



2019/2814(RSP)

23.01.2020

MOTION FOR A RESOLUTION

further to Questions for Oral Answer B9-x and B9-x

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, Alexandra Louise Rosenfield Phillips, 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/EEC¹,
- having regard to Article 13 TFEU, which stipulates that, in formulating and implementing Union policies, the Union and the Member States shall, since animals are sentient beings, pay full regard to their welfare requirements,
- having regard to Article 114 TFEU on the establishment and functioning of the single market and Article 169 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) and the delegated and implementing powers conferred on the Commission,
- 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 998/2003² and Commission Implementing Regulation (EU) No 577/2013,
- having regard to its resolution of 25 February 2016 on the introduction of compatible systems for the registration of pet animals across Member States (2016/2540(RSP)),
- having regard to the study on the welfare of dogs and cats involved in commercial practices financed by the European Commission (SANCO 2013/12364), pursuant to the Commission statement attached to Regulation (EU) No 576/2013³,
- having regard to the questions to the Commission on Protecting the EU's internal market and consumer rights against the negative implications of the illegal trade in companion animals (O-0000/2019 – B8-0000/2019 and O-0000/2019 – B8-0000/2018),
- having regard to the motion for a resolution of the Committee on the Environment, Public Health and Food Safety,

¹ OJ L 268, 14.9.1992, p. 54.

² OJ L 178, 28.6.2013, p. 1.

³ European Commission (2015). Study on the welfare of dogs and cats involved in commercial practices. Specific Contract SANCO 2013/12364, Final Report.
https://ec.europa.eu/food/sites/food/files/animals/docs/aw_eu-strategy_study_dogs-cats-commercial-practices_en.pdf

- having regard to Rules 136(5) and 132(2) of its Rules of Procedure,
 - having regard to the outcomes of the EU Coordinated Control Plan on online sales of dogs and cats⁴,
- A. whereas non-governmental organisations, law enforcement services, competent authorities and veterinarians have shown evidence of the growing number of companion animals that are illegally traded across Member States, often by organised crime networks, through the widespread misuse of Regulation (EU) No 576/2013, which is intended for the non-commercial movements of pet animals, when they should be transported under Council Directive 92/65/EEC, through evasion of controls and document falsification;
 - 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 the profitability of the legal breeding sector;
 - C. whereas many adverts offering animals for online sale come from illegal sources;
 - D. whereas no common rules exist at EU level concerning the breeding of companion animals and legislative differences between Member States in breeders' standards of animal welfare have led to big differences in prices of companion animals that may be sold on the internal market, and which are exploited by illegal traders;
 - E. whereas illegal traffickers and sellers most often act with complete impunity as they know very well 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 kept as cost-efficient as possible and happens in terrible conditions; whereas these new-born animals are often separated from their mothers much too early, are poorly socialised, prone to disease, and suffer from stress, malnutrition, dehydration, and an increased risk of hypothermia while being subjected to long journeys across the EU in cramped and filthy conditions with no food, water, or air-conditioning, and no breaks; whereas young puppies and kittens commonly arrive in the destination country unweaned and devoid of basic socialisation skills;
 - G. whereas, despite improvements, major concerns still remain in terms of pet passports, such as the age verification for individual animals and the possibility to change passports; whereas a large number of counterfeit pet passports are registered, with veterinarians, working in collusion with traffickers, often involved in this illegal practice, making controls and investigations more complex⁵;
 - H. whereas illegally bred companion animals are often partially or completely unvaccinated or have not been duly treated for other diseases; whereas there are various

⁴ European Commission (2019). The EU coordinated control plan for the official controls on online sales of dogs and cats: Analysis of the results: https://ec.europa.eu/food/animals/welfare/other_aspects/online_dog-cat_en

⁵ See FOUR PAWS Report of 2013 “Puppy trade in Europe” http://www.carodog.eu/wp-content/uploads/2014/10/REPORT_EUROPEAN_PUPPY_TRADE2.pdf

zoonotic risks associated with the illegal trafficking of companion animals, including the introduction of rabies from endemic parts of Europe into countries that are rabies-free, as well as parasites such as *Echinococcus multilocularis*, which is easily spread and difficult to control⁶;

- I. whereas the Animal Health Law (Regulation (EU) 2016/429), which will apply from 21 April 2021, will facilitate greater transparency of the online trade in cats and dogs, and improve animal health and welfare; whereas Regulation (EU) 2016/429 strictly obliges all sellers, breeders, transporters and assembly centres of dogs and cats 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 revenues;
- K. whereas a very common method used to purchase companion animals in the EU is now through online classified adverts, followed closely by social media;⁷ whereas consumers who purchase companion animals via online advertisements have 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 directly out of cars along the internal borders of the EU;
- L. whereas 65% of the respondents do not think the Internet is safe for its users and 90% agree that online hosting services should immediately remove content flagged as illegal by public or law enforcement authorities; whereas six in ten Internet users use an online social network at least once a week and most Internet users also use online market places at least occasionally, with 30% using them at least once a week; whereas 69% of internet users in the EU buys online with numbers increasing on an annual basis also when it comes to animals⁸;
- 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 like 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 carrier hosts of 41

⁶ European Commission (2015). Study on the welfare of dogs and cats involved in commercial practices. Specific Contract SANCO 2013/12364, Final Report.

https://ec.europa.eu/food/sites/food/files/animals/docs/aw_eu-strategy_study_dogs-cats-commercial-practices_en.pdf, pp. 65-66; also EU Dog & 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_AH_L_pet_movement_review.pdf.

⁷ EU Dog & Cat Alliance + 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

⁸ Flash Eurobarometer 464/2018 Report Illegal content online: <http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/ResultDoc/download/DocumentKy/83669>

zoonoses, including rabies⁹;

- O. whereas pet animals of the species listed in Part A of Annex I of Regulation (EU) No 576/2013 may not be moved from one Member State to another Member State, unless they are marked by 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 there are cats and dogs in Member States that remain unidentified and unregistered;
- P. whereas the EU Coordinated Control Plan (CCP) on online sales of dogs and cats indicated inconsistency between activities and trader's status for 42% of controlled advertisements¹⁰;
- Q. whereas some classified ads websites are starting to adopt, on a voluntary basis, stricter rules to verify the identity of online sellers and improve the welfare of the animals;
- R. whereas the majority of Member States already have a certain level of requirements for the identification and registration of cats and dogs; whereas identification requirements for cats, dogs and ferrets are not harmonised resulting in misuse of country codes, duplicate and incorrect codes among others¹¹; whereas most registration databases are not interconnected and therefore limit traceability in the EU;
- 1. Stresses that the illegal trade in dogs and cats not only has catastrophic repercussions in 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 an EU-wide harmonised system of mandatory identification and registration of cats and dogs is a crucial and necessary first step in the fight against illegal trade, and that registration and identification are key conditions for control, enforcement, and traceability;
- 3. Considers it essential for ensuring the effective traceability of companion animals that they are microchipped by a veterinarian and recorded in a national animal identification and registration file; 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 and sellers as well as veterinarians, transporters and the owner;
- 4. Urges the European Commission to fully use its delegated powers under the Articles 109(2) and 118 of the Animal Health Law (Regulation (EU) 2016/429) and come forward with a proposal for detailed, EU-wide compatible systems for the means and

⁹ 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

¹⁰ 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

¹¹ See FOUR PAWS Report of 2016 "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>

methods of identification and registration of cats and dogs setting minimum threshold of required information 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 **linkage 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 includes 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;

An EU Action Plan to address the illegal trade in companion animals

8. Calls on the European Commission to draw up **a cross-sectorial 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, Member States and the relevant stakeholders and should clearly define the responsibilities of all stakeholders and decision-makers, including the Member States, the European Commission, border, customs and veterinary authorities, veterinarians and civil society organisations;
9. Recommends that the European Commission involve in the Action Plan its different Directorate-Generals 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 in order to tackle illegal trade;
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 European Commission to improve the **protection of consumers buying companion animals via online adverts as part of its Digital Agenda**;
13. **Supports the exclusion from the scope of the Directive on Contracts for the online and other distance sales of goods (2015/0288(COD)) of the sales of live animals between trader and consumer**;

Controls and better enforcement of EU legislation

14. Calls on the **Member States to improve law enforcement and to apply tougher sanctions** which are effective, proportionate and dissuasive sanctions against economic operators, veterinarians and national competent authorities - from 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** according to Regulation (EU) 2017/625 that outweigh the benefit 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 regulation or self-regulation of online companion animal adverts** in order to stop 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 of the identity of the users** advertising pets for sale online; underlines that any potential revisions within the respective 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 State's 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 to avoid the mis-selling thereof and unfair commercial practices, limit the continuation of breed-specific health and welfare issues and to establish a level-playing field for economic operators;
20. Calls on Member States to ensure that there are **detailed rules for the control** of 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, in addition to border checks required under Regulation (EC) No 338/97, for 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;
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 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 for balanced representation of civil society, competent authorities, businesses and scientists in the future work on animal welfare at

the EU level, as well as for 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 outputs of the Voluntary Initiative Subgroup on Health and Welfare of Pets in Trade in the framework of the EU Platform on Animal Welfare and 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 for active cooperation and **exchange of best practices between all Member States;**
27. Calls on the Member States to systematically inform other Member States concerned when they are filing a legal suit against an illegal dog and cat trader whose activities might affect some other Member States;
28. Advocates collaborative cross-agency working in Member States 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 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 a 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 Regulation (EU) 2016/429 (Animal Health Law) 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 services providers, in relation to illegal sales of companion animals and associated low welfare standards;
34. Highlights the fact that there are already existing national and in some cases regional databases containing identification information on companion animals; considers that these should be used as **compatible and interoperable systems interconnected between each other to allow traceability across the EU;**

35. Highlights that Member States should ensure that staff at the borders are adequately trained in the procedures and rules that apply for the importation of companion animals from listed and unlisted third countries and 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;

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