

The Illegal Pet Trade: **GAME OVER**

Report June 2020

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Preface

The large majority of pets from illegal sources are sold online, and their lucrative trade across the EU is often disguised as the non-commercial movement of pets. These cats and dogs often do not comply with the health requirements established in the Regulation (EU) No 576/2013, are too young to have been vaccinated, and are accompanied by fraudulent passports which provide false information on their origin.

The illegal Europe-wide trade in pets¹, which is facilitated by digital tools, threatens not just the welfare of the animals involved, but also animal health, public health and consumers. There is therefore an urgency to improve control mechanisms and revise the broken supply chain. A legal framework must also be provided to ensure this trade can happen in a sustainable, humane way.

The Croatian Presidency of the Council of the European Union² and Eurogroup for Animals³ expert workshop, "The Illegal Pet Trade: Game Over" took place on 21 April 2020⁴, in the middle of the COVID-19 crisis and just a year before the EU Animal Health Law will take effect. 100 participants from European institutions, Member States, academia and the animal welfare sector debated this pressing issue. They explored the shortcomings of the control systems of the online pet trade that are currently in place and looked at best practices in how to better protect animals, consumers and ultimately taxpayers, including how these could be rolled out across Europe as a whole.

The participants' group work and their answers to eight survey questions form the central four chapters of this report (Chapter 1: Pets and Traceability; Chapter 2: Pets and Consumers; Chapter 3: Pets and Online Platforms; Chapter 4: Organised Crime and Tax Evasion). This report serves as a reference point for policy makers and stakeholders who wish to make the pet trade across Europe safer.



¹ Temps Present (27.02.2020) Mon chien sur internet, enquête sur un sale trafic <https://rtspro.ch/rts/archive/view-archive/archived/19298>

² Croatian Presidency of the Council of the European Union <https://eu2020.hr/>

³ Eurogroup for Animals <https://www.eurogroupforanimals.org>

⁴ Croatian Presidency of the Council of the European Union <https://eu2020.hr/Events/Event?id=423>



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Introduction

The trade of cats and dogs is an important and sensitive topic. As these animals hold an important role in our lives and in our societies, European citizens⁵ believe that companion animals need greater protection⁶. The topic has been discussed various times by the EU institutions - the Council of the European Union, the European Parliament and the European Commission - as well as international bodies such as the World Organisation for Animal Health (OIE).

In the last few decades, the development of the online trade has led to an increase in the pet trade in general, and of the illegal trade in particular. The established online trade constitutes multiple serious risks: it facilitates the possibility of false documentation, which increases the risks to welfare and health of the animals, as well as undermining consumers' rights, making it impossible to report any issues. The problem is exacerbated by online platforms and social media allowing unverified ads, as well as consumers not reporting the ads they know are fraudulent.

On the economic side, the illegal market constitutes unfair competition for compliant breeders and sellers. Illegal sellers do not pay taxes on their activities or bear any costs necessary for humane and ethical breeding, rearing or transportation, which strongly impacts the functioning of the EU's Single Market.

In 2013, the European Commission financed a study on the welfare of dogs and cats involved in commercial activities⁷, where it identified the need to improve the legislation at the EU and national level. The European Commission noted in the EU Coordinated Control Plan on online sales of dogs and cats⁸ in the Member States in 2019 that online markets are very difficult to control and regulate. The EU Animal Health Law⁹, taking effect on 21 April 2021, will establish registries of breeders at national level to facilitate the control of online sales. Although it is a challenge to establish cooperation between different competent authorities as well as between Member States, an EU regulation regarding identification and registration of dogs and cats is necessary.



⁵ EU Care for Our Companions Campaign <https://www.eucareforourcompanions.eu/>

⁶ Special Eurobarometer 442: Attitudes of Europeans towards Animal Welfare <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/ResultDoc/download/DocumentKy/71349>

⁷ Study on the welfare of dogs and cats involved in commercial practices, Specific Contract SANCO 2013/12364 (December 2015) https://ec.europa.eu/food/sites/food/files/animals/docs/aw_eu-strategy_study_dogs-cats-commercial-practices_en.pdf

⁸ Commission Recommendation of 16.8.2018 on a coordinated control plan for the official controls on online sales of dogs and cats https://ec.europa.eu/food/sites/food/files/animals/docs/aw_other_euccp_recommend_2018-5488-f1_987143.pdf

⁹ 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) <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32016R0429>

The pet trade as we know it

There are three different types of pet trade: the legal regulated trade, the legal unregulated trade and the illegal trade. The illegal trade has heavy consequences as it compromises animal welfare and consumer rights, facilitates organised crime, tax evasion and unfair competition, and constitutes a threat to public health, often carrying additional social costs in the case of dangerous or abandoned dogs. Each stage of the trade - breeding and rearing, transport, sale, post-trade - imply serious risks to the welfare and health of the animals.

In 2015, the cat and dog trade involved 61 million dogs and 67 million cats in twelve Member States, representing €1.3 billion¹⁰. On the other side of the globe, it is estimated that every year, around 8 million dogs are needed to meet public demand in the United States. How can these numbers be ethically and sustainably produced?

During the last few decades, the nature and scale of the trade has changed considerably for various reasons. On the one hand, small scale breeders cannot supply public demand alone, and as profit-driven motivation grew, large-scale breeding establishments and international commercial breeders developed and took over the market. On the other hand, consumers' behaviour also changed: they now choose to buy online rather than from local breeders and pet shops, looking for immediate access to young and fashionable pets. In some countries, consumer demand outweighs

the domestic supply from verified sources. A US study entitled "Exploring Social Desirability Bias in Perceptions of Dog Adoption"¹¹ analyses the public perception of the dog trade and consumers' choices and behaviors, taking into consideration the concept of social desirability bias¹².

There are multiple factors contributing to online pet sourcing. These include the demand for specific pet demographics, the lack of education or ability for the consumer to evaluate the quality of breeders, the lack of tracking and enforcement, direct-to-consumer market constraints due to sale bans, and recently, increased desire for social support provided by companion animals during periods of social isolation, such as that experienced during the COVID-19 pandemic. Without addressing the existing market demands, the laws implemented towards sale bans have sometimes unintended consequences such as the emergence of a black market, numerous internet scams, increased importation of pets, and animal and human health issues.

The illegal pet trade is an international organised crime which crosses EU borders,¹³ so regulation at EU level is necessary. For a crime to happen, it requires three factors: a suitable, vulnerable victim, a motivated offender and the absence of a capable guardian. In order to prevent the crime, at least one of these three factors needs to be tackled.

Regardless of geographical area, some possible solutions are available to tackle the illegal pet trade such as strengthening regulation, legislation, detection, identification, enforcement, sentencing, punishment and public and consumer education. Inspiration may be drawn from existing EU laws on other types of trade, as well as solutions in other countries. However, while market demand is high and both consumer education and barriers to 'click to purchase' without due pause for consideration are low, simply creating more laws appears to be sometimes ineffective. This is even more problematic when enforcement is difficult or underfunded, so it is necessary to look into a myriad of measures to identify the best combination.

Finally, the recent COVID-19 outbreak raises the question of the fate of cats and dogs from the illegal trade due to the lockdown and quarantine restrictions imposed on people. It also reminds us how important it is to consider animal and human health together.

The following four chapters examine the group work carried out at the expert workshop, "The Illegal Pet Trade: Game Over" on 21 April 2020, which was organised by the Croatian Presidency of the Council of the European Union and Eurogroup for Animals. The participants were invited to work in groups to address four specific topics related to the illegal pet trade.



¹⁰ CAROcat 2015 <http://carocat.eu/>

¹¹ Bir C. et al. (13.08.2018) Exploring Social Desirability Bias in Perceptions of Dog Adoption: All's Well that Ends Well? Or Does the Method of Adoption Matter? <https://www.mdpi.com/2076-2615/8/9/154>

¹² Social desirability bias is the tendency of people to respond to questions about their behavior or beliefs in a way that they believe others will view favourably. As an example, to the question "where would you not get a dog?", the participants of the study overwhelmingly responded they would not get a dog through a breeder's own website or from an online retailer. However, online sales of dogs are proliferating, which raises questions about the veracity of many of these responses.

¹³ 2000 United Nations Convention against Transnational Organized Crime definition of an organised criminal group: a group of three or more persons existing over a period of time acting in concert with the aim of committing crimes for financial or material benefit. <https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html>

Chapter 1

Pets and Traceability



Introduction

In view of the growing trade - including the online trade, cross-border movement and the absence of an EU-wide traceability requirement for individual animals - the long-standing debate over Identification & Registration (I&R) is more relevant than ever. This group focused on the role of I&R in companion animal traceability from a perspective of trade, consumer protection and disease prevention. Traceability experts, representatives of EU Institutions, government authorities and civil society organisations from over 12 different countries discussed the EU legal framework and traceability measures of Member States, and assessed legislative and enforcement opportunities.

Loopholes of existing legislative systems

Going over EU legislation for the movement of pets and trade of cats and dogs, the group examined whether the system in place sufficiently provides for animal and disease traceability.

EU rules for the non-commercial movement of pets require identification with an injectable transponder and the issuing of a Pet Passport in which the transponder code, along with the animal's vaccination and treatment, are documented by an authorized vet. In addition to these, rules governing trade and imports into the EU order a clinical examination before departure, a health certificate filled in by an official or authorized vet and pre-notification through TRACES.

Despite the existence of this framework, there is growing evidence shown by NGOs, vets, public authorities and control bodies that attest widespread abuse of EU legislation. The EU is fully aware of the problem of the illegal trade, which is frequently disguised as the non-commercial movement of pets¹⁴. The animals involved are usually bred in deplorable conditions and trafficked, underaged and unvaccinated, to supply demand for purebreds. This has been found to severely compromise public and animal health, trade safety and consumer protection, especially since tracking back the source and breeder is hard or impossible. All the features of international organized crime - 'a group of three or more persons existing over a period of time acting in concert with the aim of committing crimes for financial or material benefit'¹⁵ - are met in this industry.

Although identification for the purpose of movement and trade is mandatory, there is no such requirement for registration. The current system solely relies on the information in the Pet Passport and provides for the cross-border movement of

animals whose health, ownership and origin details are not stored in a database. Since there is no EU-wide registration system to provide access to the animal's whereabouts, the group discussed identification as a standalone measure that delegates traceability duties to the Pet Passport, which is a document that can be routinely forged or replaced and therefore has limitations. It also talked about the ability of the Passport to guarantee the animal's good health status and provenance.

While most participants stressed that animal traceability and transparency in trade are only possible through EU-wide I&R, the group agreed that enforcement of existing legislation is critical as well. Regulation (EU) 2016/429 on transmissible animal disease (EU Animal Health Law¹⁶) introduced a new level of obligations, including registration for operators of breeding establishments and improved control of assembly centres¹⁷. The group acknowledged that responsibility for the traceability of traded animals is shared between the EU and Member States.

Examples of weak enforcement¹⁸ were raised, such as loopholes in the TRACES system, including the lack of supervision and control in the creation of new operators, which has largely facilitated the illegal trade. The responsibility of veterinarians and operators with respect to the EU health requirements was reiterated, as well as the need for better training of the control authorities.

Nevertheless, due to the illegal nature of trafficking, as well as limited means to control transport and trade, it usually falls to consumers – especially those purchasing online – to find out they have acquired a sick animal of unknown origin. Group participants, including representatives from the political field, mentioned that consumers should have reliable information on the stakeholders involved across the supply chain, and that responsibility for the safety of goods offered should not fall onto them.

Bringing to the attention of the EU and Member States the need for better protection of traded animals and closer regulation of the online markets, the outcomes of the EU Coordinated Control Plan on online sales of dogs and cats¹⁹ unveiled a high level of inconsistencies. In addition, recent Council Conclusions²⁰ called for improved protection of dogs and cats. Stressing that enforcement cannot solely rely on guidelines, and that existing legislation is open to interpretation, they invited the European Commission to assess the impact of new legislation for dogs and cats involved in economic activities.

Interconnectedness at the EU level

Arguably, more transparency on the illegal pet trade would be generated by a well-regulated EU-wide I&R system. Since there is currently no large-scale reliable dataset on companion animals in the EU, only assessments of the scale of trafficking can be made. Juxtaposing the national import numbers in TRACES with those of the newly registered dogs in national databases and deducting the puppies of registered breeders and the estimate of household litters results in a substantial subset of animals of unknown provenance.

While TRACES is not a data collection tool, such exercises already conducted by Member States²¹ indicate large discrepancies, which are depictive of the volume of illegal trade. The group expressed the opinion that further enforcement or legislative measures should be considered. Indeed, the Voluntary Initiative Group on the Health and Welfare of Pets in Trade, operating under the EU Platform on Animal Welfare, is working on guidelines for reinforced animal traceability and to de-anonymize the trade.

The EU Animal Health Law was extensively discussed. Since it provides the legal basis for individual animal traceability and database

connectivity, the group examined opportunities within its framework that call the European Commission to use the delegated powers provided therein to put forward a proposal for the EU-wide I&R of companion animals in interoperating databases, a request also included in a European Parliament Resolution²².

The group examined the elements of a harmonized identification and registration system, and whether, along with database interoperability, it would improve the traceability of individual animals, disease traceability and transparency across the supply chain. With respect to identification, this measure would require harmonization of the transponder market and distribution, and a system to secure the validity and uniqueness of the codes. For registration it would translate to the mandatory storage of a minimum level of reliable information, including the microchip number, passport number, and basic information on the breeder, vet, transporter and owner in a grid of connected databases.

The current COVID-19 crisis highlighted the risk of locally-emerging viruses into rapidly spreading pandemics. Underlining that three-quarters of new transmissible disease are zoonoses and that rabies is still endemic in “sourcing” countries of Europe, key experts in the group stated that lessons should be learned, and that establishing registration across the EU and laying down rules for data exchange would bring better disease detection and control.

SURVEY RESULTS

How helpful could enforced traceability be in the case of pandemics?



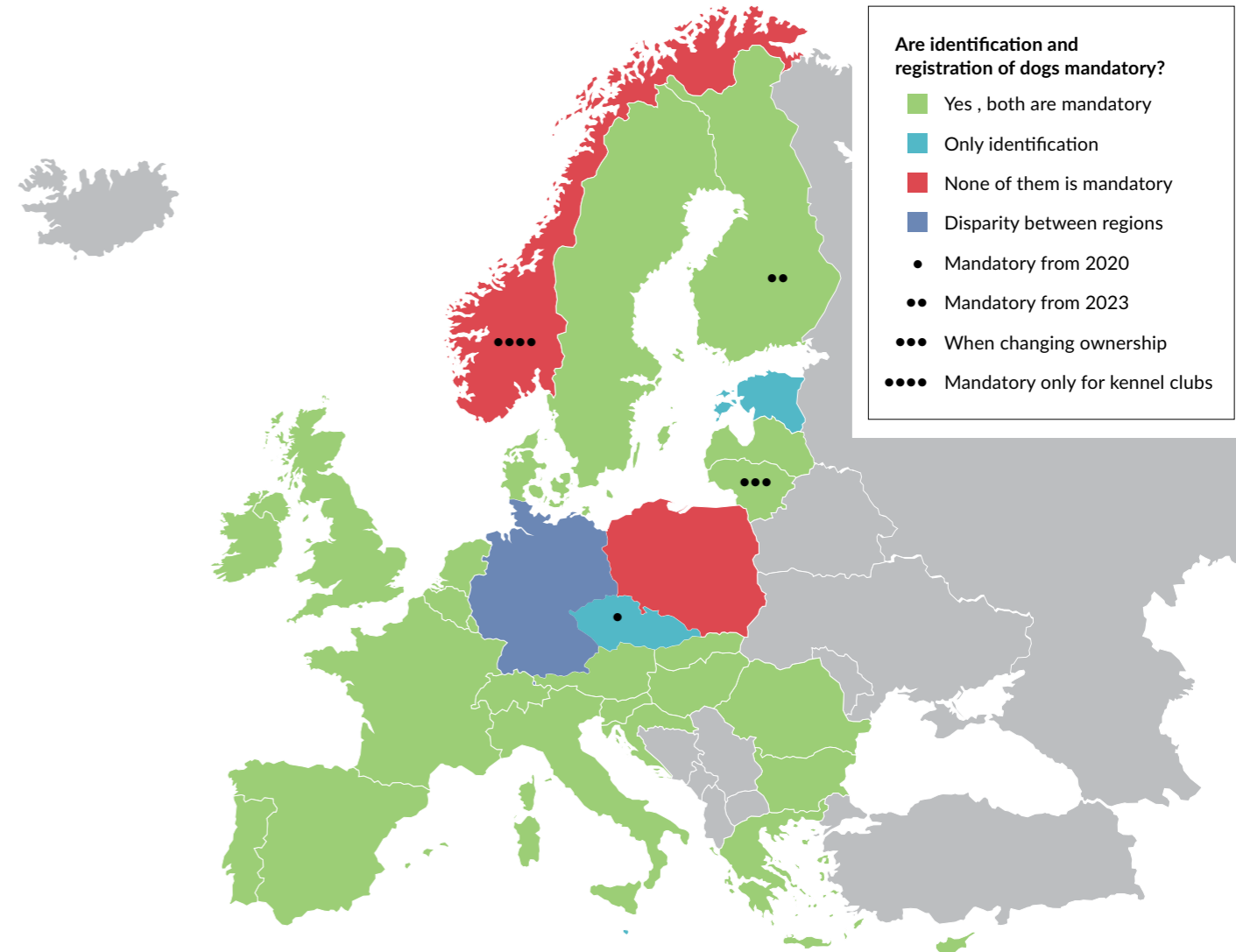
57%
extremely helpful



33%
very helpful



Identification and registration of dogs in Europe (2019)



Source: EU Platform on Animal Welfare: Voluntary Initiative Group on the Health and Welfare of Pets in Trade

Reliable registration data and the ability to track back the origin and movement would allow the identification of potentially affected people and animals and would bring transparency into the supply chain by de-anonymizing involved stakeholders. This could be a tool for the public health, control, enforcement and anti-fraud authorities, and would better protect consumers and the functioning of the Single Market. Finally, it would largely advance animal welfare by promoting responsible and accountable breeding and keeping, in accordance to the principle of responsible ownership as it was introduced by the OIE.

Overall, all the group participants recognised the potential added value of an EU-wide identification and registration system and interconnected databases for improved traceability, which should be investigated closer by the EU to assess the proportionality of the measure. In addition, on the grounds of public health, animal health and welfare and trade safety, most Member States have been working towards better animal traceability and transparency in trade. For example, I&R for dogs is already mandatory in 21 EU countries and in certain regions.

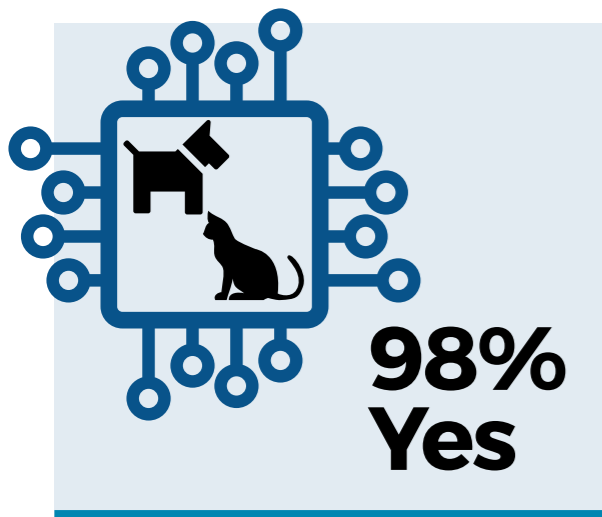


Registration databases – either public or private, central or regional – operate in all EU countries, and a growing number are participating in connectivity models to maximize the reach of EU-wide traceability. Despite the misconception that the burden of the measure is disproportionate, the group heard how a fair amount of the required infrastructure for database connectivity and interoperability is already in place, and provides a framework that could be used by the European Commission. The Europetnet²³, a group of national and local associations, has brought together several databases across Europe and allows for the international traceability of animals of its member registries.

The group also heard examples of national traceability efforts that could be rolled out further. A digital tool developed by the Network I&R²⁴ aims to link all nationwide and regional registries in Germany. Contrary to establishing an overarching national database, the idea of their 'HABS' (Heimtier-Abfrage-Service) service is to establish connectivity in existing databases simply by adding a shared interface. This way they will continue to operate independently under the respective regional legal rules. Running a central query system, this solution will provide a national service point that grants different access rights to individual private owners, shelters, and private professionals such as veterinarians, as well as to a licensed group that includes control bodies, the police and other public authorities to the data held in the registries. Several private and regional public registries will participate in the system, which is cost-free and will be piloted in 2020/2021, possibly paving the way for the harmonization of the patchwork of databases across Europe.

SURVEY RESULTS

Do you think all cats and dogs in Europe should be identified by a microchip, and their owners' details registered in a database so that both can be traced?



Recommendations for the EU



1. Enhance enforcement of existing legislation through updated digital tools and training for the competent authorities.
2. Enforce Member States' cooperation and information exchange at the EU level, including through the work of the Voluntary Initiative Group on the Health and Welfare of Pets in Trade, operating under the EU Platform on Animal Welfare.
3. Before the EU Animal Health Law enters into force, the European Commission should assess the impact and added value of a harmonized EU-wide system for the identification and registration of cats and dogs in Member States that should be connected and interoperating by the end of 2024. The Europetnet and HABS models could be examined.
4. European Commission should build on the work of the Voluntary Initiative Group on the Health and Welfare of Pets in Trade.

Recommendations at national level



1. Member States should ensure that only reliable and verified information on the animal and owner are stored in registration databases.
2. Member States should enforce and expand the registration obligation for individual animals in properly functioning and updated databases.
3. Member States should explore digital tools such as alert systems to inform owners and keepers on their responsibilities with respect to registration and vaccination.



¹⁴ Study on the welfare of dogs and cats involved in commercial practices, Specific Contract SANCO 2013/12364 (December 2015) https://ec.europa.eu/food/sites/food/files/animals/docs/aw_eu-strategy_study_dogs-cats-commercial-practices_en.pdf

¹⁵ 2000 United Nations Convention against Transnational Organized Crime definition <https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html>

¹⁶ 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) <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=OJ:L:2016:084:FULL&from=EN>

¹⁷ Commission Delegated Regulation (EU) 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 C/2019/4625 final [https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=PL_COM:C\(2019\)4625](https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=PL_COM:C(2019)4625)

¹⁸ Four Paws (2016) <http://www.lawyersforanimalprotection.eu/wp-content/uploads/2016/07/INSIDE-1.pdf>

¹⁹ The EU coordinated control plan for the official controls on online sales of dogs and cats: Analysis of the results (2019) https://ec.europa.eu/food/sites/food/files/animals/docs/aw_other_euccp_dogs-cats-analysis.pdf

²⁰ Council conclusions on animal welfare - an integral part of sustainable animal production - Council Conclusions (16.12.2019) <https://www.consilium.europa.eu/media/41863/st14975-en19.pdf>

²¹ Study on the welfare of dogs and cats involved in commercial practices, Specific Contract SANCO 2013/12364 (December 2015) https://ec.europa.eu/food/sites/food/files/animals/docs/aw_eu-strategy_study_dogs-cats-commercial-practices_en.pdf

²² The illegal trade in companion animals in the EU. European Parliament resolution of 12 February 2020 on protecting the EU's internal market and consumer rights against the negative implications of the illegal trade in companion animals (2019/2814(RSP)) https://www.europarl.europa.eu/doceo/document/TA-9-2020-0035_EN.pdf

²³ Europetnet <https://www.europetnet.com/about/about.html>

²⁴ German Network Identification and Registration <https://www.heimtierverantwortung.net/english-information/network-i-r/>

Chapter 2

Pets and Consumers



Introduction

This group work was about the great relevance of traceability of animals and their keepers²⁵ for consumer protection. The legal status of all kept animals in Europe is still that of property; they are considered to be 'goods'. While every use of animals is human-related, the consumer plays a prominent role, especially with companion animals. In too many cases, the consumer is misguided by emotions or misleading advertising. Consumers are, in essence, not short of information, but there is too much complex information from too many sources to process.

There is substantial economic value in the pet trade, as well as other non-financial gains in the breeding sector, such as status and competition in often abnormal standards of beauty, against which both consumers and animals have to be protected.

This group heard from EU, government and non-government experts from over 10 different countries.

Consumer protection

How can authorities and private stakeholders ensure that consumers have access to trustworthy suppliers of animals and that they can formally distinguish between good and bad actors in the supply chain throughout Europe? In principle, every pet owner is accountable for their choices when acquiring animals, but good choices have to be facilitated.

First and foremost, consumer information should include a sound and transparent system where breeders and sellers of cats and dogs are registered before undertaking any advertising, sale or trade. It should only be possible for consumers to be offered dogs and cats that are legally registered in a trade system. In order to achieve full traceability, such a trade system should also include buyers and potentially other actors such as veterinarians.

Providing extra safeguards is an obligation for all owners and keepers through microchipping and registering their animals. As such, the consumer should have a right to access a full history of their future pets, as it is the case of other types of goods. Full traceability should be a key objective in Europe and all the Member States. In this context, it is important to overcome existing flaws in I&R systems that are already in place, use the same definitions and parameters everywhere, for example by defining at the EU level what a trader is, and have a European road map of binding national action points to create a solid and safe system of pet trade in the EU for the sake of protecting European consumers.

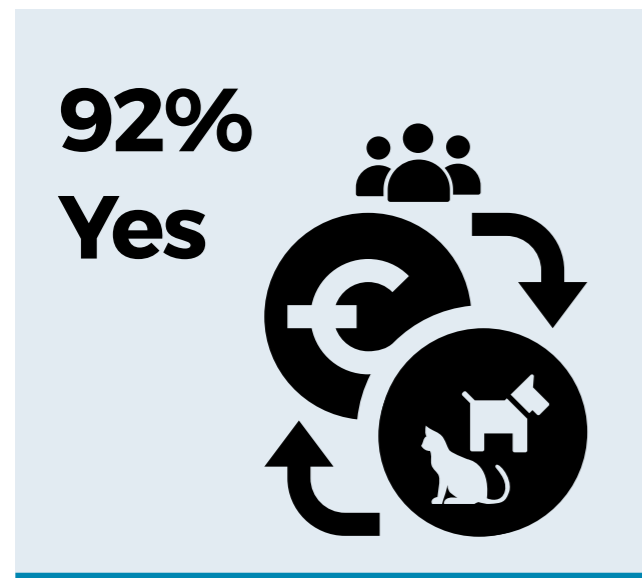
SURVEY RESULTS

Do you think that all breeders and sellers of cats and dogs should be traceable and registered before undertaking any sale or trade, with a registration number displayed in a visible place for improved consumer information?

**99%
Yes**



In order to protect animals, public health and consumers, isn't it time to come up with EU-wide rules on the trade of pets?



“Multi-usable” traceability

All group participants saw a good registration system as a suitable building block in curbing the illegal pet trade. On its own, such a system provides consumers with additional data to make more informed decisions, and it makes it more difficult for a dishonest breeder/seller to mislead. Basic information on such a system is about whether the breeder/seller is who they claim to be, and the origins of the animal. Additional information could be added, such as backed up by systems on the ground inspection reports on living conditions and medical/vet reports, so consumers can verify if the animal they want to acquire has been properly cared for.

A set of interconnected European databases with pet trade data and metadata provide good tools for online platforms, for law enforcement to weed out bad actors, and for research purposes to provide insights on the evolution of pet trade. It would also facilitate more international cooperation on genetic research with the aim of ruling out the breeding of dogs and cats carrying or exhibiting harmful genetic disorders.

A broad and centrally-accessible network of interconnected databases could give extra insights into how to influence the behaviour of the consumer, as well as on what techniques illegal breeders and sellers use to their advantage.

Equally, COVID-19 has now shown how a system of multi-usable traceability is important with regards to the ‘One Health’ approach²⁶. Rabies is a very relevant example of how public health can be affected by the illegal pet trade, and traceability is key to be resilient against such threats.

Influencing consumer behaviour

Influencing and changing behaviour, even for a willing audience, is not an easy task²⁷. Nevertheless, taking a digital approach holds the promise of many potential benefits²⁸.

While many techniques to change behaviour exist, the difficulty lies in selecting the right technique(s) for the topic, the purpose and the audience targeted. A personalized approach has a higher likelihood to be effective compared to the often-aggregated approach of communication used in billboards or brochures.

As well as being informed, the group believed that the consumer wants to be ‘nudged’. Nudges²⁹ are ways of influencing choice without limiting the set of choices given or making alternatives appreciably more costly in terms of time, trouble, social sanctions and so forth. They are called for because of flaws in individual decision-making, and they work by making use of those flaws.

In the context of the illegal pet trade, it should be taken into account that nudging can be used negatively as well: the illegal sellers are experts at ‘black nudging’, because they can test what works best online and circumvent restrictions.

Nonetheless, looking more specifically at human behavioural science and making use of proven digital techniques, it could prove to be an important instrument for both the authorities and private stakeholders involved in deterring the illegal pet trade.

Recommendations for the EU



1. The European Commission, together with Member States, must clearly define the term ‘illegal pet trade’.
2. Existing legislation has to be enforced in a binding EU-roadmap; important definitions (such as what is a trader, what is a commercial activity) should be agreed upon at an EU level.
3. Guidelines for good practices for all commercial and non-commercial parties (breeders and owners) directly related to animals should be available and disseminated EU-wide.
4. In the framework of EU projects oriented to consumers as well as the Consumers, Health, Agriculture and Food Executive Agency, a chapter on the illegal pet trade should be included.
5. The European Commission should build on the recommendations for consumers of the Voluntary Initiative Group on the Health and Welfare of Pets in Trade.

Recommendations at national level



1. Enforcement of legislative trade requirements within the EU is important, but as yet is not in place in all Member States and flawed, hence this must be followed up.
2. Member States should protect consumers from the illegal pet trade while transposing and implementing the Directive Modernizing Consumer Law³⁰ as a part of the New Deal for Consumers³¹ into their national laws.
3. Member States should promote consumer behavioural change. Without consumers purchasing irresponsibly, there would not be a lucrative illegal trade.



²⁶ Breeders, traders and owners

²⁷ World Health Organisation, One Health <https://www.who.int/news-room/q-a-detail/one-health> Bell E., et al. (2017) Are consumers wilfully ignorant about animal welfare? <https://doi.org/10.7120/09627286.26.4.399>

²⁸ HBCA, International Animal Rescue (2017) http://hbcforanimals.com/wp-content/uploads/2019/08/HBCA-Case-Study_-_Tickling-is-Torture.pdf

²⁹ Moseley A., Stoker G. (2013) Nudging citizens? Prospects and pitfalls confronting a new heuristic <https://doi.org/10.1016/j.resconrec.2013.04.008>

³⁰ Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules <https://eur-lex.europa.eu/eli/dir/2019/2161/oj>

³¹ European Commission, Review of EU consumer law - New Deal for Consumers https://ec.europa.eu/info/law/law-topic/consumers/review-eu-consumer-law-new-deal-consumers_en

³² European Commission (2019) EU Coordinated Control Plan on online sales of dogs and cats https://ec.europa.eu/food/sites/food/files/animals/docs/reg-com_ahw_20190612_asf_aw-control-coord-plan-sale-dog-cats_eur.pdf

Chapter 3

Pets and online platforms



Introduction

The group discussed the role of online platforms and social media in the illegal pet trade, as well as possible tools to make the online market safer both for animals and consumers. The session was attended by EU, government and non-government representatives from 19 countries.

The large majority of pets from cross-border illegal trade are sold online, and their lucrative trade is booming. For example, online sales in Scotland alone suggests a marketplace with an annual value of at least £13 million. Those profiting from this business are a variety of different actors, such as individuals selling litters and hobby breeders, as well as international large-scale commercial breeders.

Online platforms represent a convenient and widely accessible avenue for selling pets, particularly due to the limited regulation currently in place. The main actors of the pet trade are therefore often online traders and, as such, uncontrolled third parties. In fact, most online sellers are currently not required to certify their identity or, when licensing is mandated by national laws, to provide licensing details as part of their advertisement. Because of this, it is difficult to distinguish these different types of trade and accurately define the scale of the issue.

The EU Coordinated Control Plan on online sales of dogs and cats³² has already recognised the problem and identified the following areas of concern:

- Lack of identification of animals and traders;
- Technical difficulties in controlling the online market.

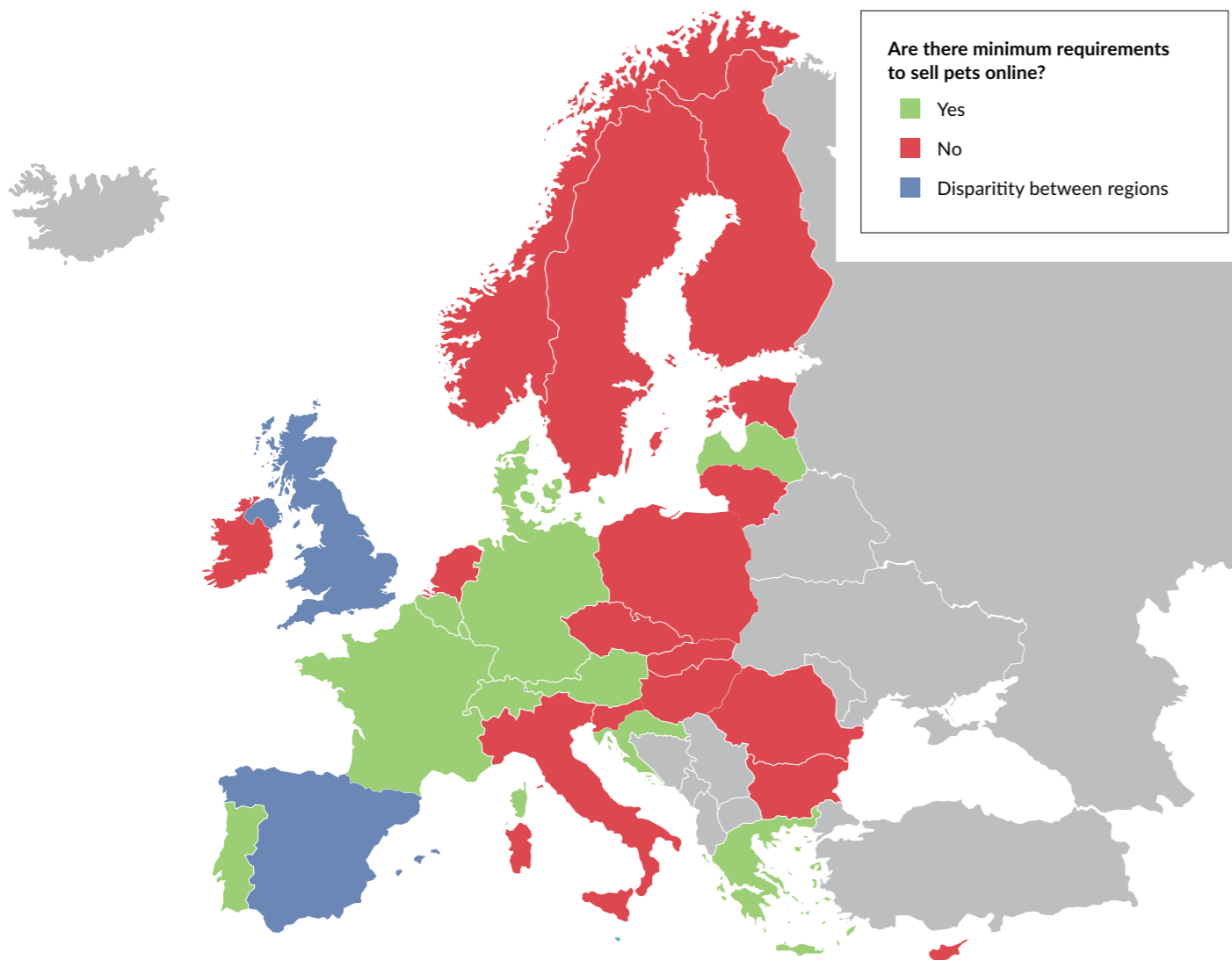
If efficiently applied to the selling of pets, a revised Directive on Electronic Commerce³³ under the new Digital Services Act³⁴ would allow the issue of responsibility and information duties of online intermediaries to be addressed in terms of pet advertising.

According to statements by the European Commission, the new Digital Services Act, as a horizontal tool, will upgrade liability and safety rules for digital platforms, services and products, complete our Digital Single Market³⁵ and set clearer responsibilities for platforms to tackle illegal goods and unacceptable contents. The Act is currently at the pre-legislative stage, which will be followed by a public consultation and an Impact Assessment

process. A legislative proposal is expected at the end of 2020 and will be a part of the European Digital Strategy³⁶.

The topic of illegal content online has been a topic of previous non-legislative actions by the European Commission, namely their Recommendation on measures to effectively tackle illegal content online (2018)³⁷ with 'notice and action' procedures³⁸, as well as Communication on Tackling Illegal Content Online - Towards an enhanced responsibility of online platforms (2017)³⁹. Clearly there has been a level of self- and co-regulation among online platforms, as well as sector specific regulations. However, while the first in case of pets is not effective, the latter is not applicable at all. At the moment there is a legal fragmentation of the pet trade market with various minimum requirements to sell pets online in nine EU Member States.





Source: EU Platform on Animal Welfare: Voluntary Initiative Group on the Health and Welfare of Pets in Trade

Anonymity of animals and advertisers online

The lack of control of animals and advertisers⁴⁰ on online platforms offers increasing opportunities for the illegal trade of pets. Most online platforms do not verify the data or require sellers to register properly; often only a phone number is required.

Automatic filters or self-checks of these online platforms do not work properly and leave a lot of loopholes. In some European countries like Germany, commercial breeders are required to have permission for their breeding activities, granted by the competent authorities. On online platforms, dubious breeders can disguise their actions by using different accounts with varying contact details and act as private sellers or hobby breeders. On the one

hand, this results in serious concerns for consumers and animal welfare. On the other, it makes it more difficult for responsible breeders to get noticed, as they are hardly distinguishable from suspicious breeders or sellers.

While the issue of lack of distinction between professional and private sellers has been tackled by the Directive Modernizing Consumer Law, the primary problem is not solved, hence the 'Know Your Customer' approach⁴¹ should be primary in EC's upcoming proposal for the Digital Services Act. This act is also expected to reinforce the distinction between professional and private sellers by introducing an obligation for professionals to supply their real names. However, neither current nor future e-commerce legislation prohibits

Member States from requiring proper verification of advertisers on online platforms, including showing the real name of a seller instead of a user name. Nevertheless, requirements for advertisers should be balanced to prevent advertisers from shifting to less controlled spaces like the black market.

With mandatory identification of pets and their registration on interlinked databases across the EU, classified advertisement sites would be able to verify information regarding animals and sellers. Ideally, the platforms should be in direct contact with local veterinary authorities and report violations. Lifespan traceability would also be a useful tool for authorities to track back the origin of animals, such as in the case of zoonoses.

Responsibility of online platforms

During the group's discussion, there was a clear agreement that online classified ad sites should be responsible for verifying sellers' information such as their identity, as well as other stated information about the pet. However, it was also pointed out that this would not solve the illegal pet trade problem completely, as it would still be possible to circumvent the rules if sufficiently motivated by using code words, for example. As a result, multifaceted solutions are needed.

The lack of influence of competent authorities over online platforms that are not established in their Member State was a particular concern, as it is especially difficult to trace those of undefined origin. This concern is even more complex if the animals are sold across borders.

When it comes to advertised animals, very often there is a disparity between the advertisement and reality in terms of age, health status and origin. This type of consumer fraud poses problems to the consumer after acquiring the pet. Several participants also stated that self-checking of platforms is not enough, especially when filters can be evaded and online platforms do not react fast enough. But it is also crucial that consumers change their attitude, so it is important to raise awareness, and educate and sensitise the public, as well as the online platforms. The platforms should simplify the process of reporting suspicious and illegal advertisements, and cooperate with competent authorities.

Data protection concerns and the current disparities of the legal situation across European countries regarding I&R of pets and licencing and

SURVEY RESULTS

Should online platforms like OLX, eBay or Gumtree be responsible for verifying sellers' information (e.g. their identity, pet information)?

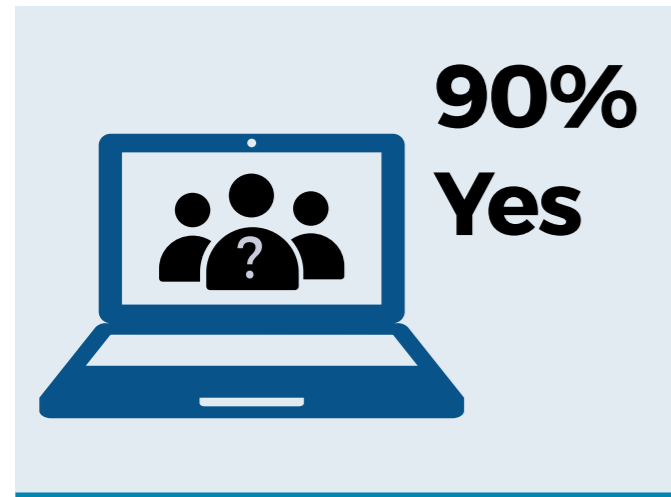
93%
Yes



registration of breeders/sellers are aspects that are impeding an easy approach. However, there are possible solutions. As elaborated in detail in the first chapter of this report, harmonized mandatory I&R for dogs and cats in European countries would be an important tool, and the upcoming EU Animal Health Law brings the opportunity for such a system. Classified ad sites should be provided with the opportunity to verify information regarding the animal and owner/seller via a registration database respecting the GDPR.⁴² This system would need reliable information in the national pet registries, namely verification of pet and owner. Ideally the data would be entered by an authorized person. Via Europe-wide interlinked databases such as Europetnet, the information on animal and owner/seller could be provided to classified ad sites, complying with GDPR requirements.

Social media advertisements should only be allowed when microchip and seller establishment numbers are checked and validated, in the same way as suggested for classified ad sites - only registered pets by traceable sellers. All direct pet advertisements on social media should be banned.

Should it be made mandatory that only registered dogs and cats can be advertised on classified ad sites?



Examples like Ireland show that legislative solutions can be put in place. There, a new regulation⁴³ requires a set of information from anyone selling or supplying six or more pet animals, as well as introducing the automatic verification of pet registration (microchip) via a database. It also puts an obligation on advertisers who must keep certain records, while authorised animal welfare officers can access information from platforms. As the online illegal pet trade stretches far beyond classified ads, the verification process and monitoring should apply to social media as well.

Technical opportunities and difficulties in controlling the online market

There are proactive and reactive tools against the illegal pet trade available to be used by online platforms, social media and competent authorities. Machine learning and natural language processing tools can help monitor the illegal trade by tracing advertisements. Google Earth or technologies such as Airbnb or Uber make it possible to check seller/breeder information in online classified ads, such as email, phone, sign up, ID or location.

Similar tools are available to analyse social media posts, especially to identify pet advertisements that have undesired content in the text. The data for analysis can be acquired via an application or by mining information directly from platforms while respecting the privacy of the users. Filters that are supported by machine learning allow the content to be classified for efficient image and text analysis. This method, which is being increasingly used in monitoring the illegal wildlife trade, could be also used for the illegal pet trade in a cost-efficient way. Collaborations between online platforms and competent authorities are needed to build training datasets to identify illegal content by image and text analysis.

Another example where technology could play a role is tracking behaviour. By distributed trust leveraged from a critical mass of breeders, one could build a trusted community based on connections, reviews and transparent policies. Such an approach would enable a consumer to buy a pet with a real microchip from a good breeder.

Recommendations for the EU



1. The Digital Services Act should set up clear rules on the responsibilities of online platforms to fight and remove illegal goods and content, including illegal pet ads. It should increase their responsibility to verify pet sellers via backend checks.
2. The European Commission should allocate funding to provide training to competent authorities on the illegal pet trade in the framework of collaboration between national authorities and online platforms.
3. The European Commission should encourage online platforms and Member States to come up with quick reaction mechanisms for the illegal pet trade using machine learning and natural language processing.
4. The European Commission should build on the recommendations for online platforms of the Voluntary Initiative Group on the Health and Welfare of Pets in Trade.

Recommendations at national level



1. Member States should require platforms to should feature an effective pop-up for consumers which raises awareness about the importance of only purchasing pets that are identified and registered by authorised breeders/sellers who comply with the requirements and provide all necessary information on their identity.
2. Online platforms should require, especially with paid advertising, a proper registration of all breeders/sellers that include contact details such as full address, status (hobby/commercial) and official registration number (only possible if legally required in the country). For pets, microchip number, vaccinations and date of birth should be required. By 21 April 2021, only registered breeders/sellers (private and commercial) should be able to sell registered pets online.
3. Best practice would be the verification of sellers via classified ad sites, ideally by verifying the identity of the breeder/seller at first registration (e.g. by passport, online pay service and seller/breeder licence/registration number, as well as microchip number of the animal, all of which should go through an automated check).
4. Online platforms, competent authorities and law enforcement should collaborate closely.



³² European Commission (2019) EU Coordinated Control Plan on online sales of dogs and cats https://ec.europa.eu/food/sites/food/files/animals/docs/reg-com_ahw_20190612_asf_aw-control-coord-plan-sale-dog-cats_eur.pdf

³³ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32000L0031>

³⁴ European Commission, New EU rules on e-commerce, <https://ec.europa.eu/digital-single-market/en/new-eu-rules-e-commerce>

³⁵ von der Leyen U. (2019) Political guidelines for the next European Commission 2019-2024, https://ec.europa.eu/commission/sites/beta-political/files/political-guidelines-next-commission_en.pdf pp. 13

³⁶ European Commission, The European Digital Strategy <https://ec.europa.eu/digital-single-market/en/content/european-digital-strategy>

³⁷ European Commission, (2018) Illegal content on online platforms - recommendations <https://ec.europa.eu/digital-single-market/en/illegal-content-online-platforms>

³⁸ Online platforms should set out easy and transparent rules for notifying illegal content, including fast-track procedures for 'trusted flaggers'. Content providers should be informed about such decisions and have the opportunity to contest them in order to avoid unintended removal of legal content.

³⁹ European Commission (2017) Communication on Tackling Illegal Content Online - Towards an enhanced responsibility of online platforms <https://ec.europa.eu/digital-single-market/en/news/communication-tackling-illegal-content-online-towards-enhanced-responsibility-online-platforms>

⁴⁰ E.g. breeders, traders, sellers

⁴¹ Know Your Customer https://en.wikipedia.org/wiki/Know_your_customer

⁴² Four Paws Tracing the Trade <https://www.four-paws.org/campaigns-topics/topics/companion-animals/tracing-the-trade>

⁴³ Department of Agriculture, Food and the Marine, S.I. No. 681 of 2019 <https://www.agriculture.gov.ie/animalhealthwelfare/salesupplyandadvertisingofpets/>

Chapter 4

Organised crime and tax evasion

Introduction

This group focused on the part played by the illegal puppy trade, a hitherto misunderstood issue. Until now, any focus on this criminal puppy trade has concentrated on the animal welfare and consumer fraud aspects, but it is becoming clear that the illegal trade is structured and organised by criminal elements - but how far organised crime is involved needs further investigation.

Tackling the criminal element in the trade is central to establishing sustainable long-term solutions. A change of attitude is needed in central and local government to accept that the puppy trade is controlled by criminal gangs in the same way as the drug trade or human trafficking are. Until then, resources will be limited.

Part of the difficulty in focusing governments on this problem is the lack of accurate data or trends, partly as the trade is illegal, and partly as there has not been enough shared information. Preliminary work shows that governments are losing large amounts of tax revenue from the illegal trade, and that the trade reacts quickly to any enforcement of rules or other changes in the marketplace. This group analysed evidence from experts in tax revenue fraud, participants in existing multi-agency enforcement models, and academics who specialise in the illegal trade. The group heard from non-government and government agencies and included experts from over 10 different countries.

Evidence base

The European Commission has no central database on numbers of dogs in the EU or, unlike farm animals, a centralised method of identifying and tracking the movement of those dogs. As government data are so poor on the legal trade⁴⁴, we are reliant on other sources⁴⁵ such as non-governmental data to estimate that 8 million puppies are required annually with a value of €1 billion to satisfy the European market. To interrogate those figures further, the group looked at examples of the illegal trade in those countries where evidence can establish some trends and information. Data showed that substantial amounts of revenue can be reclaimed from puppy traffickers (in the UK, £5.3 million from 257 cases over a four-year period)⁴⁶.

To achieve this success rate, high-level government buy-in is required to prioritise resources on this trade compared with other illegal trades. As puppy traders traffic across multiple countries and are often

based in countries other than the one where sales are completed, (puppies tend to be bred in eastern Europe, but are sold to northern European markets⁴⁷) international cooperation is required.

The evidence showed that the trade is able to change rapidly, given different national legislative regimes, and is even able to operate under COVID-19 restrictions. The group heard evidence that peak trading months are March/April and October/November, coinciding with the main puppy-buying seasons of spring and Christmas. This year the spring purchase season coincided with COVID-19 restrictions, the most challenging of which for the illegal puppy sellers is the requirement that non-essential journeys (defined in some countries as buying or selling puppies) cannot be undertaken. Illegal traders reacted fast by moving sales from open internet pages to closed Facebook sites, though one potential puppy buyer in Ireland has already been given a prison sentence for flouting the essential journey rules⁴⁸. Despite the COVID-19 restrictions, puppies continue to be moved from breeding centres in Romania, Hungary and Serbia to the buying countries of Belgium, Germany, the UK and the Netherlands.

SURVEY RESULTS

Who is responsible for ensuring the traceability of animals sold across borders and the impact of this on the Single Market?

75% EU

53% Member states



Examples where the trade had responded to enforcement pressure were discussed: five years ago, puppies used to be smuggled in vans, but now 80% of illegal traders use cars as it is less obtrusive and less likely to arouse suspicion. The group also heard evidence that many traders are opportunistic and only traded illegally in puppies, as the profits are high: over €700 for a €40 puppy and in some cases many thousands of euros, with one puppy ring in the UK earning €3 million annually⁴⁹.

One example discussed concerned a puppy smuggler found to be carrying drugs with a street value of £10,000 and puppies with a value of £15,000 in the same vehicle. Not only were the puppies worth more to the smuggler, the chances of getting caught were less, and even when caught the sentence was lower and invariably non-custodial over the puppies. Sanctions are low in many countries and rely on non-custodial sentences and fines, compared to drug smuggling, for instance, which would always get a custodial sentence. It was felt that punitive measures such as clawing back the profits made from the illegal traders by the use of crime legislation such as freezing and confiscating property, which is used mainly for drugs or high-level fraud enforcement work, sends a clear message to puppy smugglers, as well as allowing the government to reclaim revenues.

Other evasion techniques include the use of multiple accounts or telephone numbers. Evidence was submitted of an Irish breeder who has 28 mobile phone numbers, as well as a vendor in Netherlands who uses 33 different online profiles, one for each breed, on an online platform owned by eBay.

Enforcement: impact of legislation and a multi-agency approach

The impact of legislation and education on potential puppy buyers was discussed by the group. It was felt that, while education has a role to play, as puppy-buying is an emotional decision, there is little opportunity to disrupt the purchase once the buyer intends to get a certain breed of dog.

Evidence was shown that some laws that intend to stop the illegal trade in puppies had unintended consequences. For instance, in Belgium, the legislation only allows registered breeders to place adverts on online platforms, but as this includes breeders in other Member States, the government has little control over the sales or trade. In England, legislation introduced to stop the purchase of puppies under 6 months except from a breeder was not able to operate successfully, mainly because national legislation cannot have extraterritorial jurisdiction. In Switzerland, while it is a requirement to include the breeder's name and address in online adverts, this is meaningless, as the requirement is not monitored by the online platforms.

As the illegal trade in puppies is extraterritorial - the group heard growing evidence that it is increasing from third countries (in Serbia since 2014 and Ukraine and the Russian Federation more recently) - it is difficult to counter the illegal trade through sales bans. The group recommended that national legislation needed to be clear in its goals and was limited by extraterritorial considerations, showing the importance for a pan-European approach to controlling the illegal trade.

The group agreed that a multi-agency approach was required to tackle a trade that was high value, easy to undertake and pan-national. It looked at two existing networks where this is already being trialled. The Biocrime project⁵⁰ was first established between the Friuli-Venezia Giulia and Carinthia Provinces to prevent illegal trade in animals at the Italian/Austrian border, and focuses on the human and animal health issues arising from the illegal pet trade through a multi-agency approach. Operating under Decision 1082/2013/EU and with EU financial contribution under the European Regional Development Fund (ERDF), this cooperation operates under a formal agreement with the International Police Cooperation Centre (IPCC) at Thorl-Maglern, allowing veterinarians and police to collaborate. By providing training and setting up protocols to deliver cross-border cooperation, the project has already established that 53% of pets traded across the Austrian-Italian border⁵¹ had no documentation. As there are 43 IPCCs around Europe, the Biocrime project could be easily scaled up.

The group also heard about INTERPOL's proposed NESTs (National Environmental Security Task Forces) and agreed this structure could be adapted to examine the pet trade, with Europol acting as the focus group. The government stakeholders would be national police forces, customs and Border Force agencies, veterinary authorities, compliance agencies for public health, tax revenue agencies and licencing management authorities. Representation from non-governmental organisations, research institutions, pet-related industries such as microchip companies and internet sites would also be beneficial.

Recommendations for the EU



1. Implement an EU taskforce to tackle the cross-border illegal pet trade with formal representation from each EU Member state and non-EU State representation. This task force would be a permanent body to centralise information exchange, ensure operational coordination by developing and executing national multi-agency operations, and offer and undertake training. The NEST and Biocrime models could be examined.
2. Until an EU task force is established, the European Commission should encourage cooperation between revenue enforcement agencies on the puppy trade.
3. To improve Member States' cooperation on tackling the illegal puppy trade within the Chief Veterinary Officers' monthly meetings.
4. The EU should assess and implement a Coordinating legislation under a Delegated Act of the Animal Health Law⁵² (Regulation 2016/49) on puppy breeders, introducing harmonised licensing and standards in the Member States.
5. Other enforcement projects should be funded under the European Regional Development Fund and Internal Security Fund based on the Biocrime model at key borders crossed by the puppy trade using the links between animal and human health and the 43 IPCCs.

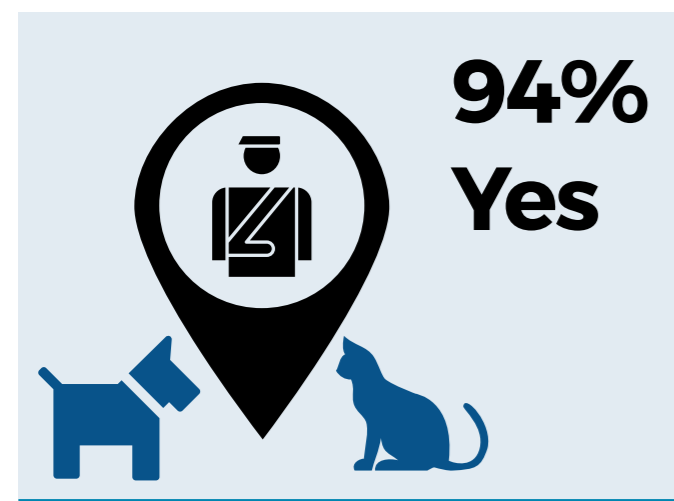
Recommendations at national level



1. Member States are encouraged to establish multi-agency in-country cooperation between tax revenue enforcement agencies, police, border control agencies, veterinary authorities and local authority licensing agencies to develop enforcement plans on illegal puppy traders.
2. Member States should set up units in tax revenue enforcement agencies to investigate and reclaim missing tax revenues from illegal puppy traders.
3. Member States should review their sentencing guidelines and legislation on puppy trade offences to ensure they are at a level similar to other illegal trades such as the drug trade.
4. Member States should audit their puppy sales and trade legislation to assess any unintended consequences, and forward recommendations to the European Commission.

SURVEY RESULTS

Should there be an EU taskforce to tackle the cross-border illegal pet trade?



⁴⁴ Study on the welfare of dogs and cats involved in commercial practices, Specific Contract SANCO 2013/12364 (December 2015) https://ec.europa.eu/food/sites/food/files/animals/docs/aw_eu_strategy_study_dogs_cats-commercial-practices_en.pdf

⁴⁵ Diamantopoulou G. (2019) Animal health law: A power tool against illegal puppy trade? <https://www.euractiv.com/section/agriculture-food/opinion/animal-health-law-a-power-tool-against-illegal-puppy-trade/>

⁴⁶ BBC (2019) Tax-dodging puppy farmers targeted in HMRC operation <https://www.bbc.co.uk/news/uk-48167134>

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⁴⁸ Belfast Telegraph (17.04. 2020) Derry man jailed after driving 280 miles to Kerry to buy puppies <https://www.belfasttelegraph.co.uk/news/health/coronavirus/derry-man-jailed-after-driving-280-miles-to-kerry-to-buy-puppies-39136181.html>

⁴⁹ Maher J. Sourcing of pet dogs from illegal importation and puppy farms 2016-2017: scoping research <https://www.gov.scot/publications/scoping-research-sourcing-pet-dogs-illegal-importation-puppy-farms-2016/pages/16/>

⁵⁰ European Commission, Biocrime project https://ec.europa.eu/regional_policy/en/projects/italy/cross-border-cooperation-to-tackle-illegal-animal-trade-and-related-diseases-transmissible-to-humans

⁵¹ European Commission (2019) Panorama, no. 69 <https://www.interreg-central.eu/Content.Node/discover/Panorama69-en.pdf> pp. 49

⁵² 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) <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0429&from=EN>

Summary and next steps

The illegal online puppy trade is a multifaceted and cross-border problem. Apart from the welfare of the animals, there are serious issues with regard to public and animal health, consumer protection and the functioning of our markets. We are dealing with a large and highly organised business, and even during the COVID-19 crisis this trade is still continuing. Currently there are several good private and public initiatives to tackle the problem. However, we need a joint and holistic approach with the European Commission in the lead in order to diminish the legislative divergence and set clear rules for pet trade across Europe. Situations like COVID-19 pandemics remind us once again that zoonotic diseases should never be underestimated, hence, protecting European consumers from illegal pet trade must be an incremental part of the new EU4Health Programme.

April 2020's 'The Illegal Pet Trade: Game Over' online workshop moved us one step closer to tackling the illegal online pet trade in Europe. Thanks to knowledgeable and broad representation of experts from almost all European countries, we were able to come forward with a series of recommendations at local, national and EU level. Together with relevant parties we will pay close attention to building these recommendations into actions to bring the illegal pet trade to an end. Periodically, we will be conducting a stock-taking exercise to show the progress of the EU and European countries towards a safer European pet trade.

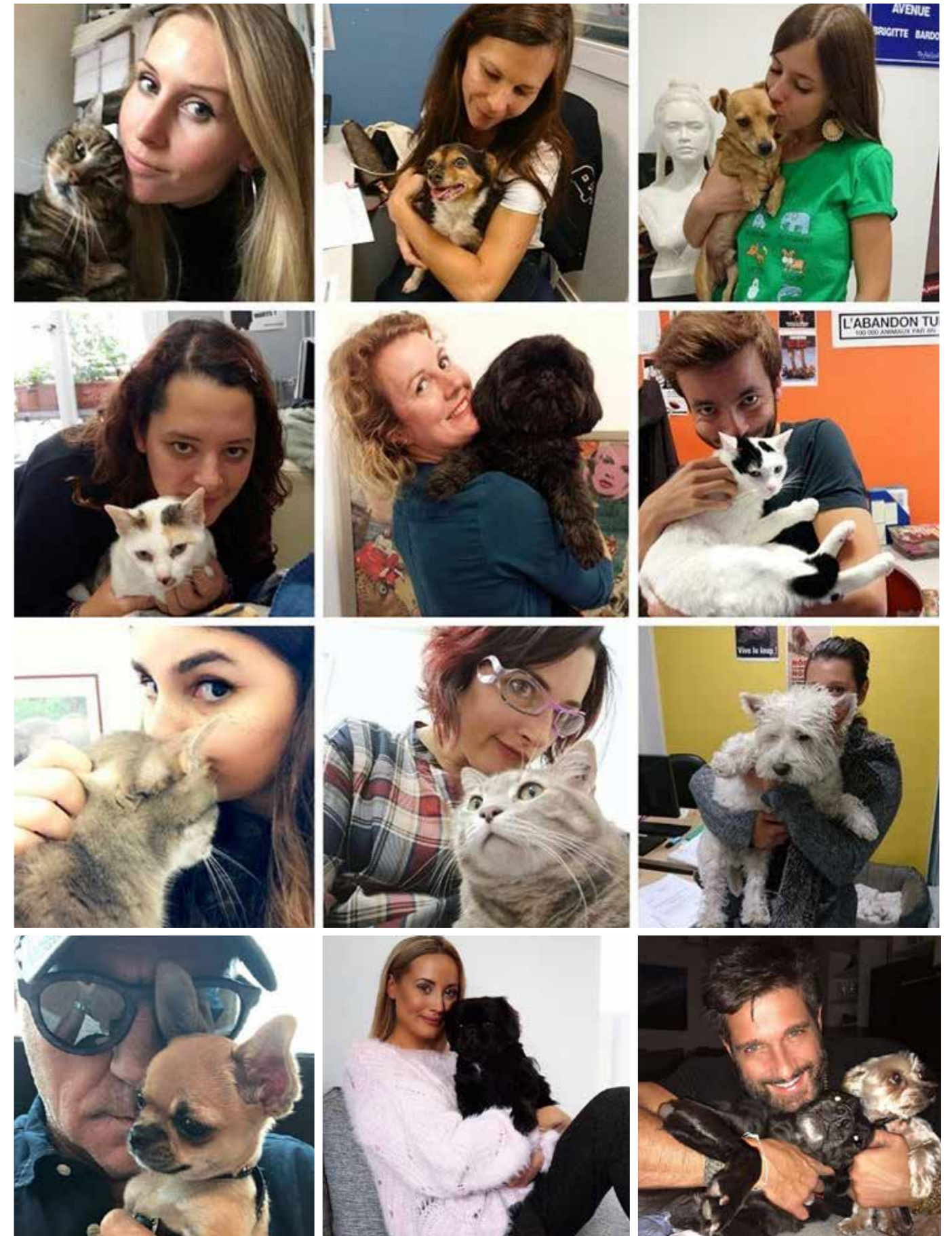
On 21 April 2021, the day the EU Animal Health Law enters into force. It is a deadline to show how much the EU truly Cares for Our Companions.

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