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COMMISSION STAFF WORKING DOCUMENT

Summarising evidence supporting the legislative proposal on the welfare of dogs and cats and their traceability

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1. INTRODUCTION

This Staff Working Document (SWD) summarises the analysis and evidence supporting the Commission legislative proposal for a Regulation of the European Parliament and of the Council on the welfare of dogs and cats and their traceability, published on 7 December 2023 (COM(2023)769).

Dogs and cats and their welfare are important to European citizens. According to a Eurobarometer[1] conducted in 2023, 44% of Union citizens own companion animals and 74% of Union citizens consider that the welfare of companion animals should be better protected than it is now. European citizens consider it ethically important to ban cages (89%), mutilations (89%), increase space allowance (94%), provide more enrichment (94%) and to ensure good welfare conditions for dogs and cats bred for commercial purposes (92%).

The trade in dogs and cats in the EU is considerable[2], representing a major economic activity with an annual value estimated at EUR 1.3 billion and direct employment of 300 000 people[3]. Although part of the demand for dogs and cats is met by breeders that abide by high standards of animal welfare, many dogs and cats have been the subject of poor treatment and illegal trade, including from third countries. Furthermore, diverging national provisions distort the EU internal market and complicate the acquisition of dogs and cats for consumers.

Common EU rules on the breeding, keeping and selling of dogs and cats are currently lacking. Neither is there any proper EU-wide traceability system in place for dogs and cats. Sub-standard breeding and keeping practices and illegal trade result in important problems for the welfare, including the health, of the dogs and cats concerned, and the well-being of the prospective pet owner. The legislative proposal is in line with the One Health approach, which acknowledges the close links between animal and human health and seeks to address the problems in a holistic manner.

There is widespread support among Member States for EU legislation on the commercial keeping, breeding, and selling of dogs and cats, and on harmonised traceability rules. In 2020, the European Parliament adopted a resolution[4] on the illegal trade in companion animals in the EU calling for a harmonised, EU-wide system of mandatory identification and

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1 European Commission, Directorate-General for Health and Food Safety, *Attitudes of Europeans towards animal welfare – Report*, Publications Office of the European Union, 2023, https://data.europa.eu/doi/10.2875/872312.

2 Schrijver, R. et al, *Study on the welfare of dogs and cats involved in commercial practices, SANCO 2013/12364*, 2015.

3 Study on the welfare of dogs and cats involved in commercial practices, p. 6 (see note 2, page 1).

4 European Parliament resolution of 12 February 2020 on protecting the EU's internal market and consumer rights against the negative implications of the illegal trade in companion animals (2019/2814(RSP)) (OJ C, C/294, 23.07.2021, p. 40, CELEX: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020IP0035). The resolution also asked that companion animals be microchipped by a veterinarian and recorded in a national database, and that the protection of consumers buying companion animals via online listings be improved.

registration of dogs and cats to fight illegal trade. The legislative proposal also responds to these calls.

2. BACKGROUND

2.1. Context

In 2022, EU citizens owned 66 million dogs and 78 million cats[5]. Part of them is subject to commercial activities through breeding establishments and establishments selling or offering for adoption dogs and cats of all ages, such as pet shops but also shelters (non-profit owned or governmental[6]), the latter of which take in high numbers of dogs and cats each year[7,8].

While part of the trade is legal and to some extent adheres to high welfare standards, there is a significant part of illegal trade of dogs and cats (purposefully not respecting a series of EU and national rules), which is however difficult to estimate. This illegal trade is facilitated by existing loopholes in the traceability of dogs and cats supplied on the Union market and by the increasing growth of sales via online platforms, where the vast number of listings offering pets for sale makes it difficult to detect fraudulent sellers[9], who often keep animals in appalling conditions which are detrimental to their welfare, including their health. Moreover, fraudulent actors sometimes also use shelters to mask their illegal activities[10]. The possibility for Member States to trace back the origin of dogs and cats is often limited because the EU requirement for the identification of those animals currently only applies when animals are being moved between Member States or imported into the Union. In addition, the microchip is not necessarily registered in a national database (this depends on the Member State's national legislation), meaning that the owner or establishment of origin of the animal cannot be identified with the microchip. And when the microchip is registered in a national database, other Member States may not have access to it. In other words, no EU-wide traceability system is currently in place for dogs and cats.

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5 FEDIAF European Pet Food, Annual Report 2023.

6 Magnus, J., A Starter Guide to Understanding and Working with Animal Shelters for Animal Sanctuaries, Open Sanctuary, 2022.

7 The causes of cat and dog intake vary but include the intake of strays and abandoned animals, owner surrenders, returned adoptions and shelter born kittens and puppies (see: Van der Leij, W. J. L. et al., 'Quantification of a shelter cat population: trends in intake, length of stay and outcome data of cats in seven Dutch shelters between 2006 and 2021', PLOS ONE, Vol. 18, 5, PLOS ONE, 2023, https://doi.org/10.1371/journal.pone.0285938).

8 7642 dogs and 25 926 cats were admitted in Belgian shelters in 2021, while Spanish yearly numbers are even higher, estimated at an annual 100 000 dogs and 30 000 cats in the period 2008-2013 (see Government of Flanders, Department of Animal Welfare, Opgevangen dieren in Vlaamse dierenasielen 2021, 2021; Fatjó, J. et al, 'Epidemiology of Dog and Cat Abandonment in Spain (2008–2013)', Animals, Vol. 5, 2, MDPI, pp. 426–441, https://doi.org/10.3390%2Fani5020364).

9 European Commission, Directorate-General for Health and Food Safety, Illegal trade of cats & dogs EU enforcement action, Publications Office of the European Union, 2023, https://data.europa.eu/doi/10.2875/236344

10 Illegal trade of cats & dogs EU enforcement action (see note 9, page 2).

Sub-standard breeding and illegal trade lead to important welfare and health problems for the dogs and cats concerned, as well as safety and wellbeing problems for the prospective pet owner. This can be illustrated by problems regularly reported in a number of notifications in iRASFF, the electronic system implementing the Administrative Assistance and Cooperation procedure described in Articles 102 to 108 of Regulation (EU) 2017/625. Member States share information through iRASFF regarding cases involving the trade of underage, sick and injured puppies and kittens. Some of these animals were identified for euthanasia due to parvovirus. In other cases, dogs and cats experienced extreme stress and behavioural problems, with diarrhoea, respiratory infections, dehydration, neglect, mutilations, or even animal cruelty being reported.

2.1.1. Breeders, pet shops and shelters

In the Union market, different types of operators, carrying out different types of activities, supply dogs and cats.

It is difficult to precisely estimate the number of dogs and cats' breeders in the EU, and even more the size of their activities. Out of 2 020 breeders surveyed[11] in 2015 from 12 Member States representing around 85% of the EU population of dogs and cats, 87% self-reported they were hobby breeders, and only 13% self-reported they were professional breeders. However, categories, definitions and thresholds of breeders differ depending on national legislation. For example, in the Netherlands, a breeder is considered a professional breeder and is subject to national rules when it sells more than 20 dogs or cats per year[12]. In Wallonia, different rules apply to three different thresholds, with requirements already applicable to individuals producing only one litter in the entire lifetime of the animal (considered as "occasional breeders"), and a threshold of five litters for an amateur breeder[13]. One source suggests an estimate of 32 000 professional breeders of dogs and cats in the EU[14].

Broadly speaking, the majority of breeders of dogs and cats run small-scale operations. In France, in 2012, most breeders were small-size breeders (out of the 2 500 to 5 000 cat breeders in France, only 150 had more than 8 reproductive cats). Still in France, 58% of cat breeders had less than two litters per year, 33% had 2 to 5 litters per year and 9% had more than 5 litters per year[15]. In 2023, Wallonia had 6 130 approved breeding establishments[16]. Out of those, 13 were professionals breeding establishments (more than 5 litters per year), and 60 were amateur breeders (more than 1 but less than 5 litters per year), with the remaining 6 057 breeders producing less than one litter a year.

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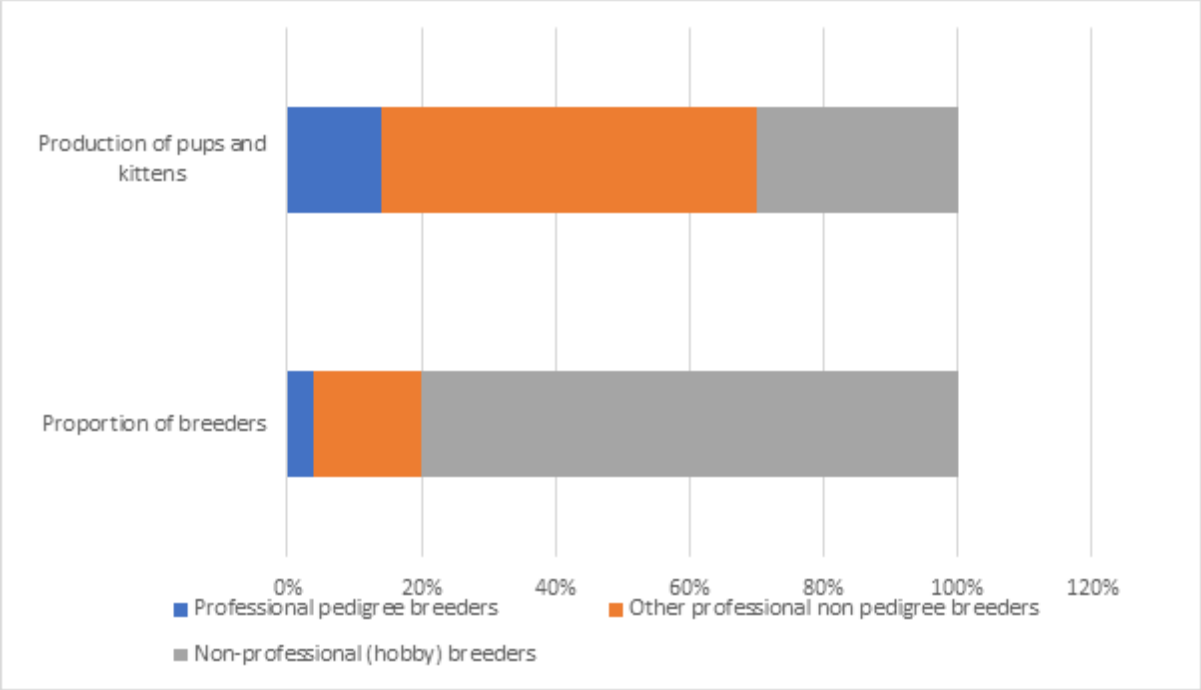
11 Study on the welfare of dogs and cats involved in commercial practices (see note 2, page 1).
12 Dutch Ministry of Agriculture, Nature and Food Quality, Besluit houders van dieren.
13 Wallonie, Obtenir un agrément en tant qu'éleveur de chiens ou de chats.
14 Study on the welfare of dogs and cats involved in commercial practices (see note 2, page 1).
15 FACCO/TNS SOFRES survey, 2012.
16 Wallonian Department of Development, Rural Affairs and Waterways and Animal Welfare, Liste des élevages de chiens agréés au 19 octobre 2023.

Based on those figures, it can be assumed that limited number of individuals breeding animals are professional breeders. Using the thresholds set in the legislative proposal[17], it is estimated that around 20% of individuals breeding animals represent professional breeders, including pedigree breeders who belong to canine or feline umbrella organisations (4%) and other professional non-pedigree breeders (16%). Those professional breeders supply close to 70% of the annual production of dogs and cats in the EU, hence representing the highest market share and value and therefore targeted by the legislative proposal.

The remaining dogs and cats are produced by hobby breeders, and some are not breeders as such but individuals who very occasionally, and often accidentally, have litters and sell or donate them. They are estimated to supply 30% of the annual production of dogs and cats in the EU.

Figure 1. Estimate of the share of professional pedigree, professional non-pedigree, and hobby breeders (pedigree and non-pedigree), by breeder and by production of pups and kittens (extrapolation from French data as described above)



In this context, while many pedigree breeders adhere to stricter welfare standards laid down by umbrella organisations, it should be clarified that pedigree-breeding does not automatically or systematically correlate to higher welfare standards[18]. This is dependent on the organisation issuing pedigrees and the specific conditions that the breeders are required to fulfil to obtain pedigrees to their breeding.

17 Keeping more than three bitches or queen and producing two or more litters per year

18 This is dependent on the organisation issuing pedigrees and the specific conditions that the breeders are required to fulfil to obtain pedigrees to their breeding.

Aside from professional breeders, there are pet shops where dogs and cats that are typically born and bred in other establishments are kept for sale. There is an estimated 500[19] pet shops in the EU that sell dogs and cats. Keeping and selling dogs and cats in pet shops is banned in 14 Member States[20].

Animal shelters are private or public undertakings or non-profit organisations that collect and keep stray dogs and cats, or formerly owned animals that have been lost, confiscated or abandoned. Sometimes, uncontrolled pet breeding or overbreeding results in the proliferation of stray dogs and cats that end up in shelters. Depending on their background, shelter animals may be purebred or mixed breeds and may include the litter of animals that have reproduced in the shelter. Shelters may keep large numbers of animals and sell them or offer them in adoption or for re-homing, sometimes for free or upon payment of the reasonable costs incurred. There are around 3 500[21] animal shelters across the EU.

Despite the differences in the activities carried out by professional breeders and pet shops, on the one hand, and animal shelters, on the other, they all supply dogs and cats in the Union market and there is a certain amount of overlap, especially at the level of the demand. Indeed, when looking for a dog or cat, consumers may opt either to buy an animal from a breeder (either directly or through a pet shop or intermediary), or to adopt one from a shelter. The acquisition of dogs or cats directly from pet owners not involved in professional breeding is marginal. An important factor in the selection of a dog or a cat is the behavioural or health issues that the animal may exhibit due to having been kept in poor welfare conditions and which may reduce their suitability to be kept as a pet animal, irrespective of whether the animal has been kept in a professional breeding establishment, a pet shop, or a shelter. Moreover, given that the trade takes place mostly online, and through intermediaries, consumers may not be aware whether the animal initially originates from a shelter, a breeder, or a pet shop.

There is evidence that the number of animals supplied to the Union market by shelters is significant, in particular for cats. There is also evidence that animals are supplied from shelters in some Member States to prospective pet owners in other Member States, in particular for dogs. Therefore, to ensure the smooth functioning of the internal market in dogs

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19 Internal estimation. Nine Member States allow the sales of dogs and cats in pet shops. Italy has around 5 900 pet stores (Statista 2019), and around 5% are estimated to sell dogs and cats, leading to 295 pet shops selling dogs and cats in Italy. The dogs and cats' population of Italy represent 57% of the dogs and cats' population in Member States. Applied to the entire dogs and cats' population in Member States allowing sales of dogs and cats in pet stores, the number of pet stores is estimated at 514.

20 Member States where the selling of dogs and cats in pet shops is prohibited are Belgium, Luxembourg, Portugal, Croatia, Slovenia, Greece, Austria, Czech Republic, Poland, Latvia, Finland, Sweden, France and Spain.

21 Internal estimations. 624 EU shelters are involved in cross-border movements (TRACES 2023), and it is estimated that 1/6 shelter is involved in cross-border movement, leading to around 3 500 shelters. This result was triangulated with Spanish data, where Spain has 14% of the EU dogs and cats' population, and 26% of the EU shelters involved in cross border movement. Spain has a higher-than-average number of pets in shelters, and sends an higher than average number of pets for adoption abroad. It can be concluded that Spain hosts 20% of the EU shelters, i.e. 700, which is confirmed by data from Fundación Affinity, estimating the number of mid to large dogs and cats shelters at around 700.

and cats, and the rational growth of the sector while ensuring a high level of animal welfare, it is necessary to apply some of the animal welfare requirements to shelters (see also section 3.3).

As further described in section 4.3, a considerable number of dogs and cats in the EU are sold via online platforms.

2.1.2. Trade in dogs and *cats*

Commercial cross-border movements of dogs and cats must be registered in TRACES. TRACES only accounts for the registered movements between Member States, which do not show the numbers of dogs and cats traded within Member States nor the number of dogs and cats accompanying their owners in a non-commercial cross-border movement according to Regulation (EU) No 576/2013 (Pet Regulation). However, commercial movements are sometimes disguised as non-commercial movements to bypass requirements and are therefore not registered in TRACES. The actual number of traded dogs and cats between Member States is therefore likely to be much higher than official TRACES records show, and estimations of the total size of the market are difficult. In addition, it also often occurs that future pet owners travel to other Member States to buy or adopt a dog or cat. When they travel back to their place of living with the pet, this movement does not constitute a commercial movement although it has an impact on the internal market.

According to TRACES, 81 294 dogs and 9 233 cats were traded between Member States in 2021[22]. For dogs, Romania, Spain and Hungary were the main countries of origin and Germany, the Netherlands and Belgium the main countries of destination. For cats, Romania and Spain were the main countries of origin and Germany and the Netherlands the main countries of destination. However, a study from 2015 estimated that every month, 46 000 dogs are traded between EU Member States, most of which are not registered[23]. In Italy, according to a study, only 4% of commercial movements of controlled animals appear to be reflected in TRACES[24]. According to official numbers, about 5 000 dogs leave Romania every month for other EU Member States[25].

Some shelters are involved in cross-border movement of pets, sending them for adoption to other countries. In Spain, in 2022, around 24% of all adopted dogs and 9% of all adopted cats found a new home abroad[26]. 624 shelters in the EU are involved in cross-border movement[27] according to TRACES. However, other shelters operating cross-border activities may be registered in TRACES under other generic categories[28]. Additionally, this only represents

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22 Based on TRACES data.

23 Study on the welfare of dogs and cats involved in commercial practices, p. 23 (see note 2, page 1).

24 Eurogroup for Animals, *Live animal transport, time to change the rules*, 2021, p. 12.

25 Live animal transport, time to change the rules, p. 12 (see note 24, page 6).

26 Fundación Affinity, *Él nunca lo haría. Estudio sobre abandono y adopción de animales de compañía 2023*.

27 Based on TRACES data (2023).

28 An exercise is currently ongoing in Member States to clarify and complement those data, removing the generic categories.

shelters that have directly sent pets abroad, not where the prospective owner came to pick up the animal.

In terms of extra-EU trade, according to TRACES, most dogs and cats entering the Union in 2020-2022 came from Russia, Belarus, and the US (see Table 1 below). Here also, these data from TRACES underestimate the actual size of the flow of imports for the reasons mentioned above.

Table 1. Main origin of dogs and cats imported 2020 – 2022 (according to data available in TRACES)

	2020		2021		2022	
dogs	16.986		40.451		34.557	
	Russia	6.751	Russia	16.963	Belarus	12.731
	US	4.086	Belarus	7.683	Russia	8.618
	Bosnia & Herz	2.912	US	4.597	US	4.606
cats	4.062		8.805		9.123	
	Russia	1.814	Russia	4.077	Belarus	4.214
	US	735	Belarus	1.857	Russia	2.056
	South Africa	203	US	742	US	950

2.2. Relevant existing EU legislation and other policy initiatives

The European Convention for the Protection of Pet Animals is a treaty under the auspices of the Council of Europe which was adopted in 1987[29]. Its signatories recognize that "man has a moral obligation to respect all living creatures". The Convention lays down principles on the breeding, keeping, and killing of pet animals, and seeks to establish basic common standards on the welfare of pet animals. For instance, the Convention contains a ban on mutilation practices like tail docking or devocalisation. It also contains a separate chapter on the control of stray animals. The Convention has been ratified by 19 EU Member States, which are Spain, Sweden, Romania, Portugal, the Netherlands, Luxembourg, Lithuania, Latvia, Italy, Greece, Germany, France, Finland, Belgium, Czech Republic, Denmark, Cyprus, Bulgaria, and Austria[30].

There are no specific EU rules on the welfare of dogs and cats. Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations (Transport Regulation)[31] contains limited provisions (mainly regarding minimum age and feeding and watering requirements) for the transport of dogs and cats in the context of an economic activity. The Commission's legislative proposal for a revision of the Transport Regulation

[29] Council of Europe, European Convention for the Protection of Pet Animals, Strasbourg, 1987.
[30] Council of Europe, *Chart of signatures and ratifications of Treaty 125*.
[31] Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97, OJ L 3, 5.1.2005, p. 1–44.

adopted on 7 December 2023[32] proposes to enhance and expand those provisions (e.g. increasing the minimum age at which dogs and cats can be transported, revising feeding and watering requirements as well as space, temperature, and humidity requirements during transport).

Additionally, there is EU legislation on the protection of dogs and cats when they are bred, supplied, and used for scientific purposes[33]. For this reason, dogs and cats intended for scientific purposes are excluded from the scope of the proposal on dogs and cats discussed in this Staff Working Document.

Under Regulation (EU) 2016/429 on transmissible animal diseases ('Animal Health Law'), EU legislation covers movements of dogs and cats in the context of transmissible animal diseases, most notably rabies, when they are moved between Member States or imported from third countries[34]. EU animal health rules also cover non-commercial movements, i.e., the movements of dogs and cats when they are accompanying their owners without transfer of ownership in Regulation (EU) No. 576/2013 (Pet Regulation)[35]. ANNEX 3 summarises the main relevant requirements of the EU animal health measures currently in place for dogs and cats, including as regards identification of dogs and cats, as well as the articulation between those animal health measures and the provisions of the legislative proposal on the welfare of dogs and cats.

Regarding the sales of dogs and cats, there are no specific EU obligations in place. However, for sales via online platforms, the horizontal provisions of Regulation (EU) 2022/2065 ("the Digital Services Act")[36] apply.

The Digital Services Act regulates the responsibilities of providers of online intermediary services, including online platforms such as online social networks and online marketplaces, with regard to illegal content and goods or services offered by the recipient of their services. It sets out, in particular, a number of due diligence obligations for online platforms relevant for the proposed Regulation, including the obligation for online marketplaces to design and organise their online interface to enable traders to comply with their obligations regarding precontractual obligations, compliance and product safety information under applicable Union law.

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32 European Commission, Proposal for a Regulation of the European Parliament and of the Council on the protection of animals during transport and related operations, amending Council Regulation (EC) No 1255/97 and repealing Council Regulation (EC) No 1/2005, COM/2023/770 final, Brussels, 2023.

33 Directive 2010/63/EU of the European Parliament and of the Council of 22 September 2010 on the protection of animals used for scientific purposes, OJ L 276, 20.10.2010, p. 33.

34 Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law'), OJ L 84, 31.3.2016, p. 1.

35 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, OJ L 178, 28.6.2013, p. 1.

36 Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC, OJ L 277, 27.10.2022, p. 1.

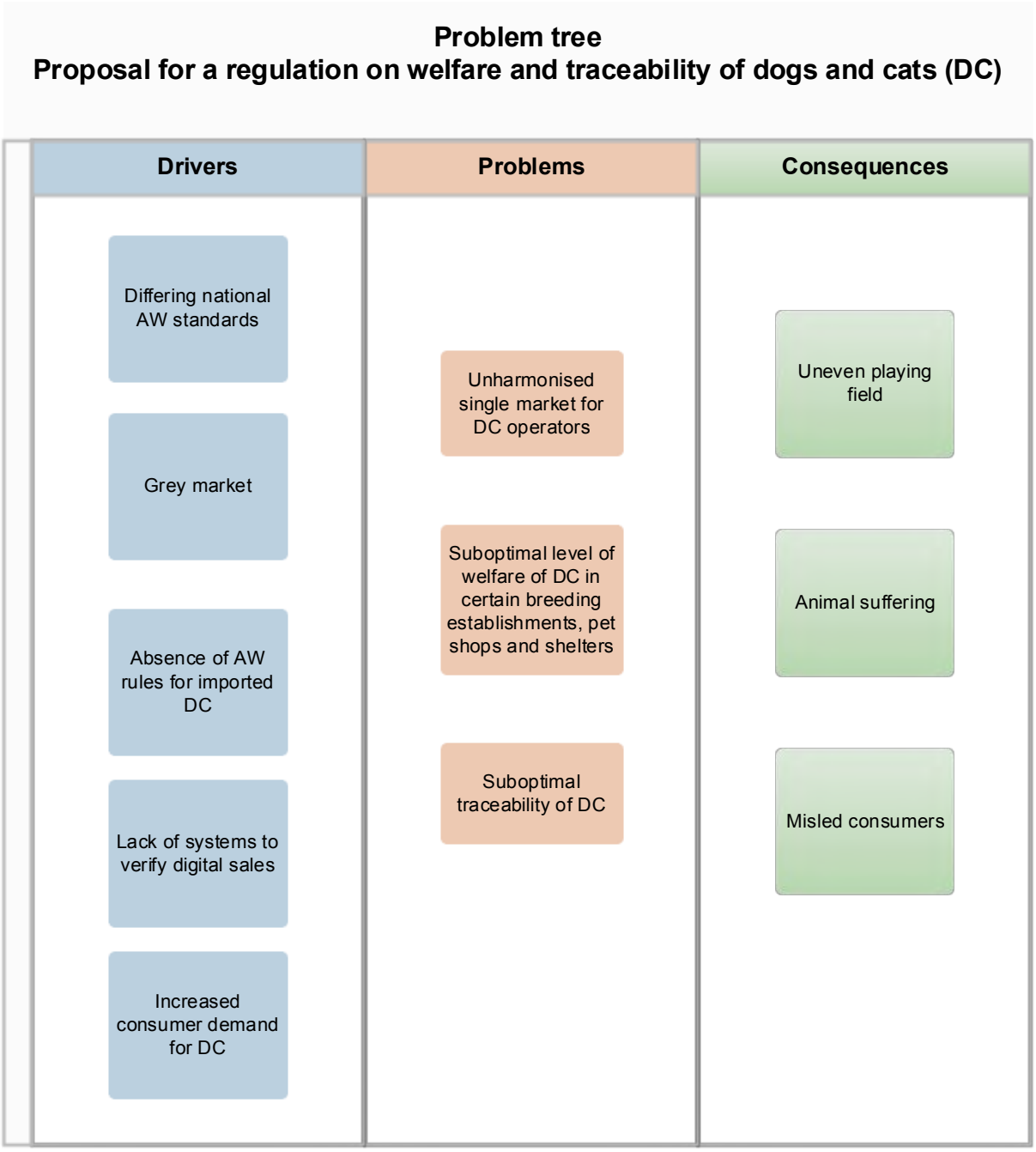
The Digital Services Act also contains a prohibition to impose general monitoring or active fact-finding obligations on online platforms, which shall not be required to systematically and actively seek facts or circumstances indicating illegal activity (Article 8). The Digital Services Act requires online marketplaces to identify their traders ("know your business customer"), in order to ensure a safe, transparent and trustworthy environment for consumers and discourage traders who abuse online platforms from selling unsafe or counterfeit goods. This is applicable to online platforms allowing consumers to conclude distance contracts with traders (either if the transaction takes place within the platform itself or not) – also referred to as "online marketplaces". However, online marketplaces are not required to obtain this identification information from private sellers.

Table 2. Examples of relevant requirements in the Digital Services Act

Examples of relevant requirements in the Digital Services Act:
- Obligations that require online marketplaces to obtain identification information from traders using their platforms to offer goods and services to consumers as well as a self-certification by the trader committing to only offer products or services on their platforms that comply with the applicable rules of Union law (Article 30). - Obligations that require online marketplaces to design and organise their online interfaces in a way that enables traders to comply with their obligations regarding precontractual obligations, compliance and product safety information under applicable EU law (Article 31). - Right for consumers to be informed, by the provider of an online marketplace, of illegal products or services offered by a trader located in the EU (Article 32).

3. PROBLEMS IDENTIFIED

3.1. Problem tree



3.2. Uneven level playing field for operators.

While breeders, pet shops, and shelters supply dogs and cats on the Union market, they are all subject to different rules based on the legal system of the Member State in which they operate. There are indeed wide differences between the legislation of different Member States, such as on rules regarding the threshold between professional and non-professional

breeders, minimum and maximum age of breeding, and identification and registration of dogs and cats[37]. These disparities are likely to increase as national provisions are being revised and reinforced in some Member States at an accelerated pace due to public pressure, while other Member States have very limited legal provisions in the area.

In addition, those breeders who are already subject to welfare requirements are unable to make a return on the investments they make into improved animal welfare, because the other operators in other Member State abiding by low standards can compete better. Therefore, it is necessary to provide for a minimum level of harmonisation of animal welfare rules, because they affect trade between Member States and create market distortions.

Table 3. Examples of national measures on the breeding, keeping and selling of dogs and cats

Examples of national measures on the breeding, keeping and selling of dogs and cats
Ireland[38]
- During her lifetime, a bitch may have 6 litters maximum and a maximum of 3 litters within 3 years.
Finland[39]
- The listing where a dog or cat is for sale/transfer must include information such as the country of origin (if not Finland), the name of the seller/transfer, the animal's age and the location of the animal. - The import of puppies and kittens under 6 months of age (if the intention is to sell within 4 months of import) is prohibited. - When an animal is sold, the seller must provide the recipient with the necessary information about it e.g., the animal's care and other circumstances that are essential with regard to the animal's welfare. - The use of breeding methods which may cause distress or significant damage to the health or welfare of animals is prohibited. - An animal may not be used for breeding, if 1) the breeding combination to be used is likely to cause the offspring illness or other characteristics that cause significant harm to the offspring's welfare; 2) it is unable to reproduce naturally due to an inherited characteristic or illness; or 3) the breeding is likely to cause significant harm to its welfare

37 Study on the welfare of dogs and cats involved in commercial practices (see note 2, page 1).
38 Irish Department of Rural and Community Development, Dog Breeding Establishments Act 2010.
39 Finnish Ministry of Agriculture and Forestry, Law on Animal Welfare, Statute 693/2023.

- Dogs and cats may not be sold or transferred to people under 16 years of age (without their parents' approval).

Sweden[40]

- Bitches must have a minimum age of 18 months when they are bred.

- Certain dogs and cats may not be used for breeding. For example, dogs and cats with behavioural disturbances in the form of an exaggerated fear reaction or aggressive behaviour in unprovoked or everyday situations or dogs and cats which have diseases, lethal predispositions, defects or other characteristics that may cause suffering to their offspring or may prevent the offspring to behave naturally.

Denmark[41,42]

- Danish law includes minimum space allowance requirements for dogs and cats. For example, single fertile male cats must have an area of at least $6m^2$ to their disposition, whereas a "normal" single cat needs access to at least 1.25m2 with a minimum height of 1.8 m.

- A queen may not have more than 3 litters in 24 months.

- Puppies may not be sold or otherwise transferred before they are 8 weeks old.

- Kittens may not be sold or otherwise transferred before they are 12 weeks old.

The Netherlands[43,44]

- Dogs and cats that are kept for commercial purposes are required to be vaccinated for several transmissible diseases (e.g. panleukopenia, parvovirus, feline herpes and calicivirus, etc.).

- If a dog or cat is housed in an establishment at the age during which it is susceptible to socialization, the establishment will take care that the animal gets used to contact with humans and relevant animal species, as well as the circumstances of the

40 Swedish Board of Agriculture, Swedish Board of Agriculture's regulations and general guidelines on the keeping of dogs and cats, SJVFS 2020:8.

41 Danish Ministry of Food, Agriculture and Fisheries, Executive Order on minimum animal welfare requirements for keeping dogs.

42 Danish Ministry of Food, Agriculture and Fisheries, Executive Order on minimum animal welfare requirements for keeping cats.

43 Netherlands Enterprise Agency, Gezondheid en inentingen voor bedrijfsmatig gehouden huisdieren.

44 Dutch Ministry of Agriculture, Nature and Food Quality, Besluit houders van dieren.

establishment. Moreover, the animal has to be enabled to learn and demonstrate natural behaviour. - Persons that sell, deliver, shelter/board or breed 20 or more dogs or cats within 12 months are obliged to register with the competent authority. They must be in possession of an official proof of competence. - Shelters can only be opened in the Netherlands by persons holding an official proof of competence. - A supplier has to provide written information to the buyer on the husbandry, housing, behaviour and costs of the animal. - It is prohibited to breed companion animals in a way that compromises the welfare of the parent animals or their offspring.
Spain[45]
- Dogs and cats may only be sold by registered breeders, without any intermediate parties. - Any sale of a dog or cat must be accompanied by a written contract of sale. Sellers must also provide buyers with information about e.g., the care and management that the animal will require (including veterinary care) and the responsibilities that the buyer will assume. - When an animal is given away for free, it must be accompanied by a written contract stating this. - Animals given out for adoption must be sterilized or be accompanied by a commitment to do so if health reasons make sterilization inadvisable at the time of adoption.
Belgium[46,47,48]
- In Flanders, cats may not be sold when they are less than 12 weeks old. Dogs may not be sold when they are less than 8 weeks old.

45 Spanish government, Law 7/2023, of 28 March, on the protection of animal rights and welfare.
46 Vlaanderen, *Honden en katten kweken*.
47 Wallonie, *Nouvelles normes pour les refuges et élevages d'animaux de compagnie*.
48 Vlaanderen, *Dierenasielen*.

- In Flanders, the operation of a shelter requires approval from the Animal Welfare Department. In order to receive an accreditation, you must meet various conditions regarding infrastructure, care, nutrition, staff, administration and the training condition.

- In Wallonia, breeders are only allowed to breed two different breeds at the same time.

- In Wallonia, it is prohibited to import puppies with the aim of selling them.

Croatia[49]
- Bitches must have a minimum age of 15 months and queens 10 months of age before they can be mated.
Austria[50]
- Only registered/licenced breeders as well as approved shelters/keepers can offer and sell the animals at an age of at least 8 weeks. Owners, who search a new home for an individual animal who has already got its permanent teeth (at least 6 months old) and in case of dogs, that have been registered for at least 16 weeks in the national database, are allowed to offer their dogs and cats for sale online. - The import, buying, keeping, showing in advertisements, exhibition and placing on the market of animals with characteristics of extreme breeding is prohibited. - In Austria it is not allowed to separate cats and dogs younger than 8 weeks from their mother unless for medical reasons.
France[51,52,53]
- Platforms must verify that advertisements for the sale of dogs or cats provide all mandatory information (including the breeder's identity and the animal's identification) prior to publication, and that this information is automatically verified against the national database. At the end of this process, the published advertisement mentions "verified advertisement". - Under French law, an animal shelter is a non-profit establishment managed by an association. Therefore, only associations can manage shelters. This association must be created by at least two people or seven people if located in the department of Alsace or Moselle. - Those who want to open a shelter in France must have a proof of competence

49 Croatian Ministry of Agriculture, Ordinance on the conditions to be met by breeding of pets intended for sale.

50 Austrian Federal Ministry of Agriculture, Forestry, Regions and Water Management, Animal Welfare Act.

51 French Ministry of Agriculture and Food Sovereignty, Rural and maritime fisheries code.

52 Ministère de l'Education Nationale, de la Jeunesse, des Sports et des Jeux, *Le droit local des associations en Alsace-Moselle*.

53 Ministère de l'Education Nationale, de la Jeunesse, des Sports et des Jeux, *La loi du 1er Juillet 1901 et la liberté d'association*.

(L'Attestation de Connaissances pour les Animaux de Compagnie d'Espèces Domestiques or (ACACED)).
Greece[54]
- Bitches may not be impregnated before the second oestrous cycle and before 9 months have elapsed since they last gave birth. - Amateur breeders may breed up to two (2) female dogs or cats once a year. Dog or cat owners can breed their pet once (1) in its lifetime. - Dogs and cats may no longer be used for breeding if they have reached the age of 9 years old. It is prohibited to breed the same animal more than six (6) times in its lifetime. - Dogs and cats may only be sold if they have a minimum age of 12 weeks. - The import, trade and breeding of mutilated dogs is prohibited. - Advertisements or promotions for the sale of dogs and cats in print, brochures, leaflets, billboards, websites or social media can only be made by breeding and marketing establishments complying with relevant national and EU legislation.
Slovenia[55]
- The period between two consecutive births in the same bitch or queen should not be shorter than 290 days. A shorter period between births is allowed only if the female had only one or two pups or kittens. - When purchasing an animal, the seller must notify the buyer in writing of e.g. the care, nutrition, care and appropriate accommodation required by the animal and mandatory and recommended animal vaccinations. - Puppies may not be separated from their mother before they are 8 weeks of age. Kittens may not be separated from their mother before they are 12 weeks of age.
Romania[56]

54 Greek government, Law No 4830 - New framework for the welfare of companion animals: "ARGOS" programme and other provisions.

55 Slovenian government, Regulations on the protection of pets.

56 Romanian National Sanitary Veterinary and Food Safety Authority, Order No. 31 of 31 March 2008.

- When selling pets in establishments intended for the sale of pets, kennels and catteries, the seller has the obligation to give the buyer written instructions regarding the ethological, physiological protection and welfare needs of the marketed animal.

- Keepers of animals selecting an animal for breeding are required to respect the anatomical, physiological, and behavioural characteristics of that species and breed so that the performance, health and well-being of the offspring are not compromised.

- Puppies and kittens may not be separated from their mother before they are 8 weeks old.

Germany[57,58]

- Outdoor exercise outside a kennel and minimum standards for the size and characteristics of kennels. Prohibition of permanent tethering, as well as of spiked collars and other painful means.

- If there are several dogs, they must generally be kept in groups.

- Contact with a caregiver several times a day and at least one caregiver with a certificate of competence per 5 breeding dogs and their puppies or 3 bitches with puppies. Contact with conspecifics (except for health or ethological reasons).

- Provision of a whelping box with certain features. Separation of puppies from their mother after 8 weeks at the earliest (unless indicated by a vet).

- Exhibition ban in the case of amputation of body parts contrary to animal welfare and certain hereditary characteristics.

- In Germany, shelters may only be opened by permit-holders. The operator of a shelter must also keep records of the origin and whereabouts and of the keeping and use of the animals.

These diverging national measures – which affect breeding establishments, pet shops and shelters – pose a barrier to the effective working of the internal market, and create unfair competition between breeders, keepers and suppliers of dogs and cats from different Member

[57] German government, Tierschutz-Hundeverordnung.
[58] German government, Animal Welfare Act.

States, as some breeders are subject to more requirements than others, creating additional costs for them. Moreover, it disincentivises consumers from acquiring animals from other Member States due to prices differences or differences in welfare standards, which represent obstacles to trade. Finally, it also incentivises illegal trade[59], since Member States acting alone are unable to adopt effective measures to dissuade illegal or grey practices (practices that are not illegal but irregular).

Although it is difficult to estimate the extent of the illegal trade, the economic damage seems to be significant, it highly distorts the internal market and negatively contributes to animal welfare. The activity of the illegal dealers and puppy trade businesses not properly declared gives them an unfair economic advantage to sell young pets under the legal age or bypass legal health requirements and minimum standards of animal welfare. Illegal operators do not pay taxes on their activities or bear any costs necessary for humane and ethical breeding, rearing or transportation, which strongly impacts the functioning of the EU's Single Market[60]. The total of uncollected sales and undeclared incomes is estimated to amount to millions of euros annually[61].

This fragmentation is expected to worsen in the future, with the expected adoption of additional national measures due to increasing societal pressure and the growth in illegal trade due to increasing demand.

3.3. Suboptimal level of welfare of dogs and cats in certain breeding establishments, pet shops and shelters

While some Member States have adopted strict measures on animal welfare, others have little legislation at all. The level of animal welfare depends therefore on the operators. There is evidence of severe welfare problems, e.g. related to breeding conditions and mutilations for dogs and cats, and a considerable disregard of animal welfare requirements in the on-line trade dogs and cats[62]. Sub-standard keeping and breeding creates welfare and health issues, affecting not only the animals concerned but also the future pet-owners[63]. It generates unexpected and unfair costs for buyers, who have to pay to treat some diseases, or mitigate the consequences of poor welfare conditions on animal behaviour, or mitigate genetic defects. These genetic defects can be caused by inbreeding and/or reduced gene pool withing the breed, which could lead to recessive genetic diseases[64], autoimmune disorders and generally weaker immune systems in offspring[65]. Selective breeding can favour phenotypes detrimental

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59 EU Dog & Cat Alliance, *National legislation*.

60 Eurogroup for Animals, *The illegal pet trade: game over*, 2020.

61 Illegal trade of cats & dogs EU enforcement action (see note 9, page 2).

62 Illegal trade of cats & dogs EU enforcement action (see note 9, page 2). See also: Four Paws, *Puppy scammers exposed: how deceptive dealers cash in on the illegal puppy trade across Europe*, 2023.

63 Illegal puppy trade across Europe (see note 62, page 17).

64 Casal, M. L., "Feline Fertility Consequences of inbreeding and implications for reproductive fitness", *Journal of Feline Medicine and Surgery*, Vol. 24, 9, SAGE Publications, 2022, pp. 847-852, https://doi.org/10.1177/1098612X221118755

65 Beuchat, C., *Inbreeding and the immune system: unintended consequences*, the Institute of Canine Biology, 2017.

to animal welfare and health for consumer preference[66]. A study shows that one in five owners (21.7%) of brachycephalic dog breeds, where phenotypes detrimental to the dog welfare and health are usually favoured for breeding for aesthetic reasons, found their dog's veterinary costs to be more than expected, as they often have to undergo surgical procedures to mitigate the consequence of those traits on the wellbeing of the dog[67]. While behavioural problems can be hereditary, such as increased noise-sensitivity or nervousness, those can also be developed during early life experiences of the puppy or kitten (e.g., the absence of an enriched environment, no socialisation with other dogs or cats, early separation from its mother) or stressful experiences during the pregnancy by the mother (e.g., chronic psychological of physical stress)[68]. These are conditions which lie within the control of the breeder and supplier of a dog or cat These issues can later in the life of these animals cause serious public safety concerns due to possible development of aggressive behaviour. Common risk factors related to housing that can contribute to the development of behavioural problems and poor level of welfare in dogs and cats include prolonged confinement and insufficient social stimulation in sensitive as well as less sensitive periods of their lives[69]. Sub-optimal animal welfare standards also generate animal suffering due to inappropriate feeding, housing conditions, overcrowding, and even mistreatment, not only for the pups and kittens but also for the bitches and queens which may be bred under high frequencies and at inappropriate ages without considering their physical status (see section 5.1.3 on breeding requirements). The European Food Safety Authority (EFSA) recently recommended[70] that the frequency of pregnancies should be controlled, and bitches and queens should be checked before breeding to prevent exhaustion. Post parturient hypocalcaemia is most typically recorded in queens who have had prior litters and have to nurse a big litter[71].

While some professional breeders are bound to respect appropriate welfare requirements by their pedigree association or umbrella organisation, others are not subject to the oversight of canine and feline organisations, or are affiliated to organisations that do not address in a proper way certain aspects of animal welfare. Among those breeders, some may breed dogs and cats to their maximum possibilities, without regard to the negative consequences these

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66 Iben Meyer, Björn Forkman, Merete Fredholm, Carmen Glanville, Bernt Guldbrandtsen, Eliza Ruiz Izaguirre, Clare Palmer, Peter Sandøe, Pampered pets or poor bastards? The welfare of dogs kept as companion animals, Applied Animal Behaviour Science, Volume 251, 2022, 105640, ISSN 0168-1591, https://doi.org/10.1016/j.applanim.2022.105640.

67 Packer RMA, O'Neill DG, Fletcher F, Farnworth MJ (2019) Great expectations, inconvenient truths, and the paradoxes of the dog owner relationship for owners of brachycephalic dogs. PLoS ONE 14(7): e0219918. https://doi.org/ 10.1371/journal.pone.0219918

68 Henley, E., "Breeders' role and responsibilities in the long-term behavioural health of canines", *The Veterinary Nurse*, Vol. 10, 1, 2019, pp. 12-18 https://doi.org/10.12968/vetn.2019.10.1.12

69 Sonntag, Q et al., 'Key determinants of dog and cat welfare: behaviour, breeding and household Lifestyle', *OIE Revue Scientifique et Technique*, Vol. 33, 1, 2014, https://doi.org/10.20506/rst.33.1.2270.

70 European Food Safety Authority (EFSA), 'Scientific and technical assistance on welfare aspects related to housing and health of cats and dogs in commercial breeding establishments', EFSA Journal, Vol. 21, issue 9 (e08213), 2023, https://doi.org/10.2903/j.efsa.2023.8213

71 Little, S., 'Feline pediatrics: how to treat the small and the sick', *Compendium Continuing Education for Veterinarians*, Vol. 33, 9, Yardley, 2011.

practices have on their welfare[72]. Moreover, the conditions of living provided by these breeders often have a negative effect on the welfare of those animals[73,74], with many examples of harrowing breeding facilities, often illegal, being discovered and dismantled[75].

Not only breeding establishments sometimes fail to ensure proper animal welfare, but conditions in some European shelters are also below par[76]. An example are some shelters in Romania, on which multiple non-governmental organisations (NGOs) have reported to bring local problems to the publics' attention[77,78]. Especially overcrowding poses a large risk for animal welfare[79], which is an issue that many European shelters face today. Several studies conducted in shelter dogs show that the welfare conditions may affect their behaviour, e.g., a lower level of exercise was a predictor of abnormal reactions towards humans[80] and dogs kept in individual housing showed a higher percentage of stereotypes compared to group housed dogs[81]. Poor conditions continue to exist in some shelters, despite many Member States having committed to protect the animal welfare of dogs and cats in shelters by signing the European Convention for the Protection of Pet Animals[82] and having national measures in place.

Breeding establishments providing sub-standard welfare conditions are to some extent allowed to operate due to the absence of an approval system based on animal welfare criteria.

Certain Member States regulate breeding establishments in their national legislation, to different extent. Some, but not all Member States, authorise breeding establishments based on animal welfare criteria, and use different thresholds to classify breeding establishments as professional establishments subject to approval requirements., This reinforces the uneven playing field for the sector at EU level, and subjects the dogs and cats to uneven and

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72 Scientific and technical assistance on welfare aspects related to housing and health of cats and dogs in commercial breeding establishments (see note 70, page 18).

73 Strauss, M., "Planning and animal welfare law: considering why planning authorities in the Republic of Ireland should have regard to animal welfare laws as part of the planning process", *Liverpool Law Review*, Vol 41, 2, Springer, 2020, pp. 129-144, https://doi.org/10.1007%2Fs10991-020-09246-z

74 MacMillan, F. D., "Behavioral and psychological outcomes for dogs sold as puppies through pet stores and/or born in commercial breeding establishments: Current knowledge and putative causes", *Journal of Veterinary Behavior*, Vol. 19, Elsevier, 2017, pp. 14-26, https://doi.org/10.1016/j.jveb.2017.01.001

75 See for example Euronews, *More than 400 animals rescued as Spain trafficking ring dismantled*; 30 Million d'Amis, *Les douanes saisissent 43 chatons et un chiot, importés illégalement d'Ukraine !*; Omroep Brabant, *Hondenfokker veroordeeld voor dierenmishandeling: weer 24 dieren gevonden*.

76 VETO Tierschutz, *Wo wir helfen*.

77 PETA UK, *The Plight of Dogs in Romania – and How to Help Them*.

78 Tasker, L., *Stray Animal Control Practices (Europe). A report into the strategies for controlling stray dog and cat populations adopted in thirty-one countries*, World Society for the Protection of Animals (WSPC) and RSPCA International, 2007.

79 McCobb, E. and Dowling-Guyer, S., "Welfare assessments for long-term housing in animal shelters", *Veterinary record*, Vol. 178, 1, Wiley, 2016, pp. 17-18, https://doi.org/10.1136/vr.h6936.

80 Arena, L. et al., "Application of a welfare assessment tool (Shelter Quality Protocol) in 64 Italian long-term dogs' shelters: welfare hazard analysis", *Animal Welfare*, Vol. 28, 3, 2023, http://dx.doi.org/10.7120/09627286.28.3.353.

81 Mertens, P. A. and Unshelm., J., "Effects of group and individual housing on the behaviour of Kennelled dogs in animal shelters", *Anthozoos*, Vol. 9, 1, 1996, https://doi.org/10.2752/089279396787001662.

82 Council of Europe, European Convention for the Protection of Pet Animals, Strasbourg, 1987.

unverified levels of welfare, since not all establishments are subject to similar requirements. For an overview, see Table 4 below.

Table 4 Registration and authorisation of breeding in EU Member States

Registration and licensing of breeding in EU Member States[83]		
Country	**Registration**	**Authorisation**
Austria	All breeders[84]	Only breeders with an economic activity
Belgium (Wallonia)	All breeders	All breeders
Belgium (Flanders and Brussels)	All breeders of cats. For dogs, only those breeding 3 or more litters per year	All breeders of cats. For dogs, only those breeding 3 or more litters per year
Denmark	Dog breeders with 3 or more breeding bitches with 3 litters or more per year. For cats, 5 litters or more per year.	Dog breeders with 3 or more breeding bitches with 3 litters or more per year. For cats, 5 litters or more per year.
Estonia	All breeders	-
Croatia	All breeders	All breeders
Finland	All professional or large-scale breeders	-
France	All breeders	All breeders
Germany	-	All professional breeders. The requirements for professional breeding are generally met if a housing unit reaches the following size or output: - Dogs: 3 or more breeding bitches or 3 or more litters per year; - Cats: 5 or more breeding queens or 5 or more litters per year. All animals of a keeper, even if they are kept in different facilities, but also the keeping of animals of several keepers, if premises, runs and the like are used jointly, are considered a housing unit.
Greece	All breeders	All breeders
Hungary	All breeders	-
Ireland	Dog breeders keeping 6 or more breeding bitches	Dog breeders keeping 6 or more breeding bitches
Italy	Only professional dog breeders owning 5 or more breeding bitches who give birth to at least 30 puppies per year (regional laws can set different limits for their territories)	Only professional dog breeders owning 5 or more breeding bitches who give birth to at least 30 puppies per year (regional laws can set different limits for their territories)

83 Based on: national legislation (see note 59, page 16).

84 "All breeders" signifies all dog and cat breeders.

Czech Republic	Dog breeders with 3 or more breeding bitches.	-
Latvia	All breeders	-
Lithuania	All breeders	All breeders
Cyprus	All professional breeders	All professional breeders
Luxembourg	All breeders	All breeders
Malta	Dog breeders of four or more litters per year	Dog breeders of four or more litters per year
The Netherlands	All professional breeders	-
Portugal	All breeders	All breeders
Poland	All breeders of purebreds (breeding of mix and cross-breeds is prohibited)	All breeders of purebreds (breeding of mix and cross-breeds is prohibited)
Romania	Dog breeders	Dog breeders
Slovenia	All breeders of more than 5 dogs/cats	All breeders of more than 5 dogs/cats
Slovakia	All breeders	-
Spain	All breeders	-
Sweden	All breeders	Breeders with 3 or more litters per year or keeping 10 or more dogs/cats
Bulgaria	All breeders	All breeders

3.4. Traceability issues

Although identification (by way of microchipping, or tattoo if applied before 2011) and a European Pet Passport are needed for a dog or a cat to travel across Member States' borders, based on the Animal Health Law[85] and the Pet Regulation (EU) No 576/2013, there is no obligation to register the animal in an EU-wide database. The system relies therefore solely on the information in the Pet Passport, which has been proven in practice to be easily falsified[86]. This is similar for dogs and cats entering the Union, who have to be identified but are not registered in a database of dogs and cats.

Furthermore, many pets never cross borders, and therefore a number of dogs and cats are never even identified at all, as identification and/or registration of pets is not mandatory in all Member States. Currently, identification is mandatory in 24 Member States for dogs and only 7 for cats[87], but without registration in a database, traceability is very limited as the microchip itself only provides the country code, and not information such as the details of the owner.

It is often difficult to establish the litter from which an animal originated without a proper traceability system, including the registration of the microchipped animal into a database allowing to trace back to ownership and origins of the animal[88]. This issue is further

85 Animal Health Law (see note 34, page 8).
86 The illegal pet trade: game over (see note 60, page 16).
87 National legislation (see note 59, page 16).
88 Illegal trade of cats & dogs EU enforcement action (see note 9, page 2).

aggravated by the often cross-border nature of the dog and cat trade, differing national legal frameworks and enforcement capabilities as well as language barriers[89].

Finally, the existing national or regional databases are not interoperable, making it difficult for Member States to verify the origin of pets. While the private initiative Europetnet allows traceability of dogs and cats for the purpose of reunification of the animals with the owners in cases of loss and escapes[90], the adherence of Member States to this system is voluntary and non-systematic[91]. This private initiative links national and regional databases of 17 Member States[92], which may opt-out from the arrangement at any time[93].

Around 60% of pet buyers purchase their pet through the internet, and the majority of those pets is assumed to be dogs and cats[94]. At least 75 websites are selling dogs and cats in the EU, based on the responses of 20 Member States targeted by a survey[95]. At any given moment, the number of dogs and cats offered for sale online are estimated at 438 000 and 80 000 respectively[96].

The online trade of dogs and cats in Europe is largely unregulated (see Table 5), leaving many buyers unprotected. Moreover, a 2015 study showed that those buyers purchasing their pet online got the least information on e.g., hereditary diseases, exercise, and obedience training in comparison to other ways of purchasing (e.g. from shelters)[97].

Table 5 Overview of Member States' provisions on the online sales of dogs and cats

Overview of Member States' provisions on the online sales of dogs and cats
France[98] (dogs and cats)
- Dogs and cats may only be offered online by breeders or shelters. - Offers may only be placed in rubrics dedicated to companion animals specifically and must include messages to raise awareness and inform the keeper about the act of acquiring an animal. Public communication services or any advertiser authorising the publication of offers for the sale of dogs and cats must implement a system of prior control in order to verify the validity of the animal's registration in the national register and they must label each offer. - The breed of the animal, the sex, place of birth, in case of a breeder, the number of breeding females at the breeding establishment and their number of litters for the past year, the identification number of the animal, the age, the existence or absence of registration of the animal in a studbook recognised by the Minister for

89 Illegal trade of cats & dogs EU enforcement action (see note 9, page 2).
90 EuroPetNet, *About*.
91 EuroPetNet, *Statutes*.
92 EuroPetNet, *Member Organisations*.
93 EuroPetNet, *Statutes*.
94 EU Dog & Cat Alliance and Blue Cross for Pets, *Online pet sales in the EU: what's the cost?*, 2022.
95 Online pet sales in the EU: what's the cost? (see note 94, page 21).
96 Illegal trade of cats & dogs EU enforcement action (see note 9, page 2).
97 Study on the welfare of dogs and cats involved in commercial practices, p. 23 (see note 2, page 1).
98 French Ministry of Agriculture and Food Sovereignty, Rural and maritime fisheries code.

Agriculture and, if applicable, the identification number of the female who gave birth to the animal and the number of animals in the litter, the identification number of the breeder, or, if not applicable the litter number assigned in the studbook recognized by the Minister for Agriculture. - Any publication of an offer of transfer free of charge must explicitly mention the nature of a gift or free of charge.
Portugal[99] (dogs and cats)
- Offers must include the age of the animal, an indication whether the animal is purebred or not and in case of purebreds the studbook number, the microchip number of the puppy/kitten and its mother, the registration number of the breeder and the number of animals in the litter.
Italy[100] (dogs and cats)
- Offers must include the microchip number of the animal, in case of puppies who have not yet been microchipped[101] the microchip number of the mother and a veterinary certificate attesting to the health of the animal.
Austria[102] (dogs and cats)
- Online offers may only be placed by approved shelters, keepers, registered breeders, at the age of at least 8 weeks of the animal, and by owners or those entrusted with the keeping of dogs and cats who cannot stay with their previous keeper and whose permanent teeth have been formed (at least 6 months of age) and, in the case of dogs, have been registered in the national database for at least 16 weeks. The selling of animals with characteristics of extreme breeding is prohibited.
Croatia[103,104] (dogs and cats)
- Offers may only be placed by breeders and must include the registration number of the breeder and in the case of dogs the microchip number of the animal and that of its mother.
Belgium[105,106,107] (dogs and cats)

99 Portuguese government, Decree-Law no. 276/2001, of 17 October.

100 Italian government, Legislative decree no. 5 of 2022 August 135.

101 In Italy, a dog must be microchipped before it reaches the age of 2 months (see: Ordinance 06 August 2008 Contingency and Urgent Ordinance on Measures to identification and registration of the dog population).

102 Austrian Federal Ministry of Agriculture, Forestry, Regions and Water Management, Animal Welfare Act.

103 Czech Ministry of Agriculture, Ordinance on the conditions to be met by breeding of pets intended for sale.

104 Czech government, Animal protection act.

- In Brussels and Flanders placing offers for the sale or giveaway for free of dogs and cats on generic sites and social media is only allowed by a recognized institution (breeder or shelter). Individuals are only allowed to rehome their dog or cat via specialized sites.
- In Wallonia, offering animals on generic websites in forbidden by law. Advertising for the purpose of sale or giveaway for free is only permitted on recognized specialized websites. Offerings are allowed on websites of approved dog or cat breeders aiming to market or give away animals born under their responsibility, as well as on websites from the Public Service of Wallonia. Offerings are also allowed in closed social media groups, as long as the offers aim exclusively at the free transfer of animals, or the marketing of animals born in the breeding of an approved breeder. Offerings are also allowed outside of a specialized website as long as they are published by shelters for rehoming purposes.

Greece[108] (dogs and cats)

- Offers for dogs or cats for sale can only be posted by the breeder and must include the animal's microchip number, its date and place of birth, place of residence, sex, breed, vaccinations, deworming attestation, approval number and contact details of the breeder (full name, telephone number and e-mail account), and pedigree certificate in case of a certified pedigree animal.
- Offers for dogs and cats for adoption must be accompanied by the hyperlink of adoption, which has been posted on the Panhellenic Platform for the Adoption of Stray Pets.
- Every offers must include the following disclaimer: "An animal is not a toy. You should know that buying or adopting an animal is a life-changing decision. As an animal owner, you are legally obliged to ensure that all needs for its welfare are met. Otherwise, you are committing an offence punishable by law."

Lithuania[109] (dogs and cats)

- Offers must include the breeder registration number, animal microchip number, date of birth and country of origin.

Ireland[110] (dogs)

105 Vlaanderen, *Huisdieren verhandelen of weggeven*; Vlaanderen, Huisdierinfo, *Een nieuwe thuis voor je hond of kat?*
106 Wallonian government, Wallonian animal welfare code.
107 Leefmileu Brussels, *Het garantiecertificaat voor het kweken en verkopen van huisdieren*.
108 Greek government, Law 4830/2021 - New framework for the welfare of companion animals - Program "ARGOS" and other provisions.
109 National legislation (see note 59, page 16).
110 Irish government, S.I. No. 681/2019 - Animal Health and Welfare (Sale or Supply of Pet Animals) Regulations 2019.

- Offers must include the registration number of the person selling or supplying the animal, its age, its microchip number, its country of origin and, in case of applicability of the Dog Breeding Establishment Act of 2010, the registration number of the breeding establishment or charitable organisation.
Cyprus[111, 112] (dogs and cats)
- Online adverts for commercial placing on the market may only be placed by licensed breeders and licensed pet shops.

Offers of dogs and cats must often include information such as the microchip number of the animal and its parents and the number of the breeder or seller, with some online platforms having introduced mandatory fields where this information must be listed. However, this information is easily falsified and difficult to verify in a fast and reliable manner. Listed microchip numbers can sometimes be found in a database, but the information of the person connected to the registered animal is not public[113]. Illegal traders often take advantage of these opportunities. Moreover, the offer of dogs and cats are also made in closed groups of online platforms such as social media. As such, platforms often only require e-mail verification in order to create an account, information on the animal and the breeder or seller can also easily be falsified, preventing accurate traceability[114].

In 2018, the Commission published a recommendation on an EU Coordinated Control Plan (CCP)[115] on online sales of dogs and cats and invited the EU Member States to perform (on a voluntary basis) a check of online sales of dogs and cats over a period of 4 months, the result of which are available on the Commission's website[116]. During this time, 17 Member States (and Switzerland) analysed, controlled, and notified websites suspected of non-compliance with EU or national legislation[117]. The outcome was the detection of instances of misconduct including, but not limited to, the sale of underage and/or unvaccinated animals, falsified identification documents, cross-border trafficking and inconsistencies between traders' status and volume of activities[118].

The EU Agri-Food Fraud Network (FFN) exists since 2013, enabling Member States and the Commission to exchange information and collaborate on cross-border violations of EU agri-

111 Cypriot government, The Protection and Welfare of Animals (Protection of Dogs and Cats in Breeding Facilities, Hotels, Shelters and Dog Pounds) (Κ.Δ.Π. 359/2019, Κ.Δ.Π. 482/2022).

112 Cypriot government, The Protection and Welfare of Animals (Keeping and Selling of Animals) (Κ.Δ.Π. 95/2021).

113 Illegal trade of cats & dogs EU enforcement action (see note 9, page 2).

114 Illegal trade of cats & dogs EU enforcement action (see note 9, page 2).

115 European Commission, *Commission Recommendation of 16.8.2018 on a coordinated control plan for the official controls on online sales of dogs and cats*, C(2018) 5488 final, 2018.

116 *Online sales of dogs and cats (europa.eu)* (see note 115, page 25).

117 *Online sales of dogs and cats (europa.eu)* (see note 115, page 25).

118 *Online sales of dogs and cats (europa.eu)* (see note 115, page 25).

food chain legislation. This exchange is facilitated by the iRASFF system, in accordance with the rules laid down in the Official Controls Regulation[119]. Since the inclusion of animal health and welfare issues within iRASFF in December 2019, the number of notifications related to the breaches of requirements for movement of dogs and cats has been steadily increasing. For this reason, the EU Enforcement Action on the illegal trade of dogs and cats was launched by the Commission on 1 July 2022[120].

From July 2022 to July 2023 this Enforcement Action[121] was performed by the Commission and Member States, which aimed to detect irregularities and falsification of the official documents accompanying pet animals, target undeclared and unregistered sales and deter illegal trade through reinforced checks at EU borders and later within the EU[122]. The report from this enforcement action was published in December 2023[123]. During this Action, issues which were found under the 2018 CCP were encountered again, such as fraudulent activities, pet trafficking and absence of vaccinations. During this Action, Member States also flagged the challenges with which they are faced when trying to better control and check the online market, due to for example, the abundance of platforms and absence of information in listings[124].

The results underscore serious breaches, predominantly documents forgery (misrepresentation of age, origin or rabies vaccination status), illegal transportation of underage pets, exploitation of shelters as fronts for illicit movements of bred dogs, trafficking of material facilitating fraud, and the misuse of TRACES documents[125]. Member States also reported a rising volume of dogs and cats entering the EU through Eastern borders. Moreover, countries such as Poland and Latvia[126] have noted an increased frequency of recurring non-compliance and instances of fraud, particularly regarding the misuse of the non-commercial movement documents for trade purposes, associated with consignments crossing the borders.

Respondents to a survey think that only registered dogs and cats should be offered for sale on online platforms[127]. Online sales are the first problem that many of national competent authorities are facing when wanting to control the dog and cat trade, as most dogs and cats are offered online[128]. In response to the growing size of the market, the increasing problems of illegal trade, and the demands of EU consumers for information on dogs and cats presented for sale, private initiatives are emerging to provide more information and to protect customers from illegal trade, such as the EU Pet Advertising Advisory Group (EUPAAG), which

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119 European Commission, *The EU Agri-Food Fraud Network*.
120 Illegal trade of cats & dogs EU enforcement action (see note 9, page 2).
121 Illegal trade of cats & dogs EU enforcement action (see note 9, page 2).
122 Illegal trade of cats & dogs EU enforcement action (see note 9, page 2).
123 Illegal trade of cats & dogs EU enforcement action (see note 9, page 2).
124 Illegal trade of cats & dogs EU enforcement action (see note 9, page 2).
125 Illegal trade of cats & dogs EU enforcement action (see note 9, page 2).
126 Illegal trade of cats & dogs EU enforcement action (see note 9, page 2).
127 This survey was filled out by 100 respondents from European institutions, Member States, academia and the animal welfare sector. See Illegal pet trade: game over, p. 5 and p. 26 (see note 60, page 16).
128 EU Dog & Cat Alliance and Blue Cross for Pets, *The cost continues to rise*, 2020.

currently has branches in nine different Member States. EUPAAG aids animal welfare organisations, websites and other stakeholders in EU Member States in addressing inappropriate online dog and cat advertisements. It works to ensure that as many websites as possible across the EU sign up to voluntary standards for online pet sales, so that they are advertised in a responsible manner[129].

The lack of traceability and the disparity in controls have left room for the growth of illegal practices in the trade of dogs and cats within the EU and entering the Union, often from breeding establishments where the dogs and cats are raised under uncontrolled and very poor animal welfare conditions.

The illegal trade in pets is very lucrative[130] and often occurs by means of commercial activities being disguised as non-commercial movements[131]. Especially during the COVID-19 pandemic, the volumes of illegally traded animals, notably puppies, increased starkly, with prices of EUR 2 500 to EUR 3 000 for a puppy not being uncommon[132] due to the high demand. In Romania, an NGO revealed that 80% of investigated breeders[133] participated in illegal activities. Generally, these breeders worked together with corrupt veterinarians who would falsify documents regarding e.g., age and vaccination status. Puppies were often sold without rabies vaccination and a passport, and one breeder described how sedatives can be given to puppies during transport in order to keep them quiet[134]. In Bulgaria, 18 of 19 investigated breeders were in clear violation of animal welfare provisions for the sales of puppies, including e.g., a too young age of the advertised animal, absence of vaccinations and absence of a passport. Breeders in both countries were found to be keeping the breeding animals and their litters in bad conditions[135].

A specific element of the illegal trade of dogs and cats is in some instances the use of shelters as a front for illegal activities. While shelters are intended to house animals temporarily and to adopt them out, which is the case for the vast majority, some shelters, however, are suspected of exploiting their status as a shelter to mask illegal breeding and trade of non-EU animals[136], which is often done under poor welfare conditions[137]. Given the symbolic fee that is generally required by such "shelters" or "rescues", such practices are rarely detected by competent authorities[138] who generally often perform less controls on shelters, making this a lucrative operation for illegal actors.

It is estimated that, on an annual basis, 50 000 dogs are transported illegally into France alone[139]. Such illegal trade does not only pose a large risk to animal welfare, but it also

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129 EU Dog & Cat Alliance, *EU Pet Advertising Advisory Group (EUPAAG)*.
130 Organized Crime and Corruption Reporting Project, *The canine connection: Europe's illegal dog trade*.
131 The CARO Project, *Movement & trade.*
132 Movement & trade (see note 131, page 26).
133 During the research period 18 Romanian breeders were investigated.
134 Illegal puppy trade across Europe (see note 62, page 17).
135 Illegal puppy trade across Europe (see note 62, page 17).
136 Illegal trade of cats & dogs EU enforcement action (see note 9, page 2).
137 The illegal pet trade: game over (see note 60, page 16).
138 Illegal trade of cats & dogs EU enforcement action (see note 9, page 2).
139 Live animal transport, time to change the rules, p. 12 (see note 24, page 6).

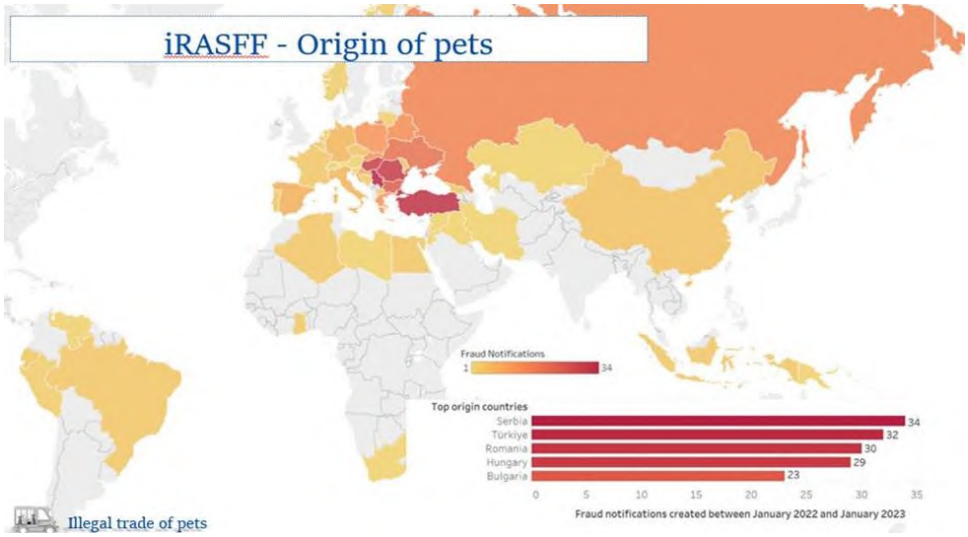
creates unfair competition as well as a risk for human and animal health[140,141] and problems for consumer protection. This illegal trade is increasing and is intensified by online sales where the offers of dogs and cats is not subjected to verification of their identification[142].

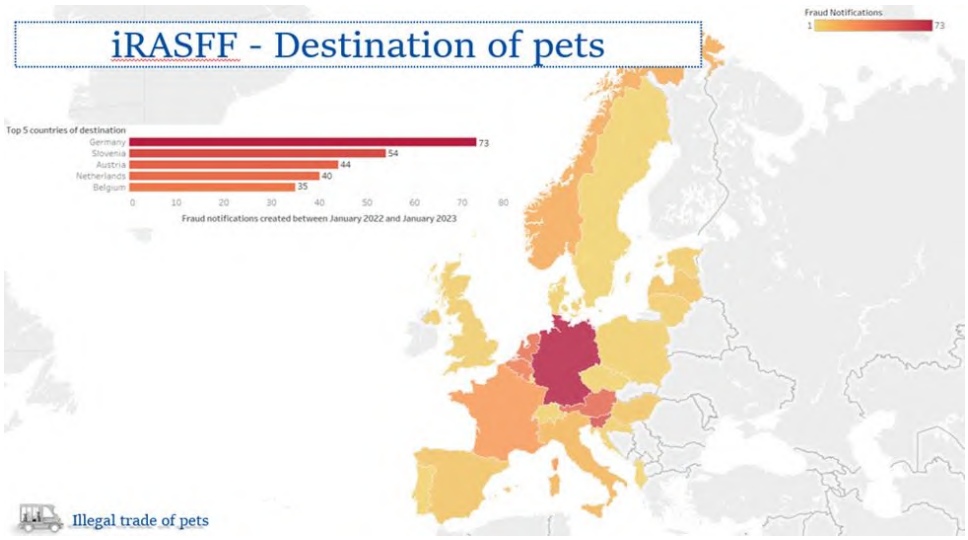
Illegal trade with lack of traceability associated with improper vaccination may also represent a serious risk for transmission of zoonoses, and therefore public health risks in the Union. Poor feeding and housing conditions including low levels of hygiene, as well as the use of painful practices such as mutilations, may lead to an increased use of antimicrobials, which has an effect on the development of antibiotic-resistant infections in humans. Insufficient measures to address behavioural needs of the animals and proper socialization of the pups and kittens, causes behavioural issues in the pups and kittens, which later in life can cause serious public safety concerns due to the development of aggressive behaviour.

Three key issues are at play when it comes to illegal import. Firstly, commercial activities are often disguised as non-commercial movements. Secondly, documents accompanying animals are often falsified and their traceability cannot be established. Thirdly, falsification is difficult to detect during on-the-spot controls by border agents, and is often only discovered later, for example during the veterinary visit arranged by the person who purchased the animal[143].

Figure 2 Origin of illegal trade of pets (source: iRASFF)

140 The illegal pet trade: game over (see note 60, page 16).
141 Illegal trade of cats & dogs EU enforcement action (see note 9, page 2).
142 The illegal pet trade: game over (see note 60, page 16).
143 Illegal trade of cats & dogs EU enforcement action (see note 9, page 2).





4. MAIN MEASURES OF THE LEGISLATIVE PROPOSAL

4.1. Objectives of the proposal

The legislative proposal aims to address the above-mentioned problems by proposing a common framework with the following objectives:

Main objectives:

- Ensuring a level-playing field within the internal market as regards animal welfare rules and a smooth functioning of the internal market of dogs and cats;
- Improving the welfare of dogs and cats placed on the Union market, and addressing the associated public morals concerns, as well as the possible human health risks;
- Providing further control tools to tackle fraud in relation to dog and cat supply on the Union market.

Specific objectives:

- Ensuring minimum common animal welfare standards for the breeding, keeping and placing on the market of dogs and cats bred or kept in establishments;
- Promoting competence for animal caretakers in establishments;
- Ensuring that establishments exporting dogs and cats to the Union apply the same standards of animal welfare as the Union or equivalent standards and supplementing existing rules for the import of dogs and cats with regard to traceability;
- Establishing a solid EU-wide traceability system for dogs and cats supplied on the Union market, including via online marketplaces.

4.2. EU added value / necessity of EU action

The objectives described above (in section 4.1) cannot be achieved by Member States acting on their own and need to be addressed by the Union. Action solely by Member States would risk causing a further fragmentation of the internal market. Such differences in the level of protection of animal welfare are likely to persist and be exacerbated in response to citizen demands, therefore leading to a partitioning of the internal market in dogs and cats. By replacing different national requirements with a more homogenous set of rules, the intra-EU trade of dogs and cats would be facilitated. Hence, the internal market would be improved, and the EU high value on animal welfare would be more easily and coherently promoted at a global level.

The identified animal welfare and traceability problems for dogs and cats, and their underlying drivers, occur across the EU, albeit to a different degree in different Member States. Also, the benefits of higher animal welfare standards and better EU-wide traceability, including better consumer protection and tools to tackle illegal trade, are distributed across the EU.

Traceability of dogs and cats is essential to fight illegal cross-border trade in these animals. Traceability is important to fulfil the objective of ensuring a smooth functioning of the market of dogs and cats in the Union with a high level of animal welfare, as illegal trade creates both disturbances of the market (distortion of competition) and, allows negative animal welfare conditions to flourish due to the lack of control and the maximisation of profit. Furthermore, traceability requirements are needed to be able to trace back the establishment of origin and establish responsibilities, in particular in case of welfare- related problems identified on a dog or cat.

It is difficult at present to ensure traceability of dogs and cats supplied on the Union market. As dogs and cats can be traded across borders within the Union, but also across borders with third countries, and existing national databases are not interoperable, initiatives taken at national level by individual Member States cannot address the existing gaps and Union level intervention is necessary. In order to be effective, the harmonised traceability provisions should apply to all dogs and cats supplied in the Union, whatever the intended purpose.

4.3. Intervention logic

Intervention logic – Proposal for a regulation on welfare and traceability of dogs and cats (DC)

Problems	General objectives	Specific objectives	Actions	Results	Impacts
Unharmonised single market for DC operators	Ensure a level playing field within the internal market as regards AW rules for DC operators	Ensure minimum common welfare standards for the breeding and keeping of DC	Breeders and pet shops adjust processes & premises Shelters adjust processes & premises Approval process for breeding establishments	Professional operators adhere to common welfare standards	Level playing field for operators in the single market
Suboptimal level of welfare of DC in certain breeding establishments, pet shops and shelters	Improve welfare of DC bred and kept in EU, thereby addressing public concerns & risks to human health	Promote competence of animal caretakers Establish harmonised tools and databases that enable traceability	Competence requirements for all operators Animal Welfare visits by veterinarians Equivalent welfare standards for imports of DC in the EU Identification with transponder and registration in national databases for all DC Interoperable EU-wide national databases	Only competent operators handle and place DC on the market	Improved welfare of DC in the EU Improved consumer protection
Suboptimal traceability of DC, also allowing for illegal trade	Providing further control tools to tackle fraud in relation to dog and cat supply on the EU market.	Ensure that establishments importing DC into the EU apply the same welfare standards	System allowing verification of authenticity of identification & registration of DC Requirements for mandatory identification & registration of imports	All DC traded in(to) EU are identified & registered	Less fraudulent and illegal trade of DC

4.4. Proposed measures

To address the problems listed in section 3, the following main measures are proposed by the Commission:

1. Measures concerning establishments (breeding establishments, pet shops and shelters):

   1.1 Requirements for breeding establishments and pet shops covering the five domains of animal welfare and related to feeding and watering, housing (e.g., temperature requirements, space allowance, lighting, access to outdoor), health (e.g., minimum age for breeding, maximum frequency of litters), behavioural needs (e.g., contacts with conspecifics and humans, prohibition on tethering) and painful practices (e.g., prohibition of mutilations).

   1.2 Requirements for shelters covering the five domains while taking into account the specificities of their activities (see section 4.5).

   1.3 Approval of breeding establishments by competent authorities.

   1.4 Requirements for the competence of animal caretakers in establishments (to be acquired through education, training, or experience) and for Member State to ensure that training courses are available for animal caretakers.

   1.5 Requirement for establishments to receive an annual advisory animal welfare visit by a veterinarian.

1.6 Requirements for establishments exporting to the EU to comply with equivalent standards to the measures 1.1 to 1.5.

2. Measures concerning the supply in the Union of dogs and cats (whether by establishments or private persons):

2.1. Identification of dogs and cats with a transponder containing a microchip and registration in a database. Member States are required to establish a database for the registration.
2.2. Requirement for the Member States and the Commission to ensure that the national databases are inter-operable.
2.3. Requirement for the Commission to make available a system (website) accessible free of charge to the public to allow for the verification of the authenticity of the identification and registration of a dog or a cat. Requirement for online marketplaces to add a link to the system so that consumers are able to verify the information contained in the listings.
2.4. Requirement for dogs and cats imported into the Union to be identified, and to be registered into a national database within 48h of entry into the Union.

These measures will contribute to meeting the objectives of the legislative proposal as follows:

a) More harmonised animal welfare standards for the breeding, keeping and placing on the market of dogs and cats will **ensure a more level-playing field** within the internal market and a smooth functioning of the internal market of dogs and cats;
b) New requirements on housing and breeding, also to apply at import to the EU, and on the competence of animal handlers will **improve the welfare** of dogs and cats placed on the Union market;
c) Rules on the approval of breeding establishments, identification and registration and on-line sales will **improve traceability**, including as regards import, hence limiting the opportunities for fraud in relation to dog and cat supply on the Union market.

4.5. Scope of the measures

Pet owners which are not intending to breed dogs and cats as a professional activity may occasionally, or even exceptionally, produce litters and consequently sell or donate animals. Therefore it is necessary to set a threshold concerning the animal welfare requirements (but not the traceability requirements) to exclude breeders that are not breeding as an economic activity from the obligations applicable to establishments. Furthermore, for reasons of proportionality, provisions of the legislative proposal applicable to establishments should not apply to very small establishments or individuals with very limited breeding activity. While the sector overall consists only of SMEs, these hobby breeders and micro pet shops or shelters could be disproportionately affected by the measures.

Therefore, in the legislative proposal, breeding establishments keeping up to three bitches or queens and producing in total two litters or less per establishment and calendar year are not

subject to measures 1.1, 1.3, 1.4, 1.5 or 1.6, and are only required to identify and register the animals kept in their establishments. Pet shops keeping at any given time three dogs or less, or six cats or less, and shelters keeping at any given time ten dogs or less, or twenty cats or less, are also exempt from measure 1.1, 1.4 and 1.5.

For reasons of proportionality and given that the activities of shelters differ from those of other operators and may fulfil a public interest function, the following provisions of the legislative proposal are not applicable to shelters:

- detailed requirements on temperature;
- detailed requirements on space allowance;
- detailed requirements on lighting;
- requirement for thermoneutral zone when dogs and cats are kept indoor;
- requirement for access to natural light;
- detailed requirements regarding minimum age for breeding and frequency of litters and other requirements related to the reproduction of dogs and cats;
- requirement for a socialisation strategy;
- requirement to be approved after on-site inspection.

One of the objectives of these exemptions is to ensure the feasibility of the requirement for shelters and avoid that the introduction of requirements leads shelters to close, thus leading to more stray animals and a worse overall animal welfare situation.

To note is that while the breeding establishments targeted by this proposal represent 20% of the total number of breeders in the EU, this group supplies an estimated 70% of the annual production of dogs and cats in the EU. Even though therefore a relatively small portion of breeders is subject to the proposal, it does improve the welfare of most dogs and cats that are being supplied on the Union market.

For a Union traceability system to achieve its objective (i.e. empower competent authorities to fight against fraud), the scope of the identification and registration requirement must be as wide as possible (so that a competent authority can act in case of unidentified dogs or cats). Thus, the only derogation foreseen for the traceability requirement is for occasional supplies of dogs and cats by private persons when no online advertisement is made.

4.6. Measures discarded

Concerning welfare requirements for the breeding of dogs and cats, the option of fully banning certain breeds with shortened jaws and noses due to artificial selection, leading to welfare and health issues such as breathing problems, heat intolerances and spinal malformations[144], was discarded, as many of these so-called brachycephalic breeds are traditions specific to some Member States (e.g. French bulldog, German boxers, or Brussels Griffon). Instead, a requirement is introduced that breeding strategies do not result in genotypes and phenotypes (e.g., in breeding) that have detrimental effects on the welfare of dogs and cats, which also applies to, but is not limited to, the abovementioned breeds (since it

[144] Eurogroup for Animals, *Extreme breeding in Europe - Mapping of legislation*, 2023.

covers any trait that has negative welfare consequences). The legislative proposal further includes an empowerment for the Commission to adopt a delegated act to set out criteria for meeting this requirement.

Another option envisaged concerns the requirement of a logo on websites offering dogs and cats to attest that those come from approved establishments (similar to the existing EU requirements for online pharmacies to include a logo on their website proving that they are approved by the national competent authority). This was discarded as it would put additional burden on breeders with difficulties to achieve the desired objectives of better traceability (indeed, the requirement to prove that the dog or cat comes from an approved establishment can only apply to those establishments covered by the approval requirement, i.e. above the threshold, and therefore it will be difficult for consumers visiting a webpage without the confirmation of the approval to detect if this is because the establishment is not in line with legislation or because it is small and not subjected to the approval requirement). While non-professional breeders could be requested to indicate on their website the number of bitches and queens kept and the number of litters produced per year, this would be purely based on self-declaration.

The ban of selling dogs and cats in pet shops was envisaged. However, pet shops conducting this activity are very few, especially when compared to other operators active in the supply of dogs and cats. Therefore, banning an entire sector was not deemed proportionate. Additionally, such a ban may incentivise the development of illegal businesses. Instead, proper requirements to ensure the welfare of animals kept in pet shops are proposed.

A minimum age for dogs and cats to be put for sale was envisaged. However, measures for the minimum age for weaning were considered sufficient in this context. Hence, no requirements for a minimum age for selling were proposed. A minimum age requirement for the transport of dogs and cats has been introduced in the Commission's proposal on transport as a second level of protection for the welfare of these animals. A minimum age for acquirers of a dog or cat was suggested by the Voluntary Initiative on the health and welfare of dogs and cats but not retained in the proposal due to a lack of legal basis for such a measure.

A ratio of one carer for every three bitches with simultaneous litters was envisaged in order to take proper care of the dogs without compromising their health and welfare, based on the amount of time estimated for feeding, cleaning, socialising the puppies, etc. This measure was discarded as it was considered disproportionate, and outcome-based requirements for e.g., clean environments and socialisation are proposed instead.

A mandatory resting period of 12 months for bitches or 9 months for queens and bitches in between litters was envisaged, as well as a prohibition of breeding below 18 months and above 7 years for bitches and a maximum number of four pregnancies per lifetime of the animal. A maximum age of 10 years was also examined for queens and bitches. The initial measure was adapted after expert consultation, which advised that two consecutive pregnancies may be beneficial for the health of a bitch. The proposed measures incorporated the recommendations of the EFSA scientific and technical assistance report. The idea of a maximum breeding age has been replaced by an age limit after which a veterinarian must confirm that a potential pregnancy does not pose a threat to the health and welfare of the

animal. A recuperation period and a maximum frequency of litter-giving pregnancies are also introduced.

Another option envisaged was to prohibit the participation in exhibitions and competitions of dogs and cats having undergone cosmetic and/or convenience surgery or tail/ear cropping for therapeutical reasons. This option was discarded as it was deemed disproportionate given the limited number of animals involved.

5. EXPECTED IMPACTS OF THE PROPOSED MEASURES

5.1. Impacts of the individual measures

5.1.1. Minimum welfare standards

The five domains of animal welfare should be fulfilled. To ensure this, there is the need to implement the requirements on the 5 domains of animal welfare, including on housing and breeding, for breeders and for pet shops (measure 1.1) on housing, for shelters (measure 1.2), and the approval of breeding establishment (measure 1.3). The requirements related to housing and breeding are expected to have the most significant impacts. For this reason this document focuses on describing the expected impacts of these requirements., Requirements related to feeding and watering, behavioural needs and painful practices are expected to have more limited impacts.

5.1.2. Housing requirements for breeders, pet shops and shelters

The welfare and health of dogs and cats is affected by the type of housing, space allowance, group size and enrichment that they are provided with[145]. For breeders and pet shops, the new proposal will introduce multiple measures regarding housing conditions such as, but not limited to, temperature ranges, minimum spaces allowances, lighting requirements, sufficient ventilation and the protection of dogs and cats living outdoor from weather impacts, prohibition on the keeping of dogs and cats in cages and outdoor access for dogs. As in several Member States there are no or few legal provisions on housing conditions of dogs and cats, these measures will have a positive effect on their welfare.

Breeders of pedigree breeds who are members of organisations are often required to respect requirements[146], which are often equivalent or even stricter than the measures proposed. For example, the "Fédération Internationale Féline" requires for cats a minimum of 6 m^2 of floor space per cat[147] compared to 4 m^2 for one cat and 2 additional m^2 for each additional cat in the legislative proposal. The welfare of dogs and cats bred and kept in other professional breeding facilities with suboptimal welfare standards, will be improved with the new requirements, by providing more freedom of movement in an environment without cage, with

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145 Scientific and technical assistance on welfare aspects related to housing and health of cats and dogs in commercial breeding establishments (see note 70, page 18).

146 See for example Fédération Internationale Féline, *FIFe Breeding & Registration Rules* or Fédération Cynologique Internationale, *International Breeding Rules of the FCI*.

147 FIFe Breeding & Registration Rules (see note 146, page 34).

a thermoneutral zone where they can meet their physiological needs, as well as more space for activity and a complex environment thanks to outdoor access for dogs.

As for shelters, fewer requirements will be applicable to them due to the nature of their activities. Shelters are required, for example, to ensure that the housing is constructed and maintained in a way so that it does not pose risks to the welfare of animals, that animals are able to move around freely and can express species-specific behaviours, and that animals kept outdoors are protected from negative climatic conditions. The new rules will have a positive impact on the welfare of the animals kept within their premises, as in some Member States, shelters have been reported to keep animals, mainly dogs, in detrimental conditions for their welfare, such as overcrowding[148,149].

It is estimated that the new rules on housing of dogs and cats will apply to around 20% of all breeders in the EU, as 80% of all breeders are non-professional breeders, most of which fall out of scope of the proposed rules due to the size of their activities (see section 2.1). The estimated 500 pet shops are also expected to be impacted. An investment of around EUR 7 500 per operator is expected to comply with the new requirements on housing but also on breeding (see below section 5.1.3), resulting in a total adjustment cost at EU level of EUR 246 million for all affected operators over the course of the transition period.

The estimated 3 500 EU shelters will be impacted as well, although the investments required will be considerably lower due to fewer and less specific requirements compared to breeding establishments and to the fact that several Member States already have rules for shelters that go beyond this proposal, e.g., Greece.

Operators who do not comply with animal welfare standards incur less costs and generate higher profits than those operators that are compliant. As the measures will improve housing conditions to a minimum level EU-wide, the legal landscape will become less fragmented, practices will become more uniform, and consequently competition among professional actors will be less distorted, affecting the single market positively.

The measure will impact consumers positively. Higher animal welfare standards also contribute to healthy animals and reduce the occurrence of e.g., behavioural problems due to sub-optimal housing conditions, such as prolonged confinement and overcrowding[150]. Consumers will therefore be less at risk of acquiring animals presenting health and behavioural issues, which has financial and emotional consequences.

Given the above-described impacts on establishments of the housing requirements, a 5-year transition period is foreseen.

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148 PETA UK, *The Plight of Dogs in Romania – and How to Help Them*.

149 Stray animal control practices (Europe) (see note 78, page 19).

150 Scientific and technical assistance on welfare aspects related to housing and health of cats and dogs in commercial breeding establishments (see note 70, page 18).

5.1.3. Breeding requirements for breeders

Implementing a minimum age for bitches (18 months) and queens (12 months) to have a litter and setting the age of 8 years for bitches and 6 years for queens by which time breeding is allowed only after a physical check by a veterinarian, allows to respect the physical and physiological maturity of the animals and will improve their welfare. EFSA concluded that both bitches and queens should only be bred when they are fully grown (i.e., have reached skeletal maturity)[151,152]. For cats specifically, breeding with too young or old queens can have negative consequences for animal welfare, as younger age of queens has been connected to e.g., increased kitten mortality rate[153]. Moreover, the energy that a pregnancy requires from the queen will impact her own growth if she is not yet fully grown[154]. For an older cat, the risk of c-sections increases the older the cat becomes[155], which is just one of the reasons to put in place veterinarian checks to ensure the cat's (and potential litter's) welfare. Similar health problems and welfare risks (for both bitch and litter) exist for dogs[156]. For bitches, EFSA concluded that for small dogs a minimum breeding age of 18 months can be suggested[157].

Limiting the frequency of pregnancies to three litters per bitch or queen within a period of two years and introducing a period of recuperation with a duration of one year after three consecutive litter-giving pregnancies within a period of two years is also important for queen and bitch welfare[158]. Such a measure allows the animal to recuperate from the previous pregnancy and adequately prepare for the next one. Some breeding establishments, especially those operating illegally or with no regard for animal welfare, breed bitches and queens to their maximum capabilities, which can lead to health problems for the mother such as calcium deficiencies (hypocalcaemia), malnutrition, mastitis, uterine infections, and dystocia[159]. The proposed measures will therefore have a positive impact on animal welfare in those breeding establishments where practices similar to the proposed measures are not applied.

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151 Goericke-Pesch, S. and Packeiser, E. M., 'Reproductive Management in Catteries: Optimising health and wellbeing through veterinarian-breeder collaboration', *Journal of Feline Medicine and Surgery*, Vol 22, 24(9), SAGE Publications inc., 2022, pp. 881-904. doi:10.1177/1098612X221118760

152 Scientific and technical assistance on welfare aspects related to housing and health of cats and dogs in commercial breeding establishments (see note 70, page 18).

153 Scientific and technical assistance on welfare aspects related to housing and health of cats and dogs in commercial breeding establishments (see note 70, page 18).

154 Scientific and technical assistance on welfare aspects related to housing and health of cats and dogs in commercial breeding establishments (see note 70, page 18).

155 Scientific and technical assistance on welfare aspects related to housing and health of cats and dogs in commercial breeding establishments (see note 70, page 18).

156 Scientific and technical assistance on welfare aspects related to housing and health of cats and dogs in commercial breeding establishments (see note 70, page 18).

157 Scientific and technical assistance on welfare aspects related to housing and health of cats and dogs in commercial breeding establishments (see note 70, page 18).

158 Scientific and technical assistance on welfare aspects related to housing and health of cats and dogs in commercial breeding establishments (see note 70, page 18).

159 Pet Keen, Overbreeding in dogs: consequences, risks & health issues, 2024.

It is estimated that the new rules on breeding of cats and dogs will apply to around 20% of all breeders in the EU, as 80% of breeders are hobby breeders or individuals who happened to have a litter in the lifetime of their animals, and most of them fall out of scope of the proposed rules due to the size of their activities. A proportion of pedigree breeders (depending on the requirements imposed by the pedigree organisation) is not expected to be impacted due to their general adherence to already strict breeding rules. For example, most cat breeding associations allow cats to have no more than three litters per two years[160], whereas a certain dog breeding association only allows bitches to have four litters per lifetime[161].

In terms of impact, setting a minimum and maximum age to breed and a limitation of the frequency of breeding will affect the activities of intensive breeders of dogs and cats as they will not be able to maximise the number of pregnancies in the lifetime of an animal. The transition period is expected to leave sufficient time for breeders to adapt by increasing the number of productive bitches or queens to meet the demand and avoid a shortage on the EU market. However, the measure may have a negative impact on the price of dogs and cats for those consumers who are currently buying in the cheapest segments of the currently marketed dogs and cats.

Some EU Member States already have a legal framework that sets a minimum and maximum age for breeding and limit the number of litters a bitch or queen can have in her lifetime. For instance, in Sweden the minimum age for bitches to be bred is 18 months. And in Ireland, a bitch may have maximum 6 litters (and a maximum of 3 litters within three years). As there are also Member States which do not have such measures in place, the proposed rules will improve the level playing field for all types of breeders, positively thus impacting the single market.

Regarding consumer prices, the current prices of dogs and cats sold in professional establishments are often higher than the price of dogs and cats sold on the black market[162]. Additional costs for breeders that breed with lower standards than the ones required by the legislative proposal will be either partly covered by the profit margin initially created by poor housing and breeding conditions, or by an increase in prices for the dogs and cats. A certain increase in prices of dogs and cats, particularly those coming from the currently grey market, may therefore not be excluded.

Given the above-described impacts on breeding establishments, a 5-year transition period is foreseen for the health-related requirements.

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160 Goericke-Pesch S. and Packeiser E., 'Reproductive Management in Catteries: Optimising health and wellbeing through veterinarian-breeder collaboration', *Journal of Feline Medicine and Surgery*, Vol. 24, 9, SAGE Publications Inc., 2022, pp. 881-904, https://doi.org/10.1177/1098612x221118760

161 The Irish Kennel Club, *Responsible breeding guide*.

162 Based on stakeholder consultations.

5.1.4. Approval requirements for breeding establishments

The proposal requires breeders, pet shops and shelters to notify the competent authorities of their activities to keep or breed dogs and cats in their establishment (when they are above the thresholds). Since all establishments (including breeding establishments, pet shops and shelters, independently of their sizes) are subject to registration requirements under EU animal health rules, it is expected that competent authorities will use the notifications done for animal health purposes also for animal welfare purposes, thus this requirement will not have an impact on operators. Where Member States have different competent authorities responsible for animal health and animal welfare, they are expected to organise communication between these competent authorities to ensure the register is available to all.

Breeders (but not pet shops or shelters) will also be required to obtain the approval from the competent authorities, following a prior on-site inspection by an official veterinarian, before being allowed to breed and sell dogs and cats. Together with risk-based controls on the basis of the OCR, this will ensure that all breeding establishments abide to the welfare rules, benefitting animals.

Some Member States already regulate breeding establishments in their national legislation, but do so based on different criteria, which contributes to the uneven playing field for the sector. The introduction of new measures at a European level is expected to take such barriers to the internal market away, creating a level playing field.

The European AHL requires all breeding establishments, operating nationally or involved in intra-EU trade, to be registered but not approved.

However, this registration is done without an inspection by the competent authority to verify that the establishment complies with animal welfare rules whilst the establishments approved are subject to such visit, verifying the compliance with animal health, but not animal welfare requitrements. Requiring an approval of breeding establishments following an official visit, for those not yet receiving such, will therefore require some additional work compared to the existing registration obligation. The national registers which already exist under the Animal Health Law[163] will facilitate the identification of establishments that the authorities will have to visit and approve under the proposed animal welfare rules. Member States will not be impacted to the same extent by this measure given that some of them already regulate establishments breeding dogs and cats and require such inspection prior to approval.

The cost for the approval is expected to amount to EUR 36, representing the on-site visit by an official veterinarian, required for obtaining the approval. For all affected breeders, this one-off administrative cost totals EUR 1.28 million at EU level.

The measure on the approval of breeding establishments will allow consumers to make sure they are buying a dog or cat from an approved breeding establishment (since the proposal requires Member States to publish the list of approved establishments), which is an indicator

[163] Animal Health Law (see note 34, page 8).

of the welfare standards applied in the establishment as well as the consequential health of the animal sold.

In order to leave time for operators and competent authorities to adapt, a 5-year transition period is foreseen.

5.1.5. Competent animal caretakers

To safeguard animal welfare, animal caretakers in establishments should have knowledge and competence on animal welfare, and if necessary, follow the trainings approved by the competent authority (measure 1.4). Their establishments should also be subject to annual advisory visits by a veterinarian (measure 1.5).

5.1.6. Competence requirement

This measure requires animal caretakers to demonstrate certain animal welfare competences. The measure also obliges Member States to designate the competent authority responsible for ensuring that training courses are available for animal caretakers and for approving the content of the courses to be provided.

Article 11 of the Animal Health Law already requires operators and animal professionals to have adequate knowledge of good practice of animal husbandry for the animal species under their care, and of the interaction between animal health, animal welfare and human health. Further addressing the animal welfare aspects would not be very costly. Hence, the economic impact of requiring additional animal welfare competences could be expected to be very limited, especially since such competences – according to the proposal - could also be acquired through professional experience.

Similarly, Article 13 of the Animal Health Law already obliges Member States to encourage operators and animal professionals to acquire, maintain and develop the adequate knowledge of animal health by providing programmes and education. Hence, further emphasising the animal welfare in this context would not be expected to bring any significant additional costs for the competent authorities, as the infrastructure for this measure is already in place. However, the animal benefits could be expected to be considerable since the competence of animal handlers is a key factor of animal welfare.

5.1.7. Animal welfare visit

This measure foresees that breeding establishments, pet shops and shelters shall ensure that the establishments under their responsibility receive, at least once a year, an advisory animal welfare visit by a veterinarian. This as a means of providing further guidance on good animal husbandry.

Article 25 of the Animal Health Law already requires such operators and actors to be subjected to regular animal health visits, which may be combined with visits for other purposes. Further addressing the animal welfare aspects during such visits would not bring

any significant additional costs, especially since animal health visits already cover, to a certain extent, the health part of animal welfare.

A visit by a licenced veterinarian is expected to cost, on average, EUR 36. This amounts to an annual administrative cost of EUR 1,17 million at EU level for the sector overall.

5.1.8. Ensuring the traceability of dogs and cats

To ensure proper EU-wide traceability of dogs and cats, mandatory identification and registration in interoperable national databases are necessary (measure 2.1 and 2.2). Additionally, future pet owners and the public have to be able to verify the authenticity of the identification and registration of a dog or a cat and online marketplaces have to facilitate the possibility to access the verification system (measure 2.3).

5.1.9. Identification and registration of dogs and cats

Under this measure, dogs and cats supplied on the Union market will have to be identified by electronically read transponders and registered in the relevant national database, by a veterinarian or her/his assistant.

Competent authorities will be better able to control the identity and origin of dogs and cats traded and circulating on the internal market, discouraging fraud, and thus better controlling the animal welfare conditions in the establishment of origin. Illegal dog and cat trade, which is attached to poor welfare practices, will become a less attractive business. Another expected positive impact of the identification and registration of dogs and cats is the effect on stray populations, as it better prevents animals from being abandoned and turned into strays[164].

As mentioned in section 3.2, the microchipping and registration of dogs is already mandatory in 24 Member States (only Germany, Poland and Estonia do not have mandatory chipping and registration at national level)[165]. Seven Member States require microchipping and registration of cats (Sweden, Lithuania, Belgium, Luxembourg, France, Portugal and Greece) [166], and some Member States have registers available for owners who want to register their cat voluntarily, such as Ireland[167], Hungary[168] and the Netherlands[169]. There is no impact expected for most professional breeders of puppies and kittens with pedigrees, when these breeders are part of associations that have similar requirements in terms of identification and registration[170]. Non-pedigree breeders and shelters who operate in Member States where no obligation for identification and registration exists and do not already do so on their own

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164 Eurogroup for Animals, *Identification and registration of dogs and cats*.
165 National legislation (see note 59, page 16).
166 National legislation (see note 59, page 16).
167 Fido, *Information*.
168 PetVetData, *PetVetData*.
169 Stichting Nederlandse Databank Gezelschapsdieren (NDG), *De Stichting Nederlandse Databank Gezelschapsdieren (NDG)*.
170 For example, FIFe Breeding & Registration Rules or International Breeding Rules of the FCI (see note 146, page 34).

initiative[171] and who do not trade their animals across borders, will be affected by the measure. Overall, the measure is expected to apply to part of the annual production of puppies and kittens in Member States where identification and registration are not already mandatory, estimated at around 3.7 million of animals per year.

The costs attached to the measure depend on the Member State, the fee of the veterinarian practice and whether the database for the registration requires a fee (which can be one-off or on a subscription basis)[172]. The average veterinarian cost applied to operators to microchip and register a cat or dog in Europe is estimated at EUR 30[173], as this is often done to several animal at once and combined with other veterinary procedures[174]. As identification with the microchip is already mandatory when crossing Member States borders for both commercial and non-commercial movements under EU animal health rules[175,176], this measure will not incur costs for operators transporting animals across borders related to the microchipping. However, costs related to the registration of the animals into a database will be incurred, where not required or practiced in the Member State. Those costs are estimated at EUR 10 per registration if it is done by a veterinarian.

The total annual administrative cost of chipping and registering all dogs and cats bred and sold in the respectively 3 and 20 MS where this is currently not a mandatory requirement will amount to EUR 110.78 million at EU level.

The measure will contribute to ensure the effectiveness of the proposal's rules regarding animal welfare by helping to curb the opportunities for illegal practices. It will also contribute to setting a level playing field for actors putting dogs and cats on the European market, as it will take away national differences regarding identification and registration.

Comprehensive rules on identification and registration and regulation of online sales will improve traceability of dogs and cats, consequently improving the system of prevention and control of transmissible animal diseases, notably rabies, thus contributing to the objectives of EU's animal health rules.

Consumers will be impacted positively as the new requirements are expected to improve the information available to consumers on the market related to cats' and dogs' origins before they purchase a pet, allowing them to make more informed decisions and become less vulnerable to fraudulent operators[177]. Moreover, mandatory identification and registration of dogs and cats will also reduce the number of false age declarations, which will reduce the risk

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171 This is especially relevant for cat shelters, as some shelters in Member States without a mandatory obligation for identification and registration (e.g. the Netherlands) already apply this practice on their own initiative.

172 Europetnet, *Microchipping*.

173 Based on own calculations after comparison of different tariffs across the EU.

174 This is the case in for example the Netherlands, see Dierenarts Bob, *Prijslijst*; Dierenkliniek de Wetering, *Veterinary fees*; Anicura Zuidlaren, *Tarieven consult*.

175 Regulation (EU) No 576/2013 (see note 35, page 8).

176 Animal Health Law (see note 34, page 8).

177 The illegal pet trade: game over (see note 60, page 16).

of consumers purchasing an animal with compromised health. Finally, it will provide consumers with better consumer protection, as the animal that was purchased can be tracked back to the source.

The identification and registration of dogs and cats, if properly enforced, may also provide Member States with the opportunity to reduce stray populations, as it protects animals from being abandoned and turned into strays[178]. Apart from having a positive effect on animals as stray animals are exposed to all kinds of dangers and suffering, this will very importantly reduce the negative societal consequences of strays as stray animals can cause multiple issues like the damaging of property and livestock, and most importantly, they can form a risk factor for human health through for example their faeces or bite incidents[179]. Research reflects that Member States with no or very low quantities of stray dogs had a system of permanent identification in place[180].

In general, measures assuring traceability to the source such as mandatory identification and registration of animals, are considered to have an important impact on controlling the illegal trade[181]. A 2020 survey of Eurogroup for Animals reflects that 98% of respondents[182] supports the use of such a system[183].

Mandatory registration of dogs and cats in a database is seen by stakeholders interviewed as a threat for those who currently have at least partly illegal practices with detrimental effects on the welfare of dogs and cats[184]. This is mostly since in one way or another, these breeders benefit from the ambiguous source of their animals. Often animals born in the EU are mixed with animals illegally imported from non-EU countries[185]. This practice is unacceptable also from the point of view of the animal health legislation.

A 3-year transition period is foreseen for establishing databases.

5.1.10. Interoperable database

Under this measure, Member States will have to set up one or several databases allowing for the registration of the microchip of dogs and cats and make this(these) database(s) interoperable with the databases of other Member States, based on technical requirements to be established in an implementing act.

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178 Eurogroup for Animals, *Identification and registration of dogs and cats*.

179 Voslárvá, E. and Passantino, A., 'Stray dog and cat laws and enforcement in Czech Republic and in Italy', *Annali dell'Istituto Superiore di Sanità*, Vol. 48, 1, 2012, Istituto Superiore di Sanita, pp. 97-104. https://doi.org/10.4415/ann_12_01_16

180 Stray Animal Control Practices (Europe) (see note 78, page 19).

181 The illegal pet trade: game over (see note 60, page 16).

182 Composed of traceability experts, representatives of EU Institutions, government authorities and civil society organisations from over 12 Member States.

183 The illegal pet trade: game over (see note 60, page 16).

184 Based on stakeholder consultations.

185 Based on stakeholder consultations.

Mandatory registration of dogs and cats in a database will impact a limited number of Member States which have not already implemented such a system. For these Member States, the measure is expected to facilitate the implementation of innovative solutions for the identification, registration and monitoring of the cat and dog population, based on experience in Member States that have already enforced such a legislation at national level.

The requirement to establish and/or maintain databases of dogs and cats will require Member States to follow the principles of interoperability of databases, which is crucial to allow for good traceability and systems like verifications of registration to become fully functional. Experience in some Member States (e.g., Ireland) and third countries (e.g., Switzerland) shows that interoperability can be achieved by developing application programming interfaces (API) which allow the use of data in the mechanism of verification. Technically speaking, interoperability could be achieved by setting minimum requirements on local databases and require that they communicate between each other. Alternatively, index central databases (database with only the ID number of the pet but not the full details, for data protection and privacy reasons) could be established. Practical experience suggests that the latter model is the most efficient one.

Harmonized rules on data interoperability will be required by means of further legislation. A transition period is foreseen for Member States to be able to make these adaptations. Currently, a private initiative, called Europetnet, already links national and regional databases of
17 Member States (albeit on a voluntary basis)[186].

A 5-year transition period is foreseen for making the databases inter-operable.

5.1.11. Verification mechanism and offers of dogs and cats on online platforms

Within 5-year from the entry into force of the Regulation, the Commission will set up a system (available through a website) for the public to be able to verify the authenticity of the identification and registration of a dog or a cat, free of charge. Online platforms allowing consumers to conclude distance contracts with traders, on which dogs or cats are offered for adoption or sale, will be required to inform consumers that they can verify the authenticity of the identification and registration of the dog or cat offered via this separate website (and to provide the link to this website).

Based on private initiatives, systems have been developed and are already used voluntarily by certain online platforms whereby the verification of the authenticity of the identification and registration of the dogs and cats is made before the offer is published on an online platform (e.g. Veripet initiative of Europetnet[187]). In addition, certain Member States have started to require the use of such verification systems.

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186 Europetnet, *Member organizations*.
187 See Four Paws' description of Veripet.

The proposed measure will not prevent the placement of offers for unregistered dogs and cats on platforms (since the verification is not done prior to the publication of the listing) but is expected to discourage it.

Online platforms will need to adapt their online interface to require traders supplying dogs or a cats to provide the necessary information about the identification and registration of the dog or cat (in particular the identification number of the animal), and to ensure that the listing informs consumers that they can visit the website organised by the Commission to verify the authenticity of the identification and registration of the dog or cat offered.

In addition, online platforms will need to enable and facilitate the presentation by the supplier of the following warning about responsible ownership which must be displayed when dogs and cats are offered online: "*An animal is not a toy. Buying or adopting an animal is a life-changing decision. As an animal owner, you are obliged to ensure that all the needs for its health and well-being are met at all times*".

These requirements for online platforms, which is a one-time adaptation of their online interface, are not expected to represent a major impact for platforms.

The cost for the Commission for developing the verification system is estimated at EUR 1.5 million and at EUR 300 000 per year to maintain it (see legislative financial statement accompanying the proposal).

5.1.12. Import requirements

There is a considerable number of dogs and cats imported from third countries, often bred and kept under sub-standard welfare conditions.

Where there is no comprehensive data on animal welfare problems with dogs and cats imported from third countries, due to absence of existing legislation on the topics and thus controls and reporting on animal welfare aspects, indirect evidence can be noted notably thanks to the EU enforcement action mentioned in section 3.4. The illegal trade from outside the EU has been increasing in later years, with 45% of non-compliance and suspected cases of fraud detected within the EU or at its borders during the EU coordinated action involving dogs and cats directly originating from third countries such as Serbia, Ukraine, Belarus, Russia and Türkiye[188]. In 2022 a total of 32 iRASFF notifications (corresponding to 5% of all the notifications reported) raised explicitly animal welfare matters related to dogs and cats imported into the EU[189]. iRASFF notifications covered, *inter alia*, notification of sick puppies, with puppies not arriving at destination as they had to be euthanised due to parvovirus, of cases of dogs with extreme stress, of dogs with diarrhoea, respiratory infections, dehydration, cases of neglected care. Some other iRASFF notifications mention investigations due to animal cruelty. Others mentioned cases of mutilations, such as ear cropping and tail docking of puppies.

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183 Illegal trade of cats & dogs EU enforcement action, p. 12 (see note 9, page 2).

189 Illegal trade of cats & dogs EU enforcement action, p. 11 (see note 9, page 2).

Based on stakeholder consultations, it can be concluded that higher EU animal welfare requirements that would be only applicable to EU operators, without equivalent requirement for imported dogs and cats, would lead to more imports of dogs and cats bred in poor animal welfare conditions in non-EU countries, leading to increased animal and public health risks. This would not respond to citizens' ethical concerns. On the other hand, requiring equivalent requirements for the breeding, keeping and registration of imported dogs enables to reach the animal welfare policy objectives of this Regulation.

After a 5-year transition period from the entry into force of the new Regulation, once adopted, third country operators will be required to comply with the following similar requirements in order to export dogs and cats into the Union: feeding, housing, health, behavioural needs and mutilations requirements, requirements regarding breeding (measures 1.1 and 1.2), approval of breeding establishments by the competent authorities (measure 1.3), requirements regarding competences of animal caretakers (measure 1.4), requirements regarding animal welfare visits (measure 1.5), as well as the notification of the breeding or keeping of dogs and cats to the competent authorities.

Only those dogs and cats that have been kept in compliance with standards equivalent to those of the EU will be allowed to be imported to be sold on the Union market, which will have to be proven by means of certification by the official veterinarian of the third country. The impact on third country operators of such a requirement differs depending on the national animal welfare legislation in the countries concerned. To note is that certain third countries of parts thereof, such as New Zealand[190] and California (US)[191], already have similar standards as some of those in the legislative proposal. Hence, the impact on operators in those third countries would be very limited.

The mechanism for the EU to enforce this requirement will consist in listing by the EU of countries whose control systems provides sufficient guarantees of their reliability in terms of controlling that equivalent requirements to those of the EU are applied in establishments exporting dogs and cats to the EU. This will be done based on written assessment, likely also involving on-the-spot audits of those control systems, in those third countries which are currently approved under EU animal health legislation to export dogs and cats to the Union. Once a third country is listed, it will need to approve establishments exporting dogs and cats to the EU based on their equivalent standard to the EU, and to certify compliance with these standards in the export health certificate. The Commission will need to amend the model of import health certificate for dogs and cats established under EU's animal health rules to include the animal welfare attestation in that model of health certificate. Being commercial movements, the entry of these animals in the Union will be pre-notified in TRACES.

Moreover, the animal must be registered in a European database within 48 hours of arrival (measure 2.4). While microchipping is already mandatory for dogs and cats entering the Union for both commercial and non-commercial movements under respectively the EU

190 Based on stakeholder consultations.

191 Government of California, Pet Rescue and Adoption Act (AB 485).

Animal Health Law and Regulation (EU) No 576/2013 on the non-commercial movement of pet animals, importing operators will also have to register the animals into an interoperable database, at a cost of around EUR 10 per animal. Hence, registering the 52 000 dogs and cats that are estimated to be imported into the EU annually would represent a total annual administrative cost of EUR 520 000 at EU level.

5.2. Overall impacts, costs and benefits

5.2.1. Overall other impacts

In addition to the main costs and benefits outlined in the previous section 5.1, there are also other expected impacts. The legislative proposal's environmental impacts can be considered as negligible and consistent with the climate objectives. In terms of social impacts, the proposal is expected to have a positive effect. It will bring better consumer protection, by contributing to reduce the likelihood of behavioural and health issues due to poor welfare conditions in dogs and cats placed on the Union market. Consumer protection will also be enhanced due to better traceability of those dogs and cats. Furthermore, the proposal would not have any significant impact on fundamental rights – given that the EU rules on data protection and privacy are respected.

The impacts of the requirements of the individual measures, outlined in section 5, will overall contribute economically to a better harmonisation of the Internal Market.

Besides the already indicated impact on contributing to a level-playing field within the EU internal market, the proposal is also expected to have an impact on exports by creating an additional quality guarantee for dogs and cats sold by EU operators to operators or individuals outside the Union. However, these exports are minimal and represent less than 0.1% of the market in terms of volume, as these mostly represent animals that are sold abroad for breeding purposes and to help ensure genetic diversity within breeds in particular, for participation in shows, and to allow enthusiasts to access autochthonous breeds that are unique or have distinct features. Despite minimal costs for operators, the implementation of EU welfare and traceability requirements for dogs and cats in this proposal will further elevate the already high standards and reputation of EU exports, thereby further enhancing the EU competitive advantage in a niche global market.

The proposal will to some extent contribute to reaching the United Nations' Sustainable Development Goal number 3, 'Ensure healthy lives and promote well-being for all at all ages', as laid down by the United Nations[192]. By ensuring better welfare standards and traceability for dogs and cats in the EU, the expectation is that issues such as injuries and sickness due to low welfare standards (such as overcrowding) will decrease. Consequently, it is likely that the number of dogs and cats which need to be treated with antimicrobials will go down, leading to lower risks of infections and usage of antimicrobials, lowering the risk of antimicrobial resistance (AMR). Lowering the risk of AMR is of the utmost importance to

[192] United Nations, *The 17 goals*.

ensure public health in future, as a continued rise of AMR is estimated to lead to an estimated 10 million deaths annually on a global basis[193].

Moreover, research reflects that human-animal interaction is beneficial for human health, including mental health. Surveys from a German and Australian study reflected that people who continuously own a pet were the healthiest group and people who cease to have a pet or never had one were less healthy[194]. It has also been demonstrated that pet-human interactions can improve depressive symptoms and cognitive function[195], decrease blood pressure, lead to increased physical activity, increased sensory stimulation and emotional support, as well as a stronger sense of physical and psychological well-being[196]. From a human health perspective, the importance of pets has therefore been established, giving more urgency to protecting their welfare. The proposal on dogs and cats, by reducing the occurrence of behavioural problems with pets, will thus indirectly contribute to improving the health of pet owners.

The measures on traceability are also expected to help better reach the objectives of the EU Animal Health Law, thus reducing risks to human health, from zoonoses[197]. Adequate preventive care and good animal husbandry is expected to address risks in relation to a variety of human health risks, such as parasitic and protozoal infections[198,199] (e.g. *giardia duodenalis, leishmaniosis,* hookworms).

5.2.2. Overall costs and benefits

The overall costs and benefits of the legislative proposal are summarised in the table below:

Measure	**Costs**	**Benefits**
Measure 1.1. Requirements for breeding establishments and pet shops related to the 5 domains	Some operators (those currently not following good animal welfare standards) will need to make investments to meet the new requirements regarding the 5 domains of animal welfare, also in	Significant benefits for the dogs and cats confirmed, in terms of improved welfare. Improved animal welfare, improved health and reduced behavioural issues due to better

193 European Commission, *EU Action on Antimicrobial Resistance*.

194 Heady, B. and Grabka, M. M., 'Pets and Human Health in Germany and Australia: National Longitudinal Results', *Social Indicators Research*, Vol. 80, Springer, 2007, https://doi.org/10.1007/s11205-005-5072-z.

195 Moretti, F. et al, 'Pet therapy in elderly patients with mental illness', *Psychogeriatrics*, Vol. 11, 2, Wiley, 2011, https://doi.org/10.1111/j.1479-8301.2010.00329.x.

196 Animal Health Europe, *Healthy pets for happy families*.

197 The illegal pet trade: game over (see note 60, page 16).

198 Maggi, R. G. et al., 'Vector-borne and other pathogens of potential relevance disseminated by relocated cats', *Parasites & Vectors*, Vol. 15, 415, BioMed Central, 2022, https://doi.org/10.1186/s13071-022-05553-8.

199 Baneth, G. et al, 'Major parasitic zoonoses associated with dogs and cats in Europe', *Journal of Comparative Pathology*, Vol. 1, 1, 2016, https://doi.org/10.1016/j.jcpa.2015.10.179.

	particular housing, such as investments to allow animals to have sufficient space, appropriate lighting, and access to outdoors. The investments are estimated at EUR 7 500 (one-off) per breeding establishment or pet shop. Some breeders will have to adjust their processes to meet new breeding requirements of maximum of litters and minimum age for breeding. A marginal reduction in income per female is expected due to fewer litters per bitch or queen for those breeders currently doing intensive breeding. Combined with measure 1.2, this adjustment cost is estimated to total EUR 246 million at EU level for all operators over the course of the transition period.	keeping conditions lead to savings in veterinary costs for both operators and consumers. By contributing to reduce the occurrence of health issues, spread of infections and use of antimicrobials, better keeping conditions have a positive effect on public health.
Measure 1.2. Requirements for shelters related to the 5 domains	For shelters, the investments are expected to be limited as the requirements on housing are less detailed.	Significant benefits for the dogs and cats confirmed, in terms of improved welfare. Improved animal welfare, improved health and reduced behavioural issues lead to savings in veterinary costs for both operators and consumers.

		By contributing to reduce the occurrence of health issues, spread of infections and use of antimicrobials, better keeping conditions have a positive effect on public health.
Measure 1.3. Approval of breeding establishments	The approval incur costs will incur costs for CAs that have to do on-site inspections, unless the CA introduces a fee system to cover such inspection. In this case costs will be incurred for breeders who have not been subject to inspection yet, estimated at EUR 35.6 (one-off) for the visit of an official veterinarian. This administrative cost is estimated to total EUR 1.28 million for all affected operators at EU level.	Eased enforcement for competent authorities and better traceability of animals. Significant benefits for the dogs and cats confirmed, in terms of improved welfare.
Measure 1.4. Requirements for the competence of animal caretakers in establishments	National competent authorities may face the costs of ensuring training for animal caretakers is available, if trainings are not offered in their MS yet. Only operators (breeders, pet shops, shelters) who cannot demonstrate animal welfare competences obtained through experience or other training will have to attend the trainings,	Significant benefits for the dogs and cats confirmed, in terms of improved welfare. Improved animal welfare, improved health and reduced behavioural issues due to better knowledge and ability to anticipate issues of animal caretakers lead to savings in veterinary costs for both operators and consumers. By contributing to

	estimated at around EUR 241 (one-off) per operator[200].	reduce the occurrence of health issues, spread of infections and use of antimicrobials, improving the competence of animal caretakers has a positive effect on public health.
Measure 1.5. Requirements for yearly animal welfare advisory visits by a veterinarian	Operators (breeders, pet shops, shelters) will incur the yearly costs of an animal welfare visit from an official veterinarian, estimated at EUR 35.6 per visit. The visit may be combined with a visit for other purposes, reducing the cost. Overall, the annual visit is estimated to represent a total administrative cost of EUR 1.17 million for the sector at EU level.	Significant benefits for the dogs and cats confirmed, in terms of improved welfare. Improved animal welfare, improved health and reduced behavioural issues due to better welfare status monitoring lead to savings in veterinary costs for both operators and consumers. By contributing to reduce the occurrence of health issues, spread of infections and use of antimicrobials, better welfare status monitoring by official veterinarians has a positive effect on public health.
Measure 2.1. Identification and registration of dogs and cats in databases	Those operators in the respectively 3 (dogs) and 20 (cats) Members States where microchipping and registration of their animals is not mandatory will be subject to	Reduced opportunities for fraudulent activities and improved traceability lead to savings for competent authorities, operators and consumers. Limiting

[200] Based on stakeholder consultations.

	additional costs. These are estimated at EUR 30, including EUR 10 for the registration into databases. Overall, this represents a recurring annual administrative cost of EUR 110.78 million.	illegal trade could also contribute to combating a wide range of illicit activities. Significant benefits for the dogs and cats confirmed, in terms of improved welfare. Improved animal welfare, improved health and reduced behavioural issues due to better traceability lead to savings in veterinary costs for both operators and consumers. By contributing to reduce the occurrence of health issues, spread of infections and use of antimicrobials, better traceability has a positive effect on public health.
Measure 2.2. Interoperable databases	Member States which currently do not have a database to allow for the registration of the dogs and cats microchip will have to set up such database. All Member States will have to make their database interoperable.	Reduced opportunities for fraudulent activities and improved traceability lead to savings for competent authorities, operators, and consumers. Limiting illegal trade could also contribute to combating a wide range of illicit activities. Significant benefits for the dogs and cats confirmed, in terms of improved welfare. Improved animal

		welfare, improved health and reduced behavioural issues due to the reduced fraudulent activities, lead to savings in veterinary costs for both operators and consumers.
Measure 2.3. Verification system and online platforms	The Commission will set up a verification system for the microchips of the dogs and cats, estimated at EUR 1.5 million (one-off). The maintenance of the system is expected to cost EUR 300 000 yearly. Online marketplaces will have to integrate the system into their website, which is expected to represent a marginal cost.	Reduced opportunities for fraudulent activities and improved traceability lead to savings for competent authorities, operators and consumers. Limiting illegal trade could also contribute to combating a wide range of illicit activities. Significant benefits for the dogs and cats confirmed, in terms of improved welfare. Improved animal welfare, improved health and reduced behavioural issues due to the reduced fraudulent activities, lead to savings in veterinary costs for both operators and consumers.
Measures 1.6 and 2.4. Equivalent requirements at import	Third-country operators will have to comply with equivalent requirements concerning establishments. The registration of the microchip in a Member State database is expected	Reduced opportunities for fraudulent activities and improved traceability lead to savings for competent authorities, operators and consumers. Significant benefits for

	to amount to EUR 10 per registration for operators. The cost would bring about a recurring administrative cost of EUR 520 000 for operators annually at EU level.	the dogs and cats confirmed, in terms of improved welfare. Improved animal welfare, improved health and reduced behavioural issues due to the reduced fraudulent activities, lead to savings in veterinary costs for both operators and consumers.

In total, at EU level, the proposal is expected to bring about adjustment costs of EUR 246 million. In addition, it is estimated that there will be one-off administrative costs of EUR 1.28 million to operators. The reoccurring administrative costs are estimated to be EUR 112.47 million. When compared to the expected annual production of 12 million dogs and cats in the EU, these costs which guarantee high welfare standards and full traceability amount to EUR 9.23 per animal.

In terms of overall benefits, these are expected to be significant but difficult to quantify. improving the conditions in which animals are kept also has a positive impact on their health, such as reducing the spread of infections, reducing the need for and cost of veterinary treatment for operators and future owners. It also reduces the risks of behavioural issues which occur when animals are not socialised properly and develop aggressive behaviours, which pose a risk both to future owners and society as large. Breeding requirements have positive health impacts as well as they limit the breeding of animals presenting phenotypes and genotypes detrimental for their health and welfare and of animals at risks of transmitting inheritable diseases. This translates into benefits for both consumers and operators by preventing the financial burden caused by the detrimental consequences on those traits on the animals themselves, such as veterinary procedures and treatments, and increasing longevity. General public health is also affected positively by reducing the risk of spread of infectious diseases and a reduction in the use of antimicrobials.

Finally, improved traceability not only contributes to improve welfare and health by facilitating the tracing back of animals presenting welfare issues, but also reduces the opportunities for fraudulent activities. It is at the advantage of operators operating in legality as they face less unfair competition, of consumers as they are better protected in case their animal presents an issue, and for competent authorities for which controls are facilitated. Limiting illegal trade could also contribute to combating a wide range of illicit activities.

6. CONSULTATION AND USE OF EXPERTISE

6.1. Consultations

During the preparation of the proposal for new rules on the welfare of dogs and cats and their traceability, relevant stakeholders were consulted (see summary in Annex 1 on consultation activities). This has enabled the adoption of a balanced proposal, taking interests into account. The consultations took place through the activities of the Voluntary Initiative on the welfare of pets in trade (including NGOs, Member States and veterinarians) set up under the EU Animal Welfare Platform, and through surveys as well as bilateral meetings with organisations of dog breeders, pet food industry, online services, veterinary medicines' industry, national and local associations, animal welfare organisations and third countries. In addition, stakeholder reactions to the legislative proposal after its publication, communicated via feedback to the public consultation, are summarised in Annex 2.

NGOs presented many ideas which they wished to see included in a new proposal on legislation regarding dog and cat welfare. They were starkly in favour of mandatory identification and registration of dogs and cats in the EU, an opinion which was generally shared by operators. Operators also made some recommendations for elements of identification and the databases in which registration would be done in order to make it successful. Breeders helped in identifying challenges connected to the breeding sector and in creating a clear overview of the sector and current practices. Third countries were also asked on how they would perceive new European legislation on dogs and cats.

Already in 2021, a pan-European organisation representing the veterinarian profession adopted an Animal Welfare strategy which includes a priority list of animal welfare problems for dogs and cats[201]. The list (which e.g. refers to problems related to illegal importation, online trade, housing conditions and husbandry practices in shelters) corresponds well with the measures in the legislative proposal.

All 27 Member States were asked about their estimation of the effects of new European measures on their national administrations, and 25 replied. They also indicated what problems they encounter in relation to the welfare of dogs and cats in professional breeding establishments. In this regard, the difficulty to control the online trade was mentioned the most. Moreover, some indicated what measures they would find useful to ensure better welfare of dogs and cats. They also contributed to a better overview of dog and cat sales in European pet shops.

In general, stakeholders agreed on the problems identified (welfare problems, absence of level playing field, fraudulent practices detrimental for consumers as well as animals, the role of the online services and social media) and on the need for the EU to establish a set of common rules to regulate this market. Online platforms in particular supported a harmonised regime for pet animals at EU level, and considered this should be an opportunity to improve the trust and reliability of online sales channels.

6.2. Use of expertise

The European Food Safety Authority (EFSA) adopted a scientific and technical assistance report on welfare aspects related to breeding, feeding, housing and health of dogs and cats in breeding establishments[202]. The EFSA report contains recommendations on the type of housing and exercise, on housing temperature and light, on health and painful surgical interventions.

The Voluntary Initiative on the welfare of pets in trade produced a series of guidelines on responsible dog breeding, cat breeding, commercial movement of dogs and cats, socialisation

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201 Federation of Veterinarians of Europe, *Animal Welfare Strategy: The Veterinary Voice for Europe's Animals*, 2021.

202 Scientific and technical assistance on welfare aspects related to housing and health of cats and dogs in commercial breeding establishments (see note 70, page 18).

of puppies and kittens, online platforms selling of dogs and guidelines for buyers of dogs. Additionally, the Voluntary Initiative produced two reports: a report on recommendations on possible elements for EU legislation on marketing and sales of dogs and cats[203] and a report on recommendations on possible elements for EU legislation on breeding of dogs and cats[204].

Both the EFSA opinion and the guidelines and reports from the Voluntary Initiative were taken into consideration when drafting process the proposal.

7. GOVERNANCE AND MONITORING

Overall, this legislative proposal aims to establish a better level playing field for the concerned operators on the internal market while ensuring a high level of animal welfare, improve consumer protection and ensure full traceability of dogs and cats supplied in the Union.

The legislative proposal introduces a list of **policy indicators**, which may be reviewed and completed by further legislation, and a requirement for Member States to report on them regularly to the Commission. In the legislative proposal, the list contains two indicators: the number of dogs and cats microchipped per year, and the number of breeding establishments approved per year. However, the Commission may propose additional indicators in the future and may consult EFSA for this purpose.

The following five **performance indicators** will aid in monitoring both the implementation of the proposed legislation and the evolution of the EU market for dogs and cats:

1. Number of dogs and cats registered into approved breeding establishments.
2. Number of dogs and cats registered into national databases that are interoperable at EU level.
3. Number of animal caretakers subject to national training per year.
4. Number of automated verifications of identification and registration of dogs and cats
when supplied online.
5. Number of cases of suspected illegal trade from third countries reported in iRASFF.

Improvements in animal welfare will be monitored through evidence collected by the established DG SANTE **audits** in Member States and third countries, and the information provided by Member States in their annual reports on official controls submitted in accordance with the Official Controls' Regulation. This data could be supplemented by

[203] EU Platform on Animal Welfare, *Recommendations on possible elements for EU legislation on marketing and sales of dogs & cats*.

[204] EU Platform on Animal Welfare, *Recommendations on possible elements for EU legislation on breeding (of dogs and cats)*.

surveying veterinarians while the Commission may also develop **animal-based indicators** with the support of EFSA other relevant bodies.

To confirm a more level playing field within the internal market, **surveys** will collect evidence to check that operators find it easier to access the markets of other Member States. In addition, **studies** could verify the convergence of prices for specific breeds of dogs and cats within different Member States due to a reduction in fraudulent practices. These studies could also review a decline in diverging national provisions after the entry into application of the new legislation.

To monitor increased consumer protection and traceability of dogs and cats, the Commission will extract data from the **inter-operable databases** and the **verification system** to inform on the actual use of the system, including by purchasers, and its usefulness to improve traceability. In addition, **surveys** could be conducted with shelters to confirm whether the number of dogs collected without microchips is reducing over time. Pet owners having recently acquired a dog or cat could also be surveyed, to observe a declining trend in health and behavioral problems shortly after acquisition. Finally, a sample of **random checks** could be carried out by the Commission, using the verification system, to determine if the number of unregistered dogs and cats advertised online is reducing over time.

Based on the data and information referred to above, the Commission will publish **a regularly updated dashboard** showing the available data on the welfare of dogs and cats put on the Union market. Furthermore, the Commission will **evaluate this legislation** 15 years after its entry into force.

ANNEX 1

Consultation activities

During the preparation of the proposal for new rules on the welfare of dogs and cats and their traceability, relevant stakeholders were consulted to get input from all parts of the sector. This has enabled the preparation of a balanced proposal, taking all interests into account.

Voluntary Initiative on the health and welfare of pets (dogs and cats) in trade

The Voluntary initiative on the health and welfare of pets (dogs and cats) in trade, established under the EU Platform on Animal Welfare, was a valuable source of feedback for the Commission for developing the new proposal. The Voluntary initiative consisted of multiple stakeholders, including representatives from Member States, NGOs and representatives from a veterinarian organization. During the initiative, differing positions of stakeholders were made clear to the Commission by discussions that were held. All opinions were taken into account in the development of the proposal.

Non-governmental organisations (NGOs)

Animal welfare NGOs presented their views during the consultation activities held by the Commission, such as bilateral meetings and the Voluntary initiative discussed above. They support the introduction of a regulatory framework for the online sales of dogs and cats and feel that this is necessary to combat illegal trade. There was also overwhelming support for the general identification and registration of all dogs and cats. Many NGOs also expressed their desire to include stray animals under the scope of any proposal regarding dogs and cats. More specifically, they are in favour of harmonization of national policies on stray management of animals. NGOs were also very vocal when it came to the brachycephalic breeds of both dogs and cats, on which they want a ban. Furthermore, they want a ban on all mutilation practices of dogs and cats in Europe which are done for non-medical reasons.

Member States

Multiple Member States welcomed the introduction of a European legal framework on dogs and cats in general, while some Member States stated what measures they would find specifically useful to ensure the welfare of dogs and cats. This included e.g. the introduction of a central European database, requirements for medical proof of mutilations, a digital tool allowing association of an animal to a specific establishment (i.e. not only the keeper), and additional obligations and higher penalties for private veterinarians who fail to report non-compliance.

During the consultation activities, Member States were asked what the estimated impact of EU legislation on the welfare of dogs and cats introducing requirements regarding their commercial breeding, breeding conditions, training, data collection and trade would be on their national administrations. Especially the foreseen measures taken to control the online sales of dogs and cats were indicated by many Member States to have a large to very large effect on their national administration, mainly due to the need of additional staff to analyse collected data. The estimated impact of other measures varied widely across Member States,

depending largely on whether or not there were already national measures in place dealing with e.g. housing conditions or minimum ages of breeding.

Member States were also questioned on if they came across difficulties in controlling professional breeding in terms of animal welfare. Difficulties that were flagged in this regard included, but were not limited to, the following:

- the shortage of staff of competent authorities to enforce regulations;
- identifying and tracing professional breeders;
- penalized breeders continuing their practices under a different license;
- illegal trade;
- the outsourcing of dogs to foster homes by breeders;
- the lack of EU harmonized legislation about identification and sanitary measures;
- the lack of access to private properties;
- difficult enforcement of a ban on breeding animals with certain features (i.e. extreme breeding);
- falsified medical declarations justifying mutilations;
- the control of online sales.

Especially the difficulty to control online sales was highlighted by many Member States. One sourcing country of dogs and cats indicated that it had trouble ensuring the welfare of dogs and cats in breeding establishments due to the high demand from other Member States.

Member States were also asked about the pet shops in their country selling dogs and cats. Four of the Member States who do not have a legal ban on these sales indicated that despite it not being prohibited, there is no practice of selling dogs and cats in pet shops or there are hardly any which do so.

Operators

During the consultation activities, breeders were also consulted. They helped in getting a good overview of current practices and the breeding sector. More specifically, they gave a clear overview of the division of the market between professional and non-professional breeders and pedigree and non-pedigree breeders and the practices which these breeders apply. The information provided by these operators allowed the Commission to identify the main problems in the breeding sector and to develop targeted measures.

Operators active in the field of online classified platforms generally support the introduction of EU-wide legislation in order to harmonize both the online and offline sales of dogs and cats and views this as an opportunity to improve the trust and reliability of online channels, which should be done in strict alignment with the DSA. This association is also in favour of setting a minimum age for animals for sale but does make note that it would prefer such an age limit to be absolute, so that Member States cannot adopt diverging age limits. The operator also flagged the need for a unified identification system for online sales and a technical database that is freely open, interoperable and updated in real-time in order to verify the information given by sellers.

An association of operators active in the field of veterinary pharmaceuticals also encourages mandatory identification and registration and highlights that the country code of microchips and their traceability is important in this regard. This operator believes that identification and registration of dogs and cats is needed for reasons of animal welfare as well as animal health reasons. Moreover, the operator supports new efforts to regulate the illegal trade in dogs and cats, which it views as a severe threat for the health and welfare of these animals and recognizes the need for a harmonised approach in order to do so.

An association of operators active in the field of pet food is in favour of introducing harmonised requirements for the mandatory identification and registration of dogs and cats across Europe. Moreover, his actor supports the adoption of better regulation of online sales of dogs and cats, as it views online platforms as the main channel for illegal operators to sell their animals.

Veterinarians also strongly support the introduction of EU-wide legislation to protect the welfare of dogs and cats as they see in practice the consequences of low welfare, as well as the importance that owners attach to their pets. Moreover, veterinarians underwrite the necessity of mandatory identification and registration.

There was no specific consultation activity aimed at SMEs, as the entire sector across the various types of operators is considered to consist of SMEs.

Third countries

Third country national authorities were also asked to contribute to the debate, in order to see how they would receive new European legislation on dog and cat welfare. One country indicated that while there is undoubtedly a need to adopt new rules, considering the scientific basis of animal welfare, new legislation should also take into account other variables at play, such as social, economic, environmental and consumer variables. Moreover, the EU must recognize that the socio-economic reality of EU countries is very different from that of many low-income countries that currently trade with the EU. Another country gave an overview of its own existing national legislation on dog and cat welfare, which is planned to be reviewed in 2025. This country also states that it acknowledges that citizens in each country have their own views on the application of domestic standards to third party trading partners.

Citizens from non-EU countries contributed through the Public Consultation, from which it can be derived that 86% of these citizens considers it important to introduce new European legislation on welfare requirements for dogs and cats.

Other stakeholders

Another association of operators, active in the field of pet databases, is a major supporter of mandatory identification and registration on a national level and highlights that there should be interoperability between national databases so that they are interconnected. This operator also stressed the importance of the quality of the data entered into such a database, the traceability and uniqueness of microchips and that pets should be registered in a database once they are born.

ANNEX 2

Feedback on the proposal

After the publication of the proposal, a public consultation on the 'Welfare and traceability of dogs and cats (new rules)' was launched, for which multiple 532 responses were received on the Have Your Say Platform[205], an overview of which can be found below.

Apart from citizens reactions, there were reactions from other stakeholders. One stakeholder stated its support for the proposal and attached a document in which it expressed its view on elements which should be tackled to improve the welfare of dogs and cats (such as providing education and raising awareness). There were also comments from a stakeholder which is of the opinion that the health benefits which are caused by animal-human interaction (e.g., less diabetes, improved mental health) and which have a positive influence on society, should be reflected in the legislative proposal. Another stakeholder argues that certain responsibilities given to e.g. veterinarians in the proposal should also be extended to registered veterinarian nurses.

Multiple animal welfare associations also provided feedback. They all strongly support the adoption of the proposal by the Commission, but also have some points of critique. For example, some are in favour of a ban on breeding of dogs and cats with extreme features as well as a ban on the sales of dogs and cats in pet shops. They also disagree with the threshold for establishments under Article 4 and one NGO urged the addition of provisions on breeding of animals who have undergone a caesarean section. One association was critical about the transitional periods and the lack of a ban on hybrid breeding, i.e., the practice during which domestic cats and dogs are crossed with wild cats and wolves. Another association proposed the addition of a ban on instalment payments of dogs and cats, in order to reduce impulse purchases.

Feedback of stakeholders was also given via other channels. A professional organisation representing breeders and pet traders was overall positive. This breeding organisation and a veterinary association based in the same Member State are also critical of the provision in Article 17 of the proposal, which requires microchipping and registration of a dog or cat to be done by either a veterinarian or under the supervision of a veterinarian, as in the Member State of these stakeholders other trained actors are also allowed to microchip, and citizens can register their pets themselves. A European organisation for veterinarians applauded the proposal and referred to the day of its adoption as "historic". It stated that "the EU has delivered on our request and finally, we will get more protection for dogs and cats, many of which are seen as family members". The European Free Trade Association (EFTA) also received the proposal positively, although it did have some questions, for example on the differences in definitions between the Animal Health Law and the proposal[206].

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[205] The public feedback on the proposal can be found at the Have Your Say Platform under at https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14061-Welfare-and-traceability-of-dogs-and-cats-new-rules-_en.

[206] Based on stakeholder consultations.

A coalition of EU-based tech companies has welcomed the proposal stating it will improve the traceability of pets, and contribute to combat acts of abuse and abandonment by streamlining the sales regime, including online listings.

An NGO operating an interoperable database for pet identification and registration, shared a position paper with the Commission in which it welcomes the proposal, but added that it would like to see the mandatory identification and registration of all dogs and cats. It also advocated that interoperability should be achieved rather through an add-on program to existing databases rather than through direct interoperability of databases as this last solution would lead to a high risk of failure, slow services and high maintenance cost because the system would need to rely on each database's abilities. This opinion is supported by two European veterinary associations.

ANNEX 3

Articulation between EU animal health rules for dogs and cats and the *legislative proposal on the welfare of dogs and cats*

Legend:

The text written not in bold and not in italics describes existing provisions of the EU animal health legislation (Animal Health Law summarised in the left side of the table and Pet Regulation summarised in the right side of the table).

The text written in bold and in italics describes the provisions included in the Commission proposal on the welfare of dogs and cats and their traceability.

Measure	**Dogs and cats moved within or into the Union with a transfer of ownership** (whether or not this transfer of ownership involves a financial transaction)			**Keeping/breeding dogs and cats in establishments** (without movements)	**Dogs and cats moved accompanying their owner (no transfer of ownership**, max. 5 dogs/cats accompanying their owner or a natural person authorised in writing by the owner if the pets move up to 5 days before or after the owner)	
	Movements between Member States	**Entry into the EU**	**Movements within a Member State**	**No movement**	**"Non-commercial" movement between Member States**	**"Non-commercial" movement into the EU from non-EU countries**
Identification of dogs and cats (marking)	Dogs and cats must be identified by the implantation of a transponder. Transponders must comply with ISO standards 11784 and apply HDX or FDX-B technology and be capable of being read by a reading device compatible with ISO standard 11785. ***Identification shall be in compliance with ISO standards 11784 and***	Dogs and cats must be identified by the implantation of a transponder. Transponders must comply with ISO standards 11784 and apply HDX or FDX-B technology and be capable of being read by a reading device compatible with ISO standard 11785. ***Identification shall be***	***All dogs and cats kept must be identified by the implantation of a transponder. identification shall be in compliance with ISO standards 11784 and 11785, which shall be evaluated according to ISO standard 24631. Identification number shall identify the country of origin of the animal.***	***All dogs and cats kept in establishments must be identified by the implantation of a transponder (at the latest by 3 months of age of the animal or by the time it is supplied). identification shall be in compliance with ISO standards 11784 and 11785, which shall be evaluated according to ISO***	Dogs and cats must be identified by the implantation of a transponder. Transponders must comply with ISO standards 11784 and apply HDX or FDX-B technology and be capable of being read by a reading device compatible with ISO standard 11785, ***which shall be evaluated according to ISO standard 24631. Identification***	Dogs and cats must be identified by the implantation of a transponder. Transponders must comply with ISO standards 11784 and apply HDX or FDX-B technology and be capable of being read by a reading device compatible with ISO standard 11785, ***which shall be evaluated according to ISO standard 24631. Identification***

	11785, which shall be evaluated according to ISO standard 24631. Identification number shall identify the country of origin of the animal.	***in compliance with ISO standards 11784 and 11785, which shall be evaluated according to ISO standard 24631. Identification number shall identify the country of origin of the animal.***		***standard 24631. Identification number shall identify the country of origin of the animal.***	***number shall identify the country of origin of the animal.***	***number shall identify the country of origin of the animal.***
Registration of dogs and cats in databases	***Dogs and cats to be registered by a vet (or his/her assistant) in interoperable national databases (and any subsequent change of ownership).***	***Dogs and cats to be registered by a vet (or his/her assistant) in interoperable national databases within 48h of entry into the EU***	***Dogs and cats to be registered by a vet (or his/her assistant) in interoperable national databases (and any subsequent change of ownership).***	***Dogs and cats must kept in establishments must be registered by a vet (or his/her assistant) in interoperable national databases***	*N.A. (dog and cat already registered in a database when supplied to the pet owner)*	***Dogs and cats to be registered by a vet (or his/her assistant) in interoperable national databases within 48h of entry into the EU***
Animal health requirements	Vaccination against rabies by a veterinarian, and treatment against *Echinococcus multilocularis* when the destination is a Member State free of this parasite	Vaccination against rabies by a veterinarian, and treatment against *Echinococcus multilocularis* when the destination is a Member State free of this parasite + depending on the country of origin, be subjected to antibody testing not less than 3 months before the movement date	According to the AHL, any movement of animal (national or cross-border) shall not jeopardise the health status of animals.	Rabies subject to compulsory eradication in the EU. Therefore, measures under the AHL and Commission Delegated Regulation (EU) 2020/689, for rabies freedom, or eradication, apply to dogs and cats. *Echinococcus multilocularis* is subject to optional eradication and for Member States applying this eradication programme or have obtained freedom from it, measures for the eradication apply under the AHL and	Vaccination against rabies by a veterinarian, and treatment against *Echinococcus multilocularis* when the destination is a Member State free of this parasite	Vaccination against rabies by a veterinarian, and treatment against *Echinococcus multilocularis* when the destination is a Member State free of this parasite + depending on the country of origin, be subjected to antibody testing not less than 3 months before the movement date

				Commission Delegated Regulation (EU) 2020/689.		
Animal welfare requirements	***Requirements related to the 5 domains of animal welfare, requirements on competence of animal caretakers, animal welfare visits, requirements on selective breeding.*** ***<u>Thresholds:</u>*** ***Breeding establishments: more than 3 bitches or queens producing more than 2 litters per year.*** ***Pet shops: more than 3 dogs or 6 cats,*** ***Shelters: more than 10 dogs or 20 cats.***	***Equivalent requirements related to the 5 domains of animal welfare, requirements on competence of animal caretakers, animal welfare visits, requirements on selective breeding.*** ***<u>Thresholds:</u>*** ***Breeding establishments: more than 3 bitches or queens producing more than 2 litters per year.*** ***Pet shops: more than 3 dogs or 6 cats,*** ***Shelters: more than 10 dogs or 20 cats.***	***Requirements related to the 5 domains of animal welfare, requirements on competence of animal caretakers, animal welfare visits, requirements on selective breeding.*** ***<u>Thresholds:</u>*** ***Breeding establishments: more than 3 bitches or queens producing more than 2 litters per year.*** ***Pet shops: more than 3 dogs or 6 cats,*** ***Shelters: more than 10 dogs or 20 cats.***	***Requirements for breeding establishments, pet shops and shelters related to the 5 domains of animal welfare, requirements on competence of animal caretakers, animal welfare visits, requirements on selective breeding.*** ***<u>Thresholds:</u>*** ***Breeding establishments: more than 3 bitches or queens producing more than 2 litters per year.*** ***Pet shops: more than 3 dogs or 6 cats,*** ***Shelters: more than 10 dogs or 20 cats.***	N.A.	N.A.
Clinical examination	Clinical inspection by an authorised veterinarian before the movement is required (within 48h before the dispatch)	Clinical inspection by an official veterinarian before the movement is required (within 48h before the dispatch)	No requirement	N.A. (no movements)	No requirement	No requirement
Pet passport	Pet passport signed by an authorised veterinarian required (the passport indicates the transponder's code). Pet passport is not recorded in TRACES.	No requirement	No requirement	N.A. (no movements)	Pet passport signed by an authorised veterinarian required (the passport indicates the transponder's code).	The movement of a dog or cat accompanied by a passport is authorised if coming from a non-EU country listed in Part 1 of Annex II to Regulation (EU) No 577/2013.

Animal health certificate	Health certificate requirement (signed by the competent authority of the MS of origin and recorded in TRACES). Certificate goes up to destination.	Health certificate requirement (signed by the competent authority of the third country of origin) with compulsory pre-movement notification (the use of TRACES by the country of dispatch when issuing the health certificate automatically pre-notifies the arrival at the BCP). Certificate is kept at BCP but the movement is accompanied by a CHED (issued at the BCP) up to destination. ***Certificate to include attestation confirming compliance with equivalent animal welfare requirement and approval of establishment of origin.***	No requirement	N.A. (no movements)	No requirement	Animal health certificate requirement signed by the competent authority of the third country of origin (certificate mentions the code of the transponder) except for dogs and cats coming from non-EU countries listed in Part 1 of Annex II to Commission Implementing Regulation (EU) No 577/2013 (see above). No record in TRACES
Declaration	N.A.	N.A.	N.A.	N.A.	Dogs and cats must be accompanied by a declaration signed by the owner, in the case where the movement of the animal is carried out under the responsibility of a natural person who has authorisation in writing from the owner to carry out the non-commercial movement of the animal	Dogs and cats must be accompanied by a declaration regarding the non-commercial nature of the movement and attesting, where appropriate, the carriage of the animal under the responsibility of an authorised person within up to five days of the movement of the owner

					on behalf of the owner, and within not more than five days of the owner's movement.	
Establishments (approval/registration)	Establishments (including pet shops) must be registered and approved in the case of shelters and assembly centres. Registered and approved establishments are recorded in TRACES. ***Breeding establishments above the threshold (see "animal welfare requirements") must be approved based on compliance with animal welfare criteria. Shelters and pet shops above the threshold (see "animal welfare requirements") must notify their activities to the competent authority.***	Establishments (including pet shops) must be registered, and approved in the case of shelters and assembly centres. No listing in TRACES. ***Breeding establishments above the threshold (see "animal welfare requirements") must be approved based on compliance with animal welfare criteria. Shelters and pet shops above the threshold (see "animal welfare requirements") must notify their activities to the competent authority.***	Establishments (including pet shops) must be registered, and approved in the case of shelters and assembly centres. ***Breeding establishments above the threshold (see "animal welfare requirements") must be approved based on compliance with animal welfare criteria. Shelters and pet shops above the threshold (see "animal welfare requirements") must notify their activities to the competent authority.***	Establishments (including pet shops) keeping dogs and cats shall be registered and included in national registers. ***Breeding establishments above the threshold (see "animal welfare requirements") must be approved based on compliance with animal welfare criteria. Shelters and pet shops above the threshold (see "animal welfare requirements") must notify their activities to the competent authority.***	N.A.	N.A.
EU list of third countries	N.A	Dogs and cats must come from come from a third country listed by the EU (in part I of Annex VIII to Commission Implementing Regulation 2021/404). ***Dogs and cats must come from third countries listed based on animal welfare***	N.A.	N.A.	N.A.	Dogs and cats may come from any non-EU countries. If they come from a non-EU country listed in Part 2 of Annex II to Regulation (EU) No 577/2013, rules on rabies antibody titration testing do not apply. If they come from a non-EU country listed in Part 1 of Annex II to Regulation (EU) No 577/2013, a

		criteria under the dogs and cats Regulation.				passport can be used instead of an animal health certificate.
Control at entry into the EU	N.A.	Dogs and cats must enter through an EU Border Control Post where vet controls take place. ***Vet controls at BCP to also include animal welfare aspects***	N.A.	N.A.	N.A.	Dogs and cats must enter through a traveller's point of entry designated by the Member State, where documentary and identity checks take place (except for dogs and cats coming from non-EU countries listed in Part 1 of Annex II to Regulation (EU) No 577/2013)