in the face of a major and fast moving exotic disease outbreak in the future their worthlessness will be exposed at the expense of all involved– not least the sheep.

NSA always has and always will be 100% opposed to this regulation in all parts of UK. The association considers its proposed introduction to be damaging to both the sheep industry and to all the individual farming families and businesses which make up that industry. NSA completely rejects the requirement to individually record the identities of individual sheep as they move and the compulsory use of EID to achieve this.

NSA also remains extremely concerned that the consultation and implementation process is still being operated at different speeds and with differing points of emphasis in various parts of GB and indeed UK. This remains as a totally unacceptable situation and NSA demands that the authorities in all parts of the GB start to work in a completely uniform manner in how they are dealing with this very troublesome issue. Any deviation in terms of implementation in any part of GB will result in yet more damage to sheep farming businesses which cannot be justified by the authorities in anyway. Any claim by the authorities in any part of the UK that they are implementing differently because their industry is different is unfounded and nothing more than a weak excuse for political mischief making.



Questions Raised in the Consultation

Question 1. Do you agree that Defra should implement the slaughter derogation to provide for a non-electronic slaughter tag and, as a voluntary alternative, an electronic slaughter tag displaying a visual number?

NSA does agree that Defra should provide for a non electronic slaughter tag and at the same time as an alternative, an electronic slaughter tag displaying a visual flock number only. NSA believes that the increased flexibility offered by including an electronic slaughter tag as an option alongside a non electronic slaughter tag will ease some of the grave concerns expressed by industry about the impact that a non electronic slaughter tag as the only option of lambs intended for slaughter under 12 months would have on the value of some lambs carrying those tags and the overall trade. At the same time those sheep farmers who wish to take advantage of the cheapest tag option (non electronic slaughter tag) are still able to do so.

NSA believes that the challenge for both Defra and industry now is to ensure that sheep farmers fully understand the whole range of implications of choosing one type of tag over the other. Previously it has been very disappointing to see Defra fail to either recognize, put down in print or talk openly about the consequential costs of tag choice decisions due to the value of the animal being affected by what tags it carries. The naive view that tag related costs only amount to the cost of the tag, the equipment to put that tag into the sheep and the time taken to do this is a narrow view and demonstrates a greater fear on Defra's part of being accused of 'gold plating' a regulation than an understanding of the industry.

Question 2. Do you agree that for electronic slaughter tags the individual number should be followed by the letter S? If you don't please can you suggest an alternative method of signifying that the animal is identified with an electronic slaughter tag?

Firstly NSA believes that question 2 and question 3 are in the wrong order in this consultation. For any respondent trying to logically work through their points in response, to be asked firstly about the format of an individual number on an electronic slaughter tag and then subsequent to that to be asked if an individual number should be on the tag at all defies a logical thought process.

As a precursor to answering this question NSA does not believe that there should be a visual individual number on the electronic slaughter tag. Against that belief this question is irrelevant anyway and meaningless as an electronic slaughter tag will be distinguishable from any other type of electronic tag simply by the fact that it will not have a visual individual number.



However if the end result of this consultation is that there is a visual individual number on the electronic slaughter tag, then this question must be considered in the context of the explanation given in the consultation document. From this it is very clear that the only reason Defra are seeking to visually show a difference between an electronic slaughter tag and an electronic tag that was inserted as one of a pair of tags is for the benefit of the enforcers. It has absolutely no bearing or relevance to traceability and gives no benefit or advantage to the industry. All it does is add yet more complication to an already complicated and despised regulation for no improved outcome should there be a disease outbreak.

NSA would have to ask of Defra why the enforcers need to know the detail as described in the consultation document. For the sake of pacifying the FVO auditors which is what this is clearly all about, the animal could be traced back through to ETAS from where the tag number was allocated and from there it would be known if that tag was allocated as an electronic slaughter tag or as one of a pair of breeding tags.

Industry has already been asked in a previous consultation for their thoughts about having yellow as the colour which signifies an electronic device being present in the tag. Simply moving this requirement to electronic slaughter tags as well as electronic tags that are part of a pair of tags for sheep over 12 months of age is the most sensible way forward and allows the electronic tag to be differentiated.

That said, it is worth noting that there is still some considerable disquiet amongst sheep farmers about the prospect of losing yellow tags from their range of visual management tools. NSA would still welcome further discussion on a range of colour related issues on tags.

Question 3. Do you agree that because of the upgrading issue the electronic slaughter tag should include an individual number, even if we can exclude it?

Firstly NSA would refer to comments made in response to the previous question about questions 2 and 3 being in the wrong order. NSA also objects to the wording of this question as it seems to be trying to lead the respondent in a particular direction. This question, through the wording suggests that it is not known whether or not an electronic slaughter tag can just carry the flock number visually and not the individual number. All involved in the detail of this debate, including Defra, know full well that this is a perfectly acceptable interpretation of the regulation as the EU Commission has confirmed that it is. For the benefit of those who have not been privy to this detailed debate Defra should have clearly laid out in this consultation the fact that there is no legal problem with a visual flock number only on an electronic slaughter tag.

To then make a very strong link between having a visual individual number on the electronic slaughter tag and the ability to upgrade that sheep to a full breeding animal if desired is presumptuous at this stage as the basis upon which that link has been made is still strongly disputed by industry.



To return to the question, NSA does not believe that an electronic slaughter tag should carry an individual number visually – a flock number only is sufficient. All the way through the tortuous process of negotiating and debating the implementation detail of this most ridiculous of regulations, NSA has made it clear that the worst and most pointless element of all is the requirement to record the individual identities of animals as they move. It is established in regulation that if there is a visual individual number shown on the tag then that number would have to be recorded either manually or electronically when the animal moves. That on its own is more than enough reason for anyone to come to the conclusion that the individual number should not be visually present on an electronic slaughter tag. Whether it is a movement out of a business or within a business, through a critical control point or on farm, any requirement to record individual identities of sheep will always be totally opposed by NSA.

NSA is adamant that having a visual flock number and an electronic individual number on the tag maintains full and complete traceability when combined with movement records. Without question this fulfils the desired outcome of the regulation which is to give traceability for effective animal disease control purposes. NSA also very strongly believes that having an electronic slaughter tag with only a visual flock number has no bearing on, or loss of traceability in relation to, upgrading animals not on their holding of birth when compared to the electronic slaughter tag carrying a visual individual number as well.

NSA takes issue with Defra when as an organisation representing the interests of sheep farmers – one of which is disease control – it is told by Defra lawyers that even though the combination of visual flock number and individual electronic number on the electronic slaughter tag does give the desired traceability to be able to track and control disease, that may not be enough to give the competent authority complete protection from the EU auditors should there be an FVO inspection of the UK system.

This is an appalling state of affairs and is a very sad reflection on the relationship that exists between competent authorities and the EU Commission. Industry in all walks of life has been told by politicians over and over again that they are committed to implementing regulation in a manner where it is the outcome of the regulation that is more important than the process by which that outcome is arrived at. This small yet very significant question on sheep tagging is a classic test of that positive and sensible philosophy and of whether the Secretary of State's stated desire to help industry cope with this regulation through its implementation holds water.

The NSA position in response to this question is that there does not need to be a visual individual number on the electronic slaughter tag. Not having a visual individual number should not have a negative impact on the ability to upgrade any lamb identified in that way that is not on its holding of birth into a full breeding animal. When assisted by appropriate cross referencing within records, the individual number being recorded only at the point of upgrading using the electronic device is more than sufficient.



Question 4. Do you agree with the requirements for upgrading animals identified with electronic slaughter tags?

As highlighted in response to the previous question NSA simply does not accept the arguments made by Defra officials that upgrading a sheep when not on its holding of birth can only be allowed if the electronic slaughter tags used have a visual individual number as well as the electronic individual number. As previously mentioned it is known that both industry and Defra accept that traceability for disease control purposes is not compromised by not having a visual individual number present and recorded throughout the movement history of the animal. To record the individual number of the animal in question using the electronic microchip at the point where it is upgraded is more than ample to maintain traceability when combined with the use of batch movement records and appropriate cross referencing.

It is also understood that Defra believe that sheep moving between holdings under the same ownership might be prevented from being upgraded if the individual number on the microchip is not recorded when they are moved. This is completely farcical in terms of disease control. For example if a group of sheep are split into two bunches and one bunch moves to another holding within the same ownership and the other bunch stay where they are, under Defra's thinking when the two bunches are put back together again the ones that hadn't left the original farm could be upgraded to breeding sheep but those which had moved to the other holding on the farm could not be upgraded. No one yet has been able to explain the logic of this to NSA but if Defra are to introduce this they must be able to give a logical explanation as to why it makes sense in disease control purposes. With this in mind it is requested that Defra and NSA jointly put this to the Secretary of State for his decision as a test on whether the process should be deemed to be more important than the outcome.

Question 5. Do you agree the proposed replacement rules for lambs identified with electronic slaughter tags?

The proposals on replacements formed part of the previous consultation. NSA believes there is no need to revisit these issues in light of the introduction of an electronic slaughter tag.

Question 6. Do you agree that we should implement the Regulation, taking advantage of the derogation for keepers to record individual movement information, where animals are moved to a central recording point?

The provision of central recording points is a very welcome flexibility which will make a significant difference to the negative impact that this destructive regulation will have on every single sheep farming business in England. That said it is certainly not a panacea to all the problems which come with these rules. NSA certainly believes that this derogation should be taken advantage of by Defra but at the same time NSA demands Defra do more to help neutralize the very serious recording issues that still exist in relation to the hundreds



of thousands of 'within business' and 'farm to farm' movements that take place every year. Whatever network of central recording points is established, it will do little to help with the potential costs and difficulties arising from recording these types of movements as things stand at the moment.

There has already been years of effort put into finding solutions that give the right balances between traceability and practicality. NSA believes that through the implementation of the principles laid down in The Madders Review such as the establishment of Livestock Management Units (LMUs) this can be achieved. Many of the within business movement challenges which industry faces can be overcome whilst at the same time maintaining traceability for disease control.

NSA believes that it is within the gift of Defra Ministers to be more flexible on implementation of issues such as these. Disturbingly and despite the political noises previously made, the emphasis within the department is still much more focused on process rather than outcome. Until that changes across all issues – in a similar way to the change in thinking which has resulted in the provision of central recording points - then no sheep farmer will believe that they are only carrying the minimum imposition that is possible from the introduction of these regulations.

Question 7. Defra is still considering what arrangements are required to authorise premises to carry out central point recording, but we would be grateful for your thoughts about how this should work?

NSA believes that having spent so much time and effort in helping secure the principle of central point reading, there must not be a set of arrangements surrounding their use which negates any of the potential benefit.

NSA fully accepts that any central reading point needs to be registered with the authorities and to have been subject to an initial inspection to ensure that the required infrastructure to operate as a central reading point is in place. There should be no cost to the operator for this inspection as this would be passed back to farmers. Defra should also remember and be thankful for the fact that the introduction of these central reading points will also significantly reduce inspection costs and improve the quality of data available to their inspectors and enforcers.

The list of these premises should be widely advertised to the sheep farming community and updated on an on going basis.

Contingency plans must be agreed with the operators to ensure that they do have a back up system should there be failure. However should systems break down completely then batch recording must be permissible for the duration of the day's proceedings whilst repairs are undertaken to the equipment. Equipment failures must not be used as excuses for preventing the movement of animals on a batch basis should that problem occur.



NSA remains concerned about how issues such as contingency will be handled by the various inspectorates and enforcers charged with ensuring sheep farmers are complying with the rules. There is major concern about the consistency and pragmatism of approach from both Trading Standards and the RPA. Industry must be reassured that it can have confidence in the authorities on the issue of enforcement as there are bound to be difficulties anyway without undue inflexibility in this area.

Other Issues

a) NSA wishes Defra to confirm that it will be acceptable for a lamb carrying a non electronic slaughter tag to have that tag changed to an electronic slaughter tag and appropriate cross referencing undertaken when not on the holding of birth. There is no logical reason why this should not be allowed as it is no different to what would happen if the lamb lost its non electronic slaughter tag when not on its holding of birth.

If the holding on which the lamb was present when it lost its non electronic slaughter batch tag used electronic slaughter tags would Defra seriously refuse the farmer the ability to replace the lost non electronic batch slaughter tag with an electronic slaughter tag which does give a higher level of traceability. If it is allowed for lost tags (which it surely has to be) then there is no good reason why it should not be allowed as a conscious decision by a farmer seeking to improve the level of traceability within his lambs intended for slaughter.

If for whatever reason Defra do not allow this to happen NSA asks that a full explanation is given as to why it is wrong in the context of traceability for disease control purposes which is what this regulation is all about.

b) Having had involvement with the fine detail of the PAS standards for tags NSA would now request that replacement tags continue to carry a visual 'r' on them as is the case under the existing regulations. NSA cannot see any downsides to this proposal and it will undoubtedly help ensure that all manufacturers are forced into presenting a red tag for Ultra Violet testing. This is important as it is known that red is the colour which fades the most when subject to prolonged UV exposure and so it is the colour which all manufacturers must be obliged to have tested by BSI.

c) Again with reference to the detail of tag standards and PAS certification, NSA asks that Defra set a date by which all tags must meet the new PAS 66 (2009 Revision) standards. These standards should be freely available by the late autumn so NSA would ask that Defra set a date of June 30th 2010 as a point by which no tag can be sold unless it meets the 2009 PAS 66 standards.



Conclusion

NSA believes that with a pragmatic outcome based attitude Defra is in a position to really help the sheep industry cope with the forthcoming regulations on individual recording and EID. A lot of time and effort has gone into securing the various derogations and flexibilities in principle and it is clear that the all important implementation detail is Defra's to decide upon.

NSA believes that Defra should be supportive of their industry and if challenged by the FVO through inspection point out quite clearly and concisely how the system works and how it does deliver the required outcome of traceability for the purposes of animal disease control.

Defra needs to stand up and be counted on this consultation. This is not only the case with the EU and its FVO missions but also with the devolved administrations where it is of paramount importance that Defra takes the lead and ensures that there is a common system in place throughout GB and even UK. This means a common system down to the very last detail otherwise the trade will suffer and incomes will be damaged simply because of political maneuvering. If this happens it will be totally unacceptable and inexcusable.

NSA therefore urges Defra to be the champion of the industry that the industry so desperately wants Defra to be.