

## **Animal Health Law and stray animals**

Please find below a summary of how the problem of stray animals is tackled within the draft Animal Health Law. Despite the specific scope and objective of the proposed Regulation (i.e. animal disease control, not animal population control) and the very limited competence of the EU when pets are concerned, the likely “compromise package” as currently negotiated in trilogues would contain several main improvements compared to the current situation:

**Clear division of responsibility** – In the logic of this Regulation (Article 4), an animal is either kept (i.e. is under the direct control of a person who is then fully responsible for the health and wellbeing of the animal) or wild (in which case, the public authorities are responsible for the disease control, since there is no person to be held responsible). A third definition of “non-kept animal” would only confuse things, and make the Regulation open for misinterpretation. It’s a clear-cut division of responsibility, and a third definition of “non-kept animal” – as suggested by some organisations – would only confuse things and create an unfortunate grey zone. Furthermore, it is clearly stated in recital 16 that the definition of wild animals (which would include stray and feral animals, even if they are of species that are normally domesticated, since they are not under anyone’s direct control) applies only here, without prejudice to any other legislation. In other words, a wild animal in a zoo would still be a wild animal in captivity, for instance. However, what distinguishes a stray animal from most other wild animals is the level of contact with human beings and kept animals. The special risk of disease transmission that this entails is now reflected as additions to the text of Article 70 and 80a.

**Humane treatment** – Based on amendments from the European Parliament, a general requirement of avoiding pain, distress and suffering has been introduced in Article 1 of the draft Animal Health Law. In other words, when disease control measures are taken on stray animal, they must be performed in a humane way. Since the measures taken also must be proportionate to the risk (Article 80a, for instance), this Regulation would surely not “open the gates to the mass cull of stray animals throughout Europe” as claimed by some organisations.

**Pet registration** – When adopting Regulation 576/2013 a few years ago, the co-legislators agreed that systems for pet registration is a matter of subsidiarity. Nevertheless, Article 103 of the draft Animal Health Law provides for the introduction of an obligation for Member States to establish a computer database for dogs and other pets, if such a requirement is considered as necessary from a disease control point of view.

**Stakeholder involvement** – Not only would the national competent authorities be obliged to ensure that their disease control decisions are taken in a clear, transparent and inclusive manner (recital 47). Stakeholders would also be given a role when the Member States draw up and updates their contingency plans, and they would be part of the framework of cooperation to ensure that actions are taken in a coherent and coordinated manner (Article 43).

**Preventive measures** – As part of the battle against illegal puppy trade, and as a tool to prevent that more animals become stray in the future, all professional breeders and sellers of pets must be registered. Through modifications of Article 83 and the introduction of a new recital 91a, it's been clarified that no exemptions from this requirement would be allowed, since breeding and selling of pets would always constitute a more than insignificant risk for public and animal health. In addition to this, Article 137 empowers the Commission to adopt specific supplementing requirements for the movements of animals related to pet shops and animal shelters.

**The role and responsibility of pet keepers** – All operators selling or otherwise transferring the ownership of pet animals must provide the future pet keeper with basic information on good practice of animal husbandry and biosecurity principles (Article 10). Besides being obliged to apply a good animal husbandry, pet keepers are also responsible for a responsible use of veterinary medicines and for minimising the risk of spreading of diseases (Article 9).

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