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Welfare in Transport Implementation Team
Animal Welfare Division
DEFRA
1a Page Street
LONDON
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Dear Sirs

Consultation on the implementation of EU Regulation 1/2005

The International Cat Association (“TICA”) is the largest genetic registry of pedigree and household cats worldwide with many members in the European Union and the United Kingdom. Europe is currently TICA's fastest growing Region and now represents approx. 13% of TICA's revenues and 14% of its membership. TICA also licences cat shows held under its rules, of which 11 have been or will be held in the UK in 2006. TICA has only recently learned of the DEFRA Consultation Document on EU Regulation 1/2005, and therefore to meet the consultation deadlines has focussed the response to address questions 1 and 2 of the Consultation Document.

TICA supports efforts to increase the welfare of animals, governments must also target the actual problem, pass rules and procedures that truly achieve the proposed goal, and achieve the goal without unduly burdening individuals and the resources of government to enforce the rules and regulations. Indeed Section 1.2 states “that implementation should strike a balance between animal welfare benefits, cost and ease of compliance/enforcement”. The Consultation Document raises many concerns that DEFRA is seeking activities that will be administratively burdensome and detrimental to the goal of improving animal welfare during commercial transport.

In particular TICA requests that DEFRA:

1. Accept TICA's recommendation that DEFRA re-draft the scope of the guidance to recognise that pedigree cat breeding is primarily undertaken as a hobby activity and NOT as part of a commercial activity or business. Consequently, the Regulation should not apply to hobby pedigree cat breeders.
2. Accept TICA's recommendation that DEFRA consider exempting multiple cats carried in a single private vehicle when accompanied by their owner (regardless of whether it is a pet owner or a breeder).
3. Clarify that for animals, such as cats and dogs, travelling in the passenger compartment of a private vehicle is an approved mode of transportation.
4. Clarify that journeys made “under veterinary advice” (from the first bullet point under section 2.3 dealing with transportation to a vet) should include all those journeys made directly to or from a veterinary practice or clinic.

There are sections in the Consultation Document that imply activities involving hobby breeding would be considered commercial travel requiring adherence to the new Regulation. Paragraph 12 of the Regulation states:

“Transport for commercial purposes is not limited to transport where an immediate exchange of money, goods or services takes place. Transport for commercial purposes includes, in particular, transport which directly or indirectly involves or aim at financial gain.”

Although it is not necessary to make a profit to achieve a financial gain, the statement above strongly implies that the primary purpose of a commercial activity is financial in nature. Should activities associated with hobby cat breeding and showing be considered commercial? It is TICA's position that such activities are non-commercial in nature.

The primary goal of cat hobbyists engaged in breeding and/or showing is not financial but to preserve and enhance breed characteristics of their chosen breed and strive for the next show cat that they can show successfully at cat shows. Not only does this take considerable resources and time but it also requires a minimum of 4-5 females to maintain genetic diversity. As many female cats would deliver one litter every 8-9 months, a cattery with 5 females would have 7 litters per year (1.5 litter/year/female cat). Feline husbandry issues and feline reproductive physiology differ significantly from those of dogs and other species and females that are not bred regularly can lose their reproductive status and even their lives to health problems. Artificial insemination is not possible in cats and there is no universally safe method of contraception. The scientific evidence is summarised in the attached paper "Feline Reproduction and Breeding Management" by Dr Susan Little, President of the Winn Feline Foundation and an internationally acknowledged expert on feline reproduction.

The breeding and showing of cats is primarily a social and pleasure activity and an absorbing hobby for those involved. Entering cats in competition is the way an individual can tell how well their cat measures up to a defined breed standard, and hence how close their breeding programme is to achieving this goal. This is universally acknowledged by various cat registries such as TICA, GCCF, FIFe, and CFA.

Furthermore this non commercial purpose has been recognised by other government agencies. HM Revenue and Customs have long recognised that pedigree cat breeding is undertaken as a hobby activity and not as part of a commercial activity or business. Their Business Economic Note 14 (entitled 'The Pet Industry') used for guidance of for Inspectors of Taxes states at Section 1 Sub para 6: "*Certain specific activities such as pet food and accessory retailing, boarding and commercial breeding, can be clearly seen as business ventures. Other activities associated with pets have possible income sources, but can be regarded, or at least, seen to a large extent, as the fruits of a successful hobby.*" This document was written in 1990 and the guidance has not needed to be revised.

Even EU Regulation 1/2005 recognizes a non-commercial status for competition and related activities in Section 21 of the introduction:

"... it appears appropriate to derogate from certain provision where registered Equidae are transported for competition, races, cultural events or breeding."

Also consider EU/998/2003 (popularly referred to as the PETS Travel Scheme)– which does not impose any limit on the number of animals transported within the EU for non-commercial movements and a limit of 5 animals for movements from outside the EU. EU/998/2003 also provides a simpler definition of "economic activity", namely that commercial movements are those where animals are being moved to be sold. Additional regulations by DEFRA would impose unnecessary and confusing burdens on people crossing the UK borders in order to attend cat shows.

Treating activities related to the hobby of cat showing and breeding as commercial activities subject to the Regulation is contrary to the collective wisdom of HM Revenue and Customs, the existing Regulation EU/998/2003, and the apparent intent of the drafters of EU Regulation 1/2005.

Not only is a commercial application to hobby breeding contrary to conventional wisdom but such a designation would result in an extremely high cost of enforcement and administrative burden, especially when pedigree cats make up only 1-3% of the entire cat population and cat breeding is a sector where the sums involved for each breeder are typically 3 orders of magnitude smaller than DEFRA's own definition of a "small business" at Section 6.1 of Appendix 6 (Regulatory Impact Assessment).

Whether travelling to a show, a vet or elsewhere, the cats generally travel in the passenger compartment of the private vehicles of the owner (or responsible person – which TICA calls an agent). Such cats enjoy the same creature comforts of the owner and do not suffer the deprivations that DEFRA seeks to eliminate.

All TICA cat shows in the UK (like those in other registries such as GCCF and FIFe) are subject to all cats undergoing veterinary inspection on arrival at the show-hall. Welfare issues as a result of inappropriate transport would be picked up at this time and the relevant cats barred from the show hall. This is sufficient incentive (if any were needed) for cat breeders to ensure that their animals travel safely and in good conditions. If this were not sufficient incentive for owners to ensure the welfare of their cats, those owners are subject to discipline including permanent suspension from all TICA activities. FIFe, GCCF, and TICA share this information with each other so that the guilty parties cannot simply change associations.

Section 1.6 requires mandatory approval of vehicles used in journeys leaving the UK. The costs of vehicle inspections for owners of private cars would be disproportionate to the benefit gained, particularly as such journeys would be infrequent (typically 2 -3 journeys per year per exhibitor). Frequency of showing abroad is also limited both by the costs involved and by the requirement to treat cats against ticks and tapeworm prior to re-entering the UK, since owners do not want to over-medicate their animals (worming is generally recommended by vets at no less than three monthly intervals).

Thus enforcing the new rules against the exhibitor, owner or agent results in considerable, unnecessary administrative burden for little or no gain for animal welfare.

TICA notes that the guidance under 2.11 excludes journeys where an animal is accompanied by a dedicated handler. It is TICA's view that multiple cats could be transported safely in the passenger compartment of a private vehicle by the owner or another responsible person without detriment to the cats' welfare.

It has been suggested that a definition of "pet breeder" is required to differentiate them from those breeding for commercial gain. This is an area which merits further study as it has implications beyond that of animal welfare in transport and DEFRA may want to consider the definition that has worked for 40 years in the USA. Under the USA's Animal Welfare Act commercial breeders have been defined as those who sell to laboratories and at the wholesale level. Those breeders who sell completely at the retail level are covered by local cruelty laws. The UK equivalent would be the general welfare legislation regarding fitness to travel, minimised journey times and a responsibility to ensure no unnecessary fear, injury or suffering (as noted in section 2.12).

In addition to the general transport requirements of the Consultation Document, TICA is also concerned with the bullet under Section 2.3 that reads: "The Regulation does not apply to transport to or from veterinary practices or clinics *under veterinary advice*." It is unclear to TICA how strictly the phrase "under veterinary advice" will be interpreted to exempt journeys transporting animals to veterinary practices or clinics. TICA recommends that DEFRA draft the guidelines so that any journey directly to or from a veterinary practice or clinic should be treated as being "under veterinary advice".

DEFRA have confirmed to TICA during the consultation that visits to veterinary clinics for routine inoculation of a litter of kittens by breeders could be construed as indirect economic activity (since kittens can be subsequently sold) and so some breeders in remote areas of the UK (where a trip might exceed the 65Km threshold) could therefore fall within the Regulation. In the case of inoculating kittens, TICA considers it is immaterial whether the kittens are to be sold or not – routine vaccination of all cats is strongly recommended to prevent infection from potentially fatal diseases such as cat flu.

Examples of such veterinary guidance include the Policy Statement on Vaccination from The Cat Group (available online at www.thecatgroup.org.uk) which states "*The Cat Group strongly supports the routine vaccination of all cats against major infectious diseases*". (The Cat Group is a collection of professional organisations dedicated to feline welfare through the development and promotion of policies and recommendations on the care and keeping of all cats).

Screening for genetically inherited (and potentially fatal) conditions such as HCM (feline hypertrophic cardiomyopathy) or PKD (polycystic kidney disease) requires specialist veterinary facilities and so a journey could quite easily be in excess of 65Km. Breeders are more likely to take multiple cats to these screening clinics, and so as presently defined, would fall within the scope of the Regulation.

It is TICA's position that clients seeking veterinary consultations should not be discouraged from seeking that veterinary advice in this way. Whether the trip is for routine inoculations, veterinary screenings to reduce genetic disease, or to diagnose and treat illness, treating such journeys as those to which the Regulation applies may discourage veterinary visits. Veterinary surgeons are not going to be happy if they have to spend their valuable time giving specific permission for each and every visit to ensure their clients are transporting their pets *under veterinary advice*. This provides no benefit to the animals.

TICA requests that DEFRA exempt cat showing and breeding and related activities from the new Regulation as outlined above and consider the changes suggested. As the Consultation Document is currently written it will be extremely difficult and expensive for effective enforcement with possible detrimental effects on animal welfare and little possible gain as it relates to hobby breeders and exhibitors of cats.

TICA representatives would be pleased to answer any queries from DEFRA on our response, or to be involved with further consultation on the implementation of the Regulation. In the first instance, please contact the undersigned by email at president@tica.org or by phone at +1 956 428-8046.

Sincerely,

Kay Devilbiss
President, TICA

Enclosure:

"Feline Reproduction and Breeding Management", June 2005 by Dr S Little DVM