

Tierärztliche Vereinigung
für **Tierschutz** e.V.



Die Tierärztliche Vereinigung für Tierschutz e.V. (TVT)

Tools to improve implementation and enforcement
of existing animal welfare and animal disease
control legislation –
and how to improve them



workshop on „Welfare of dogs and cats involved in commercial
practice“, Brussels, Nov. 12th 2015



Aim of the TVT



- The TVT is the animal welfare association of veterinarians in Germany who contribute their specific knowledge as experts to all social spheres connected with animal welfare.
- "In dubio pro animale"
- The TVT stands for consequent and proper implementation of enacted laws and regulations to advance animal welfare and is constantly involved in improving them.



our products

- written statements on animal welfare issues
- Reference documents
- Guidelines

in print or for free download on www.tierschutz-tvt.de



Tierärztliche Vereinigung
für Tierschutz e.V.

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Ziele der TVT
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Stellungnahmen

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Suchen
GO
erweiterte Suche

Willkommen bei der Tierärztlichen Vereinigung für Tierschutz e.V.
Wir begrüßen Sie ganz herzlich auf unserer Internetseite



Guideline No. 113

No. 113 “Import of dogs from Southern and Eastern Europe – Trading dogs under the guise of animal welfare?”

- lists existing EU- and german regulations concerning animal welfare and animal disease control (latest revision August 2015)
- designed to assist veterinary services and to inform stakeholders of animal welfare organisations dedicated to rescue animals from other countries

Guideline No. 113

- describes possible risks of transmissible diseases and zoonoses



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- provides a critical view on motivations for rescuing dogs and the possible consequences for procured dogs and the remaining dog populations in the countries of origin



Work Group Puppy Trade

[VIER PFOTEN - Stiftung für Tierschutz](#), (Four Paws)

[TASSO e.V.](#), (Animal registration and returning system)

[Verband für das Deutsche Hundewesen \(VDH\)](#),

(The German Dog Federation)

[Bund gegen Missbrauch der Tiere \(bmt\)](#),

(Coalition Against the Abuse of Animals)

[Deutschen Tierschutzbund](#) (German Animal Protection League)

[Gesellschaft für Tierverhaltensmedizin und –therapie](#) (Association for Animal Behaviour and Therapy)

[Tierärztliche Vereinigung für Tierschutz](#)

(Veterinarian's Association for Animal Welfare)



Tools

❖ *The Trade-Control and Expertsystem (TRACES)*



1

❖ *COUNCIL REGULATION (EC) No 1/2005, esp. Article 24 on “Mutual assistance and exchange of information of financial penalties” and Article 26 “Infringements and notification of infringements”*



2

❖ *COUNCIL FRAMEWORK DECISION 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties*



3



The Trade-Control and Expertsystem (TRACES)

➤ **TRAde Control and Expert System**

- ❖ Integrated IT-System
- ❖ Cross-linking veterinary authorities
- ❖ Animal movements
- ❖ Rapid detection of potential vectors of animal diseases and zoonoses



The Trade-Control and Expertsystem (TRACES)

Problems:

- The Trace may be lost on arrival
- veterinary authorities refuse to operate TRACES
- inconsistent handling of TRACES



The Trade-Control and Expertsystem (TRACES)

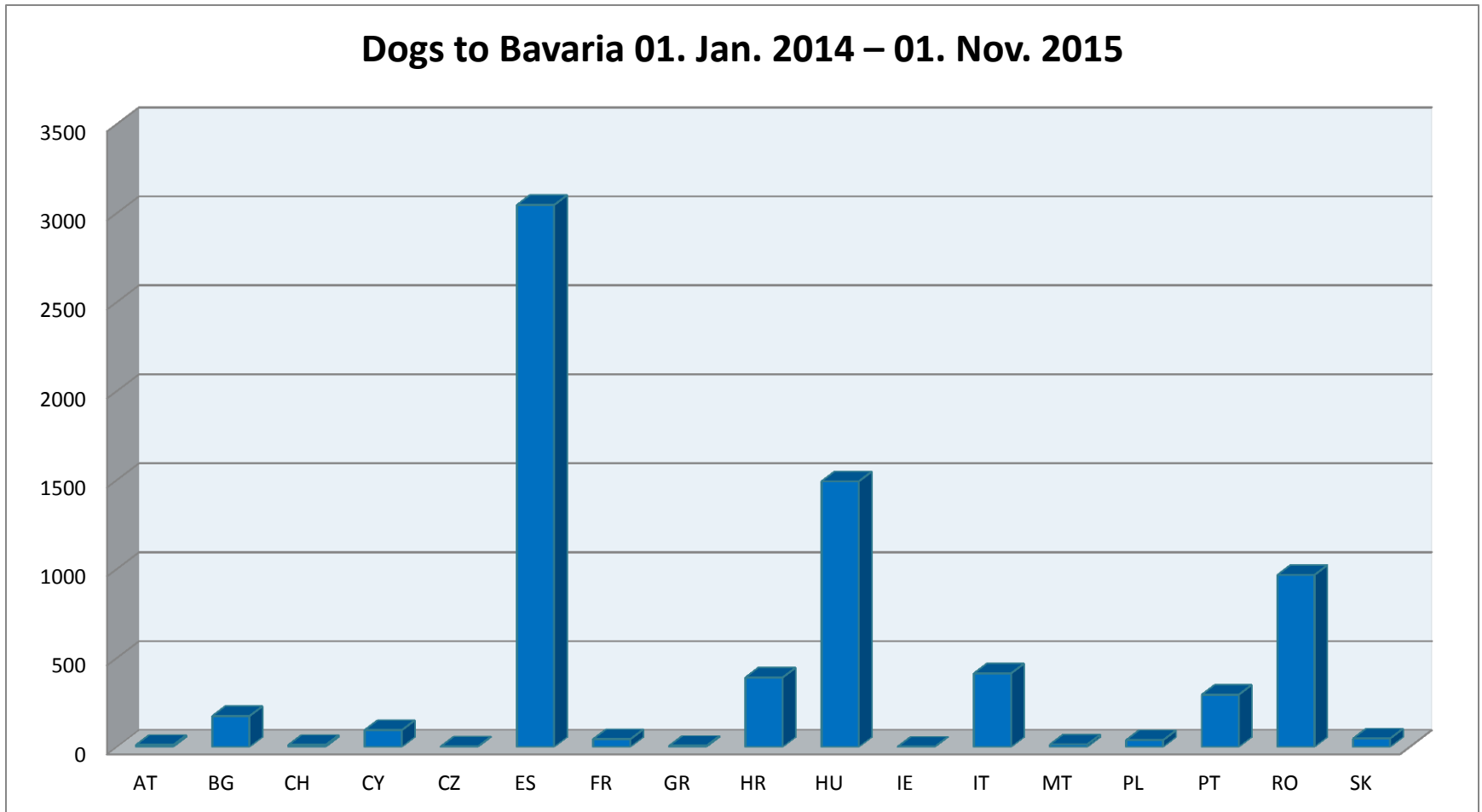
More Problems:

- TRACES unfit to handle network-based transport
- Forgery!
- Sanctions ?



The Trade-Control and Expertsystem (TRACES)

Dogs to Bavaria 01. Jan. 2014 – 01. Nov. 2015



Total: 7056



The Trade-Control and Expertsystem (TRACES)

Bavaria	7000
Germany	44.444
Average protective charge	280 €
Germany total turnover	12.444.320 € : 22 months
Per month	565.650 €

Council Regulation (EC) No. 1/2005

Article 24 “Mutual assistance and exchange of information of financial penalties”

Article 26 “Infringements and notification of infringements”

➤ useful tools to enforce sanctions

➤ specific sanctions



Council Regulation (EC) No. 1/2005

Problems in general:

- indistinct legal terminology (see Rabitsch & Franzky, p. 41 TVT- News 2/2014)
- missing specific requirements concerning companion animals
- inconsistent implementation of Art. 7 and Art. 11 of Reg. No. 1/2005

reporting violations

controls of „illegal“ companion animal transports:

- infringements of animal welfare and animals disease control regulations
- reports to contact points
- reporting schemes

Council Regulation (EC) No. 1/2005

Recommendations:

- study to compare legal enforcement of Council Regulation (EC) No. 1/2005
- harmonized sanctions for violations of existing EU-legislation on animal transport (Art. 25)
- revision of Reg. (EC) No. 1/2005

COUNCIL FRAMEWORK DECISION 2005/214/JHA

on the application of the principle of mutual recognition of financial penalties



- verification of dual criminality under the principle of mutual recognition of court decisions

COUNCIL FRAMEWORK DECISION 2005/214/JHA

➤ „issuing state“ → „executing state“



- procedure lengthy and cumbersome
- statutory periods of limitation
- ? Data on outcome of procedures?

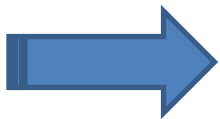
COUNCIL FRAMEWORK DECISION 2005/214/JHA

Article 5: 39 offences, some might be observed with illegal trade of companion animals (swindling, forgery of documents, smuggling of goods).



Violations against animal welfare or disease control legislation are not included in the scope of Art. 5 offences...

but could be!



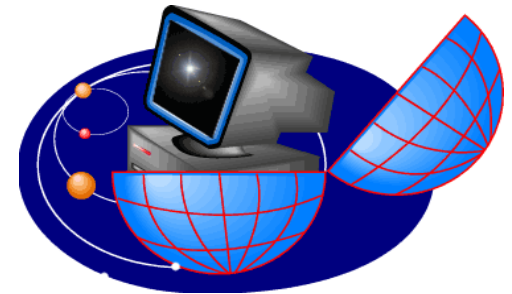
enhance and accelerate procedures and successful prosecution!

Recommendations

- ✓ compulsory ID and registration, passports linked with transponders, distribution limited to the country of origin
- ✓ compulsory licensing of breeders and rehoming organizations
- ✓ Ban on sale of dogs and cats in pet shops, at markets, at shows and exhibitions, in the street and in public places

Recommendations

✓ control of internet trade



✓ Specific requirements for the transport of cats and dogs



Recommendations

Most of all we want to emphasize the demand for:

✓ consistent and harmonized implementation and enforcement of prosecution of violators of animal welfare and animal health legislation (breeders, dealers, vets in all positions, transporters and procuring organizations)



Thank you for your attention!



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