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NOTE

Origine:	Secrétariat général du Conseil
Destinataire:	Délégations
Objet:	Un nouveau cadre législatif de l'UE pour une liste positive de l'UE pour la détention d'animaux de compagnie – *Informations communiquées par la délégation chypriote, au nom des délégations chypriote, lituanienne, luxembourgeoise et maltaise*

Les délégations trouveront en annexe une note d'information de la délégation chypriote sur le sujet visé en objet, qui sera abordé sous le point «Divers» lors de la session du Conseil «Agriculture et pêche» du 24 mai 2022.

ANNEX

Position paper on a new EU legislative framework for an EU Positive List for the keeping of companion animals on behalf of Cyprus, Lithuania, Luxembourg and Malta

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1. Introduction

Every year, millions of wild animals are captured from their natural habitats and sold around the world, destined for a life in captivity. It is well documented that the trade in exotic species is one of the main threats to biodiversity, placing many species in danger of extinction. In Europe alone, it is estimated that more than 100 million pets exist (other than dogs and cats), including small mammals, birds, reptiles, fish and amphibians. Many of these species were captured from the wild, depleting natural populations and leading to loss of biodiversity. Many of these wild species are not suited for a life in captivity and suffer greatly as a result. Furthermore, the emergence of zoonotic diseases has been linked to the wildlife trade.

In an effort to address this problem, a number EU countries have adopted a Positive List: a list of a limited number of animal species that can be kept by private citizens as pets. Although these are important steps, in order to have a significant impact on biodiversity conservation and animal welfare, EU countries could look into increasing the level of protection and efficiency by establishing an EU-wide Positive List for the keeping of companion animals.

2. The problems of keeping wild animals as pets

2.1. Animal welfare

Domesticated animals, such as dogs and cats, cannot survive in the wild and, with proper care, can live long and happy lives in the company of humans. This is not the case for thousands of exotic animals that are kept as pets, including wild mammals, birds, and reptiles. Wild species have complex social, behavioral, and nutritional needs that make it extremely difficult for individual owners to provide them with the care they need and may suffer greatly when captured, transported and placed in captivity.

According to a large survey by the Federation of Veterinarians of Europe (FVE), which looked into veterinarians' exposure to exotic species in their daily practice, it became clear that many species are not suitable as companion animals and that there is a need to raise public awareness concerning the welfare of wild animals kept as pets.

Wild animals experience extreme stress, boredom, depression and severe behavioral and veterinary issues including self-mutilation, health problems and early mortality. Animals which have evolved to live in social groups, for example, suffer immensely when kept isolated in confined spaces or cages, without the ability to interact with other members of their own species.

Many wild animals have a longer life span than other commonly kept pets, such as dogs and cats, making the lifetime commitment requirement even more burdensome. Many owners find themselves unable to care for the animals they acquire or lose interest which may result in neglect and poor animal welfare conditions. According to the Animal Advocacy and Protection (AAP) organization, which focuses on the rescue and rehabilitation of wild animals in Europe, most of the animals they rescue have been abandoned by their owners. Animal abandonment creates a significant burden for Member State Competent Authorities who need to deal with animals which require housing and care which may be beyond the resources available.

A number of animals taken from nature end up in captive breeding facilities to continue to feed the exotic pet trade. Being born in captivity does not mean that an animal is no longer wild. The captive breeding industry cannot guarantee the safety and welfare of animals. Furthermore, many species require a constant supply of wild-caught specimens for the breeding to be viable, causing an increased demand for animals to be captured from the wild.

2.2. Biodiversity loss and environmental impacts

According to IUCN, the world's leading authority on conservation, one of four mammal species and one of eight species of birds face a high risk of extinction, while one in three amphibians and almost half of all tortoises and freshwater turtles are threatened. It has been well documented that the exotic pet trade is one of the main threats to the survival of many species, adding to other major threats to biodiversity, such as habitat loss, pollution, and climate change.

While certain restrictions exist through the Convention of International Trade in Endangered Species (CITES), there is growing evidence that the exotic species trade leads to the devastation of wild animal populations, which eventually places many species at risk. A study by the United Nations Environment Programme estimated that for every chimpanzee kept as a pet or in a zoo, another ten die during capture or transport. For birds, the numbers are even more staggering. It has been estimated, for example, that up to two thirds of African grey parrots, a highly sought species due to its intelligence and vocal abilities, die during capture.

Biodiversity may also be impacted in the case where wild species escape or are released by their owners into the wild. While many animals may not survive the foreign climate and may die from exposure and malnutrition, others may adapt to their new environment and become invasive, threatening the local biodiversity. The European Commission estimates that the cost of controlling and managing the damages from invasive species in the EU is 12 billion euro annually.

2.3. Public health and safety

The World Health Organization has determined that COVID-19, the recent virus that has caused millions of deaths around the world, has in fact originated from an animal. Other examples of zoonoses – diseases that are transmissible from animals to humans – which have had a serious impact on human health in recent decades are the Severe Acute Respiratory Syndrome (SARS), the avian flu, and the Ebola virus. In fact, it is estimated that more than 70% of all zoonotic diseases originate from wild animals. If wild animals become pets, their close proximity to human owners drastically increases the danger of spillover.

In addition to the potential spread of disease, many wild animals that are kept as pets pose a serious threat to people's safety, due to their natural behavior exhibiting aggressive or predatory traits. This could be worsened by the stress they endure in captivity and their inability to exhibit natural behavior. People who buy exotic pets often find that when these animals reach maturity, they can no longer be controlled and may become aggressive (i.e. adult chimpanzees or wild cats). There are many instances of people who have been hurt by their exotic pets through biting, clawing, suffocation, and poisoning.

3. Current legislation

The international trade of vulnerable species is regulated by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). CITES is implemented in the EU through a set of Regulations known as the EU Wildlife Trade Regulations (including Council Regulation (EC) No 338/97). The overwhelming majority of animals in the exotic pet trade are not covered by CITES or the EU Wildlife Trade Regulations. The species and specimens covered by CITES are listed in three Appendices, according to the degree of protection they need. While CITES is highly significant in regulating the trade of species at-risk, it cannot safeguard many wild animal populations.

Current EU laws may be considered as insufficient to tackle the animal welfare, public health and safety, and invasiveness risks associated with the trade and keeping of wild animals as pets. For example, scientists have warned that the EU list of prohibited invasive alien species, as specified in the invasive species regulation (Regulation (EU) No 1143/2014), is unable to match and curb the magnitude of the threat that invasive alien species pose to EU biodiversity. Moreover, the EU animal health law (Regulation (EU) 2016/429) was not designed with the exotic pet trade in mind and is insufficiently equipped to detect, prevent and respond to the public health risks posed by these animals. Ultimately, none of the legislative acts relating to animal welfare that have been adopted by the EU in the past 40 years or more, govern the welfare of animals kept and traded as pets within the EU internal market.

In addition to the CITES Convention, certain EU members have their own national legislation for regulating the import of certain animals, which is quite diverse. The majority of EU countries have provisions that ban the keeping of certain animals (Negative Lists) while some member states are either considering or have existing laws in place that allow a limited number of animals to be kept as pets (Positive Lists).

4. New legislation for an EU Positive List

A Positive List could provide more clarity and simplicity as it is a concise catalogue of animals that can be kept as pets, providing clarity to pet owners and government officials, and thus reducing administrative costs. Negative lists usually include species that pose certain risks to humans or the environment. The disadvantage of a negative list is that all species that are not included are by default allowed to be kept as pets, despite the threat to biodiversity and animal welfare concerns, highlighted above. Furthermore, negative lists are reactive, rather than precautionary in nature. As a result, they will always lag behind new trends in exotic pet keeping and shifts in the trade, and create a false sense of acceptability regarding the safety and welfare of non-listed species.

Although important steps have been taken through the introduction of Positive Lists in a number of EU countries, in order to have a significant impact on biodiversity conservation, animal welfare, and the protection of public health, EU countries could work together to exchange best practices and experiences. Currently, national laws on this topic are extremely divergent and, in some instances, downright contradictory, making it extremely complicated for EU Member States to get a handle on this EU-wide trade and effectively prevent and control its damaging consequences. The establishment of an EU-wide Positive List for companion animals could contribute significantly to halting the loss of biodiversity, safeguarding animal welfare, and protecting public health and safety. In fact, the EU Positive List can be based on three main principles:

I. Animal Welfare: Animals have complex social and behavioral needs that cannot be met in captivity, and therefore suffer greatly as a result.

II. Biodiversity conservation: Taking animals from the wild contributes to the decline of their populations and may lead to the endangerment or extinction of species. Furthermore, a precautionary approach should be used to avoid the risk of introduction of invasive alien species.

III. Public health and safety: Wild animals may carry diseases that are harmful to humans; also, given that these animals have not evolved to live with humans, they may attack and hurt their owners when stressed.

Conclusion

Cyprus, Lithuania, Luxemburg and Malta therefore call on the Commission to explore the potential benefits of an EU wide positive list, which builds on the experiences gained by those Member States who have implemented this system. The aims of such work should be to enhance animal welfare, safeguard biodiversity, protect public health and reduce administrative burdens across EU Member States.

References

The exotic pet trade. Eurogroup for Animals. https://www.eurogroupforanimals.org/what-we-do/areas-of-concern/exotic-pet-trade

Think positive: Why Europe needs positive lists to regulate the sale and keeping of exotic animals as pets. Eurogroup for Animals.

Exotic pet trade, explained. Jani Hall. https://www.nationalgeographic.com/animals/article/exotic-pet-trade

Many exotic pets suffer or die in transit, and beyond. Rachel Nuwer.

https://www.nationalgeographic.com/animals/article/exotic-pets-suffer-wildlife-trade

Wild at heart: The cruelty of the exotic pet trade. World Animal Protection.

https://www.worldanimalprotection.ca/sites/default/files/media/ca_-_en_files/wild-at-heart-parrots-web-singles-lores-v3_-_canada.pdf

Species extinction: The Facts. Species Survival Commission, IUCN.

https://www.iucn.org/sites/dev/files/import/downloads/species_extinction_05_2007.pdf

Toland et al. *Turning Negatives into Positives for Pet Trading and Keeping: A Review of Positive Lists*, Animals (2020), 10:12, 2371. https://doi.org/10.3390/ani10122371

Regulation of keeping animals as companion animals through the establishment of lists. Federation of Veterinarians of Europe (FVE). FVE/013/pos/006. https://fve.org/cms/wp-content/uploads/006_fve_position_on_positive_lists_of_exotic_species_final.pdf