

DR. CAROLINE LUCAS

Green Party  
*for the South East of England*

Commissioner Vassilou  
DG Consumer and Public Health  
The European Commission  
200 Rue de la Loi  
B1049 Brussels  
Belgium

June 27<sup>th</sup> 2008

Dear Commissioner,

I am writing with reference to Council Regulation 1/2005, specifically the definition of an animal that is fit for transport.

In April 2008 Great British Circus moved a pregnant tiger from Lincolnshire to Nottinghamshire only a few days before she gave birth to two cubs. This would appear to be in breach of Council Regulation 1/2005 and the recommendation that any animals who has passed 90% of their gestation period is not classed as fit to travel. The regulation stipulates that it applies to 'live vertebrate animals' being transported in 'connection with an economic activity'. This tiger was clearly in the final stages of pregnancy when she was moved. The fact that she was being transported from one circus venue to another indicates an exclusive connection with the commercial functions of the circus. Indeed the birth of her cubs was advertised by the circus to attract additional visitors ie for commercial gain.

Yet a complaint about this incident to DEFRA and Lincolnshire Trading Standards was not upheld. Worryingly, this is because Council Regulation 1/2005 is not being applied to circus animals. In an email to one animal welfare group DEFRA has stated:

*Our policy of excluding circus animals travelling in that which could be described as their housing from the scope of Regulation 1/2005 is based on previous advice from the European Commission. Specifically, the Commission had held that, given that the vehicles in which circus animals travel eventually become places of housing (rather than transport), application of the requirements of the Regulation to circus animals may not be appropriate. However, the Commission indicated recently that the transport of circus animals should now be completely excluded from the scope of the Regulation.*

I can find no evidence on the Commission's website of any advice that concerns circus animals being exempt from the live transport regulations. Please can you confirm that DEFRA are correct in their interpretation of the regulations?

Justifying exemption on the grounds that the vehicles used to transport circus animals are actually homes is completely unacceptable and is inconsistent with other EC law. For example, community legislation is not just concerned with the protection of those animals kept in connection for economic activity when they are in transit. Welfare standards must be met on farms, for instance, ie in animals' homes. Furthermore, the Commission's own website recognises wild animals 'as part of our environmental heritage and natural resources'. So whilst they are not protected by Directive 1999/22/EC, it is crucial that they are afforded protection

under other EU legislation, such as the rules on live transport. If the Commission has excluded circus animals from Council Regulation 1/2005, please can you tell me what legislation is in force, or being planned, that allows for pregnant wild circus animals in particular to be afforded adequate standards of treatment.

I look forward to your early response.

Yours sincerely,

A handwritten signature in black ink that reads "Caroline Lucas". The signature is written in a cursive, flowing style.

Caroline Lucas - Green Party MEP for South East England.