

## **Opinion from National Committee for the Protection of Animals Used for Scientific Purposes**

3 October 2018

**Request for advice:** A request for advice relating to certain training courses covering bovine artificial insemination (AI) and ultrasound scanning of the bovine reproductive tract was submitted to the NCPAUSP from the HPRA.

**Issue:** The questions asked of the committee were:

1. Do the techniques performed on these live animals meet the threshold of a 'procedure'?
2. If it is considered that they do meet the threshold of a 'procedure', is the purpose they are being performed for considered a 'purpose' as per the legislation (Article 5 of Directive 2010/63/EU, Regulation 7 of S.I. No. 543 of 2012)?
3. Do any of the exemptions under the legislation (Article 1 (5) of Directive 2010/63/EU, Regulation 4(4) of S.I. No. 543 of 2012 apply)?

**Background provided:** Directive 2010/63/EU defines the scope of the legislation and also lists certain exemptions. In Ireland courses covering bovine artificial insemination (AI) and ultrasound scanning of the bovine reproductive tract are hosted by various commercial bovine fertility and genetics companies.

The HPRA requested that the National Committee give a formal opinion in relation to whether the HPRA should regulate all such training courses that use live animals for training in techniques such as AI in cattle.

**Advice:** The Committee considered the definition of procedure under Article 3 of Directive 2010/63/EC, and also in particular to the specific practices which are exempt from such control under paragraph 5 of Article 1 of that Directive, especially subparagraphs (a) {"non-experimental agricultural practices"}, (d) {"practices undertaken for the purposes of recognised animal husbandry"}, and (f) {"practices not likely to cause pain, suffering, distress or lasting harm equivalent to, or higher than, that caused by the introduction of a needle in accordance with good veterinary practice"}. In the Committee's view a real possibility existed that if the training in question constituted a procedure then any one of these exceptions might be regarded as applying to the training in question.

The Committee also considered that the practice in other Members States in similar situations was an important consideration and arranged a European survey. All Members States were consulted, and thirteen replied to our request. Twelve Members States unequivocally stated that such practices fell outside the scope of Directive 2010/63/EU. A number of these Member States referred to the control of such practices by other legislation, such as animal welfare legislation. The remaining Member State stated that while the practices fell outside the scope of the Directive, its national legislation required such practices to have a permit due to the national definition of animal research.

The Committee is aware of the control which the Department of Agriculture, Food and the Marine has in place on AI training. The Committee is also aware that protection for the

welfare of such animals already exists in law, for which purpose the Animal Health and Welfare Act 2013 created a duty on the organisers of such training to protect the welfare of the animals involved.

The Committee considers that training courses covering bovine artificial insemination (AI) and ultrasound scanning of the bovine reproductive tract, as described in the request for it's opinion, are not procedures that come within the scope of Directive 2010/63/EU and therefore do not require a project authorisation.

ENDS