

New Breed Application - For an Existing Association

SUMMARY:

Requests for recognition of new breeds by existing breed associations incorporated under the *Animal Pedigree Act* may be made to Agriculture & Agri-Food Canada (AAFC) in the form of an application to amend their articles of incorporation.

- A. An application must be made to amend the articles of incorporation to add a breed as either a Distinct or an Evolving breed. Sufficient proof must be submitted to adequately characterize the breed population before approval may be granted.
- B. Any breed recognized by AAFC for the purposes of registration under the *Animal Pedigree Act* may be granted exclusive recognition by an association only upon the agreement of the breeders of that breed. Recognition may not proceed if the Minister is not fully satisfied that the breeders have been adequately polled and that the applicant represents the breeders throughout Canada. [*N.B. Polling of the breeders of a breed is in addition to the requirement that the members of the association must be consulted in writing for their approval to proceed with the application.*]
- C. Applications to amend the articles of incorporation for addition of a new breed must follow all the requirements for application set out in sections 20, 21, 22 and 24 of the *Animal Pedigree Act*. Where the breed authority currently rests with an existing association, approval to transfer authority for the breed may only be granted upon receipt by AAFC of an equivalent application to delete the breed from the existing association. [*N.B. Proof may be requested regarding provisions to settle any liability for debts that may apply.*]
- D. Prior to commencing registration of animals of a new Distinct breed, the Foundation stock of the breed must be recognized first by the Minister. This request may be combined along with the request to amend the articles of incorporation and may include both domestic animals and foreign registries. In addition, many breed associations also need to amend their by-laws in order to specify the rules by which registration of the new breed may proceed.

A. Application must be made to amend the articles of incorporation with respect to addition of a breed as either a Distinct breed or an Evolving breed. Much of the work of breed definition should be done prior to seeking the agreement of breeders and members and prior to formal application for recognition.

1. If intending to apply for recognition as a Distinct breed, the applicant must satisfy the Minister by demonstrating the following:
 - a) The application is for a population of animals;
 - (i) Sufficiently large, in Canada and accessible to Canadian breeders from acceptable identified foreign registries, to achieve the purposes of the APA in respect of breed improvement,
 - (ii) That the applicant can demonstrate has significant value, and
 - (iii) For which the keeping of pedigrees and other records would be beneficial to both the breeders and to the public-at-large.
 - b) All animals must derive from a common genetic origin and history per;
 - (i) Description of the original genetic contributions to the breed,
 - (ii) Description of the relevant history of genetic development of the breed, including any unique (i.e. outbred) genetic contributions, and
 - (iii) Description of from when the last known outbreedings or outside genetic influences may have occurred.
 - c) The population of animals is distinct from other breeds of the species.
[What combination of physical characteristics, when taken together, lend a high degree of distinctiveness and recognition to the breed?]
 - (i) Identify only the sufficient number of physical characteristics (traits) necessary to render the population distinct from other breeds of the species and which “mark” the breed. These are not the same as performance traits which can apply to any breed.
 - (ii) The identified characteristics must have a genetic basis (i.e. not solely or highly determined by nutrition, age, training, management and other environmental influences).
 - (iii) The identified characteristics must be heritable (i.e. principally due to additive genetic variation) and not sex-linked or sex-limited.
[N.B. Sex-linked and sex-limited traits may be identified along with other characteristics, but determination of distinctiveness must not be dependent on these traits alone.]
 - (iv) The identified characteristics can be reliably assessed by competent

persons knowledgeable of the species in a way which is repeatable.
[N.B. If necessary, limitations regarding age at which traits may be assessed, place of measurement, standards of comparison, etc. must be identified along with the traits.]

- (v) The identified characteristics are readily observable by a competent person knowledgeable of the species and are reportable.
- d) The population is genetically stable for the identified distinct characteristics, sufficient to maintain the distinctiveness of the breed from generation to generation.
 - (i) Stability must be assessed over no less than 3 generations.
[N.B. The more traits necessary to define the breed as distinct, the greater the number of generations that are required to achieve genetic stability. The actual equilibrium in gene frequencies cannot be directly measured. Therefore, each case must be assessed individually and will be influenced by the number of traits, the underlying number of genes segregating for each trait, the heritability of each trait, the degree of fixation for each trait that may be present in the population, etc.]
 - (ii) No outbreeding has occurred for the minimum number of generations identified.
 - (iii) There is sufficient evidence that mating of any two animals of the population reliably and repeatably results in the transmission of the distinct characteristics of the breed.
- 2. If intending to apply for recognition as an Evolving breed, the applicant must satisfy the Minister of the following:
 - a) There is intent to evolve the population of animals towards a distinct breed and the creation, with genetic stability, of the intended distinct breed is possible. A population breeding plan must be included.
 - b) That the starting genetic contributions and intended genetic makeup are identified.
 - c) That the intended physical resemblance of the breed is identified, as necessary for a Distinct breed.

B. Any breed recognized by AAFC for the purposes of registration under the *Animal Pedigree Act* may be granted exclusive recognition by an association only upon the agreement of the breeders of that breed.

- 1. The breeders of a breed can only be determined once the parameters of the breed have been clearly established (see above process). For purposes of the application

process, the broadest definition of breeder shall be accepted by AAFC to ensure no substantial opposition to the application exists among breeders and/or that any substantial opposition has been appropriately handled.

2. Applicants must make all reasonable attempts to contact breeders of the breed for which recognition is sought to notify them of the intent to seek breed recognition. Contact information must be provided and breeders encouraged to respond, whether or not they support the applicant's intent. This includes, but is not limited to;
 - a) Notices in magazines, trade journals, newspapers or other circulars likely to reach breeders of the breed.
 - b) Notices given to any existing associations or clubs in Canada likely to represent breeders of the breed. The notice of intent should point out that upon recognition by the Minister, that the exclusive authorities granted by the *Animal Pedigree Act* may restrict their ability to act. Only the authorized association may keep pedigrees in respect of the breed, issue documents purporting to evidence that an animal is of the breed, define what a purebred of the breed is and establish rules of eligibility for registration.
 - c) Notices to individual breeders shall be given where possible. Reasonable attempts should be made to identify individual breeders for purposes of notifying them of the intent to seek breed recognition, including;
 - (i) All persons previously in contact with the applicant association in respect of the breed.
 - (ii) Requesting a contact list from an association under the *Animal Pedigree Act* currently authorized to register animals of the breed, and/or requesting a list from the Canadian Livestock Records Corporation, as may be appropriate.
 - (iii) Requesting a list from any other associations or clubs which can be identified as representing breeders of the breed in Canada.
3. The broadest definition of breeder shall be used in respect of the breed identified as per the above process. A breeder may be any Canadian citizen or permanent resident within the meaning of the *Immigration and Refugee Protection Act* who has bred animals of the breed within the last two years, who is currently the owner of breeding animals or who has contracted to buy or sell breeding animals of the breed within the last six months. Breeders of a breed who do not currently possess any animals but otherwise meet the requirements and wish to have input, shall be responsible for contacting the applicant.

4. Written proof must be provided at the time of application for breed recognition to demonstrate that the applicant represents the breeders throughout Canada of the breed(s) for which approval is being sought by providing:
 - a) Copies of any notices (with date of publication) and the names of persons and/or groups to whom notices were sent.
 - b) Outline of the process for receiving and processing comments, support, objection and requests for information. *[Note: This may be as previously set out in accordance with standard procedures.]*
 - c) A summary of the outcome of the notice/consultation process including indication of any major concerns and objections and how the applicant has addressed them.

C. Applications to amend the articles of incorporation for addition of a new breed must follow all the requirements for application set out in sections 20, 21, 22 and 24 of the *Animal Pedigree Act*.

1. At this time, regulations have not been promulgated which set out the “prescribed form” (Sec. 20) for submission of articles of amendment to add a new breed. However, applications to add a new breed are expected to include;
 - Name of the applicant association and the names of authorized officers acting for the association.
 - Name of the breed and specification if recognition is being sought as a Distinct breed or Evolving breed.
 - A summary description of the breed consistent with genetic principles, indicating the genetic make-up and physical resemblance of animals of the breed. If a Distinct breed, indication of genetic stability shall be provided. If an Evolving breed, indication shall be provided to show that the creation, with genetic stability, of the new breed into which the animals of the evolving breed are intended to evolve is possible.
 - Indication that there are sufficient numbers of animals to constitute the breed and to achieve the purposes and intent of the *Animal Pedigree Act*, especially with respect to genetic stability and promoting breed improvement. In the case of a Distinct breed, this refers to availability of sufficient foundation stock and/or purebred animals derived from acceptable foundation registries. *[N.B. A request to recognize foundation stock may be included with the application or may be submitted separately.]*
 - Declaration by the applicant of the basis on which the Minister should consider the breed to have significant value, how the keeping of pedigrees and other records would be beneficial to the breeders thereof and to the public-at-large.

- Declaration by the applicant that they represent the breeders throughout Canada and that all reasonable means have been taken to consult with breeders prior to the application. *[N.B. Proof must accompany the application but may not be included as part of the application itself.]*
- Declaration by the applicant that the members of the association have been consulted in writing, that at least 25% have responded and that at least 2/3rds have approved the proposed amendment.

The application shall be submitted in triplicate along with three notarized declarations.

2. Where the breed authority currently rests with an existing association, approval to transfer authority for the breed may only be granted upon receipt by AAFC of an equivalent application to delete the breed from the existing association (Sec. 21, 22).
 - a) The application to amend the articles of incorporation to delete the name of a breed from an existing association may be made by the association or by one or more members of the association.
 - b) Deleting the breed name from an existing association requires that the members of the association who are breeders of the breed have been consulted in writing and that at least 25% have responded and at least 2/3rds have approved the proposed deletion.
 - c) The application to delete a breed and application to add a breed shall both be considered at the same time. Neither breed deletion nor breed addition may be approved unless the Minister is satisfied that both applications should be approved.

[N.B. Proof may be requested regarding provisions to settle any liability for debts that may be applicable.]

3. Where breed recognition has been granted but there is no breed association, the breed may be registered by the Canadian Livestock Records Corporation (CLRC) under the General Stud and Herd Book. In such case, the regular process to add a new breed shall be followed except that CLRC shall provide the names of breeders who may need to be consulted. Once authority is granted to an association, the applicant association may request the transfer of all breed records from CLRC.

D. Prior to commencing registration of animals of a new Distinct breed, the Foundation stock of the breed must be recognized first, by the Minister. A request may be submitted along with the request to amend the articles of incorporation.

Foundation stock recognition for a Distinct breed may include, in addition to animals identified in Canada, animals of suitable foreign registries which are identified and which meet no less than the minimum requirements for Canadian animals of the Distinct breed.

1. Animals may be identified in Canada and submitted for recognition as the original stock of the breed provided they meet all the requirements of the Distinct breed.
 - a) The applicant shall verify to the Minister that the animals submitted as original stock of the Distinct breed meet all the criteria for the breed, and that the genetic make-up and adherence to genetic stability requirements for breed characteristics have been verified.
 - b) The applicant shall ensure that all animals reported for consideration as original stock are individually identified as permitted within the meaning of the *Animal Pedigree Act* and that they are either proven or potential breeding stock.
 - c) Upon recognition by the Minister, the animals submitted as original stock of the Distinct breed may be registered as foundation stock. Any animal descending from two foundation stock parents is registerable as purebred.

2. The applicant may request recognition of animals from foreign registries (entire, partial or conditional) as constituting part of the original stock of the Distinct breed without identifying each individual animal for which recognition is sought.
 - a) The identified foreign registries or parts thereof shall have written breed standards and rules of eligibility which shall conform to no less than the breed genetic make-up and breed distinctiveness requirements for the breed in Canada.
 - b) The identified foreign registries shall have legal standing in the country of origin, shall operate in accordance with established rules and procedures sufficient to ensure the genetic make-up and breed characteristics of animals in its registry and shall have demonstrated competence to operate a breed registry.
 - c) The animals of identified foreign registries shall be individually identified and the registry must have a verification process and sufficient enforcement capability to ensure the integrity of the registry for any animals considered as constituting the original stock or their descendants.
 - d) The animals of identified foreign registries must be accessible to Canadian breeders and the registries shall be willing and able to provide documented

proof of an animal's registration and adherence to all rules and breed requirements.

- E. An application to amend the by-laws may also be needed and may be made either at the same time as the application to amend the articles of incorporation or at a later date.**