



FCI Europe Section Monitoring Report

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1. *Fitness Check EU Animal Welfare Legislation*

Mid-2019 the European Commission published a roadmap to evaluate the rules on the welfare of animals at farm, during transport and at slaughter, the so-called Fitness Check. The process started in 2020 with a couple of public consultations to assess whether the EU Animal Welfare Strategy 2012-2015 achieved its objectives and delivered the expected results, according to five guiding principles: effectiveness, efficiency, relevance, coherence, and EU added value. This autumn, the Commission presented some policy options in what they call the Inception Impact Assessment which are now up for public consultation until the end January 2022. This extensive review process is expected to terminate with a new legislative proposal to be presented by the end of 2023.

In terms of scope, the Fitness Check covers animals – including fish and fur animals – bred and kept for farming purposes, as well as cats and dogs insofar as transport for commercial purposes is concerned. It does not cover wild animals, experimental or laboratory animals (with exception for their welfare during transport) or any invertebrate animals.

The Inception Impact Assessment lists 14 shortcomings identified so far, ranging from lack of clarity of some legislative provisions, to unclear information provided to consumers, lack of tools for monitoring and enforcement of provisions, etc. The document also included policy options to address these shortcomings. We highlight here options with possible impact on companion animals:

- Space allowances, travel times and travel conditions for animal transport with particular provisions for unweaned and vulnerable animals
- Better monitoring and enforcement by introducing new technologies such as an EU central IT system for digitalisation of certificates and authorisations
- More detailed requirements for commercial cross-border transports of cats and dogs similar to the ones provided for the transport of other species such as cattle and pigs;

e.g. inspection of the animals prior to departure, health certificates and approval of a journey plan and its registration in Trade Control and Expert System (TRACES). This measure would introduce specific animal welfare rules to cater for the specificities of cats and dogs.

- Training requirements for all handlers of animals

A series of studies, assessments and consultations will take place until 2023 when the process is expected to be finalised. The European Commission will use the conclusions to propose new legislation by the end of 2023.

Link to Inception Impact Assessment

https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12950-Animal-welfare-revision-of-EU-legislation_en

2. Update on EU Platform on Animal Welfare

The European Union Animal Welfare Platform was created early 2017 to assist the European Commission with the development of coordinated actions on animal welfare. Over 75 representatives from NGOs, farmers' organisations, scientists, EU Member States and other European countries (Switzerland, Iceland), international organisations such as FAO, OIE, the World Bank and the European Food Safety Authority (EFSA) take part on this Platform.

The Platform had two virtual meetings in 2021: in 22 June and in 10 November. During the June meeting, the Commission announced the mandate of the Platform was renewed until June 2025. The Platform plays a very important role in advising the Commission about legislation which is of particular importance during the next years due to the Fitness Check currently ongoing. The meeting included the usual type of presentations. Most of the discussion was about the European Citizens' Initiative 'End the Cage Age', long-distance transport of animals to third countries and the animal welfare labelling.

The November meeting looked into the latest developments with the Fitness Check namely the policy options included in the Inception Impact Assessment. Different stakeholders advocated for the inclusion of companion animals in the scope of future legislation especially in relation to transport activities related to commercial activities.

The European Commission announced the creation of six new subgroups which are tasked with analysing the different policy options and making recommendations.

- Pigs
- Poultry
- Calves/dairy cows
- Transport
- Animal welfare labelling
- Slaughter/killing

Link to latest meetings of EU Platform on Animal Welfare:

https://ec.europa.eu/food/animals/welfare/eu-platform-animal-welfare/meetings_en

3. Eurogroup for Animals' Report on the Revision of Transport Regulation

In the framework of the EU Farm to Fork Strategy, the European Commission announced in 2020 the revision of the Council Regulation (EC) No 1/2005 (Transport Regulation) which applies to the transport of animals that takes place within and from the EU in connection with an economic activity. The Regulation entered into force in 2007 and aims at avoiding any injury or undue suffering during transport. Requirements for the transport of fish, companion animals and equines are less developed. The Eurogroup for Animals issued a report pinpointing the challenges of the current legislative framework that could be addressed by establishing comprehensive species- and category-specific requirements as well as a more efficient enforcement system.

The report includes suggestions to improve the welfare of terrestrial farmed animals, fish and aquatic invertebrates, equines, companion animals, and laboratory animals during transport.

With regards to dogs, the report includes general data on trade according from TRACES (2014 figures) but since the system is not widely used, the figures only represent a tiny portion of the reality:

- EU member states traded 20,779 dogs
- Hungary, Slovakia and Spain were the main countries of origin (68%)
- France, Germany and the UK were the most popular destination countries (71%)
- Most imported dogs are from USA, Australia, South Africa, Russia and New Zealand
- Recipient countries were UK, Germany, Netherlands and Italy

In general, the report recommends the following:

- Set mandatory trainings to enable people involved in such transport operations to recognise and alleviate physical and psychological signs of stress
- Guarantee the welfare of all the animals transported by providing clear definitions and species-specific provisions to which operators, competent authorities and the European Commission need to abide by
- Establish a centralised and harmonised monitoring and reporting system

Here are the recommendations for companion animals in specific:

- Including definitions for 'Journey time', 'Beginning of journey', 'End of journey', 'Transporter', 'Realistic planning', and 'Container'
- 'Attendant': the person that – after having obtained knowledge and understanding of the behaviour and welfare needs of animals through a mandatory training – accompanies the animals during a journey. This person is responsible for their welfare, is able to provide effective management, and to promote, ensure and protect the welfare of the animals under their responsibility.
- 'Commercial movement': regular transport between countries and/or within an EU Member State that has the purpose to give the cat or dog to another person, not only for economic activities but also for the intention itself
- 'Dog': *canis lupus familiaris*, a domesticated member of the family *Canidae* (order *Carnivora*).

- 'Final destination': defined as (i) breeding establishment (to be considered as the final destination, the cats and dogs transported have to stay in the establishment for at least 30 days), or (ii) owner (to be considered as the final destination, the cats and dogs transported have to be registered under the person's name). This list is nonexhaustive.
- 'Young dogs and cats': as a general principle defined as dogs younger than 2 years old and cats younger than 1 year old.

Requirements:

Applicable to any kind of transport

- 101.** The following cats and dogs must not be transported as they are considered 'unfit' for transport (unless to visit a veterinarian):
- (a) Animals in recovery following a planned surgery including neutering or spaying
 - (b) Animals with body condition score 1-3 (WSAVA)
 - (c) Animals displaying signs of aggressive behaviour (i. e. dogs which are growling, snapping, biting, barking, snarling/baring teeth, cats which are hissing, scratching, biting)
 - (d) Muzzled animals
 - (e) Pregnant female cats (queen) or dogs (bitch) during the last 2 weeks before the estimated birth or 1 week after birth, and
 - (f) Puppies and kittens under 1 week old
- 102.** The animal cargo space of the vehicle must protect the cats' and dogs' health, welfare and comfort at all times. This includes:
- (a) Positioning of the container so that animals do not face each other with greater space in front of them (all containers in the vehicle should face one side), and
 - (b) Keeping the interior of the cargo space well-lit, clean and clear of unnecessary items such as harmful materials or substances
- 103.** The containers used to transport cats and dogs shall:
- (a) Be constructed of non-toxic material and pose no hazards such as sharp edges or projections, and
 - (b) During transport and handling, stay upright and secured so as to prevent movement or displacement and should not obstruct the driver's view
- 103.1** Cardboard containers must not be used.
- 104.** Adequate ventilation, humidity and temperature controls are required at all times and be adapted to breed requirements if applicable. The temperature must be maintained between 15°C and 25°C. Humidity levels must be within 30-70% throughout the journey.
- 105.** The following provisions must be complied with:
- (a) A dog and/or cat transported alone in a container must have enough space to stand up fully and hold its head in a natural position. It must be able to sit erect comfortably, turn around and lie down normally, and rest in a natural position
 - (b) In the case of dogs being transported with other dogs, there must be adequate space for all dogs to carry out all these behaviours without touching other dogs, and allow them to stand, sit, turn and lie comfortably
 - (c) In the case of cats transported with other cats, there must be enough space allowed for them to stand, sit, turn and lie comfortably

- (d) Puppies and kittens under 8 weeks must share the container with their mother
- (e) Puppies and kittens under 14 weeks should be transported together if transported without their mother
- (f) Suitable, non-slip bedding must be supplied as appropriate. Any bedding material used must be non-toxic, absorbent, non-allergenic and padded so as not to cause injury. Puppies and kittens of transportable age must be provided with adequate quantities of a bedding material appropriate to the species to ensure their thermal comfort and adequately absorb urine and faeces. Materials such as newspaper, shredded paper, sawdust or straw must not be used, and
- (g) The cat container must contain a litter box with enough unused litter to absorb and cover excreta

106. The personnel loading, handling and transporting cats and dogs must be competent regarding the health and welfare of the species being transported and have the necessary licencing qualification and/or experience.

107. Cats and dogs should be transported in compatible groups. The following animals must be transported in separate containers:

- (a) Animals of different species
- (b) Animals of significantly different sizes or ages
- (c) Sexually mature males and females, in heat should be transported in separate vehicles from mature males
- (d) Animals known or likely to be hostile towards one another
- (e) Unfamiliar dogs, and
- (f) Unfamiliar cats

In cases where cats and dogs have been raised in compatible groups, are comfortable with one another and there is evidence for this, then the categories referred to under points 107 (a) and 107 (b) may be transported together. The ultimate decision depends on the behaviour and situation at the time of travel.

108. The space allowance per cats and dogs must be calculated with regard to the length, height and width of the animal. The indications below are minimum values:

- (a) Length: while standing, the dog or cat should be measured from the tip of its nose to the base of the tail, between 5cm and 12cm should then be added to this (from cats and small dogs to large dogs) to calculate the correct length of container
- (b) Height: while standing, the dog or cat should be measured from the tips of the ears (for pointed eared dogs) or the top of the head (for floppy-eared dogs) and then 12cm should be added to calculate the correct height of the container, and
- (c) Width: while standing, the dog or cat should be measured at its widest point (usually the shoulders). The width of the container should be calculated at 2.5x the animal's width

108.1 If necessary, a cat might be delivered to the transporter in their own carrier that can then be placed into the container. Such a carrier must fulfil the space requirements as outlined above and the container it is to be placed in must be big enough to accommodate both the animal, its carrier, a litter tray, food and water.

109. The following feeding and watering requirements shall be introduced:

- (a) The food shall be offered twice daily for both adult dogs and cats, morning and evening, with breaks every 3 hours to provide water

(b) The food shall be offered 3 times a day every 3 hours for young cats and dogs with breaks every 3 hours to provide water

(c) If the cats and dogs have any special feeding requirements certified by a veterinarian, there must be clear written instructions provided by the owner, and

(d) Each cat and dog transported must have two separate receptacles for food and water respectively. They must be of sufficient size to hold enough water and food for the individual, be securely attached to the inside of the transport container, be able to be filled from the outside of the container, and be designed, constructed or installed so that the animal cannot leave the container through the food and water openings.

109.1 Consignors must certify that each animal was offered food 6-8 hours prior and water within the 4 hours preceding delivery of the animal to a transporter (or intermediate handler for transportation). Kittens and puppies must be offered food 2-4 hours prior and water within 3 hours preceding the delivery to a transporter. Consignors must log the date and time the food and water were offered and state whether any was eaten or drunk. The logged information and certified statement should be securely attached to the animal's container with clear instructions for food, water and equipment to be used that fall outside the scope of normal transport recommendations, or any medical requirements for the journey's duration.

110. Cats and dogs must be observed on a continuous basis to check if they have sufficient air for normal breathing and they do not show signs of obvious physical distress (i. e. laboured breathing, excessive salivation, vomiting/ diarrhoea, frantic scratching, chewing or biting on the transport container, frantic sounds). All vehicles must have an internal camera system in order to ensure proper surveillance of animals at any time and an alarm on the temperature and humidity monitoring systems that alerts the driver.

110.1 Cats and dogs must never be left in a vehicle unattended.

111. A contingency plan must be carried in the vehicle together with the necessary equipment. Staff must be familiar with the contingency plan.

111.1 In the event that any cat or dog is ill or injured such that the most humane option is euthanasia, the driver or attendant must have access to the contact details of a registered veterinary surgeon, for example, via a mobile phone internet service. The animal must be transported to the nearest registered veterinary surgeon as soon as possible and the owner/consigner contacted in order to make an appropriate decision and minimise any unnecessary suffering.

112. The following maximum journey times shall be introduced:

Adult cats and dogs: After 6 hours of travel, a rest period of at least 1 hour must be given. After this rest period they may be transported for a further 6 hours. If animals have not reached their destination after these journey times, they must be unloaded, fed, watered and rested for 24 hours at a suitable location.

Young cats and dogs: In the case of young cats and dogs under 14 weeks old, they must not be transported for longer than 3 hours, and if aged 1-8 weeks old in addition they must be accompanied by their bitch/queen unless the journey has been approved by a veterinarian with expertise in the impact of transport on cats and dogs. After 3 hours of travel a rest period of at least 1 hour must be given. After this rest period they may be transported for a further 3 hours followed by a 1-hour rest stop and another 3 hours travel. If animals have not reached their destination after these journey times, they must be unloaded, fed, watered and rested for 24 hours at a suitable location where they have the opportunity to exercise, toilet and properly rest.

113. The requirements laid down under points 15, 16, 19 and 21 also apply to the transport of cats and dogs.

113.1 In order to fulfil the requirements laid down under point 16, reference shall be made to the guidelines prepared by the EU Platform on Animal Welfare (2020).

Infringements and notification of infringements (any kind of transport)

114. The requirements laid down under points 29 and 30 shall also apply to the transport of cats and dogs.

Additional requirement for sea transport on infringements and notification of infringements

115. The requirements laid down under point 31 shall also apply

Link to report:

https://www.eurogroupforanimals.org/files/eurogroupforanimals/2021-01/2020_01_27_efa_transport_white_paper_0.pdf

4. *Lawsuit against breeding of English bulldog & cavalier king charles spaniel in Norway*

The Norwegian Society for Protection of Animals (NSPA) is suing the Norwegian Kennel Club (NKK), two breed clubs and six individual breeders for not following the country's animal welfare law. The Oslo District Court agreed to hear the case. Proceedings started in November and a final verdict is expected early 2022.

The lawsuit filed by the NSPA concerns the dog breeding of English bulldog and cavalier king charles spaniel. The NSPA believes that these breeds have an unacceptable burden of disease combined with a limited genetic diversity, due to decades of inbreeding. Therefore, they claim to the Norwegian authorities that further breeding within these breeds is a violation of the Animal Welfare Act section 25. They asked for a scientific crossbreeding project to be initiated to save these two breeds from extinction.

The Animal Welfare Act section 25, specifies the following:

“Breeding shall encourage characteristics which give robust animals which function well and have good health. Reproduction, including through methods of gene technology, shall not be carried out in such a way that it:

- changes genes in such a way that they influence the animals’ physical or mental functions in a negative way, or passes on such genes,
- reduces the animals’ ability to practise natural behaviour, or
- cause general ethical reactions.

Animals with a genetic constitution as cited in the second article shall not be used for subsequent breeding. The King may issue specific regulations regarding breeding of animals in conflict with the principles in this Section.”

5. *Newly formed Pet Alliance Europe: Empowering Pets and People*

AnimalhealthEurope and the European Pet Food Federation (FEDIAF) launched in September 2021 the Pet Alliance Europe. Both organisations believe that pet ownership has the potential

to enhance the lives of all Europeans and brings many societal benefits and refer to this as #PetPower.

Link to website:

<https://pet-power.eu/>

6. *MEPs written questions to the European Commission*

In April 2021 **Spanish Socialist MEPs Nacho Sánchez Amor and Nicolás González Casares** proposed to the European Commission to launch a pilot project for research teams looking into the **detection of COVID-19 using professional sniffer dogs**. They inquired the Commission in July about news on this endeavor. The Commission responded that opportunities for supporting research into COVID-19 diagnostics for case detection were offered under some calls of Horizon 2020, but these calls did not result in any specific projects involving professional sniffer dogs. The Commission explained they are aware of reports on the use of dogs to detect persons affected with COVID- and the European Centre for Disease Prevention and Control (ECDC) has provided guidance on contact tracing which is an essential component of strategies to combat COVID-19. Notwithstanding, they highlight that currently, there is relatively little peer-reviewed evidence on the large-scale effectiveness of dogs in contact tracing compared to other methods. However, the Commission, in collaboration with ECDC, will keep this topic under review and arrange for the guidance to be updated, if needed.

French MEP Annika Bruna (ID) inquired the Commission about **tail docking of puppies for aesthetic reasons in France**. Legislation allows such practices in limited cases (dogs living in packs and which tend to bite their tails, or on dogs living in scrubland where tails can easily become damaged), but the MEP points out that tail docking is also being done purely on aesthetic reasons. She explained this is often done illegally by breeders later than five days after birth and at times without an anaesthetic, it deprives dogs of a way of communicating with other dogs to show fear, joy, stress, excitement, etc. If done badly, it can lead to total paralysis or chronic back pain. The European Commission responded that EU legislation does not cover the tail docking of puppies and its welfare implications, and these issues remain the sole responsibility of the Member State concerned. Reference was made to the **voluntary initiative on the health and welfare of pets in trade**, part of the EU Platform on Animal Welfare and the guidelines issued recently for **responsible dog breeding** (see April 2021 Report). These guidelines are not the responsibility of the Commission, but they have been endorsed by the EU Platform for Animal Welfare and its promotion in Member States is encouraged.

Dutch MEPs Anja Hazekamp (The Left), Martin Hojsík (Renew) pointed out **puppy trade issue** like animals being transported with forged passports, taken away from their mothers when they are too young and are not vaccinated against diseases such as rabies. Both MEPs ask the European Commission about what could be done and if **the proposed Digital Services Act (DSA)** will include provisions allowing to monitor online advertising for pets, increase the traceability of traders and ban unverified advertisement. The European Commission responded that official controls on movements of puppies are the responsibility of Member States and so are the actions to be taken in case of lack of enforcement. With regards to the DSA currently being discussed in the Parliament and Council, The Commission explains that the proposal sets out means for all actors in the online ecosystem to counter

illegal content. Any trade or advertisement of pets defined as illegal by national or EC law will be covered by the provisions of the DSA. The DSA will further ensure traceability of traders operating on the online marketplaces and enhance cooperation between the competent authorities to ensure the enforcement of the EU rules in the online environment.

German MEP Manuela Ripa (Greens) asked European Commission how it plans to tackle the problem of **lack of monitoring of the online pet trade**. The 'EU coordinated control plan on online sales of dogs and cats' implemented in 18 Member States, detected an overall lack of identification of animals and traders along with technical difficulties in controlling the online market. A multitude of websites, legal difficulties for inspectors in accessing private houses, missing requirements to provide contact details in ads and a lack of information on where animals are kept, make it difficult to control the online pet trade, explained MEP Ripa. The Commission responded that new EU coordinated action is currently under consideration to strengthen the controls regarding suspicious operators. They explained that for instance in 2020 Member States reported 32 suspicious cross border movements of pets via the Information System for Rapid Alert on Food and Feed (iRASFF). By May 2021, 43 cases had already been notified. This shows the growing attention of Member States in the fight against illegal trafficking of dogs and cats. Furthermore, a number of new provisions are included in the new Animal Health Law to improve the registration and traceability of cats and dogs. The Commission also made reference to the Digital Services Act which will also include provisions aiming at countering illegal content.