

SOLUTION MODEL:

A DATABASE NETWORK WITH COMPANION ANIMAL QUERY SERVICE

FACT SHEET¹

STARTING POINT

Germany is among the countries at the bottom of the EU league table in the area of companion animal welfare and does not currently have nationwide obligatory identification and registration (I&R) of dogs and cats. With 16 different regulations on identification and registration, it has a heterogeneous system of various private and public pet databases.

In five of Germany's sixteen federated states (Bundesländer), there is currently a regulation in place for a central database owned by the Bundesland aimed at enabling the authorities there to carry out searches in the interests of public order and safety. One further Bundesland is in the process of setting up such a database. At the same time, there are at least six private pet databases, the main focus of which is returning lost animals to their owners.

Under these circumstances, uniform and efficient access is not possible for authorities, private individuals or private institutions. If the owner of a lost pet needs to be identified and there is no state-wide database in the Bundesland concerned, the finder (e.g. shelter, veterinarian, police) must submit an enquiry to all the existing pet databases. Even in Bundesländer where a state-wide database does exist, it is usually only used for security purposes: the task of returning pets to their owners for reasons of animal welfare is left to privately managed pet databases. If the animal has not been voluntarily registered by the owner in one of the private databases, it will be impossible to find the owner or take the animal directly back to its home.

In order to achieve nationwide traceability in Germany's federal system as well, both a legal basis for nationwide obligatory I&R and a corresponding technical solution are needed.

Against this background, in 2016 an interdisciplinary network of experts called "Network I&R" was established under the leadership of the Animal Welfare Officer of Saarland, Dr Hans-Friedrich Willimzik, together with the co-founder, Philip McCreight (CEO of TASSO e.V.), and Dr Marlene Wartenberg (formerly of TASSO e.V.).² The members of the Network are the Animal Welfare Officers of the Bundesländer,³ the German Federal Association of Practising Veterinarians (Bundesverband Praktizierender Tierärzte e.V.), an expert in transponder technology,⁴ an expert in dog law,⁵ as well as

¹ As of January 2021.

² More detailed information on the Network's activities, particularly professional events, can be found at www.heimtierversorgung.net.

³ Dr. med. vet. Julia Stubenbord, Baden-Württemberg; Dr Kathrin Herrmann, Berlin; Dr. med. vet. Stefan Heidrich, Brandenburg; Dr. med. vet. Madeleine Martin, Hessen; Michaela Dämmrich, Niedersachsen; Dr. med. vet. Hans-Friedrich Willimzik, Saarland; Dr. med. vet. Marco König, Sachsen-Anhalt; Katharina Erdmann, Schleswig-Holstein.

⁴ Dr. med. vet. Sven Hüther.

⁵ Dr Barbara Dyrchs, Richterin a.D.

the German Legal Society for Animal Welfare Law (Deutsche Juristische Gesellschaft für Tierschutzrecht e.V.) and a number of organisations and associations in the field of animal and dog welfare.⁶ The experts worked out a practicable solution to implement the nationwide obligatory I&R that was being demanded.

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A decentralised solution has been developed that enables the existing databases to be networked. It includes a central interface – the so-called companion animal query service (“HABS”) – designed to return pets to their owners and to perform the public functions of a database. This solution is outlined below.

Legal basis for a successful database network

The German Federal Government will need to issue an ordinance on the compulsory identification and registration of dogs and cats. Every dog and cat over the age of three months would have to be registered in one of the databases linked together in the database network. This registration would be carried out exclusively by a veterinarian using a forgery-proof transponder together with the animal’s EU pet passport. The technical requirements for secure identification (transponder) and the registration authority etc. would be set out in an implementing regulation.

Database network

The solution in the form of a network of existing pet databases with its own central enquiry point saves the high costs of setting up from scratch and operating a new general database. In addition, the data of more than ten million already registered pets would not be lost. The autonomy of the individual databases would remain, but with the added benefit of enabling central data queries across all those databases.

Companion animal query service – HABS

Regardless of the database in which an animal’s data is stored, the authorities and public bodies could send an enquiry to HABS requesting information, provided that the legal requirements were met. Non-public institutions and private individuals, such as veterinarians and animal shelters, could also access the service to enquire about the registration status of an animal (e.g. if an animal has been found). In the case of a positive query result, HABS would inform the user that the animal is registered and in which database and, on request, would forward the report of the found animal to the appropriate database. This would initiate the return process.

All input and retrieval authorisations would be clearly and specifically regulated in advance at HABS and would of course comply with the relevant data protection regulations. As before, the affiliated databases would be independently responsible for maintaining data protection in accordance with the GDPR.

⁶ TASSO e.V., Vier Pfoten – Stiftung für Tierschutz, Erna-Graff-Stiftung für Tierschutz, Bund gegen Missbrauch der Tiere e.V., Bundesverband Tierschutz e.V., Verband für das Deutsche Hundewesen (VDH).

User group: Private individuals and private institutions (e.g. the finder of an animal, animal owners, veterinarians, animal shelters) aiming to return lost and found animals

After entering the transponder number, the database(s) in which the animal is registered and the data of the animal are displayed to private users in the publicly accessible part of the website. In addition, you can see whether an animal has already been reported missing and to which database. It is possible to submit a report that the animal has been found to the database(s) concerned. The return of the animal takes place via the relevant database. This eliminates the need for time-consuming research and enquiries with several databases (which may not be known to the finder).

User group: Authorities (e.g. veterinary offices, police and regulatory authorities) aiming to identify the animal owner

After registering with the query service, the authorities would be given special access to HABS and could make transponder enquiries centrally via HABS instead of having to contact each database individually and make time-consuming enquiries. On specifying the reason for the query and the relevant legal basis for it, authorities would receive the full data of the animal and owner, insofar as this is legally possible through the connected database.

Examples of authority queries

A lost dog is found:

The police find a dog and can read its transponder using a transponder reader and search HABS mobile. The participating database starts the return process and establishes contact with the owner. The owner can then pick up the animal on site. This eliminates the expense, stress and effort involved in dealing with a vet or animal shelter.

A dog causes an accident involving property damage and the owner cannot be identified at the scene:

The investigating police authority can retrieve the animal owner's data via HABS using its password-protected online access and after indicating the legal basis of the enquiry, provided that the animal is registered in a HABS-affiliated database.

A case of animal cruelty:

An obviously mistreated animal is found and reported to the veterinary office. The veterinary office can retrieve the animal owner's data via HABS using its password-protected online access and after indicating the legal basis of the enquiry, provided that the animal is registered in a HABS-affiliated database. After establishing the facts, the veterinary office can initiate appropriate measures if necessary.

COST SAVINGS AND OTHER BENEFITS

Through the database network with HABS – i.e. decentralised storage of data combined with a central enquiry point – all those Bundesländer that do not yet have a state-owned database could save considerable costs associated with such a database. In addition to the initial investment costs of a

state-owned database, ongoing operating costs⁷ based on the size of the database must be taken into account.

Another factor to consider is the proportionality of establishing a national database in relation to the number of dog bite incidents that occur. If nationwide obligatory I&R were to be introduced, the federal government could also save the costs of setting up a central national database from scratch by implementing it with the help of the solution model.

The nationwide legal obligation to identify and register dogs and cats demanded by Network I&R would also reduce the burden on animal shelters, because lost and found animals could generally be returned directly to the owner by the police without involving veterinarians or animal shelters. One aspect that should not be overlooked is the benefit to animal shelters, which currently have to accommodate and care for numerous puppies that need intensive treatment, mostly confiscated from illegal puppy transports.

Investigative and law enforcement agencies would no longer have to conduct time-consuming and thus costly searches or make enquiries using several databases. The solution model would make it easier for them to search and retrieve data and would therefore involve less effort and lower costs.

ANIMAL WELFARE

Nationwide compulsory registration of dogs and cats, in conjunction with the database network and HABS, would save lost and found animals considerable suffering and stress. This is because visits to the veterinary practice and the associated travelling back and forth, as well as a stay in an animal shelter in some cases, would no longer be necessary due to the direct and prompt return of pets to their owners.

A considerably higher number of lost and found animals could be reunited with their owners and would not have to remain in shelters until they were rehomed.

The introduction of nationwide obligatory identification and registration for all dogs and cats would close a legal loophole and make it considerably more difficult for the illegal puppy trade to operate, especially if combined with stricter requirements with regard to online trade. This would also prevent major animal suffering along the entire value chain (breeding, rearing, transport and sale in violation of animal welfare).

EUROPEAN DIMENSION

The problem of having different types of pet databases, as is the case in Germany, continues at the European level. Although 21 Member States already have national laws on the identification and registration of pet animals, these are implemented very differently in terms of both regulation and enforcement practice, and a wide variety of database types and structures have developed as a result. Very few of the databases are compatible.

⁷ Operating costs include the following: hardware maintenance and expansion, software maintenance and adaptation, personnel costs involved with administration and data protection officers.

NETWORK I & R

While France, for example, has only one recognised public database, many other Member States, like Germany, have several databases and database types operating alongside each other, which cannot communicate with one another.

For reasons of animal welfare and health, consumer protection, the internal market and the fight against organised crime – particularly the illegal puppy trade – in the EU, the European Parliament and the relevant animal welfare organisations at the EU level are calling for an EU-wide and uniform requirement for the identification and registration of pet animals. Indeed, they have done so repeatedly and emphatically for almost fifteen years, most recently in a resolution on the illegal pet trade in the EU of 12 February 2020 (P9_TA(2020)0035).

The model of interconnected databases using HABS that we have outlined here would enable such Member States (which may also have federal structures and several different databases, as is the case in Germany) to set up a central enquiry point at low cost, with their national databases applying the corresponding and already developed interface of the database network. Network I&R would offer the system to all Member States that wished to do so.

This could create a win-win situation in a cost-efficient way by achieving EU-wide harmonisation at the Member State level (i.e. on a decentralised basis) in the area of pet ownership. This would also respect the two EU principles of subsidiarity and proportionality in EU-wide regulations to be adopted. Even if the EU were to strive for an even better central solution in this area (which in any case would only be achievable in the long term as it would require extensive legislation), the simple harmonisation measures to be set up here by technical means, with national database networks and HABS bodies in the Member States, could serve as a valuable preliminary stage.

FAQ: DATABASE NETWORK AND HABS⁸

Which databases would join the database network?

Based on the introduction of nationwide obligatory I&R of dogs and cats by the federal government, all pet databases existing in Germany could belong to the database network, regardless of their main function (i.e. danger prevention or reuniting pets with owners). Currently, there are five public databases in Germany, with a sixth being planned, and there are at least six private databases.

Will the data from the databases be merged or stored in a central location?

No, the databases will remain autonomous, and the data will continue to be stored in a decentralised way in the existing databases. Nevertheless, a search of the decentralised data will be possible via the interface of the pet query service HABS. This means that it is no longer necessary to set up a central database and spend valuable time transferring data from existing databases. The decentralised storage of the data might also be advantageous with regard to data security.

What are the main advantages of an interconnected database with a central enquiry point for the following actors/institutions?

- Federated states (Bundesländer) – saving the costs associated with a state-owned database
- Federal government – saving the costs associated with a central national database
- Animal shelters and municipalities – reducing the costs of keeping lost and found animals in shelters by reuniting pets with owners directly or more quickly
- Decision makers and interested parties – availability of reliable data on pets (e.g. for developing pet policies)
- Investigative and regulatory authorities – simplified, nationwide searches that would aid enforcement
- Consumers – better protection against fraud through more transparency
- Finders – simpler searches
- Pet owners – registration in the database of their choice
- Existing databases – continuing to operate, retaining full functionality and core competency

How can the solution model contribute to better animal welfare?

Thanks to simplified searches with the help of HABS, the solution model contributes to the faster return of dogs and cats to their owners. Simpler searches also mean owners who have neglected or abandoned their animals can be held accountable more quickly. Duplicate neutering surgeries (e.g. during neutering campaigns for stray cats) can also be avoided. Mandatory identification and registration would make owners more conscious of – and better informed about – pet-ownership issues, including with regard to zoonoses, which means they would be better protected from health risks. The introduction of nationwide obligatory I&R in combination with the database network and HABS could thus contribute to more responsible keeping of animals in Germany.

⁸ These answers to the Frequently Asked Questions assume the introduction of nationwide obligatory I&R of dogs and cats by the federal government and the implementation of the database network with HABS.

Does the solution model also bring advantages in terms of combating the illegal puppy trade?

Yes, nationwide I&R in line with the solution model is an important tool for fighting the illegal puppy trade because it offers the chance to close legal loopholes. It will thus have an impact on the following areas:

- Reducing health risks to both humans and animals due to transmissible diseases (most imported puppies that have been illegally bred have no vaccine protection)
- Improving animal welfare by eliminating the mass-scale approach to the “production”, transport and trade of puppies
- Protecting buyers against purchasing sick animals (consumer protection)
- For animal shelters and municipalities in regions close to the border, the confiscation of many puppies (most of which are seriously ill) currently poses considerable cost and capacity problems

Can the solution model also help to protect the public?

Yes, because the solution model includes the possibility of searches for reasons of public safety. This means that HABS combines searches focused on returning lost pets to their owners for the purposes of animal welfare with searches conducted in the interests of public order and safety. For example, authorised authorities can also make enquiries about the owner of an animal in the event of a biting incident or the involvement of an animal in a traffic accident.

Who can carry out queries via HABS?

HABS can be used both by private individuals (e.g. finder of an animal, veterinarian, animal owner) for transponder queries and by public, authorised agencies. However, the distinction between private users and authorised public users has a bearing on the data that can be made available to the user.

What data do the requesting authorities receive?

Once an authority has been officially registered with HABS and has stated the reason for the enquiry and the corresponding legal basis for it, public authorities can also obtain information on animal owner data, subject to data protection requirements. For private individuals, this possibility does not exist for legal reasons; however, they can obtain information on which database the animal is registered in and have the option of sending a report of a found animal to the database concerned via HABS.

What are the costs for users of HABS?

There are no costs for either private users or authorities; enquiries can be made free of charge via the HABS website/transponder enquiry. There are also no charges for registering as a public authority.

What distinguishes HABS from existing European meta-search engines?

- Authentication of the authorities that use HABS
- Direct information for authorities where they provide the legal basis for the query and subject to data protection regulations
- Plausibility check of the transponder number
- Forwarding of reports of lost and found pets to the appropriate database
- Modular structure

What kinds of companion animal can be searched for?

The solution model has initially been developed for dogs and cats. However, in further stages of its expansion it will be possible to broaden the query service to include other companion animals. The modular structure of the software allows this.

Does HABS already exist?

The software prototype of HABS has been developed. The next step is the implementation of a pilot project. If nationwide obligatory I&R were to be brought in by Germany's federal government, the nationwide introduction of HABS, combined with the database network described in this fact sheet, would make sense as it would save cost and effort.