The Protection of Cats and Dogs in EU Law

Companion for Life: From Ownership to Responsibility

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The European Institute for Animal Law & Policy

ACHIEVING BETTER TREATMENT FOR ANIMALS

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Fondazione Capellino

ALL PROFITS TO THE PLANET

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1. Foreword

by Pier Giovanni Capellino

In 2023, the European Commission, in a historic move, published a Proposal for a new Regulation on the Welfare of Dogs and Cats, and their Traceability. When adopted, this legislation will, for the first time in the history of EU law, establish animal welfare standards for breeders and sellers of cats and dogs, mandate microchipping and registration as part of the sales process, and strengthen regulations to reduce the risks of illegal trafficking.

This proposal is ground-breaking because until now EU legislation had only dealt with companion animals as vectors of disease (in animal health regulations) or as commodities (in transport legislation), rather than as sentient beings whose existence carries an ethical component.

The recent discussions that have taken place in the EU institutions over the past couple of years have shown that consensus among policymakers is within reach. However, this consensus needs to be stronger to capitalize on this unprecedented opportunity to change the lives of millions of animals.

The first game-changing amendment policymakers must push for is the mandatory microchipping and registration of all cats and dogs across the Union. Currently, the proposal calls for the mandatory registration only of cats and dogs who are sold by commercial breeders and sellers – including online sales. However, the mandatory registration of all cats and dogs, e.g., those born and kept in private homes, is needed to ensure that all cats and dogs receive adequate treatment, are prevented from being trafficked, and can be reunited with their guardians in the event that they are lost.

In some instances, identification and registration could be a valuable tool to identify and prosecute neglectful and abusive owners, especially in the case of pet abandonment, which is widespread in the EU. This obligation to register animals should also apply to online sellers before they advertise an animal for sale, which would effectively end the illegal trafficking of cats and dogs that has become endemic in Europe over the past two decades.

A second crucial amendment would be to make national databases of registered cats and dogs interoperable, ensuring their effectiveness in prosecuting traffickers but also finding a pet lost in a country other than the one where it was registered. The EU is uniquely positioned to implement this simple yet powerful measure, which would instantly boost cross-border reunifications and protect pets on a continent-wide scale.

A third and final amendment that would make this legislation truly revolutionary for the EU's cats and dogs: the EU must mandate minimum criminal penalties for those who violate these critical welfare standards, sending a strong message that animal cruelty will not be tolerated. Currently, companion animal abuse by professional breeders and private citizens is not meaningfully penalized in the criminal law of the 27 EU Member States, allowing grievous abusers to walk with nothing more than a slap on the wrist. This legislation, however, offers EU policymakers an unprecedented opportunity to tackle a critical gap on an EU-wide scale, setting a bold standard for animal welfare across the Union. Strengthening deterrent penalties would also send a powerful message of support to animal advocates and shelters, who bear the secondary brunt of abuse and abandonment, with animals being the primary victims.

As it stands, the legislation on cats and dogs sets the ground for the recognition of the human-animal bond, the uniqueness of animal life, and the species-specific needs of companion animals. These common-sense measures are not just necessary; they are a reflection of the values that the EU holds dear—compassion, responsibility, and respect for all living beings.

Pier Giovanni Capellino

Pier Giovanni Capellino is CEO of Almo Nature, a pet food brand, and founder of Fondazione Capellino, a foundation dedicated to safeguarding the biosphere and preserving biodiversity. Through Almo Nature's project "Companion for Life," Capellino seeks to shift the concept of ownership toward a model of responsibility and ethical stewardship for the well-being of cats and dogs.

About Almo Nature and Fondazione Capellino

Almo Nature is a pet food company and benefit corporation owned by Fondazione Capellino. Almo Nature operates according to the principles of the Reintegration Economy, an economic model created and led by Fondazione Capellino, whereby all of Almo Nature's profits go to the Foundation, whose mission is to safeguard the biosphere and biodiversity through projects carried on in different scope of intervention.

In addition to supporting the Reintegration Economy, Almo Nature champions a holistic approach to the bond between humans and their companion animals. Through its "Companion for Life" initiative, Almo Nature seeks to shift the focus from ownership to responsibility, fostering respect for the unique nature of our animal companions — recognized as sentient beings with their own feelings and needs — while countering the harmful trend of anthropomorphism that distorts their true essence.



Puppies on display in a pet store window in Paris, Paris, France, 2017. © Lorenne McArthur / One Voice / We Animals

2. Introduction

The European pet food industry estimates that there are 72,7 million dogs and 83,6 million cats in households across the EU.[1] Accordingly, the breeding and trade of cats and dogs in the EU is also a profitable economic sector, valued at over EUR 1.3 billion annually.[2] Europeans have strong attachments to cats and dogs, as 44% of EU citizens live with companion animals and a large majority of EU citizens (74%) feel strongly that dogs and cats should be better protected.[3]

2.1. Inadequate Protection Against Cruel Treatment by Breeders, Traffickers, Sellers, and Owners

Yet, these animals are insufficiently protected under EU law. Cats and dogs are victims of traffickers who exploit them for profit, posing risks to their welfare and public health at large. A 2023 study by the European Commission presented evidence of an important volume of document forgeries and misleading information in support of puppy trafficking.[4] This study further showed that traffickers disguised the movement of dogs for commercial purposes as noncommercial movements to take advantage of less stringent control rules, and were able to do so on account of inadequate enforcement rules.[5] In a 2024 report, the animal advocacy organization Four Paws further estimated that 4.75 million dogs in the EU come from unknown or illegal sources.[6] The lack of traceability in dogs, and more particularly puppies, is all the more problematic since the demand for dogs exceeds the number of dogs presently in the EU, leading prospective owners to turn to breeders who do not operate legally, in and outside the EU.[7] The use of the internet to advertise the sale of puppies and kittens, through classified ads websites (e.g. Craigslist) or social media has further fueled illegal trade.[8] It is estimated that around 60% of dog and cat owners purchase their animals on the internet, representing around 4.8 million dogs and 1.2 million cats.[9]

The lack of traceability in kittens and puppies often goes hand in hand with abuse in breeding facilities and during transport, often conducted by organized crime groups. Forgeries in animal health documentation often hide the fact that the animals are not administered necessary vaccines.[10] Besides not being vaccinated against rabies, which is a legal requirement, cats and dogs are also often unvaccinated against dangerous diseases common in young animals, such as Parvovirosis, distemper and Leptospirosis in dogs, and Parvovirosis, Herpes-, and Calicvirusi in cats, all of which can be fatal to them and other animals in their surroundings. The cruel treatment of animals in breeding facilities,

1 Study conducted for the year 2021. FEDIAF European Pet Food, 2023 Annual Report, available online: https://europeanpetfood.org/about/annual-report/

2 European Commission, *Illegal Trade of Cats and Dogs: EU Enforcement Action*, p. 4 (2023), available online: https://food.ec.europa.eu/document/download/1c729e23-42b8-4c8c-bb8d-89992f9fb577_en?filename=agri-fraud_report_Illegal-trade_cats-dogs.pdf; IBF International Consulting, VetEffecT, Wageningen University & Research Centre (WUR), Istituto Zooprofilattico Sperimentale dell'Abruzzo e del Molise «G. Caporale» (IZSAM), *Study on the Welfare of Dogs and Cats Involved in Commercial Practices*, p. 6 (2015), available online: https://food.ec.europa.eu/system/files/2016-10/aw_eu-strategy_study_dogs-cats-commercial-practices_en.pdf

3 European Commission, Special Eurobarometer 533 "Attitudes of Europeans towards Animal Welfare", Fieldwork: March 2023.

4 European Commission, *Illegal Trade of Cats and Dogs: EU Enforcement Action*, p. 11 (2023), available online: https://food.ec.europa.eu/document/download/1c729e23-42b8-4c8c-bb8d-89992f9fb577_en?filename=agri-fraud_report_Illegal-trade_cats-dogs.pdf.

5 *Id.*

6 Four Paws, *Billion Euro Industry: Why the EU Must Strengthen Regulations to End the Illegal Puppy Trade Now*, p. 8. (2024), available online: https://media.4-paws.org/b/5/a/6/b5a69681da94fa61edddfob-00c8a101d2482ba8a/2024-10-29_Billion-Euro-Industry-Report_web.pdf?_jt-suid=311521740848551853569l2

7 *Ibid.*

8 *Ibid*., p 13.

9 Proposal for a Regulation of the European Parliament and of the Council on the Welfare of Dogs and Cats and their Traceability, p. 11, COM/2023/769 final.

10 *Ibid*. p. 3.

often referred to as "puppy mills" or "kitten mills," where young animals are separated too early from their mothers, and the inadequate conditions of transport often exacerbate the risk of contracting diseases.[11] A 2022 investigation by Four Paws revealed that a disproportionate amount of puppies bought through social media become unwell, with some puppies dying.[12]

In the absence of stringent standards under EU and most national law, cats and dogs can also suffer in legal breeding and selling facilities, such as pet shops. Not all Member States regulate breeders by requiring that they comply with minimum animal welfare standards, such as minimum space allowance, enrichment specifications, or outdoor access. Many EU Member States still allow the sale of cats and dogs in pet shops, where the animals stay enclosed for days in conditions that undermine their welfare, and promote compulsive purchasing behaviors that are not in the animals' best interest.

The lack of regulation in the sale of dogs and cats also means that these animals can suffer in homes, after they are adopted. Very few Member States impose restrictions on the sale and ownership of companion animals, thus allowing virtually anyone, including underage persons, to own an animal. And in the absence of mandatory identification and registration of cats and dogs in the EU, enforcement authorities are not able to identify and prosecute owners who abuse or abandon their animals.

2.2. German Case Study

THE ILLEGAL TRADE OF CATS AND DOGS INTO GERMANY: IMPACTS ON ANIMAL SHELTERS

The Deutscher Tierschutzbund e.V. (German Animal Welfare Federation) has been monitoring and evaluating cases of illegal pet trade for over a decade. In particular, the illegal trade in dogs and cats has gained increasing significance, with Germany serving as a major hub for the trafficking of these animals.

Over the past 11 years (2014 to 2024), Deutscher Tierschutzbund has documented more than 1,600 cases of illegal cat and dog trade in Germany, with almost 9,400 individual animals being transported illegally. On average, 152 cases of illegal cat and dog trade have been uncovered every year over the past eleven years. Roughly speaking, this means that every third day at least one illegally traded cat or dog is discovered.

The years 2020 and 2021 were especially notable and influenced by the coronavirus pandemic. The demand for dogs and cats as companion animals rose to an all-time high. Legal and reputable sources were not able to cover the high demand, so illegal trade experienced a significant boost. The number of cases and sheer quantity of illegally traded puppies rose to frightening levels in these two years (see fig. 1 and 2).

Since 2022, as the pandemic has subsided, there has been a slight decrease in the number of documented cases of illegal dog and cat

11 See for instance, Organized Crime and Corruption Reporting Project, *"The Canine Connection: Europe's Illegal Dog Trade,"* Alessandro Ford, April 21, 2021, https://www.occrp.org/en/feature/the-canine-connection-europes-illegal-dog-trade (last visited February 11th, 2025).

12 Four Paws, Billion Euro Industry: *Why the EU Must Strengthen Regulations to End the Illegal Puppy Trade Now*, p. 4 (2024), available online: https://media.4-paws.org/b/5/a/6/b5a69681da94fa61edddf0b00c8a101d2482ba8a/2024-10-29_Billion-Euro-Industry-Report_web.pdf?_jtsuid=311521740848551853569 12.

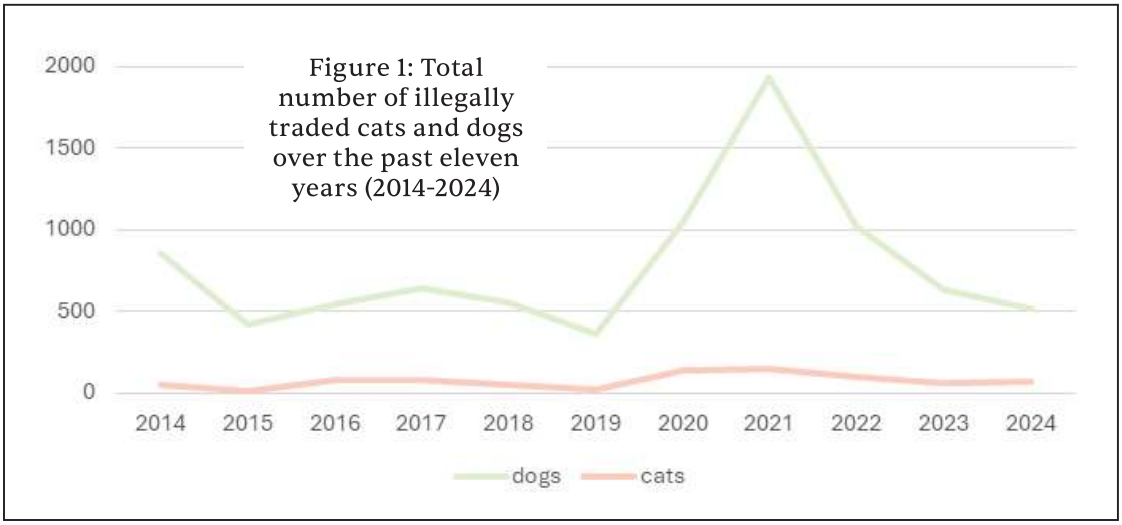


Figure 1: Total number of illegally traded cats and dogs over the past eleven years (2014-2024)

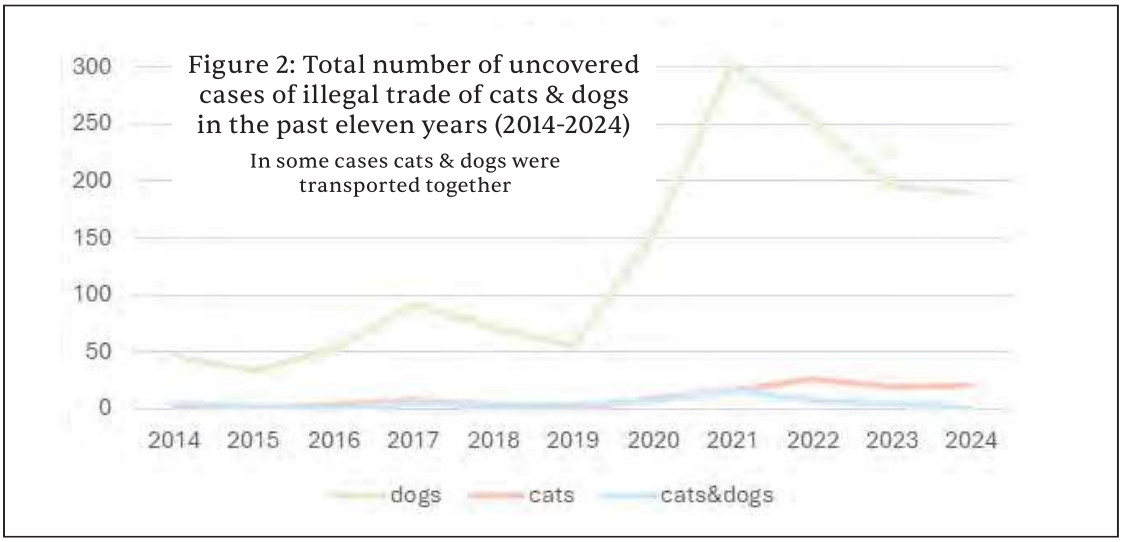


Figure 2: Total number of uncovered cases of illegal trade of cats & dogs in the past eleven years (2014-2024)

In some cases cats & dogs were transported together

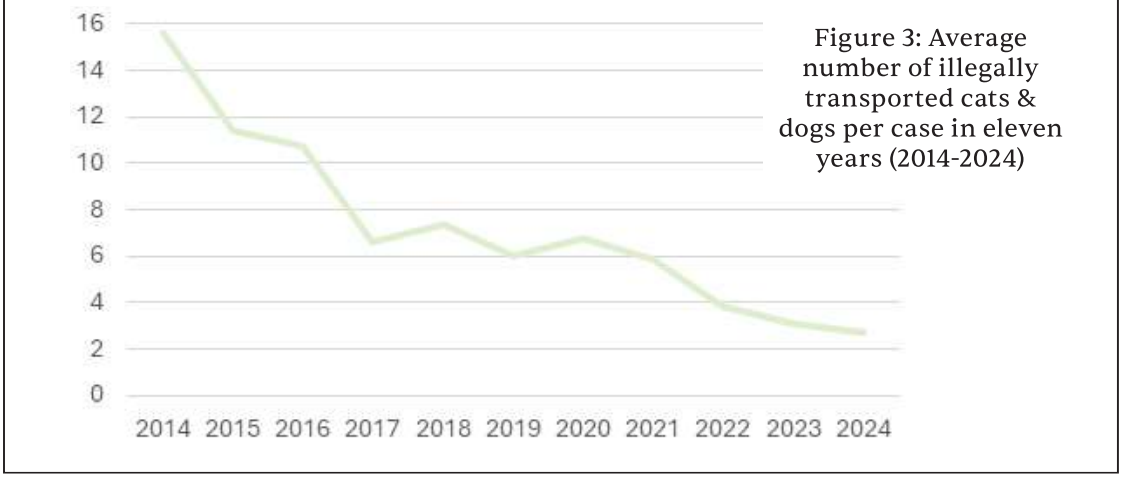


Figure 3: Average number of illegally transported cats & dogs per case in eleven years (2014-2024)

trafficking. Looking at the consistently high number of cases in combination with the reduced total number of animals trafficked in 2024, it becomes clear that illegal trade is still taking place on a large scale, but unlike a few years ago, individual animals (or a smaller number of animals) are increasingly being smuggled and disguised as private sales, although there are illegal and commercial intentions behind this (see fig. 3).

In 2024, 212 cases of illegal cat and dog trade were reported with a total of at least 581 affected cats and dogs. Almost all of these animals were confiscated by the authorities. Non-confiscated animals were either permitted to move on to their destination, or some of the dogs or cats were already sold and stayed with the new owner. In 95 of the cases involving dogs (79%) where information was given, pure-breed dogs were traded. The most frequent reason for confiscation was a violation of the Animal Health Law (95%). In 79% of cases, the dogs and cats were too young to cross the border legally.

In 97 cases (45%), specific information was provided on the health condition of the animals. **In 80 of these cases (82%), the animals were sick.** In particular, in a large proportion of the cases, animals suffered from diarrhea (70%) caused by various endoparasites, such as Giardia, or by parvovirus, fig.4. Several illnesses from which the animals suffered pose potential risks to humans (zoonosis). Among the illegally transported dog and cat breeds were numerous animals with extreme features that required extensive and expensive veterinary care, fig 5.

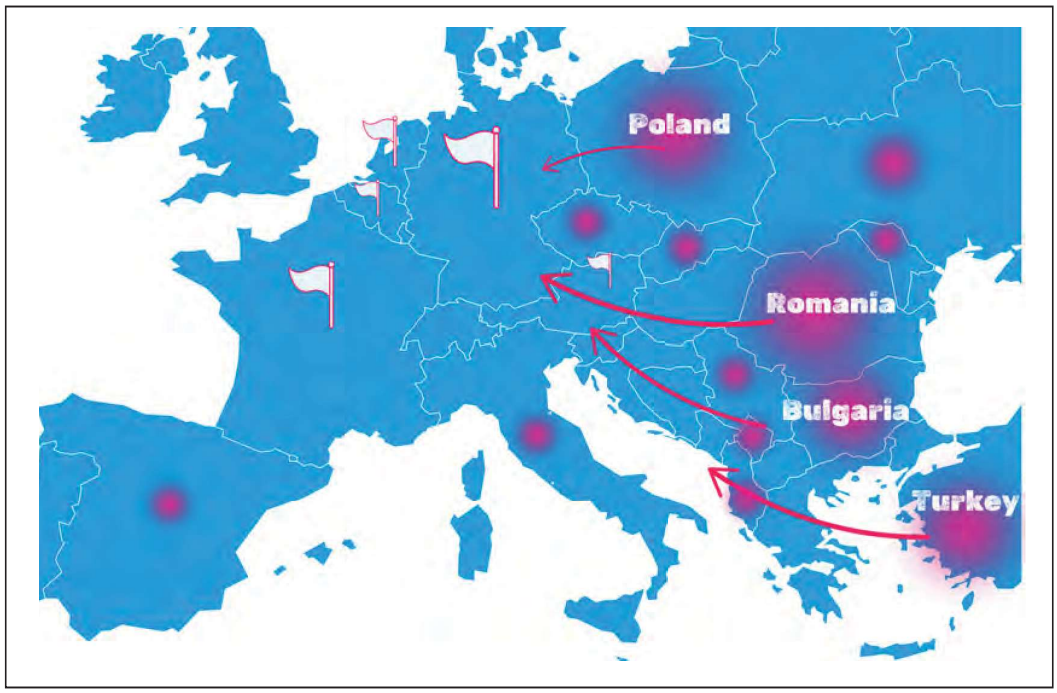


Figure 4: Typical countries of origin for illegally traded cats & dogs (eastern Europe) and destination countries



Illegally traded puppy suffering from severe diarrhea. © TSV Freital



Illegally traded Scottish fold kitten (extreme breed). © Tierheim Feucht - Tierhilfe Nürnberg e. V.

In 2024, the animals came mainly from Romania (43 cases), Bulgaria (36 cases), and Turkey (11 cases), see fig.5. **Romania has been the most common country of origin for 9 years in a row.** In 74 cases (85%), where information was given, Germany was the country of destination; in 13 cases where the destination was known, Germany was only a transit country. Nearly half the cases - 94 (42%) - were detected in Bavaria.

In 2024, animal shelters and rescue centers were involved in the placement, care, and treatment of confiscated animals in almost all cases. **The cost of housing and caring for a dog or cat averaged 20 euros per animal, per day in 2024 (ranging from 15 to 33 euros).**

The 11-year review and the results for 2024 clearly show that the illegal pet trade has been a major problem for many years and is likely to remain so in the future. It is virtually certain that a very high number of unreported cases remain. The decline in the numbers recorded is still due to a probable saturation of the market, partly as a result of the significant increase in legal and illegal imports of dogs and cats during the first two years of the pandemic, as well as the barrier to getting a pet due to rising costs in all areas of life.

Shelters and animal welfare organisations all over Germany have been stretched to their personnel and financial limits. Cost increases have also made the work of shelters and other organizations even more difficult in recent years. To add to the existing problems facing animal shelters, caring for illegally traded animals represents an additional and avoidable load, which is becoming unsustainable.

To solve this problem, transnational measures need to be taken, **including an EU-wide obligation to identify and register dogs and cats, stricter rules for the online trade, increased public awareness, police and custom officials training, higher rates of controls, and tougher penalties for traders.** Further measures necessary to reduce the animal welfare problems caused by the illegal pet trade are the introduction of special legal regulations for the keeping and breeding of pets, which should include an obligatory certificate of competence before the acquisition of an animal. To avoid animal shelters bearing the costs, it is necessary to create legally binding measures to reimburse them. The European Commission's proposal on the welfare of dogs and cats and their traceability for the first time presents several approaches to regulating the uncontrolled online trade of animals. It introduces mandatory identifications and registration for traded cats and dogs, therefore offering a small glimmer of hope. However, the scope of this obligation must be extended to all cats and dogs for it to be effective.

Hard Facts: Illegal Trade of Cats & Dogs to Germany

2014 - 2024

More than **1,600 cases** of illegal trade with **8,552 dogs** and **803 cats**

Immense increase of illegal trade during the pandemic: comparing 2019 (before the pandemic) to 2021 (during the pandemic), the number of illegally traded dogs increased **fivefold**. The number of illegally traded cats increased **sixfold**.

Even if the total number of cases and animals has declined from 2022, the numbers are still high compared to pre-pandemic levels.

The number of illegally transported cats and dogs per case has **fallen** from an average of **16 animals per case** (2014) to **3 animals per case** (2024), which shows the adaptation of illegal traders, as small transports can be disguised under private (non-commercial) intentions.

2024

212 cases of illegal trade with **515 dogs** and **66 cats**

There is a **decrease** in the total number of cases and number of dogs compared to 2023.

The total number of cases is still at a high level compared to before the pandemic.

Pomeranians, **Maltese dogs**, and **French bulldogs** are the most popular breeds.

In 80% of cases, animals were **too young** for a legal import.

In 80% of the cases, animals were **sick**.

Bavaria, **Saxony**, and **Berlin** were particularly affected by the illegal pet trade.

For 9 years, **Romania** has been the most common country of origin for illegally traded cats and dogs.

2.3. The EU's Competence in Ensuring the Welfare of Cats and Dogs

While the EU has never enacted legislation that specifically protects cats and dogs, the EU institutions have launched several initiatives aimed to improve the treatment of cats and dogs.

The European Parliament adopted a Resolution in 2016 calling on the European Commission to address the illegal pet trade, including through harmonized identification and registration rules for cats and dogs, and interoperable database systems.[13] The Parliament also adopted a resolution in 2020 calling on the Commission to formulate an action plan against the illegal trade in companion animals, including by regulating online advertising and improving the enforcement of existing animal health laws.[14]

In response to these resolutions, the Commission published an EU Strategy to Tackle Organised Crime 2021-2025, in which it classifies the illegal trade of companion animals as a form of organized crime.[15] The Commission (under the leadership of the Directorate-General for Health and Food Safety) also coordinated an enforcement program, called an "EU Enforcement Action," from July 2022 to July 2023. This program detected irregularities and the falsification of the official documents accompanying companion animals (passports, rabies test reports, and health certificates), identified undeclared and unregistered sales, and reinforced inspections at EU borders and within the EU. This program led to the publication of a report in 2023, which provided an overview of trends in the illegal trade of cats and dogs, and the shortcomings of current rules in regulating such a trade.[16]

The European Food Safety Authority further produced a scientific opinion on the welfare aspects related to the housing and health of cats and dogs in commercial breeding establishments,[17] which largely informs the Proposal by the European Commission, published in December 2023.[18]

13 European Parliament resolution of 25 February 2016 on the introduction of compatible systems for the registration of pet animals across Member States (2016/2540(RSP)), OJ C 35, 31.1.2018, pp. 139–141.

14 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)).

15 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the EU Strategy to Tackle Organised Crime 2021-2025, COM/2021/170 final, available online: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52021DC0170.

16 European Commission, *Illegal Trade of Cats and Dogs: EU Enforcement Action*, p. 4 (2023), available online: https://food.ec.europa.eu/document/download/1c729e23-42b8-4c8c-bb8d-89992f9fb577_en?filename=agri-fraud_report_Illegal-trade_cats-dogs.pdf.

17 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, 21(9), 1–105 (2023).

18 Proposal for a Regulation of the European Parliament and of the Council on the Welfare of Dogs and Cats and their Traceability, p. 4, COM/2023/769 final, available online: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52023PC0769.



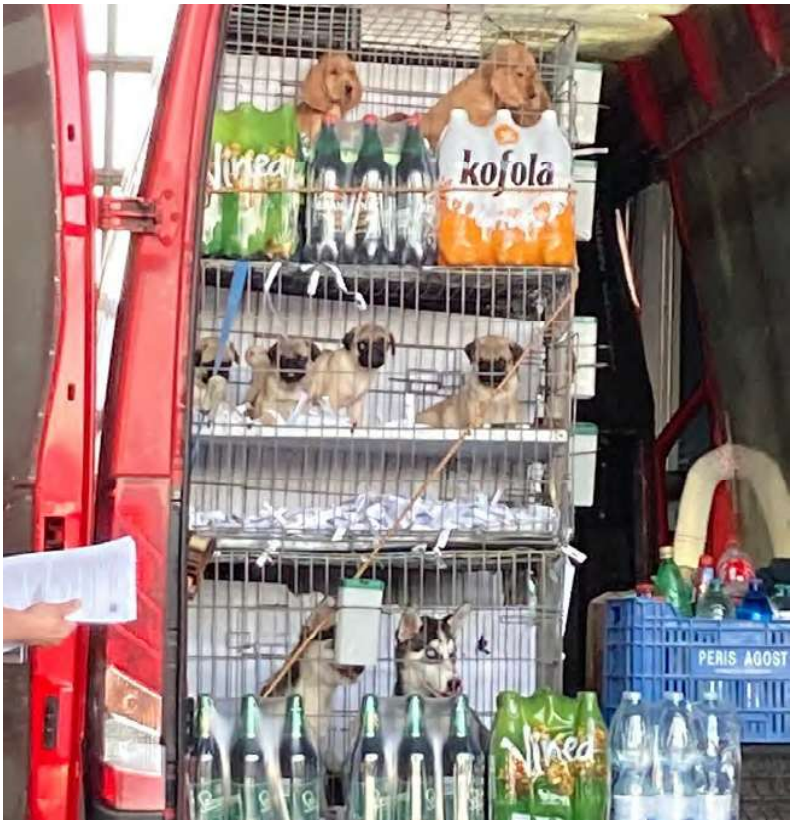
© Firat Sahin, Unsplash

3. An Overview of Member States' Legislation on Companion Animal Welfare

While certain Member States have codified good practices into their national laws, taken together, the laws of the 27 EU Member States are inadequate to compensate for the shortcomings of EU law.

3.1. Identification and Registration Rules

Most EU Member States (e.g., Cyprus,[19] Denmark,[20] Hungary,[21] Ireland[22] and Romania[23]) provide rules on the identification and registration only for dogs, and only a few (e.g., France,[24] Lithuania[25] and Slovakia[26]) also



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19 Articles 8 and 9, Dogs Act 2022: http://www.cylaw.org/nomoi/enop/non-ind/2002_1_184/full.html.

20 Article 1 and 5, Decree on the identification and registration of dogs (Bekendtgørelse om mærkning og registrering af hunde, BEK nr 1044 af 10/08/2018) : https://www.retsinformation.dk/eli/lta/2018/1044.

21 Section 42A, Law XXVIII of 1998 on the protection and welfare of animals (§42A(1), 1998. évi XXVIII. törvény az állatok védelméről és kíméletéről): https://njt.hu/jogszabaly/1998-28-00-00.

22 Article 3, 5 and 6 of the Microchipping of Dog Regulations 2015: https://www.irishstatutebook.ie/eli/2015/si/63.

23 Annex, Article 3(5), 4 and 5, Order No 1 of 7 January 2014 approving rules on the identification and registration of dogs with their owner (Anexă, Art. 3(5) și 4, ORDIN nr. 1 din 7 ianuarie 2014 pentru aprobarea normelor privind identificarea şi înregistrarea câinilor cu stăpân): https://legislatie.just.ro/Public/DetaliiDocument/154515.

24 L212-10 and L212-2 of the Rural Code: https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006071367/.

25 Article 7(2), Animal Protection Act (Straipsnis 7(2), Lietuvos Respublikos Gyvūnų Globos, Laikymo Ir Naudojimo Įstatymo Pakeitimo Įstatymas): https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.434660.

26 § 1 and 2, Decree 19/2012 on the identification and registration of companion animals of January 13th 2012 (Článok 1 ods. 1 Vyhláška 19/2012 o identifikácii a registrácii spoločenských zvierat): https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2012/19/20120201.

mandate the identification and registration of cats. However, not all Member States ensure they have harmonized and interoperable databases at national and EU level.

3.2. Regulation of Breeding Activities

Most EU Member States also regulate the breeding of cats and dogs by way of professional licensing systems such as Austria[27], France[28], Germany[29], Sweden[30] or Bulgaria[31]. Moreover, a majority of EU Member States provide specifications for the keeping of cats and dogs in breeding facilities (such as Bulgaria[32], Austria[33], Belgium[34], Croatia[35], Cyprus[36], or Germany[37]). Only five EU Member States provide specific requirements for the commercial transport of cats and dogs stricter than EU Regulation 1/2005 on the protection of animals during transport. (Bulgaria[38], Croatia[39], Germany[40], Spain[41] and Sweden[42]). Overall, few Member States (Belgium[43], France[44], Croatia[45], Czechia[46], Sweden[47], The

27 Section 23(3), Austrian Animal Protection Act (§ 5, Bundesgesetz, mit dem ein Tierschutzgesetz erlassen sowie das Bundes-Verfassungsgesetz, die Gewerbeordnung 1994 und das Bundesministeriengesetz 1986 geändert werden - TSchG), available online: https://www.ris.bka.gv.at/eli/bgbl/I/2004/118

28 Article L214-6-1 of the Rural Code, available online: https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000044394007

29 Tierschutzgesetz, Para. 11, available online: https://www.gesetze-im-internet.de/tierschg/__11.html and Allgemeine Verwaltungsvorschrift zur Durchführung des Tierschutzgesetzes Vom 9. Februar 2000, available online: https://www.verwaltungsvorschriften-im-internet.de/bsvwvbund_09022000_32135220006.htm

30 Chapter 6, Section 4, Animal Welfare Act (Djurskyddslag (2018:1192), available online: https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/djurskyddslag-20181192_sfs-2018-1192

31 Article 137, Law on Veterinary Activity (Член 137, Закон за ветеринарномедицинската дейност), available online: https://lex.bg/laws/ldoc/2135512300

32 Article 6, Ordinance No 41 of December 10th, 2008 on the requirements for establishments where pets are bred, kept and/or offered for sale, for boarding kennels, and for animal shelters (Член 6, Наредба № 41 от 10.12.2008 г. за изискванията към обекти, в които се отглеждат, развъждат и/или предлагат домашни любимци с цел търговия, към пансиони и приюти за животни): https://www.lex.bg/laws/ldoc/2135612080

33 Annex I (1.1.) and (2), Regulation 486/2004 on the Keeping of Animals, available online: https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20003860

34 Article 5, Section 2, and Appendix, Royal Decree on approval conditions for animal establishments and the conditions for the marketing of animals (2007), available online: https://codex.vlaanderen.be/PrintDocument.ashx?id=1030434&datum=&geannoteerd=-false&print=false

35 Article 6, Animal Protection Act, available online: https://narodne-novine.nn.hr/clanci/sluzbeni/2017_10_102_2342.html

36 Articles 4 and 6, The Animal Protection and Welfare Act of 1994 (as amended in 2020), available online: http://www.cylaw.org/nomoi/enop/non-ind/1994_1_46/full.html

37 Only for dogs. Tierschutz-Hundeverordnung, § 3 Anforderungen an das Halten beim Züchten, available online: https://www.gesetze-im-internet.de/tierschhuv/__3.html

38 Article 42, Animal Protection Act (Член 42, Закон за защита на животните), available online: https://www.lex.bg/laws/ldoc/2135579104

39 Article 12, Animal Protection Act, available online: https://narodne-novine.nn.hr/clanci/sluzbeni/2017_10_102_2342.html

40 Annex 1(4), Ordinance on the protection of animals during transport (Anlage 1(4), Tierschutztransportverordnung), available online: https://www.gesetze-im-internet.de/tierschtrv_2009/BJNR037500009.html

41 Article 59 to 61, Ley 7/2023, de 28 de marzo, de protección de los derechos y el bienestar de los animales, available online: https://www.boe.es/buscar/doc.php?id=BOE-A-2023-7936

42 Sections 34 - 41 and Annexes 1.7. and 1.8, Regulations and general guidelines of the Swedish Board of Agriculture on the transport of live animals (Statens jordbruksverks föreskrifter och allmänna råd om transport av levande djur 2019:07, available online: https://jvdoc.sharepoint.com/sites/sjvfs/Shared%20Documents/2019_7/2019-007.pdf?ga=1

43 Article 21, Article 5, Section 2, and Appendix, Royal Decree on approval conditions for animal establishments and the conditions for the marketing of animals (2007), available online: https://codex.vlaanderen.be/PrintDocument.ashx?id=1030434&datum=&geannoteerd=false&print=false

44 Annex II, Section 2, Chapter II, Annexes to the decree of 3 April 2012 on the sanitary and animal protection rules for commercial activities related to companion animals, available online: https://info.agriculture.gouv.fr/gedei/site/bo-agri/document_administratif-d8c-d82e2-98d9-48d6-b709-6efb2e85c8ac/telechargement

45 Article 5(30), Animal Protection Act and Appendixes 1 and 2, Decree on the Rules for the Breeding of Pets Intended for Sale, available online: https://narodne-novine.nn.hr/clanci/sluzbeni/2017_10_102_2342.html https://narodne-novine.nn.hr/clanci/sluzbeni/full/2022_07_76_1121.html

46 Section 7a (6) and (7), Act on the Protection of Animals Against Cruelty (Zákon České národní rady na ochranu zvířat proti týrání), available online: https://www.zakonyprolidi.cz/cs/1992-246/zneni-20220101

47 Chapter 6, Sections 4-5 and 8, Regulations and general guidelines of the Swedish Board of Agriculture on the Keeping of Dogs and Cats (Statens jordbruksverks föreskrifter och allmänna råd om hållande av hundar och katter (2020:08), available online: https://lagen.nu/sjvfs/2020:8

Netherlands[48]) regulate the breeding of companion animals adequately for cats and dogs, by providing clear and adequate rules on minimum mating, weaning period, and maximum number of litters per animal.

Almost half of EU countries restrict extreme breeding practices[49] (Austria[50], Belgium[51], Germany[52], Greece[53], Hungary[54], Lithuania[55], Romania[56], Slovakia[57], Slovenia[58], Spain[59]) and two countries stand out for their particularly extensive legislation: The Netherlands[60] and Sweden[61]. Latvia[62] does not restrict breeding activities as such, but prohibits the sale of genetically defective dogs with inherited diseases, pathologies, or malformations.

3.3. Regulation of Sale of Companion Animals

The majority of Member States regulate the sale of companion animals by requiring that sellers follow the same registration and licensing requirements as the ones required for breeders. However, unlike the requirements for breeders, not all countries require that sellers comply with training requirements (only France[63]). At least nine Member States prohibit the sale of cats and dogs in pet stores: Austria[64], Belgium[65],

48 Article 3.4. (3) and (4), Regulation on Animal Keepers (Regeling houders van dieren), available online: https://wetten.overheid.nl/BWBR0035248/2022-07-16/#Hoofdstuk4

49 See also Eurogroup for Animals, Extreme Breeding in Europe: Mapping of Legislation (November 2023).

50 Section 5(2), Austrian Animal Protection Act (§ 5, Bundesgesetz, mit dem ein Tierschutzgesetz erlassen sowie das Bundes-Verfassungsgesetz, die Gewerbeordnung 1994 und das Bundesministeriengesetz 1986 geändert werden - TSchG), available online: https://www.ris.bka.gv.at/eli/bgbl/I/2004/118

51 Flemish Ministerial Decree establishing the animals displaying a hereditary disorder as referred to in Article 19, § 2, and 27, § 1, of the Royal Decree of 27 April 2007 on the approval conditions for animal establishments and the conditions for the marketing of animals, available online: https://codex.vlaanderen.be/PrintDocument.ashx?id=1035502&datum=&geannoteerd=-false&print=false

52 Article 11b, Animal Welfare Act (§11b, Tierschutzgesetz), available online: http://www.gesetze-im-internet.de/tierschg/BJNR012770972.html

53 Article 3(2), Law No 3170/2003 (Άρθρο 3(2), Νόμος 3170/2003), available online: https://www.markakivet.gr/en/%CE%BD%CF%8C%CE%BC%CE%BF%CF%82-4039-2012/

54 Section 16(3), Government decree 41/2010 on the keeping and marketing of pets (§14, Korm. rendelet 41/2010 a kedvtelésből tartott állatok tartásáról és forgalmazásáról), available online: https://njt.hu/jogszabaly/2010-41-20-22

55 Article 10(5), Animal Protection Act (Straipsnis 10(5), LIETUVOS RESPUBLIKOS GYVŪNŲ GLOBOS, LAIKYMO IR NAUDOJIMO ĮSTATYMO PAKEITIMO ĮSTATYMAS), available online: https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.434660

56 Article 13, Law 205/2004 on the protection of animals (Art. 13, Lege nr. 205 din 26 mai 2004 privind protecția animalelor), available online: https://legislatie.just.ro/Public/DetaliiDocument/52646

57 Article 3(k), Decree 123/2008 on the details on the protection of companion animals and requirements for quarantine stations and shelters for animals (Článok 3 písm. k) Vyhlášky 123/2008 o podrobnostiach o ochrane spoločenských zvierat a požiadavkách na karanténne stanice a útulky pre zvieratá), available online: https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/123/20080501

58 Article 15, Animal Protection Act (Člen 15, Zakon o zaščiti živali), available online: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1353#

59 Article 27 (j), Ley 7/2023, de 28 de marzo, de protección de los derechos y el bienestar de los animales, available online: https://www.boe.es/buscar/doc.php?id=BOE-A-2023-7936

60 Article 3.4., Regulation on Animal Keepers (Regeling houders van dieren), available online: https://wetten.overheid.nl/BWBR0035217/2022-05-05

61 Chapter 6, Section 3, Regulations and general guidelines of the Swedish Board of Agriculture on the Keeping of Dogs and Cats (Statens jordbruksverks föreskrifter och allmänna rådom hållande av hundar och katter (2020:08), available online: https://lagen.nu/sjvfs/2020:8

62 Article 35(2), Regulation No 266 on welfare requirements for keeping, selling and displaying domestic (room) animals at public exhibitions, as well as dog training (Pants 35(2), Labturības prasības mājas (istabas) dzīvnieku turēšanai, tirdzniecībai un demonstrēšanai publiskās izstādēs, kā arī suņa apmācībai), available online: https://m.likumi.lv/doc.php?id=132534

63 L214-6-1 of the Rural Code: https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000044394007.

64 Section 31(5), Austrian Animal Protection Act (§31(5), Gesamte Rechtsvorschrift für Tierschutzgesetz): https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20003541.

65 Article 1(bis), Royal Decree on approval conditions for animal establishments and the conditions for the marketing of animals (2007): https://codex.vlaanderen.be/PrintDocument.ashx?id=1030434&datum=&geannoteerd=false&print=false

Croatia[66], Czechia[67], France[68], Latvia[69], Luxembourg[70], Spain[71], and Sweden72. Most jurisdictions prohibit the display of animals in windows.[73] France further imposes a 7-day cooling off period between the delivery of a certificate of commitment and knowledge and the transfer of ownership, so as to prevent impulsive buying.[74]

3.4. Cosmetic Mutilations and Extreme Breeding

Most Member States also prohibit cosmetic mutilations on companion animals as a general rule. However, most Member States only specify that tail-docking and ear-cropping is prohibited and do not provide an exhaustive list of prohibited surgical procedures (as is the case with Belgium[75], Denmark[76], and Estonia[77]). Austria and Bulgaria include an exhaustive list of prohibited mutilations.[78] Some jurisdictions also provide exemptions for certain surgical procedures on certain dog breeds, or certain dog use, such as hunting and working dogs.[79] Lastly, some jurisdictions, such as Austria[80], Belgium[81], Germany[82], and Finland[83] go as far as prohibiting mutilations as well as the sale, exhibition, display, and competition of mutilated animals.

66 Article 74(1), Animal Protection Act: https://narodne-novine.nn.hr/clanci/sluzbeni/2017_10_102_2342.html

67 § 7b, Act No 246/1992 Coll., on the protection of animals against cruelty (Zákon na ochranu zvířat proti týrání): https://www.zakonyprolidi.cz/cs/1992-246.

68 Article L214-6-3 of the Rural Code: https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000044394036.

69 Article 34, Regulation No 266 on welfare requirements for keeping, selling and displaying domestic (room) animals at public exhibitions, as well as dog training (Pants 34, Labturības prasības mājas (istabas) dzīvnieku turēšanai, tirdzniecībai un demonstrēšanai publiskās izstādēs, kā arī suņa apmācībai): https://m.likumi.lv/doc.php?id=132534.

70 Article 12 of the Law of 27 June 2018 on the protection of animals.

71 Article 27(l), Law on the Protection of Animal Rights and Welfare (Ley 7/2023, de 28 de marzo, de protección de los derechos y el bienestar de los animales): https://www.boe.es/buscar/doc.php?id=BOE-A-2023-7936.

72 Chapter 7, Section 1, Regulations and general guidelines of the Swedish Board of Agriculture on the Keeping of Dogs and Cats (Statens jordbruksverks föreskrifter och allmänna råd om hållande av hundar och katter (2020:08): https://lagen.nu/sjvfs/2020:8.

73 For instance, Croatian law: Article 14, Decree Establishing the Rules for Points of Sale of Companion Animals, available online: https://narodne-novine.nn.hr/clanci/sluzbeni/2019_07_69_1432.html.

74 Article L214-6-3(V) of the Rural Code, available online: https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000044393789

75 Article 17(b) of the 1986 Animal Protection Law and Article 27(1), Royal Decree on approval conditions for animal establishments and the conditions for the marketing of animals (2007), available online: https://codex.vlaanderen.be/PrintDocument.ashx?id=1028445&datum=&geannoteerd=true&print=false https://codex.vlaanderen.be/PrintDocument.ashx?id=1030434&datum=&geannoteerd=false&print=false

76 Article 14, Animal Welfare Act (as amended in 2018) (Bekendtgørelse af dyreværnsloven1, LBK nr 20 af 11/01/2018), available online: https://www.retsinformation.dk/eli/lta/2018/20#idb65d87ad-cf9b-479b-9605-0e3a56ec6cbb

77 Article 9, Animal Protection Act (Loomakaitseseadus), available online: https://www.riigiteataja.ee/en/eli/505092014002/consolide

78 Austria: Section 7, Austrian Animal Protection Act (§ 5, Bundesgesetz, mit dem ein Tierschutzgesetz erlassen sowie das Bundes-Verfassungsgesetz, die Gewerbeordnung 1994 und das Bundesministeriengesetz 1986 geändert werden - TSchG): https://www.ris.bka.gv.at/eli/bgbl/I/2004/118 ; Bulgaria: Article 177(1), Law on Veterinary Activity (Член 177(1), Закон за ветеринарномедицинската дейност): https://lex.bg/laws/ldoc/2135512300

79 For instance, Denmark and Germany; and Spain to some extent.

80 Section 7, Austrian Animal Protection Act (§ 5, Bundesgesetz, mit dem ein Tierschutzgesetz erlassen sowie das Bundes-Verfassungsgesetz, die Gewerbeordnung 1994 und das Bundesministeriengesetz 1986 geändert werden - TSchG), available online: https://www.ris.bka.gv.at/eli/bgbl/I/2004/118

81 Article 27(1), Royal Decree on approval conditions for animal establishments and the conditions for the marketing of animals (2007), available online: https://codex.vlaanderen.be/PrintDocument.ashx?id=1030434&datum=&geannoteerd=false&print=false

82 Tierschutz-Hundeverordnung, § 10 Ausstellungsverbot (Ger.), available online: https://www.gesetze-im-internet.de/tierschhuv/__10.html

83 Decree of the Ministry of Agriculture and Forestry: the prohibition to use in competitions or exhibit dogs that have undergone surgery to change the animal's appearance (Maa- ja metsätalousministeriön asetus kiellosta käyttää kilpailuissa tai pitää näytteillä koiria, joille on suoritettu eläimen ulkonäön muuttamiseksi leikkaus,1070/2000), available online: https://finlex.fi/fi/laki/alkup/2000/20001070

3.5. General Treatment of Companion Animals

When it comes to the regulation of the general treatment of companion animals, most jurisdictions provide a general rule prohibiting the permanent tethering of animals, other than for animal health reasons (e.g. Bulgaria[84], Cyprus[85] or Czechia[86]). Only a few jurisdictions, however, specifically provide that the tethering of dogs is prohibited – such is the case with Croatia[87], Germany (although with derogations)[88], and the Netherlands[89]. Many jurisdictions allow the tethering of dogs but regulate the practice. For instance, French law requires that the animal must have a shelter to protect themselves from adverse weather, sets a minimum length for the tether, and prohibits the use of certain material as a tethering device.[90] Polish law allows the tethering of dogs but for less than 12 hours a day.[91] Some Member States (Austria[92], Bulgaria[93], Croatia[94], and Sweden[95]) also explicitly prohibit the use of cruel controlling devices, specifically electric and choking collars, while others simply provide a general prohibition on the use electric devices (Czechia[96], Germany[97], and Finland[98] for instance).

84 Article 151(7), Law on Veterinary Activity (Член 157(1), Закон за ветеринарномедицинската дейност) available online: https://lex.bg/laws/ldoc/2135512300

85 Article 5(o) and (s), The Animal Protection and Welfare Act of 1994 (as amended in 2020), available online: http://www.cylaw.org/nomoi/enop/non-ind/1994_1_46/full.html

86 Section 4(o), Act on the Protection of Animals Against Cruelty (Zákon České národní rady na ochranu zvířat proti týrání) available online: https://www.zakonyprolidi.cz/cs/1992-246/zneni-20220101

87 Article 51(4), Animal Protection Act, available online: https://narodne-novine.nn.hr/clanci/sluzbeni/2017_10_102_2342.html

88 Article 7, Animal Welfare Dog Ordinance (§7, Tierschutz-Hundeverordnung), available online: http://www.gesetze-im-internet.de/tierschhuv/__7.html

89 Article 3.1, Regulation on Animal Keepers (Regeling houders van dieren), available online: https://wetten.overheid.nl/BWBR0035248/2022-07-16/#Hoofdstuk4

90 Chapter II, 8(b), Order of 25 October 1982 on the breeding, keeping and detention of animals (Arrêté du 25 octobre 1982 relatif à l'élevage, à la garde et à la détention des animaux), available online: https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000864910/#:~:text=L'abattage%20de%20tout%20animal,en%20cas%20d'extr%C3%AAme%20urgence.&text=Les%20animaux%20destin%C3%A9s%20%C3%A0%20l,pour%20y%20%C3%AAtre%20abattus%20imm%C3%A9diatement.

91 Article 9(2), Animal Welfare Act (USTAWA z dnia 21 sierpnia 1997 r. o ochronie zwierząt), available online: https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19971110724/U/D19970724Lj.pdf

92 Section 5(3), Austrian Animal Protection Act (§ 5, Bundesgesetz, mit dem ein Tierschutzgesetz erlassen sowie das Bundes-Verfassungsgesetz, die Gewerbeordnung 1994 und das Bundesministeriengesetz 1986 geändert werden - TSchG), available online: https://www.ris.bka.gv.at/eli/bgbl/I/2004/118

93 Article 7(1), Animal Protection Act (Член 7(1), Закон за защита на животните), available online: https://www.lex.bg/laws/ldoc/2135579104

94 Article 5(7), Animal Protection Act, available online: https://narodne-novine.nn.hr/clanci/sluzbeni/2017_10_102_2342.html

95 Section 35-36, Regulations and general guidelines of the Swedish Board of Agriculture on the Keeping of Dogs and Cats (Statens jordbruksverks föreskrifter och allmänna råd om hållande av hundar och katter (2020:08), available online: https://jvdoc.sharepoint.com/sites/sjvfs/Shared%20Documents/2020_8/2020-008.pdf?ga=1

96 Section 4(x), Act on the Protection of Animals Against Cruelty (Zákon České národní rady na ochranu zvířat proti týrání), available online: https://www.zakonyprolidi.cz/cs/1992-246/zneni-20220101

97 Article 2(5), Animal Welfare Dog Ordinance (§2(5), Tierschutz-Hundeverordnung): http://www.gesetze-im-internet.de/tierschhuv/__7.html. However, German law does not prohibit the sale of such devices.

98 18 § Kielletyt välineet ja laitteet, Laki eläinten hyvinvoinnista 693/2003, available online: https://www.finlex.fi/fi/lainsaadanto/saadoskokoelma/2023/693.



A dog used for hunting stares through the wire of their enclosure at a northern Spanish kennel. Spain, 2017. © Craig Redmond / We Animals

4. Existing Laws Protecting Cats and Dogs

The EU is a party to the Council of Europe's European Convention for the Protection of Pet Animals[99] to the extent that the EU is bound to the Council of Europe's conventions as a "non-State signatory," and also to the extent that all EU Member States, individually, are members of the Council of Europe.

However, given the non-commercial nature of the relationship between companion animals and humans, the EU institutions have been reluctant to enact rules related to the protection of companion animals. A 2017 ruling by the Court of Justice of the EU thus confirmed the EU's lack of competence in regulating the protection of companion animals.[100]

The EU still regulates certain aspects of the lives of companion animals indirectly on account of its competence in regulating transport, animal health, and trade. Compared to other types of animals though, such as farm animals, animals used for scientific purposes, or wild animals, the EU has been less proactive in regulating the treatment of companion animals.[101] As a result, aspects such as the commercial breeding and sale of companion animals has mostly been regulated through national laws, which often rely on the European Convention for the Protection of Pet Animals. Because the rules laid down in this European Convention are general, the rules significantly differ from one Member State to another when it comes to the regulation of commercial breeding and sale of companion animals. The publication of the Commission's proposal for a Regulation on the Dogs and Cats Welfare and their Traceability is therefore a positive development.

4.1. The Prohibition on the Sale of Dog and Cat Fur

On the basis of its competence in regulating trade within the EU and with third countries,[102] the EU enacted a prohibition on the import and export of cat and dog fur and any products containing such fur in 2007. The ban entered into force in 2008 and was enacted by way of Regulation 1523/2007.[103] The ban contained in Regulation 1523/2007 intends to harmonize rules across Member States to ensure the "smooth operation of the internal market" and so as not to mislead consumers into buying fur originating from cats and dogs.[104] However, the primary impetus of the EU Legislature seems to be the ethical implications of the import and sale of dog and cat fur, recognising that "cats and dogs are considered to be pet animals and therefore it is not acceptable to use their fur or products containing such fur."[105]

99 European Convention for the Protection of Pet Animals (ETS No. 125) 1987.

100 Case T–361/14 , H.B. v Commission [2017], paras 42 – 49.

101 European Convention for the Protection of Pet Animals (ETS No. 125).

102 Article 95 and 133, Treaty Establishing the European Community, Consolidated Version, OJ C 325 , 24/12/2002.

103 Regulation 1523/2007 banning the placing on the market and the import to, or export from, the Community of cat and dog fur, and products containing such fur, 2007 OJ L 343/1.

104 Recitals 6 and 7, *ibid*., 2007 OJ L 343/2.

105 Recital 1, *ibid*., 2007 OJ L 343/1.

The Regulation therefore bans the sale, import, as well as exports, of fur and fur products originating from dogs and cats.[106] The scope of the ban encompasses fur originating from wild cats for enforcement purposes, considering that "it is scientifically impossible to differentiate fur of domestic cats from fur of other nondomestic cat subspecies."[107] However, fur and fur products from cats and dogs used "for educational or taxidermy purposes" are exempted from the ban.[108] To ensure uniformity in the ways in which the Regulation is enforced, Regulation 1523/2007 further mandates that Member States inform the Commission of the method they have used to identify the species of origin of the fur.[109]

4.2. Transport Rules

The Regulation 1/2005 (Transport Regulation)[110] is the only of the seven legislative acts pertaining to the welfare of farmed animals that covers companion animals. EU law thus provides minimum animal welfare standards for companion animals during all transport, by road, rail, air, and sea, taking place "in connection to an economic activity," from the moment the animals are loaded, until they are unloaded from the vehicles, including during transfer and rest periods (excepting transport of animals to and from a veterinary practice).[111] The CJEU further found in a 2015 ruling that the Transport Regulation applied to the inter-state movement of stray dogs transported for adoption by an animal protection nonprofit.[112]

However, the Transport Regulation does not provide specifications for the transport of companion animals, and provides extremely lax regulations on transport duration. For instance, Regulation 1/2005 provides that "dogs and cats being transported shall be fed at intervals not more than 24 hours and given water at intervals of not more than eight hours" and that "there shall be clear written instructions about feeding and watering."[113]

4.3. Identification and Health Rules

NON-COMMERCIAL MOVEMENT OF COMPANION ANIMALS

On the basis of the EU's competence in regulating animal health,[114] Regulation 576/2013 on the Non-Commercial Movement of Pet Animals[115] lays down a series of rules for the transport of cats, dogs, ferrets, invertebrates (except bees and bumblebees), ornamental aquatic animals, amphibians, reptiles, birds, and other mammals,[116] who are introduced into and moved within the Union for purposes other than "the sale of or the transfer of ownership of a pet animal."[117] The goal of this regulation is two-fold: ensure animal health, specifically regarding rabies,[118] and to prevent the fraudulent inter-state trade of companion animals in the EU.[119] To that effect, EU law limits the number of animals that can be moved for non-commercial purposes at once to five.[120]

The rules in Regulation 576/2013 vary depending on the type of animal, as well as whether the animal enters the Union or is moved within it. Among other rules, Regulation 576/2013 requires that cats, dogs, and

106 Article 2, *ibid*., 2007 OJ L 343/3.

107 Recital 2, *ibid*., 2007 OJ L 343/1.

108 Article 4, *ibid*., 2007 OJ L 343/3.

109 Article 5, *ibid*.

110 Article 1, Regulation 1/2005 on the protection of animals during transport and related operations, 2005 OJ L3/4.

111 *Ibid*.

112 Case C-301/14, Pfotenhilfe-Ungarn eV v Ministerium für Energiewende, Landwirtschaft, Umwelt und ländliche Räume des Landes Schleswig-Holstein, 3 December 2015.

113 Annex I, Chapter III, Para. 2.2., Regulation 1/2005 on the Protection of Animals during Transport and Related Operations, 2005 OJ L 3/26.

114 Article 168(2)(b), Consolidated Version of the Treaty on the Functioning of the European Union, 2008 OJ C 115/122 - 124.

115 Regulation 576/2013 on the non-commercial movement of pet animals and repealing Regulation 998/2003, 2013 OJ L 178/1–26.

116 Annex I, *ibid*., 2013 OJ L 178/21.

117 Articles 2 and 3, *ibid*., 2013 OJ L 178/6.

118 Recital 3, *ibid*., 2013 OJ L 178/1.

119 Recital 11, *ibid*., 2013 OJ L 178/2.

120 Article 5(1), *ibid*., OJ L 178/7; Article 246(1), Regulation 2016/429 on transmissible animal diseases and amending and repealing certain acts in the area of animal health, 2016 OJ L 84/155.

ferrets transported within EU borders be identified by way of a transponder,[121] are vaccinated against rabies (following a 21 day waiting period), and that the animal(s) carry an EU pet passport.[122] Generally, the requirements are similar for persons transporting cats, dogs, and ferrets from a third country,[123] except that the animals must travel with a health certificate (instead of an EU pet passport).[124] Regulation 2016/429 (Animal Health Law)[125] further requires that, in cases where the owner cannot travel with their companion animal, that the owner be reunited with their animal within five days.[126]

COMMERCIAL MOVEMENT OF COMPANION ANIMALS

For the movement of more than five companion animals, or for the movement of companion animals for commercial purposes, including for re-homing purposes,[127] additional rules set in Regulation 2016/429 (Animal Health Law)[128] and Delegated Regulation 2020/692[129] apply. In principle, the same requirements apply as for non-commercial movement (e.g. identification with transponder, EU-passport, valid rabies vaccination). However, cats and dogs who are commercially moved also need a clinical examination 48 hours before they are transported, must carry a health certificate, and must be registered in the EU's electronic internet database related to the trade of animal and animal-origin commodities (called TRACES). Depending on the country of origin; cats, dogs, and ferrets must further "undergo a valid rabies antibody titration test."[130]

4.4. Online Sales of Cats and Dogs

While EU law does not provide specific rules regulating the online sale of cats and dogs, the general provisions of Regulation 2022/2065 on a Single Market For Digital Services ("the Digital Service Act") apply.[131] The Digital Service Act establishes obligations for online platforms such as social media and online marketplaces, such as traceability measures that ensure sellers can be properly identified. The Digital Services Act further provides enforcement mechanisms to prevent illegal content, as defined by national or EU law.

Some Member States further provide rules regulating the online trade of animals, such as Austria[132] and Spain.[133]

4.5. Shortcomings of Existing Rules

While EU law provides basic animal welfare standards during transport, EU law fails to establish minimal animal welfare standards in breeding and selling facilities, such as minimum space allowance, enrichment specifications, minimum breeding and weaning age, frequency rules on litters, and restrictions on selective breeding and mutilations.

Furthermore, EU law does not require that all cats and dogs be identified and registered and Member States have different and often inconsistent identification and registration rules.

121 Or a clearly readable tattoo for animals tattooed before 2011. Article 17, Regulation 576/2013 on the non-commercial movement of pet animals and repealing Regulation 998/2003, 2013 OJ L 178/11.

122 Article 6, *ibid*., 2013 OJ L 178/7.

123 For non-commercial movements of cats, dogs, and ferrets from certain third countries, the EU requires a Rabies titration test. Annex VIII, Commission Implementing Regulation 2021/404 laying down the lists of third countries, territories or zones thereof from which the entry into the Union of animals, germinal products and products of animal origin is permitted in accordance with Regulation 2016/429, OJ L 114, 31.3.2021, p. 1–117.

124 Article 10, *ibid*., OJ L 178/9.

125 Regulation 2016/429 on transmissible animal diseases and amending and repealing certain acts in the area of animal health, 2016 OJ L 84/1–208.

126 Article 245(2), *ibid*., 2016 OJ L 84/155.

127 Case C-301/14, Pfotenhilfe-Ungarn eV v Ministerium für Energiewende, Landwirtschaft, Umwelt und ländliche Räume des Landes Schleswig-Holstein, 3 December 2015.

128 Regulation 2016/429 on transmissible animal diseases and amending and repealing certain acts in the area of animal health, 2016 OJ L 84/1–208.

129 Commission Delegated Regulation 2020/692 supplementing Regulation 2016/429 as regards rules for entry into the Union, and the movement and handling after entry of consignments of certain animals, germinal products and products of animal origin, 2020 OJ L 174/379–520.

130 Article 176, *ibid*., 2020 OJ L 174/428 and Annex VIII, Commission Implementing Regulation 2021/404 laying down the lists of third countries, territories or zones thereof from which the entry into the Union of animals,

germinal products and products of animal origin is permitted in accordance with Regulation 2016/429, OJ L 114, 31.3.2021, p. 1–117.

131 Regulation 2022/2065 on a Single Market For Digital Services and amending Directive 2000/31/EC, 2022 OJ L 277/1–102.

132 TSchG - Tierschutzgesetz, § 38 TSchG Strafbestimmungen, https://www.jusline.at/gesetz/tschg/paragraf/38.

133 Artículo 57, Ley 7/2023, de 28 de marzo, de protección de los derechos y el bienestar de los animales, available online: https://www.boe.es/eli/es/l/2023/03/28/7.

Lastly, EU law fails to ensure that all established national databases with cats and dogs microchipping information are interoperable. Yet, such an interoperability would make the identification and registration requirements more effective and reduce illegal conduct, such as abandonment, animal abuse, or trafficking, by ensuring better traceability of the animals.



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A cat in a carrier is loaded into a PETA Germany transport van. Lviv, Ukraine, 2022. © Molly Condit / We Animals

5. Prospective Change: A New Regulation on the Welfare of Dogs and Cats and Their Traceability

5.1. Scope

The scope of the Proposal for a Regulation on the Welfare of Dogs and Cats and their Traceability only includes some breeding facilities, pet shops, and shelters above a certain number of animals.[134]

134 Even though shelters do not conduct commercial activities, certain shelters are suspected of providing fronts for the trafficking of animals. Source: *Proposal for a Regulation of the European Parliament and of the Council on the Welfare of Dogs and Cats and their Traceability*, p. 4, COM/2023/769 final.

5.2. Main Measures

The Proposal for a Regulation on the Welfare of Dogs and Cats and their Traceability includes the following key measures:

- Housing requirements for cats and dogs in breeding establishments, including minimum space allowance, maximum stocking densities, and minimum and maximum. temperatures. Dogs must have daily access to an outdoor area or must be walked daily (Chapter II and Annex I).
- Breeding standards, including a minimum age for breeding for reproductive female dogs and cats, a restriction on the number of litter per year, and a prohibition on inbreeding.
- Animal welfare standards, such as a prohibition on painful mutilations (ear cropping, tail docking, removal of claws), unless required for health reasons (Chapter II and Annex I).
- Registration of breeding establishments (Article 16).
- Mandatory identification and registration of dogs and cats into national databases before they are offered for sale(Chapter III).
- Interoperability of national databases between Member States (Article 19).
- Voluntary system allowing users to verify the registration status of the animals advertised online (Article 17).
- Extraterritoriality of EU measures to all dogs and cats entering the Union (meaning all these standards would also apply to breeders operating outside the EU and selling on the EU market) (Article 2).

5.3. Limitations

While the Proposal for a Regulation on the Welfare of Dogs and Cats and their Traceability contains ambitious animal protection measures, the Commission failed to address certain shortcomings.

A first limitation of the proposal is that it exempts the following operators from the scope of the legislation: "breeding establishments keeping up to three bitches or queens and producing in total two litters or less per establishment and calendar year"; "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."[135] These exemptions are intended to relieve small breeders, pet shops, and shelters from administrative burdens but appear disproportionate, given that the animals in these facilities face the same risks as those in larger facilities. Moreover, the proposal requires identification and registration only for animals placed on the market, as opposed to all cats and dogs.

A second limitation is that the proposal fails to require online sellers to identify and register companion animals. Instead, the Commission requires online sellers to offer prospective buyers the option to verify that the animals offered for sale are registered,[136] an approach insufficient to ensure the proper traceability of cats and dogs sold online.

Lastly, the Commission's proposal does not require Member States to impose robust minimal penalties to deter operators from engaging in cruel practices. It simply provides that Member States should ensure that penalties are "effective, proportionate and dissuasive."[137]

135 Article 4, Proposal for a Regulation of the European Parliament and of the Council on the Welfare of Dogs and Cats and their Traceability, p. 11, COM/2023/769 final.

136 Article 17(4), Proposal for a Regulation of the European Parliament and of the Council on the Welfare of Dogs and Cats and their Traceability, p. 34, COM/2023/769 final.

137 Article 27, Proposal for a Regulation of the European Parliament and of the Council on the Welfare of Dogs and Cats and their Traceability, p. 41, COM/2023/769 fin

The European Parliament and the Council of the EU's Positive Contributions to the Proposal

European Parliament: On June 19th, the Members of the European Parliament voted in favor of amending the Proposal and proposed four key improvements:

- Extending the scope of the Regulation to all breeding facilities, including those with fewer than three breeding dogs and/or cats and breeding less than two litters a year.
- Extending mandatory identification and registration to all cats and dogs, rather than limiting this requirement to animals placed on the market.
- Banning the sale of cats and dogs in pet shops.
- Adding a provision mandating the European Commission to adopt a regulatory list of animal species that can be kept in private homes ("positive list").

Council of the EU: The key measures in the Council of the EU's report were:

- Extending the scope of large parts of the regulation to breeding facilities, pet shops, and shelters regardless of the amount of animals kept.
- Mandating breeding facilities to document socialization measures.
- Banning hybrid breeding.
- Banning the use of prong collars and pull leashes without a stop.
- Banning the exhibition of mutilated animals and animals with extreme features.

6. Our Recommendations

1. Cats and dogs must be recognized as sentient beings, as per Article 13, TFEU.
2. The scope of the regulation should encompass all breeders and sellers, including small ones.
3. The extreme breeding of cats and dogs must be prohibited.
4. The mutilations of all cats and dogs, other than for veterinary purposes, must be prohibited.
5. All cats and dogs must be identified and registered.
6. The sale of cats and dogs in pet shops must be prohibited.
7. Online sellers must register cats and dogs they sell before the advertisement is published online. Online platforms are only allowed to present identified and registered cats and dogs; this needs to be checked before an ad goes online.
8. Organizations managing animal databases across the EU must make their database interoperable and abide by strict anti-fraud standards, to ensure their relevance and effectiveness.
9. Member States must provide deterring criminal penalties in national law in cases of violations with the Regulation.

Endorsements

The following organizations endorse the 9 recommendations listed on the previous page:

animal cross

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WWW.ANIMALISTI.IT

BALZOO
BANCO ITALIANO ZOOLOGICO APS

EARTH ODV

ENPA

EU DOG & CAT ALLIANCE®

(Except recommendation 4)

EUROGROUP FOR ANIMALS

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La Fondation Droit Animal
Éthique & Sciences

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Protectrice des Animaux
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(Except recommendation 7)



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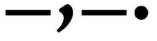
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