



Positive List: Ending Suffering for Animals in the Pet Trade

23 March 2023 • 10:30 - 13:00
European Parliament, Brussels

**EUROGROUP
FOR
ANIMALS**



Opening remarks

Manuela Ripa
Pascal Durand

Keynote speakers

David Van Gennepe

Presentation of the EU Positive List White Paper

Nick Clark
Davide Rigoni
Alessandra Fratini

Expert round table - Feeding the Positive List feasibility study

Lore Decommer
Marina Michaelidou
Bérit Majeres
Sabine van Westen

Closing remarks

Manuela Ripa

1. OPENING REMARKS



Manuela Ripa

.....

Member of the European Parliament
GREENS/EFA (ÖDP)

1. OPENING REMARKS



Pascal Durand

.....

**Group of the Progressive Alliance of Socialists
and Democrats in the European Parliament**

2. KEYNOTE SPEAKERS



David Van Gennep

.....

Executive Director at AAP, Animal Advocacy and Protection



Positive List, the European perspective

**David van Gennep, Executive Director
AAP, Animal Advocacy and Protection**

ABOUT DAVID VAN GENNEP

- Biologist (immunology and ecotoxicology)
- Worked as projectleader (ministry of Agriculture NL)
- AAP since 1991
- Member of Animal Welfare Council Dutch minister
- Boardmember of Eurogroup for Animals
- President of European Alliance for Rescue centers and Sanctuaries (EARS)



AAP PROFILE*

FOUNDED

14 April 1972

MAIN OFFICE

AAP The Netherlands, Almere

OTHER ESTABLISHMENTS

AAP Spain, Villena

PERSONNEL

117 paid staff, 223 volunteers

ANIMALS IN CARE

503

NUMBER OF DONORS

72.253

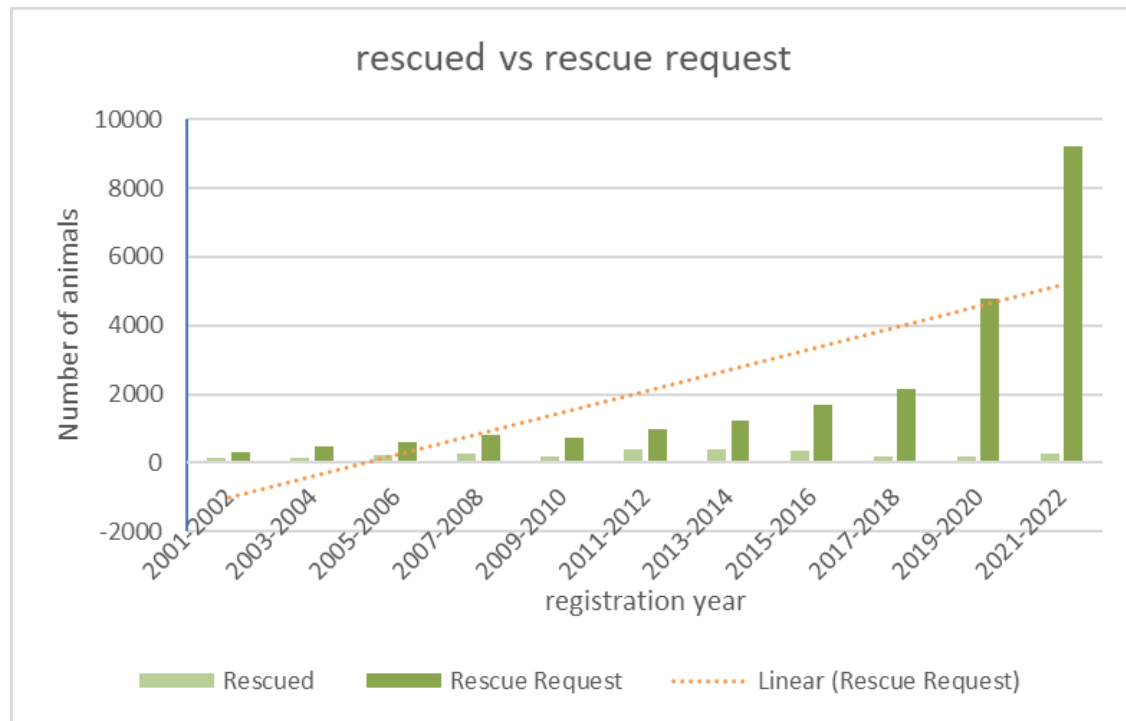
FOCUS COUNTRIES 2023

The Netherlands, Spain, Germany (EU)

**Figures taken from 2022 annual report*



RESCUE REQUESTS VS ACTUAL INTAKE



EXAMPLES FROM THE FIELD



EXAMPLES FROM THE FIELD



EXAMPLES FROM THE FIELD



EXAMPLES FROM THE FIELD



EXAMPLE FROM THE FIELD - VIDEO 'BEAR'



New data links Covid-19's origins to raccoon dogs at Wuhan market

Analysis of gene sequences by international team finds Covid-positive samples rich in raccoon dog DNA

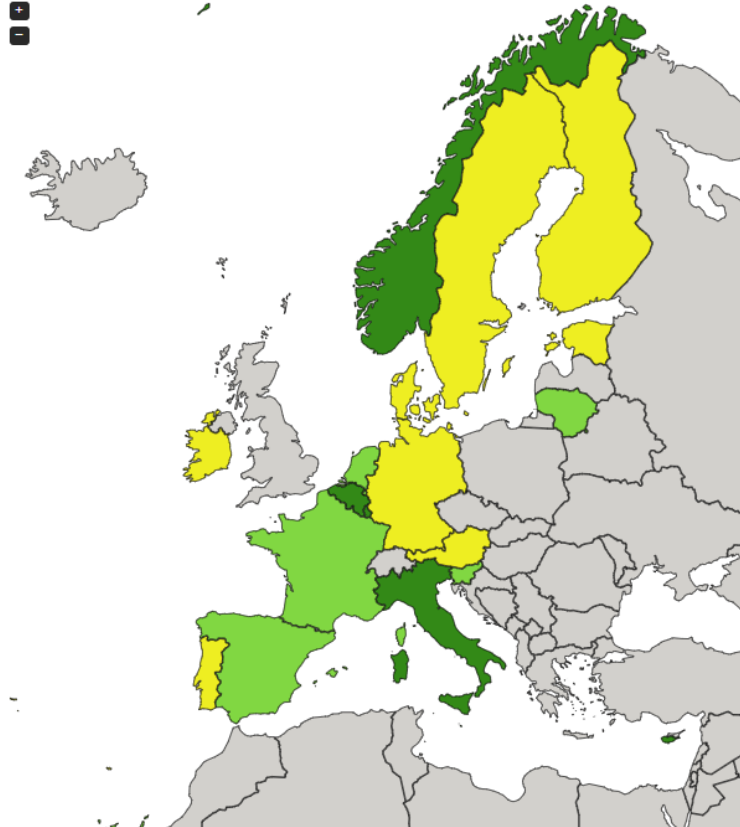






WHAT'S NEXT?

- Positive List in The Netherlands after 31 years, in January 2024
- Methodology for European member states under instruction
- Implementation of Positive List in France, Italy



STATUS POSITIVE LIST IN EUROPE



-  Positive List is active
-  Positive List is adopted
-  Positive List is being discussed
-  No development / unknown



**THANK YOU
FOR YOUR
ATTENTION**



3. Presentation of the EU Positive List White Paper





Nicholas Clark

Wildlife programme leader at Eurogroup for Animals



@World Animal Protection

LIVE TROPICAL FISH

906

406

POSITIVE LIST EVENT | 23 March 2023

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Super pastel black pastel
0.1 £800

@World Animal Protection

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<https://ilovepets.co/porcupines-as-pets/>

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FOR ANIMALS

Let's face it! **Massive variety of animals that can be traded to be kept in households in the EU.**



A system that can help better implement and enforce the existing legal framework.



Huge variety of animals that can be traded and kept as pets in the EU



Huge variety of animals that can be traded and kept as pets in the EU



Huge variety of animals that can be traded and kept as pets in the EU



EU POSITIVE LIST - THE PROBLEMS

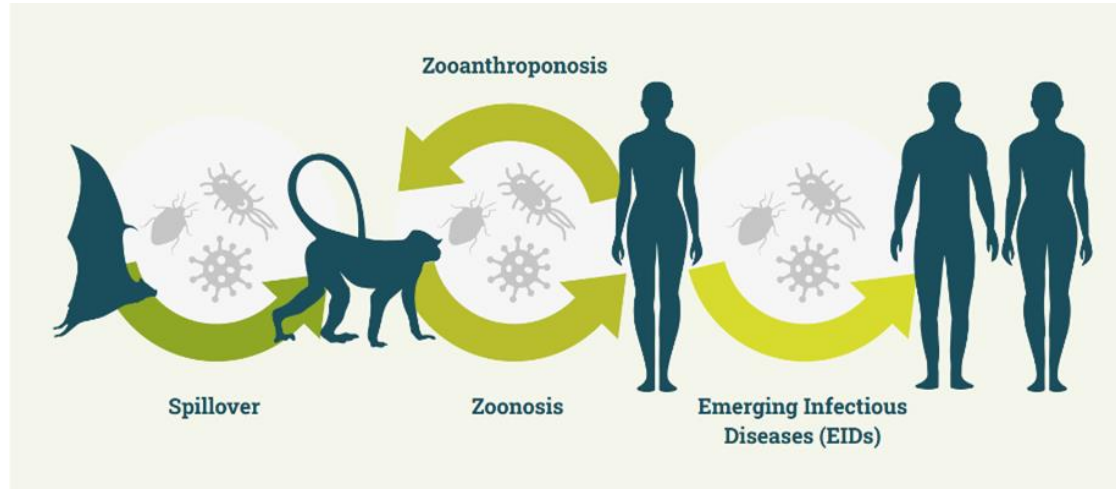
Animal welfare



<http://www.sugarglider.com/>

EU POSITIVE LIST - THE PROBLEMS

Health and Safety



EU POSITIVE LIST - THE PROBLEMS

**Invasive Alien
Species Pathways**

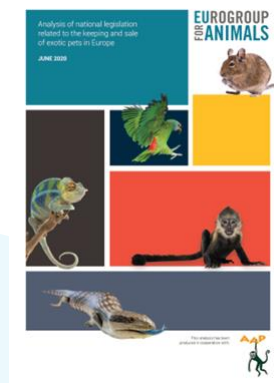


EU POSITIVE LIST - THE PROBLEMS

Conservation

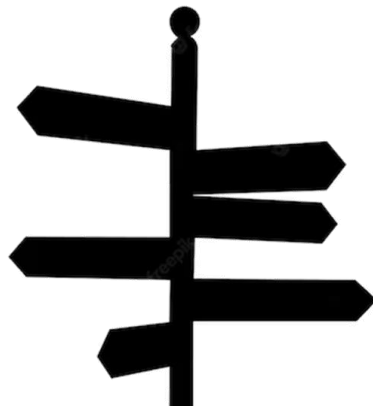


EU POSITIVE LIST - THE WHITE PAPER



1. Background

Sapience is a Brussels-based independent research and consultancy agency and spin-off of the Vrije Universiteit Brussel (VUB), specialised in psychological and behavioural research. The Sapience team has extensive expertise in employing different research methods to understand, predict and influence human behaviour. In September 2022, Sapience was asked by Eurogroup for Animals and Stichting AAP (Animal Advocacy and Protection) to carry out EU-wide research to gather both quantitative and qualitative information concerning the entry, the trade, and the keeping of exotic pets in the EU, with the aim of exploring different research areas.



EU POSITIVE LIST - THE FIVE DOMAINS

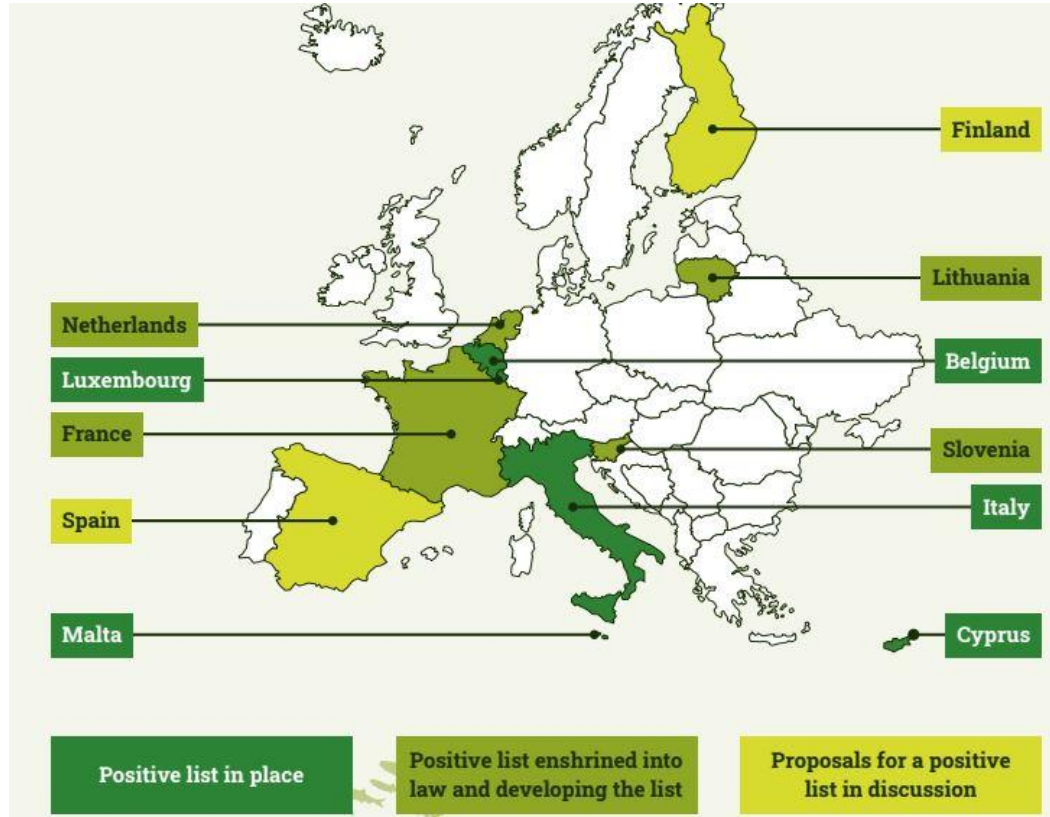
Assessment criteria used to determine which animals are suitable as being traded and kept as pets should be based largely on the ability to fulfil the **"Five Domains"** at every stage of the trade.



EU POSITIVE LIST - INTERNAL MARKET

Where there is smoke, **there is fire!**

EU POSITIVE LIST - INTERNAL MARKET



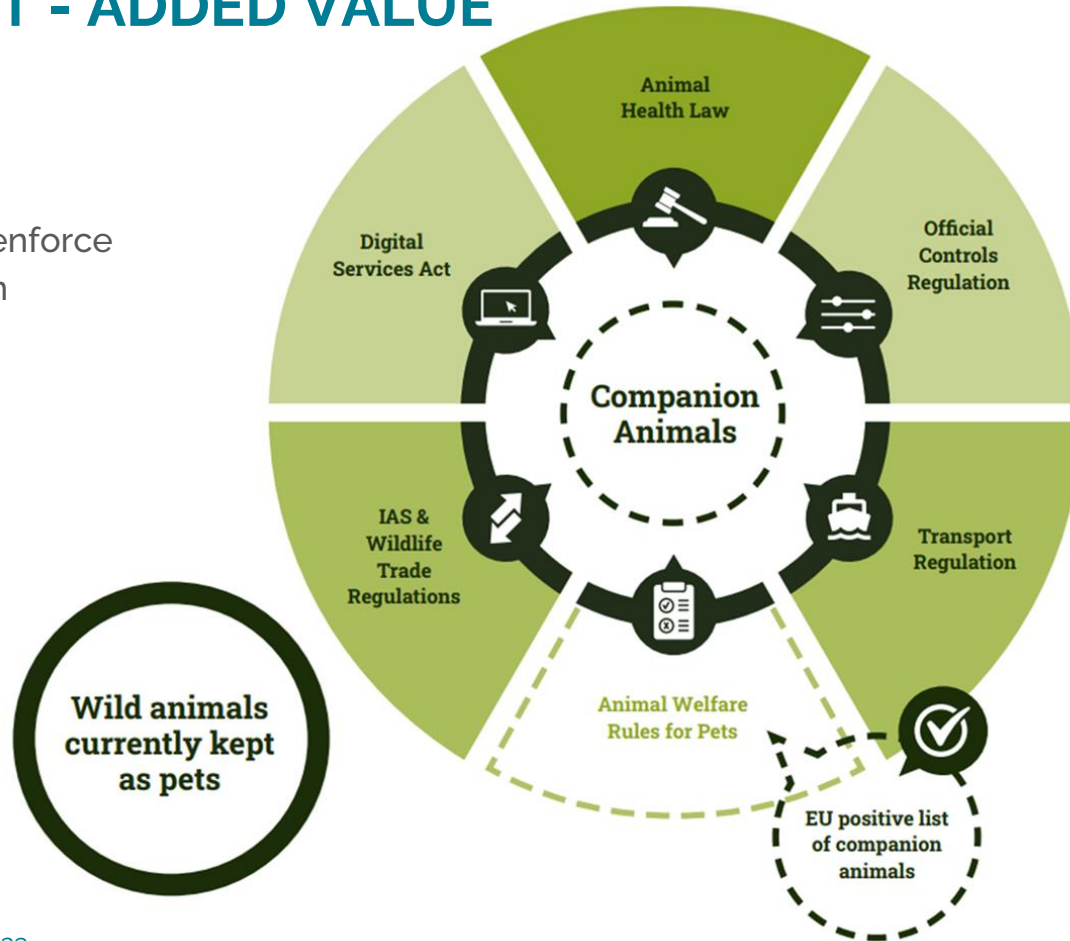
Imports:

- Mosaic of national legislation
- Huge differences in MS imports
- MS laws can affect the number of imports

We identify huge gaps in our knowledge

EU POSITIVE LIST - ADDED VALUE

Better enact and enforce
existing legislation



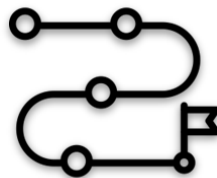
EU POSITIVE LIST - ADDED VALUE



EU POSITIVE LIST - INSTITUTIONAL SUPPORT



Action Plan against Wildlife
Trafficking



Council of the
European Union



European Parliament



Conference
on the **Future**
of **Europe**

POSITIVE LIST EVENT | 23 March 2023



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EU POSITIVE LIST - INSTITUTIONAL SUPPORT

Feasibility Study:

Go beyond Specimens taken from the wild to include all animals, even captive bred

Feasibility Study:

Conduct an assessment of different **legal bases and objectives** for an EU Positive List in the impact assessment.
Including the legal basis of presented today

Kept Animals Regulation!

Include a provision EU positive list in the revision of the Kept Animals Regulation

REFERENCES

Check the
White Paper!

EU POSITIVE LIST

A proposal to regulate the
trade in animals destined
for life as a pet





Davide Rigoni

Co-Founder and Managing Director of Sapience

Exotic pets in the EU: insights from a varied research approach

Davide Rigoni, Founder & Managing Director

Report prepared for:





Research questions

Size

How many exotic pets are there in the EU?

Animal welfare

What is the level of welfare of the exotic pets in EU?

Knowledge gaps

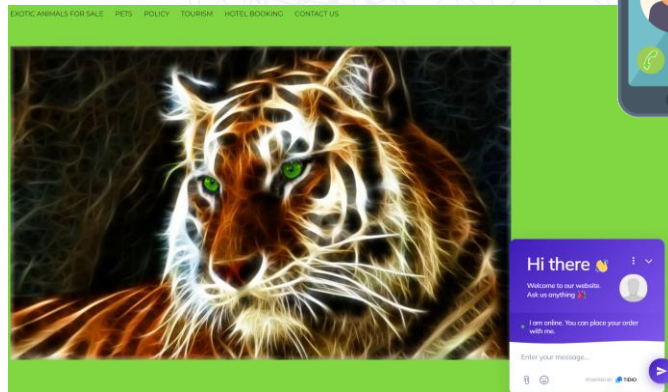
Where is more research needed?

A varied research approach

Interviews with veterinarians
& desk research



Mystery shopping
interviews with online
sellers



Imports of live animals

Source: official reports from Border Control Posts

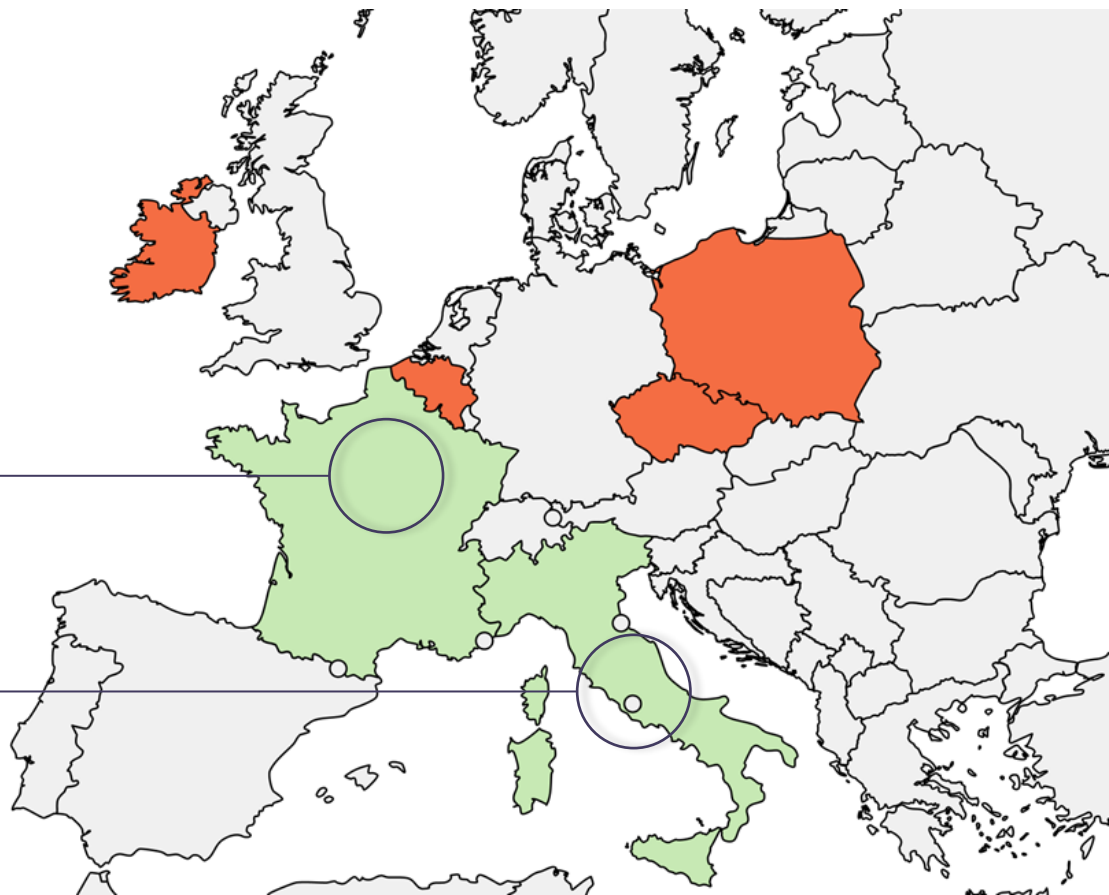
Member States included in the research

- Data unavailable or inaccessible
- Data partially available

2017 **+3.9K** consignments

+7K consignments

- 2019 ■ **1M** reptiles
- 2020 ■ **2.5M** ornamental fish
- 2021 ■ **+50K** mammals



Veterinary visits to exotic pets

Source: interviews with veterinarians

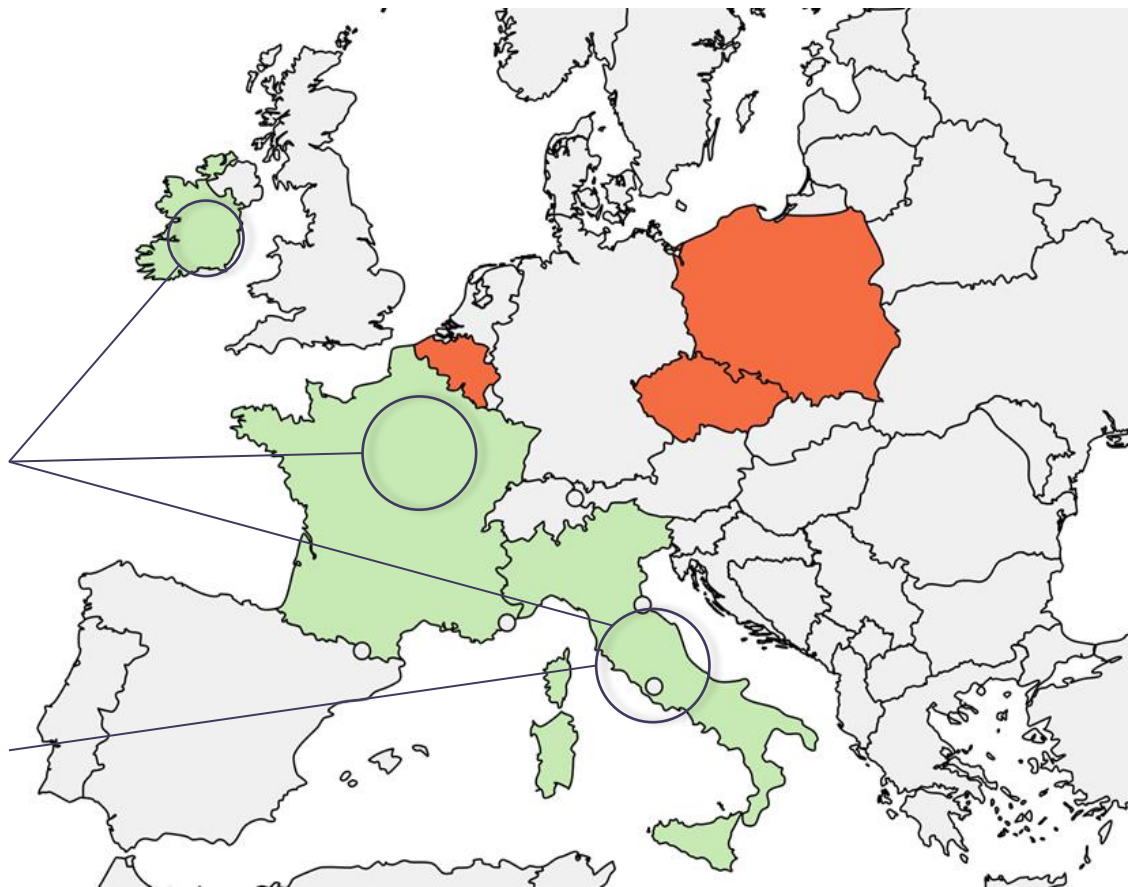
Member States included in the research

- Data not collected
- Data collected

2.5K-12.5K annual visits by a specialized clinic

750-1.5K annual visits by specialized veterinarians

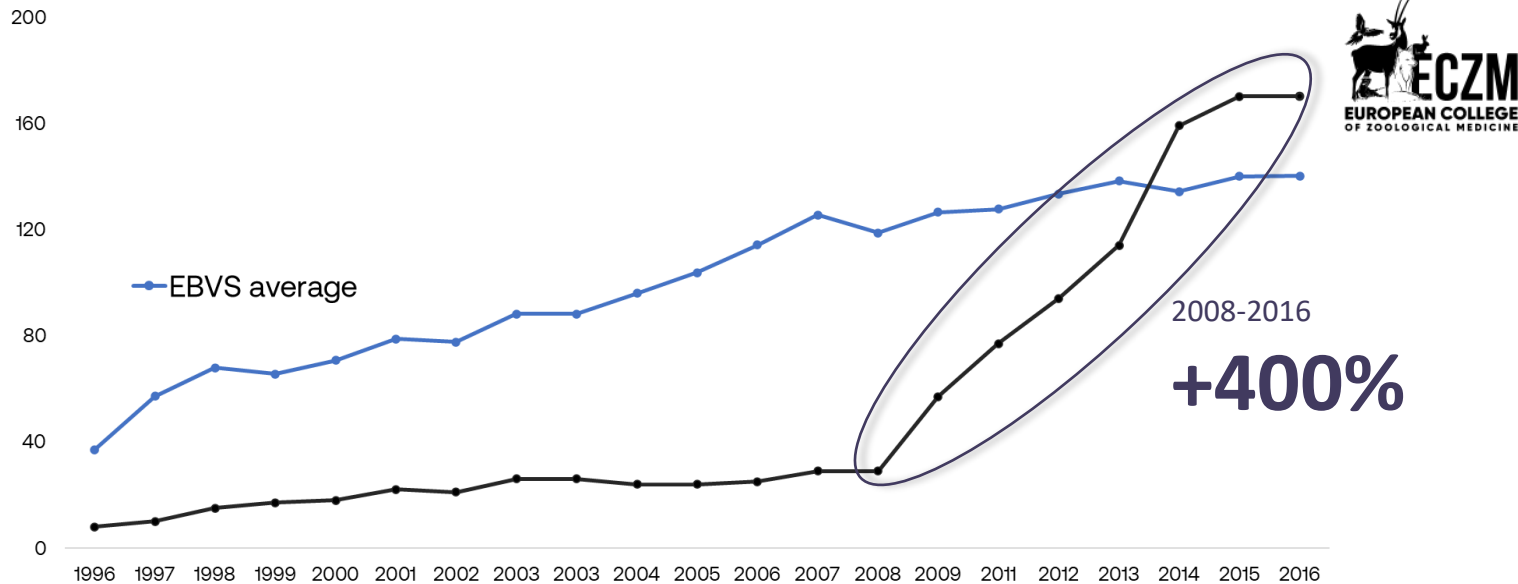
+800 vets specialized in exotic pets, just in Italy



Specialised veterinarians

Source: European Board of Veterinary Specialisation

Number of specialists




Quality of the husbandry

Source: interviews with veterinarians

Not consistent

Link with pathologies

Poor knowledge major
challenge



"Some pet owners have no idea of what they are doing [...] others have more knowledge than a vet!"

"90% of the pathologies are because of bad management [of the animal]"

"The problem often is the nutrition [...] It's because they buy petfood at the supermarket"

Online sellers & animal welfare

Source: mystery interviews with 18 online sellers of exotic pets

Low level of concern



Low level of concern

Source: mystery interviews with 18 online sellers of exotic pets

e.g., Transportation



They are tough animals, we usually transported them for 24 hours



For the transport? Take a plastic box for cats

Low level of concern

Source: mystery interviews with 18 online sellers of exotic pets

e.g., Basic needs



90% of the times I give them dead animals. I also give them rice, muesli. They are easy eaters



They eat fruits, vegetables, food for monkey, insects...

In winter the monkey stay at home, in spring and summer it can go walk

Online sellers & animal welfare

Source: mystery interviews with 18 online sellers of exotic pets



Low level of concern

Easy access to illegal trade

Untracked

Online trade easily illegal and untracked

Source: mystery interviews with 18 online sellers of exotic pets

Easy to buy animals that are **illegal** in buyer's country, without notifying the relevant authorities

BANNED

Bearcat
Corsac fox
Golden eagle
Fennec foxes
Marmosets
Banded mongoose
Meerkat
Two-toed sloth
Skunk
Serval cat
Scarlet ibis
Kinkajou
Caracal cats
Reticulated python
Porcupine
Nimlai



To conclude: main insights

Size

Millions of exotic pets in the EU

Gross underestimation

Welfare

Quality of husbandry linked to animal health

Low in online trade

Knowledge gaps

Intra- & extra-EU movements: official data lacking or scarce

Ownership & Welfare: a blind spot

Thanks for listening!



We are Sapience

Actionable insights on human behavior.

Davide Rigoni, PhD

Co-Founder and Managing Director at Sapience || Revealing the science of human decisions

Brussels, Brussels Region, Belgium · [Contact info](#)

www.wearesapience.com

1,148 followers · 500+ connections



Sapience

Let's Connect!



A large, faint wireframe graphic of a human face, composed of numerous small dots connected by thin lines, occupies the left side of the slide.

Questions? Get in touch!



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List of references for the images

- *Banded mongoose (Mungos mungo)* - Image by Светлана from Pixabay
- *Bearcat (Arctictis binturong)* - Image by Brigitte Werner from Pixabay
- *Common marmoset (Callithrix jacchus)* - Image by NakNakNak from Pixabay
- *Corsac fox (Vulpes corsac)* - Image by Jevgeni Fil from Pixabay
- *Corsac fox (Vulpes corsac)* - Image by Jevgeni Fil from Pixabay
- *Photo by International Fund for Animal Welfare from Pexels: <https://www.pexels.com/photo/veterinarian-holding-a-blue-tongued-lizard-5486965/>*
- *Photo by Karolina Grabowska from Pexels: <https://www.pexels.com/photo/focused-woman-speaking-on-smartphone-and-taking-notes-4476632/>*
- *Photo by mark broadhurst from Pexels: <https://www.pexels.com/photo/black-and-brown-spiky-lizard-106688/>*
- *Photo by Pixabay from Pexels: <https://www.pexels.com/photo/yellow-and-green-coated-lizard-62289/>*
- *Scarlet ibis (Eudocimus ruber)* - Image by Alexa from Pixabay
- *Two-toed sloth (Choloepus didactylus)* - Image by katja from Pixabay



Alessandra Fratini

Partner of FratiniVergano European Lawyers

Positive List: Ending Suffering for Animals in the Pet Trade|

A feasible legal basis for an EU Positive List

Brussels, 23 March 2023

Alessandra Fratini

- I. Content and aims of the measure**
- II. Potentially feasible legal bases**
- III. Subsidiarity and proportionality**
- IV. Legal instrument**
- V. WTO compliance issues**

Content and aims

[The choice of the legal basis is to be determined in light of
*"objective factors (...) in particular the aim and content of a
measure"*(C-300/89)]

Content

- The establishment of a positive list allowing the trade of the listed companion animals within the EU
 - **'trade'** : the introduction into the Union, and the export and re-export therefrom, as well as the use, movement and transfer of possession within the EU, including within a MS, of companion animals subject to the provisions of the measure establishing the EU positive list
 - **'companion animals'** : animals that are traded for the purpose of human companionship and/or leisure or for being kept in a household

Aims

- Protection of **animal welfare**
- Improvement of the conditions for the establishment and functioning of the **internal market** for companion animals



Predominant aim: improving the functioning of the internal market, by addressing fragmentation resulting from different national provisions

Potentially feasible legal bases

Article 13 TFEU - Animal welfare

- ✗ Not a legal basis for establishing an EU positive list
- Animal welfare requirements to be fully taken into account in formulating the measure

Article 114 TFEU - Internal market

- ✓ "Internal market barrier" resulting from disparities in laws, regulations or administrative provisions of MS
- ✓ Internal market barrier creates obstacles to cross-border trade
- ✓ Measure must remove the obstacles to cross-border trade



Conditions met with regard to a measure establishing a Positive List

Subsidiarity and Proportionality

Principle of Subsidiarity

Article 5(3) TEU

- Requires that the proposed action can, because of its scale or effects, be better achieved at the level of the EU
- A measure that effectively contributes to the functioning of the EU internal market by harmonising national provisions pursues an objective that, by definition, cannot be adequately pursued by MS alone



A measure establishing a Positive List based on Article 114 TFEU would comply with the subsidiarity principle

Principle of Proportionality

Article 5(4) TEU

- Requires that a measure
 - Is appropriate for attaining its legitimate objectives ('**suitability**')
 - Does not go beyond what is necessary to achieve those objectives ('**necessity**')
 - Does not cause disadvantages which are disproportionate to the objectives pursued ('**proportionality *stricto sensu***').

- A measure establishing a Positive List would be
 - ✓ **Suitable**: it would apply across the EU and remove existing divergences at national level
 - ✓ **Necessary**: a less far-reaching measure (negative list) would not have an equal preventive effect + may become outdated due to developments in supply of new species on the market
 - ✓ **Proportionate *stricto sensu***: not being a blanket ban, it would not constitute a disproportionate impairment of the rights to exercise economic activities / to property
 - Application procedure designed to allow a given species to be added to / removed from the list
 - Certification schemes for keepers / breeders

Legal instrument

Regulation

- ✓ Would ensure a uniform identification of companion animals to be traded within the EU + enable coherent and effective application of the rules
 - Necessary to provide legal certainty and transparency for economic operators and consumers alike
 - Consistent with existing policy framework in the field of animal welfare (mostly composed of Regulations)

WTO compliance issues

Likely compliance

- A fully-fledged WTO scrutiny can only be conducted on the actual measure
- Based on the scope and objectives of the measure (not an SPS measure), a Positive List could be developed in compliance with WTO rules

Thank you!

Alessandra Fratini
a.fratini@fratinivergano.eu
www.fratinivergano.eu

4. Expert round table - Feeding the positive list feasibility study



4. FEEDING THE POSITIVE LIST FEASIBILITY STUDY



Lore Decommer

Animal welfare policy officer,
Flemish government,
department of animal welfare



Marina Michaelidou

Senior Officer of the
Cyprus Agriculture
Natural Resources and
Environment Ministry



Bérit Majeres

Veterinary inspector at
Luxembourg Veterinary
and Food Administration



Sabine van Westen

Animal Welfare Senior
Policy Officer at the Dutch
Ministry of Agriculture,
Nature and Food Quality

5. CLOSING REMARKS



Manuela Ripa

.....

Member of the European Parliament
GREENS/EFA (ÖDP)



THANK
YOU