



AAP



**THE BIG CAT IN THE ROOM: THE PROBLEMS
WITH EUROPEAN RULES ON EXOTIC PETS**

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Ask European citizens if they think a lion is allowed as a pet in their country, and we bet a majority will say no. Sadly, many of them would be terribly wrong. In fact, many of the more than 200 million pets in Europe belong to exotic, non-domesticated species.

INTRODUCTION

The keeping of exotic animals as pets is a booming and largely uncontrolled trend which benefits from unclear, incomplete or inexistent regulation in most EU Member States. This overview of the national laws regulating the keeping of exotic mammals in the European Union reveals that, of the 5.488 known mammal species on earth, the vast majority can be kept as pets in multiple EU Member States. However, most of these species have specific and complex physiological and behavioural needs that private households are never able to satisfy.

METHODOLOGY

The desk research was conducted between September 2017 and June 2018¹. The Eurogroup for Animals legislative report of 2013² was the main building block for this study. This publication includes a list of the national legislations for exotic pet keeping throughout the EU; however, it contains limited details on the species allowed or not allowed.

Based on the list of existing animal legislation, online re-

search was conducted to generate lists of mammal species allowed or not allowed per Member State. Additionally, 19 professionals were contacted in May 2018 by means of an e-mail questionnaire to review the findings. Of those contacted, 10 replied to the questionnaire.

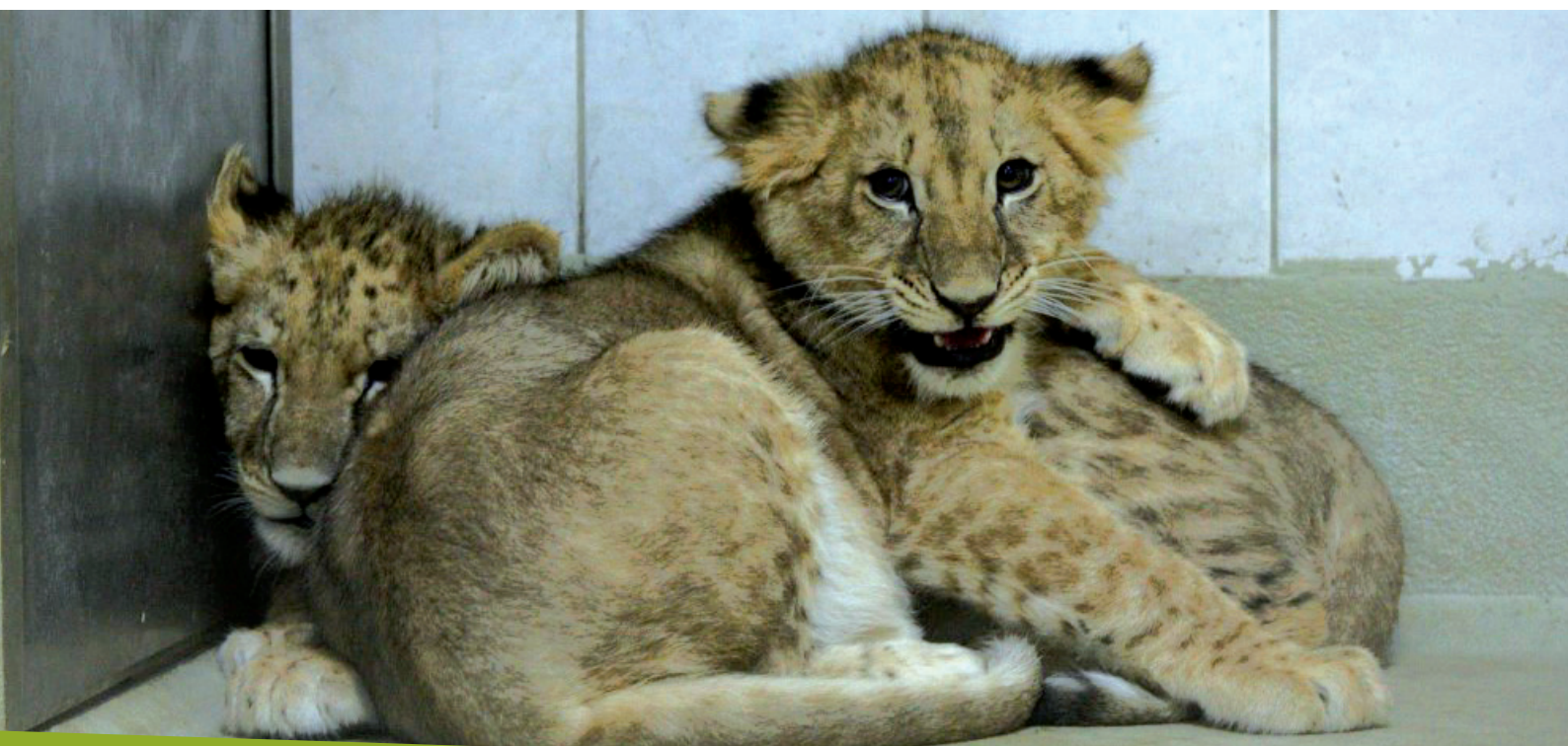
Important to note is that Spain has not been included in this research, due to the fact that each of the 17 Autonomous Regions in the country has the competence to regulate the private keeping and trade of animals as pets.

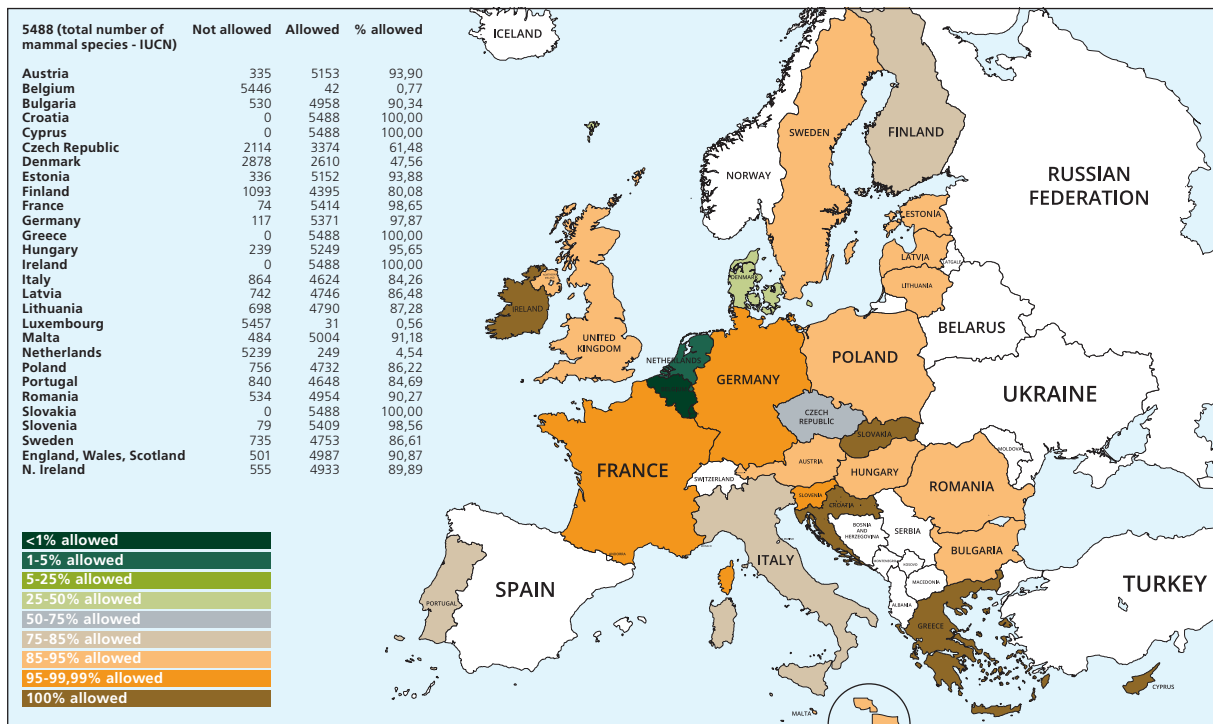
ANALYSIS

The research revealed that the Member States that have adopted a Positive List –a list of species allowed as pets– so far (Belgium, Luxembourg and the Netherlands) allow the least mammal species in private possession. In these countries just a fraction of the world's mammal species are allowed as pets. Legal provisions exist for the more specialised keepers, allowing them to keep animal species not otherwise permitted. Mammals for which the keeping is nationally regulated by special authorization or exemption are considered as prohibited or 'not allowed'.

¹ by Hester Jellema under supervision of Margot Décor of AAP, Animal Advocacy and Protection. Since June 2018 Luxembourg has implemented a Positive List regulating exotic pet keeping in the country.

² Analysis of national legislation related to the keeping and sale of exotic pets in Europe, Eurogroup for Animals, 2013.





Map 1: Percentage of known mammal species allowed as pets in EU.

However, the majority of EU-28 Member States (20) have regulated exotic pet possession via a negative list – a list of species forbidden as pets-, still allowing a large number of the world’s mammal species to be kept as pets³. These countries determine in different pieces of regulation which species are prohibited as pets according to different rationales: for example, human health and/or safety, animal welfare or protection of native flora and fauna (See Annex I). A few countries (5) have no specific national provisions to restrict the keeping of pets at all. Nine countries have separate legislation for identification and registration of certain animal species. The rest (15) have more than one national legislative framework affecting pet keeping.

From a total of 5,488 known mammal species on earth, the vast majority can be kept as pets in many EU Member

States. This does not imply all of the known mammal species are currently kept as companions, but there are in most cases very limited restrictions to an individual’s choice. People who want an uncommon exotic pet will encounter few obstacles or obligations to consider the level of maintenance and care that the animal requires, the risks attached to its keeping or whether the animal will actually benefit in any way from being kept as a pet.

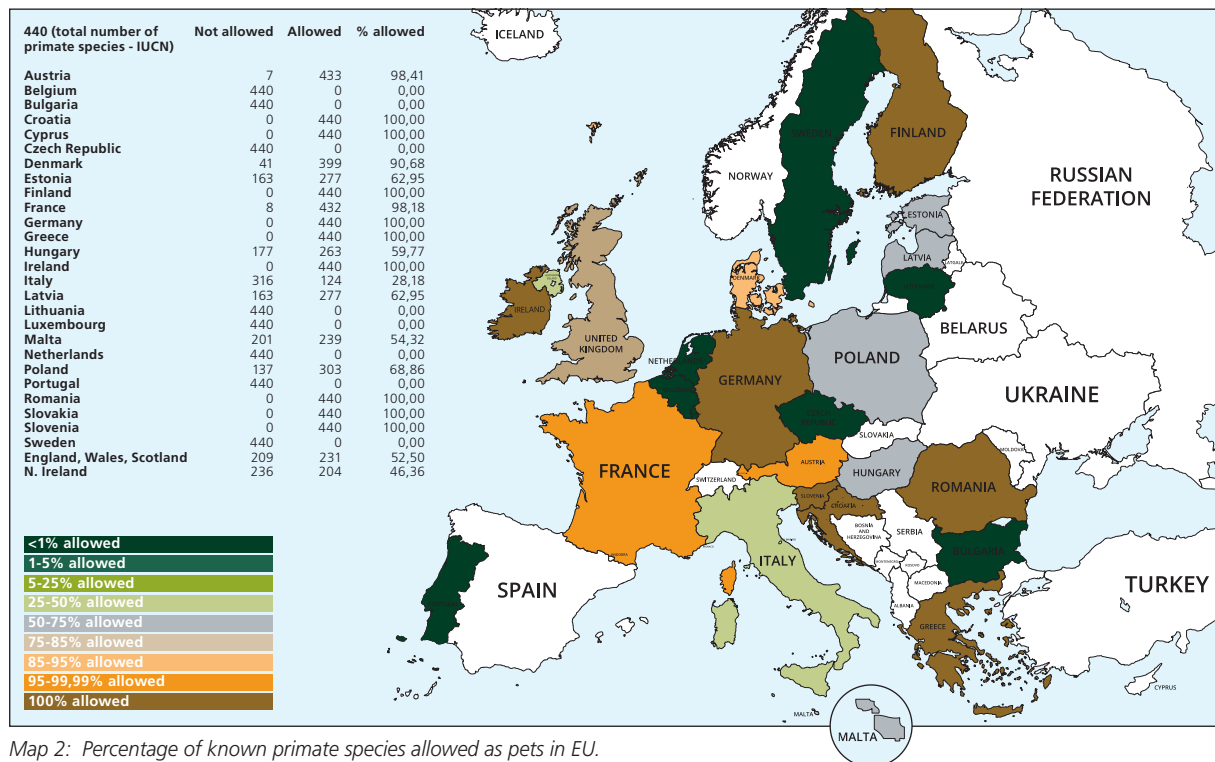
The contrast between France and Germany, where 95-99.99% of all mammal species are allowed as pets, and the Benelux countries, which only permit a very small amount, is striking and underlines the fact that even in neighbouring regions the differences in the regulatory framework can be dramatic.

³ Taxonomy commissions produce periodically revised classifications of animal species at the level of genus, species and subspecies for use by the IUCN (as was the case for felidae in 2017). Bans and negative lists of certain species have to be updated after such a revision, in order to prevent the trade and possession of the newly classified species.



PRIMATES AS PETS

Unlike biomedical research with great apes, which has been banned throughout the EU since 2010⁴, primates –potentially also great apes,- can still be kept as pets in a number of Member States. Eight of them, scattered all over the European continent, allow all primate species to be kept as pets. On the other side of the spectrum, seven countries have prohibited all primates as pets.



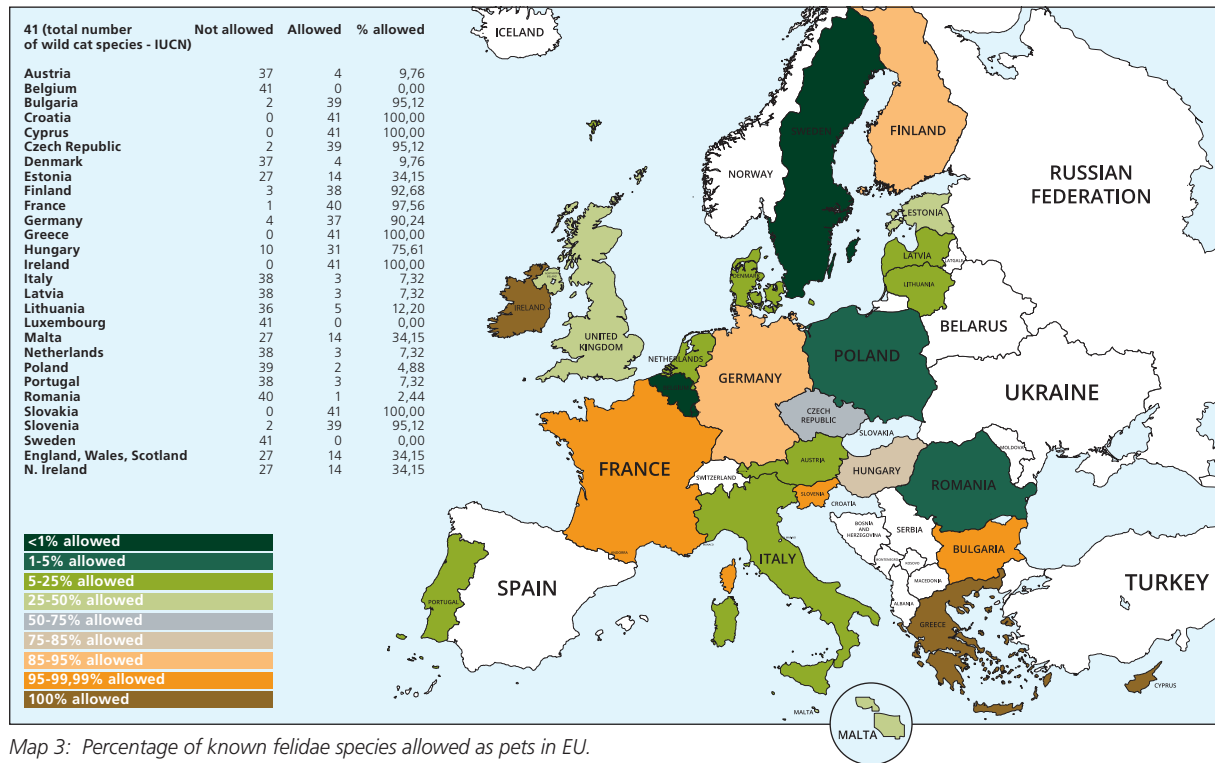
Captive primate care is extremely complex and can only be provided by highly specialised facilities such as reputable zoos and rescue centres. Lack of proper care leads to severe behavioural and veterinary problems which often result in the animals eventually being handed over to a rescue facility.

⁴ Directive 2010/63 on the protection of animals used for scientific purposes, states 'The use of great apes, as the closest species to human beings with the most advanced social and behavioural skills, should be permitted only for the purposes of research aimed at the preservation of those species (...)



WILD CATS AS PETS

Wild cats (Felidae) include species like lion, tiger, lynx and serval. As in the case of primates, the differences in regulation throughout the EU are significant. All felidae species, including the clearly dangerous 'big cats', are allowed in five Member States, with another three permitting between 95% and 99.99% of the species. Private keeping of wild cats as pets is severely or totally restricted in only three countries.



Cross-comparison:

The comparison of all data sets reveals some interesting contrasts. Denmark prohibits 53% of all mammal species as pets, including almost all felidae. However, 91% of all primate species are still allowed. The opposite happens in Bulgaria, where primates cannot be kept as pets but all wild cats are permitted.

General conclusions and recommendations

In most EU Member States, this study shows, there is no comprehensive list with all species allowed or not allowed. There are separate but incomplete pieces of legislation covering the same subject from different angles (See Annex I), at different regulatory levels (local, regional, national and European⁵), and making use of varied and sometimes conflicting definitions for different categories of animals (i.e. 'pet' or 'wild'.) This contributes to what we call the 'puzzle effect': a nightmare for enforcers and the perfect breeding ground for illegal wildlife trade, the appearance of severe public health risks and, naturally, serious animal welfare concerns attached to exotic pet keeping. Additionally, the situation hampers transparency and legal certainty, as cit-

izens and enforcement authorities are less easily able to identify what is and is not allowed according to the law.

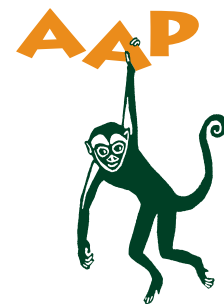
Importantly, given the pan-European dimension of the exotic pet trade, the different regulations adopted by Member States have the effect of influencing the trade in companion animals and have thus a direct impact on the proper functioning of the internal market.

The principle of subsidiarity encourages allocation of the competences in various policy fields to the most appropriate level of governance. On the basis of this study we claim that the trade and keeping of exotic animals as pets can be best regulated at Union level.

A Positive List of species allowed to be kept throughout the EU, taking into consideration the different arguments for regulation, would solve many of the issues mentioned above. It is the most **comprehensive, effective, concise, transparent, enforceable and economically feasible way of regulating the trade and keeping of exotic animals as pets.**

⁴ The Small Indian mongoose, Pallas' squirrel, Muntjac deer, Coypu, Coati, Raccoon dog, Muskrat, Raccoon, Grey squirrel, Fox squirrel, Siberian chipmunk are on the so called Invasive Alien Species concern list. These species are prohibited to keep when ownership has been transferred after 3rd august 2017, one year after the regulation became into force. Animals already in private possession before the regulation came into force are under conditions allowed via a grandfathering clause.





Overview rationale for national regulation in EU-MS for exotic pet keeping				
	Animal-oriented			Human-oriented
	Protection of global biodiversity	Protection of native biodiversity, ecological risks	Complex biological needs of the species requiring specialist care, veterinary aspects	Zoonoses, danger for humans
Austria			XXX	
Belgium		XXX	XXX	XXX
Bulgaria	XXX	XXX	XXX	
Croatia				
Cyprus				
Czech Republic	XXX		XXX	
Denmark			XXX	XXX
Estonia	XXX	XXX		
Finland	XXX	XXX		
France		XXX		XXX
Germany		XXX	XXX	
Greece				
Hungary		XXX		XXX
Ireland				
Italy				XXX
Latvia	XXX		XXX	
Lithuania	XXX		XXX	
Luxembourg	XXX	XXX	XXX	XXX
Malta			XXX	
Netherlands			XXX	
Poland	XXX	XXX		XXX
Portugal	XXX	XXX		
Romania	XXX	XXX		XXX
Slovakia				
Slovenia		XXX		
Sweden			XXX	
England, Wales, Scotland		XXX		XXX
N. Ireland				XXX