

Wild animals in captivity – Animal welfare, law and enforcement

19th and 20th June 2013, Brussels

CONFERENCE OUTCOMES & RECOMMENDATIONS

Conference Partners:



The following provides an overview of the discussions at the inaugural international conference on the welfare of wild animals in captivity, together with recommendations for improvement, presented by the Conference Partners. Current information concerning the status of zoos, wild and exotic animals kept as companion animals and animals used in performance, the main topics discussed, is included in the Appendix within this document.

General Outcomes

- **The Conference included over 100 delegates from Member State (MS) competent authorities, NGOs, industry and European and international trade associations. A total of 25 countries were present, including government representatives from 20 European Union countries.**
- **The Conference aimed to identify workable solutions to improve the lives of wild animals in captivity in the European Union.**
- **Discussions focused on wild animals in captivity, including those in zoos, aquaria and dolphinariums, circuses and travelling menageries, those used in TV, advertising and on stage, and those kept as companion animals. Wild animals kept for research and those used for hunting purposes were not discussed.**
- In the EU there are believed to be more than 3,500 zoos (as defined by Council Directive 1999/22/EC), which includes 34 dolphinariums, and at least 900 circuses that use wild animals.
- Due to a lack of monitoring and control in the majority of Member States, it is not known how many wild animals are involved in the entertainment industry (specifically those used in performances), but numbers are believed to be in the tens of thousands.
- Whilst the numbers of wild animals kept as companion animals, or 'pets', remains unknown, an estimate by the Pet Food Manufacturers Association (2011) states there to be over 42 million non-domesticated 'pets' kept in the UK, which is thought to include between 2,500-7,500 non-human primates (RSPCA & Wild Futures, 2009).
- In recent years, there has been an unprecedented increase in the number of exotic and wild species being kept as companion animals. These include mammals, birds, reptiles, amphibians, fish, crustaceans and invertebrates.
- It is generally agreed that, as a minimum, all wild animals in captivity should be provided their biological needs, irrespective of their use or circumstance, and their species-specific physical and behavioural requirements should be understood and respected.
- Wild animals in captivity are also sentient beings. The protection of wild animals in captivity should be integrated into EU law (Article 13 of the Lisbon Treaty/TFEU). Through the proposed European Framework Animal Welfare Law, establishment of basic requirements shall be foreseen.
- Council Directive 1999/22/EC regulating zoos across the EU provides provisions that require animals to be kept in conditions that meet their biological and species-specific needs. Actions by

stakeholders such as the Born Free Foundation and the European Association of Zoos and Aquaria (EAZA), and others, are helping to improve the welfare of the animals in zoos.

- Quality of legislation and its enforcement varies significantly between MS. While some MS do focus on the protection of the welfare of wild animals kept in captivity, others need to commit greater efforts to the development and appropriate implementation of relevant legislation.
- Some MS, e.g. Austria, UK and Spain, have established effective initiatives that have improved the knowledge of Competent Authorities and increased law enforcement capacity. However, generally, access to regular training to improve and maintain knowledge in the majority of MS is minimal.
- Austria, Croatia, Cyprus and Greece have prohibited the use of all wild animals in circuses, whilst others have indicated that prohibition is likely, e.g. Belgium, England and the Netherlands. Large numbers of circuses with wild animals exist in France, Germany, Italy and Spain.
- Belgium and the Netherlands have established a positive list of mammals, categorising wild animal species permitted to be kept by private individuals, whilst other MS, e.g. Austria, Denmark, Greece, Finland and Norway have also indicated that a positive list is the preferred approach to regulating this issue.
- Italy has a Ministerial Decree specific to the keeping of bottlenose dolphins (*Tursiops truncatus*) in captivity. Requiring specifications in infrastructure, dolphin use and animal care, the law is internationally valued, but in Italy, the law lacks effective enforcement and sanctions in the event of non-compliance.
- Split competencies and responsibilities between MS competent authorities (i.e. Ministry of Environment (biodiversity) and Ministry of Agriculture (animal welfare)) often result in poor implementation and enforcement of legislation, frequently due to poor communication between the authorities.
- Wild animals may, for various reasons, represent an animal and public health risk, for example, if they are moved into an establishment from an unknown source, taken across borders, or relocated from one environment into another environment without the necessary checks. In recent years, infectious pathogens that originate in wild animals have become increasingly prevalent throughout the world and have had substantial impacts on human health, agricultural production, wildlife-based economies and wildlife conservation. Appropriate preventive measures should be taken to avoid the spread of transmissible animal disease, as does the need to reduce the risk of introducing invasive alien species into the natural environment.
- Knowledge of basic and species-specific needs and housing is limited. High quality zoos seek to ensure appropriate housing conditions but in the vast majority of European zoos, conditions are substandard (EU Zoo Inquiry 2011), failing to provide the animal with its species-specific requirements. Enclosures tend to be minimal in size and lack the complexity and effective enrichment, necessary to ensure satisfactory health and welfare.
- Multi-stakeholder collaboration is the key to achieve practical improvements.

Recommendations for improvement

The European Commission should:

- Establish general requirements for animal keeping that recognise the Five Freedom principals (FAWC, 1979), reflect the outcomes of the Welfare Quality® criteria and seek to ensure all animals have a 'life worth living'. The principals and criteria upholding acknowledged standards in animal welfare should be underpinned by a European Framework Animal Welfare Law, which should be applicable to all animals under the care of humans.

- Ensure European legislation correctly protects all wild animals held in captivity, which includes appropriate veterinary care, ensuring their optimal health and welfare. This basic requirement should be applicable to all facilities keeping wild animals throughout the EU, as well as those animals in trade.
- Ensure information concerning animal protection in MS, particularly examples of best practice, is consolidated, centralised and made easily accessible; actively encourages scientific research to establish evidence-based husbandry standards and procedures; establish basic requirements for competence for animal caregivers; and to establish species-specific animal welfare indicators.
- Encourage MS to register all facilities that keep wild animals, and to include records of all species kept, numbers and their origin. Competent Authorities should also ensure all wild animals housed in captivity undergo regular veterinary assessment and treatment, as necessary (Animal Health Law).
- Encourage MS to share knowledge of initiatives that have helped to improve the capacity of Competent Authorities and increased law enforcement, e.g. through the European Network of Reference Centres, the European Enforcement Network of Animal Welfare Lawyers and Animal Welfare Commissioners, or other collaborative opportunities.
- Encourage MS to regulate, centralise and co-ordinate inspection procedures nationally, thus ensuring accurate details of the number of facilities keeping wild animals in captivity, both nationally and at a European level. Furthermore, a European database should be developed, where specialised independent veterinary inspectors competent to evaluate and deliver consistent standards against established criteria are enlisted. Inspections should be regularly undertaken, follow a structured protocol, ensure consistent application, and record results on an effective recording system.
- Support MS, in their endeavours to improve the knowledge of Competent Authorities, provide training and guidance, and encourage a consistent approach to application and regular evaluation of deliverables. For example, the development of the EU Zoos Directive Guidance and Best Practice Handbook and the training of officially authorised veterinary practitioners (both European Commission initiatives) will undoubtedly improve knowledge and therefore enforcement.
- Encourage MS to provide an annual report to the European Commission on the status of animal welfare in all registered captive animal facilities.
- Encourage MS to establish an Expert Advisory Committee, consisting of appropriately qualified stakeholders across a range of relevant disciplines, to advise Competent Authorities on all animal protection issues. This has been proven particularly beneficial for zoo regulation.
- Undertake infringement procedures against any MS that fails to effectively apply animal protection law.

The EU Member States should:

- Establish and enforce legislation to regulate the use of wild animals used within the entertainment industry, e.g. in film, TV and advertising. The national association representing advertising agencies should be encouraged to establish voluntary industry guidance aimed at protecting the welfare of any animals used and preventing any abuse. The MS may need to consider statutory regulation of this industry in order to sufficiently protect the animals.
- Prohibit the use of all wild animals in circuses and travelling menageries, in recognition of the fact that conditions are unlikely to meet the species' basic and species-specific needs.
- Ensure all zoos (as defined by EC Directive 1999/22) are licensed and comply with the requirements of Article 3 of the Directive and national zoo law. Zoos not meeting their obligations should be closed and the displaced animals humanely rehomed.
- Consider adopting a positive list (with criteria) for mammals, birds and reptiles, permitting only those listed to be approved for keeping by private individuals. The positive lists of Belgium and the

Netherlands should be publicised EU-wide and the sharing of such information among the EU MS should be actively promoted.

- Ensure national and local state officers in the Competent Authorities have access to accurate and complete information and are provided regular training to maintain and improve their capacities. This will ensure proper implementation and enforcement of legislation.
- Accurately record all wild species, their origin and numbers, which exist within or enter their jurisdiction, with data held on a centralised system to ensure their traceability. The Competent Authority should be satisfied that all necessary veterinary checks are undertaken and measures are in place to prevent any risks to animal welfare and public health.
- Ensure the Competent Authorities, which may involve different ministries, collaborate effectively, operate to similar standards and have the same level of competency.
- Ensure a focus on establishing robust and practical frameworks aimed at guaranteeing the psychological and physical wellbeing of the managed animals, irrespective of the way they are used (e.g. pleasure, entertainment or companionship), providing a suitably complex captive environment and effective environmental enrichment that encourages natural behaviours.
- Ensure animals used in a performance context are only permitted to display natural behaviours consistent with the behaviour of the species in the wild.
- Ensure activities that involve the keeping of wild animals are required to uphold high standards in animal welfare that are consistent with national and international requirements and that these are based upon best practice requirements, as opposed to minimum standards.
- Establish a protocol for the humane closure of zoos (and other captive animal facilities), which includes the establishment of an industry-wide financial insurance product that will cover related costs including the rehoming of displaced or confiscated animals.
- Agree a definition and Terms of Reference for a legislative framework for registering and the operation of animal sanctuaries and rescue centres.
- Establish a protocol for captive wild animal facilities that are required to undertake conservation activities, e.g. zoos (as defined) to permit the effective evaluation of such activities, their impact on conservation (including public awareness) and their impact on the welfare of the animals involved.

Other stakeholders:

- National and international associations representing facilities keeping captive wild animals that have minimum operational standards, should establish a self-inspection regime and ensure that all members comply with those standards.
- Different stakeholders' initiatives, such as ABTA's *Global Welfare Guidance for Animals in Tourism*, which integrates the protection of wildlife and animal welfare into their Standard Operating Procedures, should be widely promoted.

APPENDIX

References to outcomes of previous reports published and conferences held concerning the use of wild animals in captivity in the EU.

- The *EU Zoo Inquiry*, undertaken by the Born Free Foundation, has identified:
 - ◆ Poor implementation of the requirements of the EC Zoos Directive in eight Member States (MS);
 - ◆ Ineffective enforcement in all 20 MS assessed: partially due to a lack of resources, but predominantly due to the limited knowledge and expertise of Competent Authorities;

- ◆ Unlicensed, but operational zoos in the majority of MS. Limited alternative appropriate accommodation for displaced animals;
- ◆ Veterinary authorities assigned to the assessment of animal welfare in zoos lack knowledge and training specific to wild animal health and welfare;
- ◆ Some of the 200 zoos assessed (as part of the EU Zoo Inquiry 2011 project) did comply with their legal requirements but the vast majority did not;
- ◆ Those zoos affiliated to a national (e.g. BIAZA) or European trade (e.g. EAZA) association often demonstrated higher standards, but this was not the case for all member zoos;
- ◆ The commitment to species conservation, scientific research and public education was limited, despite the specified requirements in the EC Zoos Directive;
- ◆ The majority of animals observed were housed in inappropriate conditions that failed to meet their biological and species-specific requirements. The minimum requirements established by 9 of the 20 MS did not appear to be based on scientific criteria, the provision of suitably complex environments and the use of appropriate environmental enrichment appeared minimal;
- ◆ Non-compliant zoos are not being closed and animals remain in poor conditions.

➤ Conclusions of the *keeping of wild (exotic) animals as pets* as provided by the Federation of Veterinarians of Europe (FVE), identified:

- ◆ In the recent years, there has been an unprecedented increase in the number of exotic species being kept as companion animals. Whilst the keeping of primates is a concern, rodents are the most widespread wild pet and the number of reptiles traded as pets is believed to be huge, but there is a lack of accurate data;
- ◆ There is a need to raise public awareness concerning the risks to animal health and the welfare of wild animals kept as pets, as well as the potential risks for human health, such as transmission of zoonotic diseases;
- ◆ The need to encourage awareness and education at all levels concerning the special needs of wild species kept as pets including professionals dealing with wild animals, animal keepers and the general public;
- ◆ Abandoned animals, or those that escape captivity, can cause severe negative ecological impacts on the natural environment;
- ◆ Limited and inconsistent international, national and local legislation continues to permit unregulated, uncontrolled and unmonitored trade in and keeping of such animals;
- ◆ Not all species are suitable as companion animals. Defining companionship requirements and conducting assessment studies would enable us to propose proportionate measures. In that way we can ensure that neither animal health and welfare nor public health or the environment will be compromised.

➤ The use of *wild animals in performances* is common in circuses and dolphinariums as well as in some zoos, in TV advertising, film and theatre, as props in magic shows and at events. Concerns include:

- ◆ Misrepresentation and distorted information concerning the species and its natural attributes and behaviour;
- ◆ Housing is usually inadequate for the species and its needs, in particular it may be overly restrictive: largely cramped due to the need for easy transportation;
- ◆ Training, which usually requires the animals to perform unnatural behaviour, is often based on negative reinforcement, as opposed to positive reinforcement;
- ◆ Performance involves circus-style stunts and tricks, as opposed to natural behaviour;
- ◆ Significant risks to human health and safety may arise where close proximity to potentially dangerous animals can cause physical injury and disease transmission;
- ◆ Significant risks to animal health and welfare are widespread.