

## **Animal Health Law (AHL) Questions & Answers**

### **What is the main purpose of the Regulation to come on Transmissible Animal Diseases?**

The goal of the Regulation on Animal Diseases also called “Animal Health Law” is to replace and encompass most of the present EU legislation on animal health striving for simplification and greater consistency under common principles and general rules.

### **What is the so-called “Trilogue/Trialogue”?**

The Trilogue, also called Trialogue is an informal inter-institutional process aiming to reach an agreement on a draft legislation between the Council, the EU Commission and the EU Parliament, before the Parliament's final vote. It exists since 1999 and its frequency has risen considerably in recent years.

### **Why is the release of the draft resulting from this Trilogue a very important step in the legislation process?**

During the meetings of the Trilogue, each clause of the draft text has been read, discussed, commented and if necessary amended by the three EU institutions. Therefore, the final text will be very similar to the current post-Trilogue version, we can expect only minor “cosmetic” changes.

### **What are your key achievements on this Regulation?**

Even if FOUR PAWS is not 100% satisfied with this new Regulation, some considerable steps have been ~~reached~~ made. Especially, for the first time, stray animals will be considered in an EU legislation. It also clarify the responsibility of each different actors, and promote the respect of the transparency principle through the consultation of stakeholders. Moreover, a very first step has been done in the line of FOUR PAWS request on identification and registration of all dogs, with a goal of decreasing abandonment of animals and illegal trade.

### **What would you answer to those saying that this legislation does not go far enough in the recognition of stray animals?**

They are right. Even if the Animal Health Law includes a certain number of improvements, a lot has still to be done on the field. Changing mentalities towards recognition of stray animals and recognition that the massive culling of strays is not a long term goal are two actions which will be necessary to improve the welfare of strays and which unfortunately goes beyond the AHL as it stands now.

### **Concretely, what will the new legislation change?**

It is still a bit early to evaluate all the implications of the new law. This will require a bit more time. It will be important to analyse all the most recent compromises made between the 3 institutions. It will also be important to monitor the way the legislation will be implemented all over Europe.

### **What is the fundamental difference between wild and stray animals and why is it relevant to make such a distinction?**

Stray animals are biologically domestic animals. The categories “domestic” and “wild” are linked to the biological and genetic nature of the animals, and cannot be change: a domestic animal doesn't become wild because it lost its owner, as well as a wild animal doesn't stop to be wild because it is kept in captivity.

**Has this distinction between wild and stray animals been sufficiently taken into account in the new draft of Regulation?**

In this new draft legislation, the stray animals still fall under the “wild” category. But a clause has been added to precise that stray animals are domestic animals. Even if it's better than the first draft, this is confusing and could lead to major enforcement issues due to a legal and practical uncertainty.

**What are the “safeguard rules” defined by the EU legislator applying to stray animals to the exclusion of the other wild animals?**

Several principles have been implemented in this new draft to protect strays. First of all, it would be clearly set that stray animals are not wild animals. Secondly, a general principle of responsibility of the public authorities for stray animals have been strongly affirmed. This principle includes the requirement to treat stray animals humanely, avoiding them pain, distress and suffering. It also includes stakeholders involvement, transparency and proportionality in the establishment of eradication of diseases programs.

**The EU legislator has decided to introduce in the text a general requirement of humane treatment towards the stray animals when disease control measures are taken. What does this “humane treatment” requirement imply?**

The term “humane treatment” is unfortunately not defined in the legislation, and we know by experience that it might be misused to justify killing of animals. But this term has to be read in connection with the aforementioned obligation of stakeholder consultation, transparency and proportionality. These might be considered as safeguard rules to avoid hidden massive killing.

**What new obligations for pet owners, traders and breeders will the new regulation impose?**

This new regulation implements a mandatory registration of all professional pet breeders and sellers. Moreover, it would be mandatory for all operators and animal traders to inform the buyer on good animal husbandry. Also, all operators and keepers should be informed and aware of how to use prudently and responsibly antibiotics.

**Although the path taken by the EU legislators seems quite satisfying, what remains to be achieved?**

The current legislation has not implemented the mandatory identification and registration of all dogs (kept or non-kept) that FOUR PAWS was and is still asking. Only a registration of professional breeders and sellers has been implemented. Nevertheless, the text leaves a door open for such a registration, by enabling the EU Commission to request from Member States the introduction of pet database if considered as necessary from a disease point of view.