



Brussels, 16.8.2018
C(2018) 5488 final

COMMISSION RECOMMENDATION

of 16.8.2018

on a coordinated control plan for the official controls on online sales of dogs and cats

(Text with EEA relevance)

COMMISSION RECOMMENDATION

of 16.8.2018

on a coordinated control plan for the official controls on online sales of dogs and cats

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules¹, and in particular Article 53 thereof,

Whereas:

- (1) Internet trade in dogs and cats is increasing rapidly. This trade, and digital technologies in general, can pose significant challenges for the competent authorities of the Member States who operate within national boundaries, particularly as their systems of official controls may not be adequately adapted to deal with the rapidly evolving character and cross-boundary nature of internet commerce. Online trade in dogs and cats raises challenges in terms of its physical control and monitoring the compliance with various legislative provisions involving animal health, trade, import and animal welfare rules.
- (2) In December 2015 the Commission published a Study report on the welfare of dogs and cats involved in commercial practices² which identified the need to improve the enforcement of Union and national legislation by Member States.
- (3) While the majority of online sales of dogs and cats may not involve a cross-border movement of the animals, and those animals are moved to the new owner under national rules, there are cases where online sales of dogs and cats involve the cross-border movement of those animals into a Member State. These cross-border movements should be carried out in accordance with the provisions of Council Directive 92/65/EEC³, or when animals are moved to another Member State as pet animals in accordance with Regulation (EU) No 576/2013 of the European Parliament and of the Council⁴.

¹ OJ L 165, 30.4.2004, p. 1.

² https://ec.europa.eu/food/sites/food/files/animals/docs/aw_eu-strategy_study_dogs-cats-commercial-practices_en.pdf

³ Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A (I) to Directive 90/425/EEC (OJ L 268, 14.9.1992, p. 54).

⁴ Regulation (EU) No 576/2013 of the European Parliament and of the Council of 12 June 2013 on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003 (OJ L 178, 28.6.2013, p. 1).

- (4) Council Directive 92/65/EEC lays down the animal health requirements governing trade in and imports into the Union of animals, including dogs and cats. It provides that the Member States are to ensure that only those dogs and cats which are accompanied by a health certificate in accordance with the model set out in Part 1 of Annex E to that Directive are the subject of trade. In that health certificate the official veterinarian attests that the animals come from holdings or businesses which are registered by the competent authority and not subject to any restrictions on animal health grounds including rabies, and that the animals meet the animal health requirements provided for in that Directive .
- (5) Council Regulation (EC) No 1/2005⁵ lays down rules concerning the transport of live vertebrate animals, including dogs and cats transported in connection with an economic activity, carried out within the Union, including the specific checks to be carried out by officials on consignments entering or leaving the customs territory of the Union. Regulation (EU) No 576/2013 of the European Parliament and of the Council⁶ lays down the animal health requirements applicable to the non-commercial movement of pet animals, including dogs and cats, and the rules for compliance checks on such movements.
- (6) Official controls on internet sales should be strengthened in order to address challenges facing Member States in the application of animal health requirements laid down in Union legislation in the context of internet trade in dogs and cats, and in particular to protect public and animal health in the European Union from misleading trade practices that may result in an uncontrolled spread of diseases, including zoonoses, such as rabies. In order to strengthen the enforcement of Union and national rules relating to online sales of dogs and cats, the Commission recommends to launch a coordinated control plan including a harmonised approach to check websites suspected to not providing information regarding the age of the animal⁷; the individual identification of the animal or the identification of the mother⁸; the vaccination records and, if the animals are destined to a country listed in Commission Implementing Regulation (EU) 2018/878 the anti-parasitic treatment⁹; the country of origin, namely, where the animal was born, the status of the trader and its activities.
- (7) The coordinated control plan aims to help establish the level of fraudulent practices in the online sales of dogs and cats for a period of one month. The recommended

⁵ Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97 (OJ L 3, 5.1.2005, p. 1).

⁶ Regulation (EU) No 576/2013 of the European Parliament and of the Council of 12 June 2013 on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003 (OJ L 178, 28.6.2013, p. 1).

⁷ Point 2(f) of Chapter I of the Annex to Regulation 1/2005 and Article 11 of Regulation (EU) No 576/2013 of the European Parliament and of the Council of 12 June 2013 on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003 (OJ L 178, 28.6.2013, p. 1–26).

⁸ Article 6 of Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A (I) to Directive 90/425/EEC and Article 17 of Regulation (EU) No 576/2013 of the European Parliament and of the Council of 12 June 2013 on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003 (OJ L 178, 28.6.2013, p. 1).

⁹ Commission Delegated Regulation (EU) 2018/772 of 21 November 2017 supplementing Regulation (EU) No 576/2013 of the European Parliament and of the Council with regard to preventive health measures for the control of *Echinococcus multilocularis* infection in dogs, and repealing Delegated Regulation (EU) No 1152/2011 (OJ L 130, 28.5.2018, p. 1).

coordinated control plan consists of three actions. The first action consists of searching the Internet for websites which offer dogs and cats intended for sale and, in the event if one or more of the specific information listed in Annex I, point 3(f) is missing, to launch the second action foreseen under the plan, namely to perform an on-the-spot inspection of the alleged point of sale or breeding in order to check compliance with the EU and national veterinary legislation related to the trade of dogs and cats. Such inspections will help establish fraudulent practices. The third action consists of notifying to the Commission offers on websites not complying with EU law concerning the online sale of dogs and cats, and the measures taken by the relevant competent authorities.

- (8) The coordinated control plans in the Member States should be limited in time in order to permit the Commission to carry out a time-referenced analysis of the full set of results and present those results to the Member States.
- (9) After consulting the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS RECOMMENDATION:

1. Member States should implement a coordinated control plan for online sales of dogs and cats from 15 October to 15 November 2018, in accordance with Annex I.
2. Member States should report on the results of the official controls carried out in accordance with point 1 and any relevant enforcement measures taken, by 15 February 2019 in the format given in Annex II to this Recommendation.
3. This Recommendation is addressed to the Member States.

Done at Brussels, 16.8.2018

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

