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*Plenary sitting*

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**B9-0088/2020**

5.2.2020

## **MOTION FOR A RESOLUTION**

further to Questions for Oral Answer B9-0004/2020 and B9-0003/2020

pursuant to Rule 136(5) of the Rules of Procedure

on protecting the EU's internal market and consumer rights against the negative implications of the illegal trade in companion animals (2019/2814(RSP))

**Stanislav Polčák, Sylwia Spurek, Martin Hojsík, Jadwiga Wiśniewska, Anja Hazekamp, Eleonora Evi**

on behalf of the Committee on the Environment, Public Health and Food Safety

**European Parliament resolution on protecting the EU's internal market and consumer rights against the negative implications of the illegal trade in companion animals (2019/2814(RSP))**

*The European Parliament,*

- having regard to Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A (I) to Directive 90/425/EEC<sup>1</sup>,
- having regard to Article 13 of the Treaty on the Functioning of the European Union (TFEU), which stipulates that in formulating and implementing Union policies, the Union and the Member States must, since animals are sentient beings, pay full regard to their welfare requirements,
- having regard to Article 114 of the TFEU on the establishment and functioning of the single market and to Article 169 of the TFEU on consumer protection measures,
- having regard to Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases (Animal Health Law)<sup>2</sup> and to the delegated and implementing powers conferred on the Commission by this regulation,
- having regard to Regulation (EU) No 576/2013 of the European Parliament and of the Council of 12 June 2013 on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003<sup>3</sup> and to Commission Implementing Regulation (EU) No 577/2013 of 28 June 2013 on the model identification documents for the non-commercial movement of dogs, cats and ferrets, the establishment of lists of territories and third countries and the format, layout and language requirements of the declarations attesting compliance with certain conditions provided for in Regulation (EU) No 576/2013 of the European Parliament and of the Council<sup>4</sup>,
- having regard to its resolution of 25 February 2016 on the introduction of compatible systems for the registration of pet animals across Member States<sup>5</sup>,
- having regard to the study financed by the Commission (SANCO 2013/12364) on the welfare of dogs and cats involved in commercial practices, undertaken pursuant to the Commission statement attached to Regulation (EU) No 576/2013<sup>6</sup>,

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<sup>1</sup> OJ L 268, 14.9.1992, p. 54.

<sup>2</sup> OJ L 84, 31.3.2016, p. 1.

<sup>3</sup> OJ L 178, 28.6.2013, p. 1.

<sup>4</sup> OJ L 178, 28.6.2013, p. 109.

<sup>5</sup> OJ C 35, 31.1.2018, p. 139.

<sup>6</sup> Study on the welfare of dogs and cats involved in commercial practices (2015), financed by the Commission

- having regard to the outcomes of the EU Coordinated Control Plan on online sales of dogs and cats<sup>7</sup>,
  - having regard to the questions to the Commission and the Council on protecting the EU's internal market and consumer rights against the negative implications of the illegal trade in companion animals (O-000011/2020 – B9-0004/2020 and O-000010/2020 – B9-0003/2020),
  - having regard to Rules 136(5) and 132(2) of its Rules of Procedure,
  - having regard to the motion for a resolution of the Committee on the Environment, Public Health and Food Safety,
- A. whereas NGOs, law enforcement services, competent authorities and veterinarians have produced evidence of the growing number of companion animals that are illegally traded across Member States, often by organised crime networks, through evasion of controls, document falsification and widespread misuse of Regulation (EU) No 576/2013, which is intended for the non-commercial movement of pet animals, when in fact they should be transported under Council Directive 92/65/EEC;
  - B. whereas it is estimated that the illegal trade in companion animals within the EU can generate very high profits with minimal risk of detection for the actors involved, including illegal breeders, thus impacting unfavourably on the profitability of the legal breeding sector;
  - C. whereas many adverts offering animals for sale online come from illegal sources;
  - D. whereas no common rules exist at EU level on the breeding of companion animals, and whereas legislative differences between Member States in breeders' standards of animal welfare have led to considerable differences in the price of companion animals sold on the internal market, differences which are exploited by illegal traders;
  - E. whereas illegal traffickers and sellers most often act with complete impunity as they know that the majority of consumers who have purchased a companion animal in a poor state of health will not take legal action;
  - F. whereas the illegal breeding of cats and dogs is often carried out in terrible conditions and the costs are kept as low as possible; whereas illegally bred new-born animals are often separated from their mothers much too early, poorly socialised and prone to disease, and suffer from stress, malnutrition, dehydration and an increased risk of hypothermia while subjected to long journeys across the EU in cramped and filthy conditions with no food, water, air-conditioning or breaks; whereas young puppies and kittens commonly arrive in the destination country unweaned and devoid of basic

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under Specific Contract SANCO 2013/12364.

[https://ec.europa.eu/food/sites/food/files/animals/docs/aw\\_eu-strategy\\_study\\_dogs-cats-commercial-practices\\_en.pdf](https://ec.europa.eu/food/sites/food/files/animals/docs/aw_eu-strategy_study_dogs-cats-commercial-practices_en.pdf)

<sup>7</sup> European Commission (2019). Analysis of the results of the EU Coordinated Control Plan on online sales of dogs and cats.

[https://ec.europa.eu/food/animals/welfare/other\\_aspects/online\\_dog-cat\\_en](https://ec.europa.eu/food/animals/welfare/other_aspects/online_dog-cat_en)

socialisation skills;

- G. whereas despite improvements, there are still major concerns surrounding pet passports, such as age verification for individual animals and the possibility of changing passports; whereas a large number of counterfeit pet passports have been registered and veterinarians often collude with traffickers in this illegal practice, making checks and investigations more complex<sup>8</sup>;
- H. whereas illegally bred companion animals are often partially or completely unvaccinated or have otherwise not been duly treated for diseases; whereas various zoonotic risks are associated with the illegal trafficking of companion animals, including the introduction of rabies from endemic parts of Europe into countries that are rabies-free and parasites such as *Echinococcus multilocularis*, which is easily spread and difficult to control<sup>9</sup>;
- I. whereas the Animal Health Law, which will apply from 21 April 2021, will facilitate greater transparency in the online trade in cats and dogs, and improve animal health and welfare; whereas the Animal Health Law strictly obliges all dog and cat sellers, breeders, transporters and assembly centres to register their establishments with the relevant national competent authority;
- J. whereas in addition to harming the welfare of animals, the illegal trafficking of companion animals has negative impacts on consumer protection, the smooth functioning of the EU internal market through unfair competition, and public finances through the loss of tax revenue;
- K. whereas a very common method of purchasing companion animals in the EU is now through online classified adverts, closely followed by social media<sup>10</sup>; whereas consumers who purchase companion animals via online advertisements enjoy little protection of their rights, whether at national or EU level; whereas high numbers of illegally bred companion animals are sold on markets in Member States or straight from cars along the internal borders of the EU;
- L. whereas 65 % of respondents to a Flash Eurobarometer survey on illegal online content did not think that the internet was safe for users and 90 % agreed that online hosting services should immediately remove content flagged as illegal by public or law enforcement authorities; whereas 60 % of internet users said that they used an online

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<sup>8</sup> FOUR PAWS report of 2013 entitled ‘Puppy trade in Europe’.

[http://www.carodog.eu/wp-content/uploads/2014/10/REPORT\\_EUROPEAN\\_PUPPY\\_TRADE2.pdf](http://www.carodog.eu/wp-content/uploads/2014/10/REPORT_EUROPEAN_PUPPY_TRADE2.pdf)

<sup>9</sup> Study on the welfare of dogs and cats involved in commercial practices (2015), financed by the Commission under Specific Contract SANCO 2013/12364, pp. 55-56.

[https://ec.europa.eu/food/sites/food/files/animals/docs/aw\\_eu-strategy\\_study\\_dogs-cats-commercial-practices\\_en.pdf](https://ec.europa.eu/food/sites/food/files/animals/docs/aw_eu-strategy_study_dogs-cats-commercial-practices_en.pdf);

EU Dog and Cat Alliance (2016). Briefing on the review of pet movement legislation under the ‘Animal Health Law’.

[https://s3-eu-west-1.amazonaws.com/assets.dogandcatwelfare.eu/live/media/publicationtemp/EU\\_Dog\\_Cat\\_Alliance\\_briefing\\_AHL\\_pet\\_movement\\_review.pdf](https://s3-eu-west-1.amazonaws.com/assets.dogandcatwelfare.eu/live/media/publicationtemp/EU_Dog_Cat_Alliance_briefing_AHL_pet_movement_review.pdf)

<sup>10</sup> EU Dog and Cat Alliance and the Blue Cross (2017). Online Pet Sales in the EU: What’s the cost?

[https://s3-eu-west-1.amazonaws.com/assets.dogandcatwelfare.eu/live/media/publicationtemp/12195\\_-\\_EU\\_Pet\\_sales\\_report\\_spreads.pdf](https://s3-eu-west-1.amazonaws.com/assets.dogandcatwelfare.eu/live/media/publicationtemp/12195_-_EU_Pet_sales_report_spreads.pdf)

social network at least once a week and most also used online marketplaces at least occasionally, with 30 % using them at least once a week; whereas 69 % of internet users in the EU said they bought online with numbers increasing on an annual basis, including with regard to animals<sup>11</sup>;

- M. whereas mistreatment of companion animals, including animals bred, kept and sold for the purpose of becoming pets in households, companion animals used for entertainment, sport and work, such as greyhounds and galgos, and stray animals, remains a huge concern for many citizens; whereas (better) identification and registration of pets can be a useful tool in the battle against animal abuse;
  - N. whereas more than 70 % of the new diseases that have emerged in humans over recent decades are of animal origin, and animals commonly kept as pets are hosts of 41 zoonoses, including rabies<sup>12</sup>;
  - O. whereas pet animals belonging to the species listed in Part A of Annex I to Regulation (EU) No 576/2013 may not be moved from one Member State to another unless they are marked through implantation of a transponder; whereas there is no requirement for harmonised mandatory identification of cats and dogs that stay within national borders and are not being moved to other Member States; whereas many cats and dogs in the Member States remain unidentified and unregistered;
  - P. whereas the EU Coordinated Control Plan on online sales of dogs and cats found inconsistencies between traders' status and their activities in 42 % of the advertisements inspected<sup>13</sup>;
  - Q. whereas some classified advertising websites are starting to adopt stricter rules on a voluntary basis to verify the identity of online sellers and improve the welfare of the animals;
  - R. whereas the majority of Member States have already established requirements of some kind for the identification and registration of cats and dogs; whereas identification requirements for cats, dogs and ferrets are not harmonised, which has resulted in misuse of country codes and the use of duplicate and incorrect codes, among other issues<sup>14</sup>; whereas most registration databases are not interconnected, which limits traceability in the EU;
1. Stresses that the illegal trade in dogs and cats not only has catastrophic repercussions in

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<sup>11</sup> Flash Eurobarometer 469/2018 report on illegal content online.

<http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/ResultDoc/download/DocumentKy/83669>

<sup>12</sup> Michael J. Day et al (2012). Surveillance of Zoonotic Infectious Disease Transmitted by Small Companion Animals.

[https://wwwnc.cdc.gov/eid/article/18/12/12-0664\\_article](https://wwwnc.cdc.gov/eid/article/18/12/12-0664_article)

<sup>13</sup> EU Coordinated Control Plan on online sales of dogs and cats.

[https://ec.europa.eu/food/sites/food/files/animals/docs/reg-com\\_ahw\\_20190612\\_asf\\_aw-control-coord-plan-sale-dog-cats\\_eur.pdf](https://ec.europa.eu/food/sites/food/files/animals/docs/reg-com_ahw_20190612_asf_aw-control-coord-plan-sale-dog-cats_eur.pdf)

<sup>14</sup> FOUR PAWS report of 2016 entitled 'Identification, vaccination and movement of dogs and cats in the EU: How to improve the Pet Passport and TRACES systems?'

<http://www.lawyersforanimalprotection.eu/wp-content/uploads/2016/07/INSIDE-1.pdf>

terms of animal welfare but also poses risks in terms of public health and consumer protection;

### ***Identification and registration of cats and dogs***

2. Emphasises that a harmonised, EU-wide system of mandatory identification and registration of cats and dogs is a crucial and necessary first step in the fight against illegal trade in companion animals, and that registration and identification are key conditions for control, enforcement and traceability;
3. Considers it essential for companion animals to be microchipped by a veterinarian and recorded in a national animal identification and registration file to ensure their effective traceability; considers it vitally important for identification and registration files to contain the registration numbers of everyone who played a part in the life of the animal, including breeders, sellers, veterinarians, transporters and owners;
4. Urges the Commission to make full use of its delegated powers under Articles 109(2) and 118 of the Animal Health Law and to come forward with a proposal for detailed, EU-wide, compatible systems for the means and methods of identification and registration of cats and dogs, setting a minimum threshold for the information required for individual animal identification and establishing rules for the exchange of electronic data between databases in the Member States, which should be interconnected by the end of this legislative term;
5. Calls for a clear link between the EU pet passport and pet microchip registration to ensure that the origin of the companion animal remains clear even if the pet passport is replaced;
6. Calls on the Member States to introduce policies with the aim of marking and registering all cats and dogs by default in the battle against animal abuse;
7. Stresses that information collected for the identification of companion animals must include personal data and should be protected in full accordance with EU privacy and data protection rules; believes that such personal data should not be used for any commercial purposes;

### ***EU action plan to address the illegal trade in companion animals***

8. Calls on the Commission to draw up a cross-sectoral EU action plan to address the illegal trade in companion animals in the EU; considers that the action plan should take on board the views of the European Parliament, the Member States and the relevant stakeholders and should clearly define the responsibilities of all stakeholders and decision-makers, including the Member States, the Commission, border, customs and veterinary authorities, veterinarians and civil society organisations;
9. Recommends that the Commission involve in the action plan its various directorates-general working on animal welfare, public health, consumer protection, internal market and trafficking issues;
10. Considers that a uniform EU definition of large-scale commercial breeding facilities,

known as puppy mills, is necessary to tackle the illegal trade in companion animals;

11. Considers it necessary for citizens to be better informed about the trade in companion animals and the possible risks of purchasing animals online or without regard for legal procedures;
12. Calls on the Commission to improve the protection of consumers buying companion animals via online adverts as part of its Digital Agenda;
13. Supports the exclusion of the sale of live animals by trader to consumer from the scope of the forthcoming directive on contracts for online and other distance sales of goods;

#### ***Controls and better enforcement of EU legislation***

14. Calls on the Member States to improve law enforcement and to apply tougher sanctions – which should be effective, proportionate and dissuasive – against economic operators, veterinarians and national competent authorities in source, transit and destination countries who supply counterfeit pet passports, in order to curb the illegal trafficking of companion animals efficiently;
15. Calls on the Member States to apply financial penalties in accordance with Regulation (EU) 2017/625<sup>15</sup> that outweigh the benefits sought by economic operators, including breeders and sellers advertising animals online in return for economic gain and in violation of EU and national legislation;
16. Calls on the Commission and the Member States to develop strategies for the regulation or self-regulation of online companion animal adverts in order to put a stop to misleading advertising and to better control the online sale of cats and dogs;
17. Calls on the Commission to introduce mandatory requirements for online platforms to conduct minimum validation checks on the identity of users advertising pets for sale online; underlines that any potential revisions of the relevant legislative framework must lead to the better protection of consumers and animals;
18. Calls for the Directorate for Health and Food Audits and Analysis' inspection programmes (European Commission – DG Health and Food Safety) to include checks on Member States' compliance with Regulation (EU) No 576/2013;
19. Calls on the Commission to propose common standards for the breeding and marketing of cats and dogs to be put in place across the EU with the aim of preventing unfair commercial practices and the mis-selling of such companion animals, limiting the continuation of breed-specific health and welfare issues, and establishing a level playing field for economic operators;
20. Calls on Member States to ensure that detailed rules are in place for the monitoring of

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<sup>15</sup> Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products (OJ L 95, 7.4.2017, p. 1).



companion animal breeders and appropriate oversight by veterinarians;

21. Considers that Member States should be encouraged to set up a compulsory register of authorised companion animal breeders and sellers that can be accessed by those responsible in other Member States;
22. Calls on Member States to introduce in-country compliance monitoring with regular checks on traders and permit holders, such as shops selling companion animals, breeders, research centres and nurseries, in addition to the border checks required under Regulation (EC) No 338/97<sup>16</sup>;
23. Believes that the frequency of inspections should also be harmonised across the EU and carried out in cooperation with the customs, police and veterinary services of the Member States;
24. Calls on the competent authorities of the Member States, in the case of non-compliance with Regulation (EU) No 576/2013, to adhere strictly to the procedures laid down therein and to ensure the rehoming of any seized companion animals; calls, furthermore, on the Member States to adequately support animal rescue centres;
25. Welcomes the results delivered within the EU Platform on Animal Welfare and the Voluntary Initiative Subgroup on Health and Welfare of Pets in Trade; calls for the inclusion of the European Parliament and a balanced representation of civil society, competent authorities, businesses and scientists in future work on animal welfare at EU level, and for a sufficient level of resources in order to ensure optimal progress;

#### ***Cooperation, communication and training***

26. Calls on the Commission and Member States to build on and disseminate the output of the Voluntary Initiative Subgroup on Health and Welfare of Pets in Trade within the framework of the EU Platform on Animal Welfare and to adopt measures to address the illegal trade in companion animals in forthcoming legislative and non-legislative work by 2024; considers that there is an urgent need, in this context, for active cooperation and the exchange of best practices between all Member States;
27. Calls on the Member States to systematically inform the other Member States concerned when filing a lawsuit against an illegal dog and cat trader whose activities might affect those other Member States;
28. Advocates collaborative cross-agency working methods to tackle the illegal trade in companion animals and to mitigate the associated zoonotic risk, including developing an intelligence system to record and share data in respect of illegally traded commercial animal consignments and a warning system to flag up any anomalies detected;
29. Calls on the Commission to put forward measures, including the use of technologies and tailor-made training, to better equip customs and veterinary authorities to detect the

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<sup>16</sup> Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein (OJ L 61, 3.3.1997, p. 1).



smuggling of companion animals;

30. Calls on the Commission and Member States to build on the recommendations of the EU Coordinated Control Plan on online sales of dogs and cats through the development of partnerships between authorities, databases, websites and animal welfare organisations to come up with precise measures against the misleading advertising and illegal online trade of dogs and cats;
31. Recognises the important role played by animal protection associations and NGOs in the fight against the illegal trafficking of companion animals; calls, furthermore, on Member States to provide animal rescue centres and animal protection associations/NGOs with adequate financial and other material and non-material support;
32. Calls on the Member States to allocate sufficient resources for the enforcement of the registration requirement for operators of all establishments breeding, keeping or trading animals as mandated by the Animal Health Law, so as to curb the illegal trade of companion animals online;
33. Considers that more should be done to raise awareness among potential purchasers and economic operators, including online service providers, in relation to illegal sales of companion animals and associated low welfare standards;
34. Highlights the fact that some national and in some cases regional databases containing identification information on companion animals already exist; considers that these databases should be used as interconnected, compatible and interoperable systems to allow for traceability across the EU;
35. Highlights that Member States should ensure that staff at borders are adequately trained in the procedures and rules that apply to the importation of companion animals from listed and unlisted third countries and that they are enforcing these rules;
36. Calls on the Member States to carry out more information and awareness-raising campaigns to inform citizens about the negative effects of the illegal trade in companion animals and to purchase only companion animals that have been bred, kept and traded in a responsible manner and with due concern for animal welfare;

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37. Instructs its President to forward this resolution to the Council and the Commission.