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From:	General Secretariat of the Council
To:	Delegations
Subject:	Regulation on the welfare of dogs and cats – Article 4 - Comments from delegations

Delegations will find in annex submissions from delegations on the above subject, concerning drafting suggestions and comments on the proposal for a Regulation on the welfare of dogs and cats put forward after the meeting of the Working Party meeting on 15 March 2024.

From: AT, BG, CY, CZ, DE, DK, EL, ES, FI, FR, HU, IT, LT, LU, LV, NL, PL, SE, SK

Presidency text	MS Drafting Suggestions and MS Comments
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Presidency text	MS Drafting Suggestions and MS Comments
General comments	<p>CZ (MS Comments):</p> <p>The Czech Republic has doubts about the modification of Article 3 of Definitions 5 and 6 if the definition of "place on the market" includes the term "free of charge". We request an opinion from the General Secretariat of the Council as to whether the scope of the Regulation in relation to this modification is in line with the legal basis for the EU internal market setting - Article 43(2) and Article 114 of the Treaty of the Functioning of the European Union. This modification had the effect of expanding the scope of this regulation, which is no longer about setting up the internal market, but about regulating animal breeding not only for the purpose of trade. And the legal basis chosen here no longer applies.</p>
CHAPTER II OBLIGATIONS FOR OPERATORS OF ESTABLISHMENTS	
<i>Article 4</i>	

Presidency text	MS Drafting Suggestions and MS Comments
<i>Exemptions from the obligations set out in this Chapter</i>	
This chapter shall not apply to:	BG (MS Drafting Suggestions): <u>This chapter shall not apply to:</u>
———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;	LT (MS Comments): We believe that it would be appropriate to maintain the requirements for pet shops as well, because they, too, should be obliged to provide the most favourable treatment for the animals that they are selling. We understand

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	that not all EU countries sell dogs or cats from stores, but in some places this activity is still not banned.
_____shelters keeping at any given time ten dogs or less or twenty cats or less.	
<u>1. Breeding establishments producing one litter or less per calendar year shall only be subject to the obligations laid down in Article 5, Article 6(1), Article 6(1a), Article 6a, Article 8, Article 11(2), Article 12(3) and (4), Article 13(2)(b), (ba), (c) and (d), Article 14(2) and (3) and Article 15.</u>	<p>BG (MS Drafting Suggestions):</p> <p><u>1. Breeding establishments, including households, keeping up to a total of three four two dogs or cats if they comply with the requirements in Regulation (EU) 2016/429, particularly art.18 and art. 84 of it.</u></p> <p>BG (MS Comments):</p> <p>We prefer to limit the number of animals instead of the number of litters. We also prefer to retain the notification obligation even for these small establishments.</p> <p>CY (MS Drafting Suggestions):</p> <p>1. Breeding establishments producing one litter or less per calendar year shall only be subject to the obligations laid down in Article 5, Article 6(1), Article 6(1a), Article 6a, <u>Article 7</u>, Article 8, Article 11(2),</p>

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	<p>Article 12(3) and (4), Article 13(2)(b), (ba), (c) and (d), Article 14(2) and (3) and Article 15.</p> <p>CY (MS Comments):</p> <p>In our opinion all establishments should notify their activity so that the competent authority may inspect for compliance with the requirements applicable to each category of establishment.</p> <p>CZ (MS Comments):</p> <p>We disagree with the exception, which only applies to the number of litters per calendar year and does not clearly state the number of bitch and/or queen kept. In our opinion, the number of bitches/queens and the number of litters per calendar year, which are or are not covered by the whole of Chapter II, should be indicated. Supports reverting the original wording of the exemption, i.e., the requirements of Chapter II will not apply to breeding operations with 3 bitches or queens and no more than 2 litters per calendar year.</p> <p>This regulation was originally intended to cover cats and dogs produced for commercial purposes. The currently proposed amendment significantly expands the coverage of this regulation and provides for compliance with the general requirements also for small breeders whose primary objective is not economic profit but who keep animals as companions.</p> <p>DE (MS Drafting Suggestions):</p> <p>1. Breeding establishments producing one litter or less per calendar year shall only not be subject to the obligations laid down in Article 5, Article 6(1), Article 6(1a), Article 6a, Article 8, Article 11(2), Article 12(3) and (4), Article 13(2)(b), (ba), (c) and (d), Article 14(2) and (3) and Article 15 Article 6(2), Article 7,</p>

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	<p><u>Article 9(2), Article 10, Article 11(1), Article 12(2)(b) and (6) and point 2.3 of Annex I.</u></p> <p>DE (MS Comments):</p> <p>In our view, only the following exemptions are justified: number of animal caretakers, notification, ways to acquire and documentation of competences, advisory veterinary visits, detailed provisions on watering/feeding, maintenance of the establishment, temperature and space requirements. The remaining provisions can also be implemented in households with reasonable effort. In our view, the announced deletion of the definition of “supplying” in Art. 3(5) may necessitate a further exemption for natural persons who, for example, have puppies/kittens once in their dog’s/cat’s life and place them privately.</p> <p>DK (MS Drafting Suggestions):</p> <p>1. Breeding establishments producing one <u>two litters of puppies</u> or less <u>or four litters of kittens or less</u> per calendar year shall only be subject to the obligations laid down in Article 5, Article 6(1), Article 6(1a), Article 6a, Article 8, Article 11(2), Article 12(3) and (4), Article 13(2)(b), (ba), (c) and (d), Article 14(2) and (3) and Article 15.</p> <p>DK (MS Comments):</p> <p>The suggested limit of one litter or less means that almost all breeding establishments will have to fulfill all requirements of the regulation. We think that our suggestion takes into account minor breeders in private households.</p>

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	<p>EL (MS Drafting Suggestions): <u>Breeding establishments producing one litter or less per calendar year shall only be subject to the obligations laid down in Article 5, Article 6(1), Article 6(1a), Article 6a, Article 8, Article 11(2), Article 12(3) and (4), Article 13(2)(b), (ba), (c) and (d), Article 14(2) and (3) and Article 15.</u></p> <p>ES (MS Drafting Suggestions):</p> <p>1. Breeding establishments <u>keeping up to five adult animals and</u> producing <u>up to</u> one litter or less per calendar year shall only be subject to the obligations laid down in Article 5, Article 6(1), Article 6(1a), Article 6a, Article 8, Article 11(2) <u>and (3)</u>, Article 12(3) and (4), Article 13(2)(b), (ba), (c) and (d), <u>Article 13(3)(c)</u>, Article 14(2), and (3), <u>(4) and (5)</u>, and Article 15.</p> <p>ES (MS Comments):</p> <p>We believe that limiting the exception to the number of litters is not sufficient and that the maximum number of adults to be kept should be estimated in order to specify the type of breeding establishment and its exceptions.</p> <p>We add some articles that we believe should be included and especially the identification of all dogs and cats that are bred in any establishment.</p> <p>FI (MS Comments):</p> <p>We support this proposal with the exception of Art 13 (ba) and (c) where we have proposed changes to the</p>

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	<p>euthanasia and killing of dogs and cats.</p> <p>FR (MS Drafting Suggestions):</p> <p>1. Breeding establishments producing placing on the market one litter or less per calendar year shall only be subject to the obligations laid down in Article 5, Article 6(1), Article 6(1a), Article 6a, Article 8, Article 11(2), Article 11(3), Article 12(3) and (4), Article 13(2)(b), (ba), (c) and (d), Article 13(3), Article 14(2) and (3) and Article 15.</p> <p>FR (MS Comments):</p> <p>It is difficult to control the number of litters produced by small breeders; it is better to speak of the number of litters "placed on the market" rather than "produced".</p> <p>Furthermore, regardless of their size, breeding establishments cannot be exempted from the following points:</p> <ul style="list-style-type: none"> - obligations regarding the cleanliness of animal feeding and watering equipment (Article 11(3)); - obligations regarding the reproduction of dogs and cats and their health (Article 13(3) and point 3 of Annex I); - obligations regarding the socialization and familiarization of animals provided for in Article 14 and point 4 of Annex I: animals present in these breeding establishments are intended for adoption, so it is necessary to respect their behavioral needs to avoid any behavioral problems that could lead to the abandonment of the animal.

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	<p>Regarding Article 13(2)(c), the French delegation will pay attention to ensuring that only veterinarians can euthanize dogs and cats and that puppies and kittens under 7 days cannot be killed without valid reason.</p> <p>IT (MS Comments):</p> <p>One litter per calendar year per dog? or one litter in total for the entire establishment?</p> <p>Unclear where we are at with revised text – e.g. unsure what article 6(1)(a) refers to at this point.</p> <p>As a general comment, it is difficult to comment on one article when that article refers to several other articles which are not finalised. If we agree that a certain article should apply to a certain type of establishment, but then that article referred to changes, we may then wish to change our position on whether that changed article ought still to apply to that type of establishment.</p> <p>LU (MS Drafting Suggestions):</p> <p>Breeding establishments producing one litter or less per calendar year shall only be subject to the obligations laid down in Article 5, Article 6(1), Article 6(1a), Article 6a, Article 8, Article 11(2), Article 12(3) and (4), Article 13(2)(b), (ba), (c) and (d), <u>(3)(a) and (c)</u>, Article 14(2) and (3) and Article 15.</p> <p>LU (MS Comments):</p>

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	<p>LU considers that breeding establishments producing one litter or less per calendar year should also be subject to the health obligation of Article 13 (3)(a) and (c),</p> <p>NL (MS Drafting Suggestions):</p> <p><u>1. Breeding establishments producing one litter or less per calendar year shall only be subject to the obligations laid down in Article 5, Article 6(1), Article 6(1a), Article 6a, Article 8, Article 11 (2), Article 12(2d), (2da), 2(e), (3) and (4), Article 13(2)(b), (ba), (c) and (d), Article 14(2) and (3) and Article 15.</u></p> <p>NL (MS Comments):</p> <p>We think that it would be appropriate to also declare the other paragraphs of article 11, article 12 (2d), (2da) and 2(e), and the other paragraphs of article 14 applicable to these small breeders.</p> <p>PL (MS Drafting Suggestions):</p> <p>1. Breeding establishments producing one litter or less per calendar year shall only be subject to the obligations laid down in Article 5, Article 6(1), Article 6(1a), Article 6a, Article 8, Article 11(2), Article 12(3) and (4), Article 13(2)(b), (ba), (c) and (d), Article 14(2) and (3) and Article 15.</p> <p>PL (MS Comments):</p> <p>This change is welcome and PL considers it better that the original text, but in the opinion of PL all breeding</p>

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	<p>establishments should be subject to all obligations for reasons of animal welfare and just competition on the single market. It is unjust to differentiate welfare requirements depending on the number of litters per year.</p> <p>SE (MS Drafting Suggestions):</p> <p>1. Breeding establishments producing one litter or less per calendar year shall only be subject to the obligations laid down in Article 5, Article 6(1), Article 6(1a), Article 6a, Article 7, Article 8, Article 11(2), Article 12(3) and (4), Article 13(2) (a), (b), (ba), (c), and (d) and (3), Article 14 (1), (2), and (3), (4) and (6) and Article 15.</p> <p>SE (MS Comments):</p> <p>Sweden considers it important that all establishments are registered by the competent authorities, especially since the individual registration of the dog or cat should be linked to the establishment.</p> <p>Adequate supervision must also be enforced regardless of the number of litters taken, as bitches, queens and their offspring are particularly vulnerable animals before, during and after the time of birth. It is also important to ensure that bitches and queens are not bred before the minimum age and to ensure that only healthy animals are bred.</p> <p>With regard to Article 14, we believe that all requirements should apply, with the exception of paragraph 5, as it is important to ensure that no puppies or kittens are weaned prematurely, and that they receive the socialisation</p>

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	<p>that is so important for their development.</p> <p>SK (MS Drafting Suggestions):</p> <p><u>1. Breeding establishments producing one litter or less per calendar year shall only be subject to the obligations laid down in Article 5, Article 6(1), Article 6(1a), Article 6a, Article 8, Article 11(2) and (3), Article 12(2), (3), (4), (6) and (7), Article 13(2)(b), (ba), (c) and (d), Article 14(2), (3), (4) and (6), and Article 15.</u></p> <p>SK (MS Comments):</p> <p>SK suggests adding:</p> <ul style="list-style-type: none"> – Article 11 par. 3 – Article 12 par. 2, 6 and 7 – Article 14 par. 4 and 6 <p>These are general requirements that should be properly fulfilled by every breeder.</p>
	<p>CZ (MS Comments):</p> <p>.</p>

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<p><u>2. The following shelters shall only be subject to the obligations laid down in Article 5, Article 6(1), Article 6(1a), Article 8, Article 11(2), Article 12(3) and (4), Article 13(2)(b), (ba), (c) and (d), Article 14(2) and (3) and Article 15:</u></p>	<p>CY (MS Drafting Suggestions):</p> <p>2. The following shelters shall only be subject to the obligations laid down in Article 5, Article 6(1), Article 6(1a), Article 7, Article 8, Article 11(2), Article 12(3) and (4), Article 13(2)(b), (ba), (c) and (d), Article 14(2) and (3) and Article 15:</p> <p>CY (MS Comments):</p> <p>In our opinion all establishments should notify their activity so that the competent authority may inspect for compliance with the requirements applicable to each category of establishment.</p> <p>DE (MS Drafting Suggestions):</p> <p><u>2. The following shelters which keep up to a total of 10 dogs or cats at any given time shall only not be subject to the obligations laid down in Article 5, Article 6(1), Article 6(1a), Article 8, Article 11(2), Article 12(3) and (4), Article 13(2)(b), (ba), (c) and (d), Article 14(2) and (3) and Article 15: Article 10, Article 11(1) and Article 12(2)(b) and (6).</u></p> <p>DE</p>

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	<p>(MS Comments):</p> <p>We oppose the proposed increase in the maximum number of dogs from 10 to 15 and instead advocate a uniform value of 10. In addition, we consider only the following exemptions to be justified: advisory veterinary visits, detailed provisions on watering/feeding, maintenance of the establishment, temperature requirements. Since the management of a shelter of this size goes far beyond the management of a “foster home” in a household in terms of expertise, space requirements and organization, it is proportionate and reasonable to impose further requirements in order to ensure the well-being of the dogs/cats.</p> <p>FI</p> <p>(MS Comments):</p> <p>We support this proposal with the exception of Art 13 (ba) and (c) where we have proposed changes to the euthanasia and killing of dogs and cats.</p> <p>FR</p> <p>(MS Drafting Suggestions):</p> <p>2. The following s<u>Shelters that include only households keeping dogs or cats on behalf of an entity responsible for unwanted, abandoned, former stray, lost or confiscated dogs or cats</u> shall only be subject to the obligations laid down in Article 5, Article 6(1), Article 6(1a), <u>Article 7</u>, Article 8, <u>Article 9</u>, Article 11(2), <u>Article 11(3)</u>, Article 12(3) and (4), Article 13(2)(b), (ba), (c) and (d), Article 14<u>(1), (2) and (3), (4) and (6)</u> and Article 15.</p> <p>FR</p> <p>(MS Comments):</p>

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	<p>Shelters that include only households keeping dogs or cats on behalf of an entity responsible for unwanted, abandoned, former stray, lost or confiscated dogs or cats cannot be exempted from the following points:</p> <ul style="list-style-type: none"> - notification of activity (Article 7), for reasons of traceability and animal protection (if they are not notified, how can inspection services know of their existence and verify that the welfare and traceability of the animals, which could be numerous, are being respected?); - obligations regarding the cleanliness of animal feeding and watering equipment (Article 11(3)); - obligations regarding the socialization and familiarization of animals provided for in Article 14 and point 4 of Annex I: animals present in these shelters are intended for adoption, so it is necessary to respect their behavioral needs to avoid any behavioral problems that could lead to the abandon of the animal, which would then return to a shelter. However, we propose an exemption to Article 14(5), which may be more complicated to implement for these shelters, in cases where foster families, for example, do not keep other animals. <p>Furthermore, in France, at least one member of the board of directors or the executive committee must be trained. The objective is to ensure that at least one person in the shelter that include only households keeping dogs or cats on behalf of an entity responsible for unwanted, abandoned, former stray, lost or confiscated dogs or cats is trained and able to advise foster families on animal care and well-being, for example. Therefore, we propose that these establishments should not be exempted from Article 6(2), incorporating this specific point:</p> <p>“Operators shall ensure that dogs or cats are handled by a [suitable] number of animal caretakers who have the competences required under Article 9.</p>

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	<p><u>Shelters that include only households keeping dogs or cats on behalf of an entity responsible for unwanted, abandoned, former stray, lost or confiscated dogs or cats shall ensure that at least one of their members of the board of directors or their executive committee have the competences required under Article 9.”</u></p> <p>Regarding Article 13(2)(c), the French delegation will pay attention to ensuring that only veterinarians can euthanize dogs and cats and that puppies and kittens under 7 days cannot be killed without valid reason.</p> <p>LU (MS Drafting Suggestions):</p> <p>2. The following shelters shall only be subject to the obligations laid down in Article 5, Article 6(1), Article 6(1a), Article 8, Article 11(2), Article 12(3) and (4), Article 13(2)(b), (ba), (c) and (d), Article 14(2) and, (3) <u>and</u> <u>(5)</u> and Article 15:</p> <p>LU (MS Comments):</p> <p>LU considers that it is important to adress their need to socialise especially since shelter animals may be subject to longer stays.</p> <p>NL (MS Drafting Suggestions):</p> <p><u>2. The following shelters shall only be subject to the obligations laid down in Article 5, Article 6(1), Article 6(1a), Article 8, Article 11(2), Article 12 (2d), (2da), 2(e), (3) and (4), Article 13(2)(b), (ba), (c) and (d), Article 14(2) and (3) and Article 15:</u></p>

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	<p>NL (MS Comments):</p> <p>We think that it would be appropriate to also declare the other paragraphs of article 11, article 12 (2d), (2da) and 2(e), and the other paragraphs of article 14 applicable to these (small) shelters.</p> <p>PL (MS Drafting Suggestions):</p> <p>2. The following shelters shall only be subject to the obligations laid down in Article 5, Article 6(1), Article 6(1a), Article 6(2), Article 7, Article 8, Article 10, Article 11(2), Article 12 <u>(2), (3) and (4), (5) (6), (7),</u> Article 13(2)(b), (ba), (c) and (d), Article 14(2) and (3) and Article 15, <u>Article 17</u>:</p> <p>PL (MS Comments):</p> <p>PL could not identify Article 6(1a) – please elaborate.</p> <p>Some of the omitted articles are vital to animal welfare and these obligations should not be exempted even case of small shelters or foster homes.</p> <p>Also, it must be noted that for example Article 13(2)(a) foresees inspection of animals twice a day. PL has already raised that this requirement may be a burden to large shelters, but for example is quite doable for foster homes, so further consideration is needed to decide which obligations are to be exempted for which category of establishment. Until the text of the rest of the regulation is more clear it is difficult to provide exemptions in this article so PL raises scrutiny reservation as these exemptions may need to be changed depending on the final</p>

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	<p>wording of other articles.</p> <p>SE (MS Drafting Suggestions):</p> <p>2. The following shelters shall only be subject to the obligations laid down in Article 5, Article 6(1), Article 6(1a), Article 7, Article 8, Article 11(2), Article 12(2), (3) and (4), Article 13(2)(a), (b), (ba), (c) and (d), Article 14(1), (2), and (3), (4) and (6) and Article 15:</p> <p>SE (MS Comments):</p> <p>Sweden considers it important that all establishments are registered by the competent authorities, especially since the individual registration of the dog or cat should be linked to the establishment. Adequate supervision must also be enforced regardless of where the animals are kept.</p> <p>Considering the purpose of a shelter and the turnover of animals, it is important to include provisions in regard resting places to minimise stress and conflict within groups of animals, and for a higher level of comfort and animal welfare to be achieved for each individual animal.</p> <p>There is also a need to be able to easily disinfect surfaces in facilities with greater turnover of animals such as shelters.</p> <p>Aspects such as temperature and air quality are also important for these shelters, especially for shelters in the Mediterranean regions where the temperature can get very high, with a potentially fatal outcome for animals.</p>

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	<p>With regard to Article 14, it is not uncommon for shelters to take in pregnant bitches and queens. For this reason, all requirements should apply, with the exception of paragraph 5, as it is important to ensure that no puppies or kittens are weaned prematurely, and that they receive the socialisation that is so important for their development.</p>
	<p>DE (MS Drafting Suggestions):</p> <p>3. To the extent that the dogs and cats are kept in households, shelters shall not be subject to the provisions referred to in (2), as well as to Article 6(2), Article 9(2) and point 2.3 of Annex I.</p> <p>DE (MS Comments):</p> <p>Compared to “small shelters” (please see above), we propose the following additional exemptions for “foster homes” in households: number of animal caretakers, ways to acquire and documentation of competences, space requirements. The remaining provisions can also be implemented in households with reasonable effort. With regard to the “shelter” definition in Art. 3(14), we see the need to clarify that several households operating on behalf of the same entity are part of one single shelter, e.g. that not every household itself is subject to notification and that the overall responsibility lies with this one shelter.</p>
<p><u>(i) shelters that include only households keeping dogs or cats on behalf of an entity responsible for unwanted,</u></p>	<p>DE (MS Drafting Suggestions):</p> <p><u>(i) shelters that include only households keeping dogs or cats on behalf of an entity responsible for unwanted, abandoned, former stray, lost or confiscated dogs or cats;</u></p>

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<p><u>abandoned, former stray, lost or confiscated dogs or cats;</u></p>	<p>DE (MS Comments): Please see above. We propose that the exemptions apply to all households, even if the responsible entity also keeps dogs or cats outside of households.</p> <p>DK (MS Comments): Should there be any limit for the number of animals at one time in this sort of shelter/foster home?</p> <p>FI (MS Comments): We support this proposal.</p> <p>FR (MS Drafting Suggestions): (i) shelters that include only households keeping dogs or cats on behalf of an entity responsible for unwanted, abandoned, former stray, lost or confiscated dogs or cats;</p> <p>FR (MS Comments): See comments above and below.</p> <p>HU (MS Comments): <u>Regarding households that operates as shelters under the responsibility of an entity, it may also be considered to</u></p>

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	<p>set a limit for the maximum number of animals <u>where certain requirements are not obligatory as this can lead to a loophole that may jeopardise animal welfare.</u></p> <p>IT (MS Drafting Suggestions):</p> <p><u>(i) shelters that (to include only households keeping dogs or cats on behalf of an entity) responsible for unwanted, abandoned, former stray, lost or confiscated dogs or cats;</u></p> <p>IT (MS Comments):</p> <p>We find this wording ambiguous, and consider that it could prove difficult to enforce as a result. Does this mean shelters that include households, where those households only keep dogs or cats on behalf of an entity and no other animals? Or does it mean shelters which rely exclusively on households to take in animals and which have no standalone premises?</p> <p>If it is only welfare charities that exclusively use foster homes, we think this is far too narrow and needs to be widened so that all animal welfare charities are exempt from the need to comply with Article 12 (1) on Housing.</p> <p>LV (MS Drafting Suggestions):</p> <p><u>(i) shelters that include only households keeping dogs or cats on behalf of an entity another shelter responsible for unwanted, abandoned, former stray, lost or confiscated dogs or cats;</u></p>

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	<p>LV (MS Comments):</p> <p>The word “an entity” can be widely interpreted, therefore we offer a proposal “another shelter”.</p> <p>Latvia underlines that the purpose of this Regulation is the traceability, welfare and animal and public health of dogs and cats and taking into account the fact that animals enter shelters with unknown origin and unknown state of health, therefore only shelters should be allowed to deal with such scattered, lost or abandoned animals.</p> <p>As a compromise proposal, Latvia could support Article 2 in the current wording, however, in sub-paragraph (i) the word “an entity” could be replaced by “another shelter” (in order to narrow the scope for interpretation and, in addition, we believe that only shelters would be involved when handling dog or cat).</p> <p>PL (MS Drafting Suggestions):</p> <p>(i) <u>foster homes</u> shelters that include only households keeping <u>up to 2</u> dogs or cats on behalf of an entity responsible for unwanted, abandoned, former stray, lost or confiscated dogs or cats;</p> <p>PL (MS Comments):</p> <p>It is important to regulate the size of such establishments and also they should not be called “shelters” but rather “foster homes”. It is unacceptable that such foster homes may keep a large number of animals, like a ‘regular’ shelter and not be covered by for example PL regulations concerning the distance from a shelter to households for</p>

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	<p>reasons of public safety and being a burden to neighbors. Do these foster homes perform quarantine of animals and have the necessary infrastructure? Do they have a place to isolate a dangerous animal? They should not be called ‘shelters’ because they are inferior to shelters in terms of infrastructure and capabilities. Also, since it results even from this article that the obligations and standards in shelters and foster homes are not equal, they should not be included in one definition for legislative reasons.</p> <p>Currently foster homes are not regulated in PL and so including these foster homes in this regulation without strict limits concerning the number of animals in this regulation may cause that shelters which do not want to comply with strict regulations for shelters will unlawfully claim to be ‘foster homes’ and this must be avoided by the legislators. PL proposes to include a definition of foster homes, as indicated previously, i.e. <i>NEW</i></p> <p><i>DEFINITION: ‘foster home’ – household fostering no more than 2 dogs or cats at a given time on behalf of an entity responsible for abandoned, former stray, lost or confiscated dogs or cats.</i></p> <p>As indicated in previous comments, “unwanted” is already included in the meaning of “abandoned”, and this term was not supposed to be used any more, as the Presindency informed in previous working group meetings. An “unwanted” animal would not be admitted to a shelter, because a responsible owner who for various reasons can no longer take care of their animal would find for it housing with friends, family, etc. An animal shelter is where lost, confiscated, former stray animals are provided with care at the expense of for example the local commune. Including the term “unwanted” in the definition of a shelter opens a way for bringing unwanted animals to the shelter which is unlawful and contrary to the idea of responsible ownership stipulated in this regulation proposal.</p>

Presidency text	MS Drafting Suggestions and MS Comments
<p><u>(ii) shelters, other than those referred to in point (i), which keep up to a total of 15 dogs or cats at any given time.</u></p>	<p>AT (MS Drafting Suggestions): shelters, other than those referred to in point (i), which keep up to a total of 15 dogs or cats at any given time <u>do not place more than 24 animals a year.</u></p> <p>AT (MS Comments): Wouldn't it be more appropriate to refer to the number of animals placed?</p> <p>BG (MS Drafting Suggestions): (ii) shelters, other than those referred to in point (i), which keep up to a total of 15 dogs or cats at any given time, <u>if they comply with the requirements in Animal Health Law, particularly art.18 and art. 84 of it.</u></p> <p>BG (MS Comments): We prefer to retain the notification obligation even for these shelters.</p> <p>CZ (MS Drafting Suggestions): (ii) shelters, other than those referred to in point (i), with capacity of which keep up to a total of 15 dogs</p>

Presidency text	MS Drafting Suggestions and MS Comments
	<p>or cats at any given time.</p> <p>CZ (MS Comments): The capacity of the shelters is clearly defined and more controllable. The number of dogs kept at any given time can be easily circumvented.</p> <p>DE (MS Drafting Suggestions): (ii) shelters, other than those referred to in point (i), which keep up to a total of 15 dogs or cats at any given time.</p> <p>DE (MS Comments): Please see above.</p> <p>DK (MS Drafting Suggestions): (ii) shelters, other than those referred to in point (i), which keep up to a total of 15 <u>4</u> dogs or cats at any given time.</p> <p>DK (MS Comments): We think that 15 dogs or cats is a substantial number of animals and such shelters should be subject to all the provisions applicable to shelters.</p>

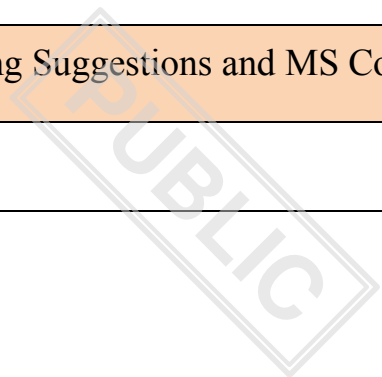
Presidency text	MS Drafting Suggestions and MS Comments
	<p>ES (MS Comments):</p> <p>It would be necessary to know if 15 animals is the total number of dogs and cats or if it is 15 per species. We are happy with the number if it is the first option.</p> <p>FI (MS Comments):</p> <p>We support this proposal. As we understand it, this point would cover also a shelter keeping e.g. 5 dogs and 10 cats?</p> <p>FR (MS Drafting Suggestions):</p> <p>(ii) shelters, other than those referred to in point (i), which keep up to a total of 15 dogs or cats at any given time.</p> <p>FR (MS Comments):</p> <p>Shelters housing animals on their premises, including those housing fewer than 15 dogs or cats at any given time, should not be exempted from certain points of Chapter II. Indeed, they manage numerous animals (even if the capacity is a maximum of 15 dogs or cats, this does not mean they do not manage a large number of animals over the month or year) and may offer a significant number of dogs and/or cats for adoption. The same issues of traceability, trafficking, and animal protection as for other establishments are at stake. These shelters cannot be</p>

Presidency text	MS Drafting Suggestions and MS Comments
	<p>exempted from having an animal caretaker who have the competences required (Article 6(2) and Article 9) and who inspects the animals several times a day (Article 13(2)(a)), an animal welfare visit (Article 10), requirements regarding feeding and watering (Article 11(1) and Article 11(3)), and housing conditions meeting animal welfare requirements (Article 12(1), Article 12(6), Article 12(7)). Additionally, for the same reasons as for shelters that include only households keeping dogs or cats on behalf of an entity responsible for unwanted, abandoned, former stray, lost or confiscated dogs or cats, these shelters cannot be exempted from notification of activity (Article 7) and respecting the behavioral needs of animals (complete Article 14 and point 4 of Annex I).</p> <p>HU (MS Comments):</p> <p><u>We would like to know how the limit of the number of animals was determined as keeping as much as 15 dogs or cats may require to define rules other than those mentioned above (such as advisory veterinary visits under Article 10, as 15 animals can pose serious animal health risk).</u></p> <p>IT (MS Comments):</p> <p>Please clarify if this could mean 15 cats plus 15 dogs or 15 animals in total? This is far too low. 15 dogs could in effect be 2 strays with a litter each.</p> <p>Depending on the interpretation of the above comment for article 4 (2)(ii) – if this point remains then the upper limit of total number of dogs or cats need to be increased very significantly. 15 would still mean that a huge number of our animal welfare charities would need to be compliant with Article 12 (1) on housing in this</p>

Presidency text	MS Drafting Suggestions and MS Comments
	<p>regulation. In the absence of funding for structural changes, many charities/shelters may struggle to comply with the requirements and may risk closure, causing an animal welfare problem.</p> <p>LT (MS Comments):</p> <p>We repeatedly note that the area requirements that are currently being proposed should not apply to animal shelters. Minimum area requirements could be applied, but they should be assessed separately and very carefully.</p> <p>We understand that a dog or cat cared for by an animal caregiver or kept with a pet breeder is the same individual with the same needs, but one activity is commercial, the other is identified as non-commercial. The requirement for shelters to ensure the area limits currently provided for in the proposal would be too much of a burden and an important question as to what the consequences will be.</p> <p>LV (MS Drafting Suggestions):</p> <p><u>(ii) shelters, other than those referred to in point (i), which keep up to a total of 15 dogs or cats at any given time.</u></p> <p>LV (MS Comments):</p> <p>Derogations that would result in other types of foundations performing shelter functions but not subject to the</p>

Presidency text	MS Drafting Suggestions and MS Comments
	<p>requirements of this Regulation should not be supported. We must admit that a shelter with 15 dogs or 15 cats has the same responsibility as a shelter with 20 dogs or cats. Such a condition makes it possible to create several small shelters (up to 15 animals), thus creating more favourable conditions for which lower requirements would apply.</p> <p>Delete (ii).</p> <p>PL (MS Drafting Suggestions):</p> <p>(ii) shelters, other than those referred to in point (i), which keep up to a total of 15 dogs or cats at any given time, <u>where one bitch or queen with offspring is counted as one animal.</u></p> <p>PL (MS Comments):</p> <p>As above.</p> <p>Counting 1 bitch with litter as 1 animal is important because otherwise the regulation would be difficult to enforce as the number of litters heavily influences the number of animals and this number may hence fluctuate greatly.</p> <p>SE (MS Drafting Suggestions):</p> <p>(ii) shelters, other than those referred to in point (i), which keep up to a total of 105 dogs or cats at any given time.</p>

Presidency text	MS Drafting Suggestions and MS Comments
	<p>SE (MS Comments):</p> <p>We are pleased to see that the provision now takes the total number of dogs and cats into account. However, we do suggest that this number is lowered to a total of 10 dogs or cats at any given time.</p>
	<p>PL (MS Drafting Suggestions):</p> <p><u>(iii) shelters, other than those referred to in point (ii).</u></p> <p>PL (MS Comments):</p> <p>It must be noted that in Poland we have more than 200 shelters operating, some as big as housing over 1500 animals at a given time. These shelters have already born the colossal financial cost of adapting their infratructure to the minimal requirements which had been changed by PL regulation that came into force in January 2024. For this reason, as raised in previous comments made by PL, these shelters must be exempted from the requirements set in Annex 1. Until the text of the rest of the regulation is more clear it is difficult to provide a full list of exemptions so PL raises scrutiny reservation as these exemptions may need to be changed depending on the final wording of other articles.</p> <p>SK (MS Comments):</p> <p>SK has a question for clarification- whether the exceptions are being considered for breeders of animals with official pedigree, which are part of e.g. FCI.</p>



Presidency text	MS Drafting Suggestions and MS Comments