



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Crisis management in food, animals and plants
Animal health and welfare

Working document

Re-homing of pets: issues detected in trade

Doc SANTE/7160/2020rev2

27 November 2020

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1. OBJECTIVE

The objective of this document is to achieve a common understanding amongst Member States on the animal health requirements applicable to the trade in dogs, cats and ferrets sourced from shelters.

2. LEGAL BACKGROUND

The movement of dogs, cats and ferrets from a shelter in a Member State to another Member State implies either the sale or the transfer of ownership of the animal. Therefore, this movement cannot be considered as a non-commercial movement as defined in point (a) of Article 3 of Regulation (EU) No 576/2013¹.

Accordingly, the legal regime applicable to this movement is Council Directive 92/65/EEC².

It should be highlighted that Article 3 of Directive 92/65/EEC fully harmonises the trade in dogs, cats and ferrets as it reads:

The Member States shall ensure that the trade referred to in Article 1, first paragraph, is not prohibited or restricted for animal health reasons other than those arising from the application of this Directive or from Community legislation, and, in particular any safeguard measures taken.

The animal health requirements laid down in Directive 92/65/EEC can be summarised as follows:

(1) Establishment of origin.

Dogs, cats and ferrets must come from holdings or businesses which are registered by the competent authority and are not subject to any ban on animal health grounds (including rabies), and which undertake to have these animals regularly examined, to notify possible disease and to comply with the requirements ensuring the welfare of the animals held.

Holdings or businesses of origin can be not only shelters but also any other place registered by the competent authority including households. Every person is entitled to have the holding or business registered by the competent authority.

(2) Marking.

Dogs, cats and ferrets must be marked by the implantation of a transponder (see technical specifications in Annex II to Regulation (EU) No 576/2013).

(3) Vaccination against rabies.

¹ 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.

² Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A (I) to Directive 90/425/EEC.

Dogs, cats and ferrets must be vaccinated against rabies by an authorised veterinarian in accordance with Annex III to Regulation (EU) No 576/2013.

(4) Parasite *Echinococcus multilocularis*.

Dogs must, prior to entering one of the Member States listed in the Annex to Commission Implementing Regulation (EU) 2018/878, or Norway, be treated against the parasite *Echinococcus multilocularis* in accordance with Commission Delegated Regulation (EU) 2018/772.

(5) Clinical examination.

Dogs, cats and ferrets must undergo within 48 hours prior to the time of dispatch a clinical examination carried out by an authorised veterinarian, who must verify that the animals show no signs of diseases and are fit to be transported for the intended journey (in accordance with Council Regulation (EC) No 1/2005³ on the protection of animals during transport).

Please, note that the only three requirements applicable to this type of trade related to welfare are:

- The clinical examination to verify that the animals are fit for transport referred to in the paragraph above (point 2 (b)(ii) of Article 10 of Council Directive 92/65/EEC);
- “Dogs and cats of less than eight weeks age are not fit for transport” unless they are accompanied by their mother (point 2 (f) of Chapter I of Annex I to Council Regulation (EC) No 1/2005);
- “Dogs and cats being transported shall be fed at intervals of not more than 24 hours and given water at intervals of not more than eight hours. There shall be clear written instructions about feeding and watering” (point 2.2 of Chapter V of Annex I to Council Regulation (EC) No 1/2005).

(6) Passport.

Dogs, cats and ferrets must be individually accompanied by a passport (see model in Part 1 of Annex III to Commission Implementing Regulation (EU) No 577/2013):

- Completed and issued by an authorised veterinarian;
- Documenting the alpha-numeric code displayed by the transponder or the tattoo, the details of the vaccination against rabies, the details of the treatment against *Echinococcus multilocularis*, where applicable, and the clinical examination.

(7) Health certificate.

Dogs, cats and ferrets must be accompanied to the place of destination by a health certificate (model in Part 1 of Annex E to Directive 92/65/EEC as last amended by

³ 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.

Commission Implementing Decision (EU) 2019/1206, issued by an official veterinarian of the EU country of dispatch, who:

- States the veterinary registration number assigned to the holding or business of origin by the competent authority and the passport number of each animal of the consignment;
- Attests that the clinical examination was carried out;
- Notifies the movement to the competent authorities of destination through the Community Trade Control and Expert System (TRACES).

3. PROBLEMS DETECTED

The Commission has been made aware, in the recent past, of several problems arising from the trade of dogs, cats and ferrets sourced from shelters.

The problems identified fall into one or other of the categories below:

- Non-compliance with the animal health requirements, notably disguising these movements as non-commercial movements;
- Lack of possibility to comply with the animal health requirements leading, quite frequently, to non-compliance.

The inability to comply with the animal health requirements could be due to several factors such as:

- Absence of registration by the competent authority of the shelter of origin.

There is no obligation in the current EU Law to register the shelter, unless it was a place of departure for intra-Union trade. Under the legal framework of the Animal Health Law⁴, all shelters should be registered (Article 84 of the Animal Health Law), independent of whether they participate in intra-Union trade. In addition, shelters moving animals to other Member State should be approved by the competent authority (point 4(a) of Article 1 of Delegated Regulation (EU) 2019/2035⁵.

Therefore, if the competent authority does not have the intention to register (currently) or to approve a shelter (as from 21 April 2021), it cannot move animals to another Member State. This situation might lead to non-compliances as it is very likely that the movements will continue but disguised as non-commercial movements.

⁴ 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')

⁵ Commission Delegated Regulation (EU) 2019/2035 of 28 June 2019 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for establishments keeping terrestrial animals and hatcheries, and the traceability of certain kept terrestrial animals and hatching eggs

It is safer, from an animal health point of view, to have certain shelters registered or authorised to prevent, as much as possible, non-compliant movements.

- Absence of validation in TRACES of the place of destination.

A validated place of destination is a very useful tool for control purposes.

It helps the competent authority of destination implement controls. Also, it assists the competent authority of origin to have full traceability of these movements, which are often under scrutiny.

Nevertheless, the following three points should be considered:

- There is neither a legal obligation concerning the intended destination of the dogs, cats or ferrets nor any compulsory field to be filled in TRACES that might prevent a movement without a validated place of destination;
- In addition to the validated destination in TRACES, new destinations can also be created;
- If a private person cannot be considered as a validated place of destination, and therefore a certificate in TRACES cannot be issued, it could be argued that the same problem would happen to the trade in certain horses and other species covered by Directive 92/65/EEC. That would imply that a private person could not obtain an animal.

4. CONCLUSIONS

There is a growing number of complaints from stakeholders trading dogs from one Member State to another mostly for rehoming purposes.

For those that comply with the animal health requirements laid down in Directive 92/65/EEC, no additional requirement or condition can be imposed on them as this trade is fully harmonised at EU level. Notably, it cannot be prevented for the purposes of a better control of the traceability or for any technical problem related to the absence of validation of the final destination in the TRACES system.