



Dyrebeskyttelsen Norge

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Dear Dr. Ladlow,

I am writing to you because we have understood that you are cooperating with the Norwegian Kennel Klub in relation to implementing a BOAS-screening program in Norway through courses with Norwegian veterinarians. I am contacting you in the capacity of CEO of the Norwegian Society for Protection of Animals ("NSPA"), and as a veterinarian myself.

NSPA works to prevent and stop unethical breeding of family pets, hereunder pedigree dogs. We are currently looking into whether there are dogs being bred in Norway today that do not meet the legal animal welfare criteria laid down in the Norwegian Animal Welfare Act of 2009. NSPA believes that this is the case for some of the brachycephalic breeds and is also currently considering taking legal steps to stop any unlawful breeding. We believe it is important that you are aware of these issues, since you are now involved in the BOAS-project initiated by the Norwegian Kennel Klub.

The wording of Norwegian Animal Welfare Act is very strict when it comes to passing on genes that influence the animals' physical or mental health in a negative way. Paragraph 25 which pertains to breeding was even strengthened in the new act of 2009. Below you will find an unofficial translation of the relevant provision:



Dyrebeskyttelsen Norge

§ 25. Breeding

Breeding shall encourage characteristics which give robust animals which function well and have good health. Breeding, including through methods of gene technology, shall not be carried out in such a way that it:

- a. changes genes in such a way that they influence the animals' physical or mental functions in a negative way, or passes on such genes,*
- b. reduces the animals' ability to practise natural behaviour, or*
- c. evoke general ethical reactions.*

Animals with a genetic constitution as cited in the second article shall not be used for subsequent breeding.

As you can see, this provision prohibits breeding that changes genes in such a way that the animals' physical or mental functions are negatively influenced and, more importantly, breeding that passes on such genes. In addition, breeding which reduces the animals' ability to practice natural behaviour (i.e. breathing, walking, sleeping, reproduction or giving birth) or evokes "ethical reactions" is also prohibited.

This revised wording came into place in 2010 and has not yet been tried in Norwegian courts. The Norwegian Society for Protection of Animals believes that there are some brachycephalic breeds that have now accumulated so many serious health conditions that further breeding of them will constitute a breach of this provision. Therefore, The NSPA is now preparing to take legal steps towards selected breeders and The Norwegian Kennel Club to have the content and limits of this provision interpreted by the courts.

We have understood from your lecture here in Oslo in June last year and through the available information about the current veterinary course, that the aim of the BOAS-screening program is to reduce the amount of suffering of these breeds. We underline that the NSPA acknowledges that this is an honourable goal. However, the NSPA questions whether implementation of such a screening program will be adequate pursuant to the Norwegian Animal Welfare Act, as it is based on a premise of further breeding of these animals despite the well-known and documented health problems they suffer from.

In the preparatory works of the revision of the Animal Welfare Act, the Department of Agriculture specifically emphasizes that breeding will still be in breach of paragraph 25 regardless of whether the purpose is to improve the health of a breed over time. This means that even using dogs with BOAS grade 1 (or of course more) as a parent animal is very likely to constitute a breach of the Animal Welfare Act, as there is a prominent risk that the negative genes will be passed on to the next generation. At this point, the NSPA is of the opinion that a number of these breeds are too sick to continue breeding them. In addition, the lack of sufficient remaining genetic diversity makes restricting the gene pool through screening problematic as it increases the risks of new and other genetic diseases. Based on these facts, the NSPA believes that outcrossing of these breeds is the only available option that is in accordance with the relevant legislation in Norway.



Dyrebeskyttelsen Norge

Based on the information provided in this letter, I sincerely hope that you will reconsider the ethical and legal aspects of veterinarians advising their clients on how to continue to breed these animals. Our hope is to prevent that Norwegian veterinarians end up advising breeders who, knowingly or not, are in fact acting in breach of the Norwegian Animal Welfare Act.

If you have any questions about the information, I have provided you with in this letter, please do not hesitate to contact me for further dialogue or clarifications on this matter.

For your information, the Norwegian Veterinary Association (www.vetnett.no) has also received a copy of this letter.

Kind regards,

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CEO

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<https://www.dyrebeskyttelsen.no/>

References: <https://www.regjeringen.no/en/dokumenter/animal-welfare-act/id571188/>