

Identifying the training needs of EU Member State competent authorities

Survey to assess implementation of legislation and need for training: wild animals kept in captivity



The implementation and enforcement of legislation that seeks to safeguard the welfare of wild animal species kept in captivity is largely devolved to the EU Member State competent authorities. The Born Free Foundation has long documented poor conditions for captive wild animals in Europe, and was keen to test a hypothesis that the substandard conditions are a result of an inability of competent authorities to effectively apply relevant legislation. All EU Member State competent authorities were invited to participate in an online survey to identify needs for capacity-building and training; the findings indicated:

1. A fragmented approach, with a division of tasks and objectives across numerous government departments and services, concerning the implementation and enforcement of European and national legislation relating to the keeping of wild animals in zoos and aquaria, circuses and travelling exhibitions, as companion animals, and those in trade.
2. Inconsistent knowledge and understanding across the EU Member State competent authorities concerning the requirements of the legislation for which they are responsible.
3. Competent authorities, in particular the services that enforce existing legislation (inspecting facilities and safeguarding animal welfare), lack sufficient knowledge and expertise.
4. State or regional veterinary authorities lack vital knowledge relating to the appropriate keeping of the different species of wild animal and do not have the ability to assess their welfare.
5. Competent authorities welcome training and additional guidance, in particular in the assessment, development and application of housing and husbandry requirements for the different species of wild animal, evaluation of conservation programmes and development of effective inspection procedures.
6. Competent authorities are keen to improve their knowledge and expertise, and subsequently their ability to effectively implement and enforce animal protection and species conservation legislation.

Acknowledging that EU Member State government budgets are under pressure, resources are limited, and opportunities for additional training are extremely limited, the Born Free Foundation does not believe that Member State competent authorities will have access to much-needed training and capacity-building in the near future. A greater commitment by the European Commission to ensure Member State competent authorities have the necessary support and training is therefore required.

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Conditions for many wild animals in European zoos remain substandard.

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In some zoos, wild animals are trained to perform unnatural behaviours. Such activities can compromise their welfare and do not comply with national law.

Introduction

The European Union has, since 1997, demonstrated its international leadership role and commitment to upholding high animal welfare standards. The Treaty on the Functioning of the European Union recognises their sentience (Article 13) and has imposed this principle on the Union and the European Member States, which have established national animal protection legislation. However, as with any legislation, the objectives it is intended to achieve will only be met if it is effectively implemented and enforced. This requires appropriately knowledgeable, trained and motivated competent authorities.

Currently, European legislation seeking to protect the welfare of animals predominantly concerns the use of domestic animals in food production, and both domestic and wild species used in scientific research, by stipulating species-specific requirements. European legislation that concerns the use of other animals of wild species, however, such as the Council Regulation 338/97/EC, regarding the protection of species of wild fauna and flora in international commerce by regulating trade, or the Council [Zoos] Directive 1999/22/EC, relating to the keeping of wild animals in zoos, only recognises animal welfare as a secondary requirement (with species conservation being the primary objective). It should be noted that, in this regard, only the most basic level of animal welfare is recognised, and this does not include species-specific requirements.

Responsibility for the implementation of this EC legislation and its requirements falls to individual Member States, national legislation, and their respective competent authorities, which must ensure that appropriate care is given to all the relevant animal species. This responsibility, therefore, is relevant to thousands of animal species, each one with their own inherent welfare needs.

The ability for Member State competent authorities to effectively apply and enforce animal protection legislation for all relevant species has long been a concern of international wildlife NGO, the Born Free Foundation. For example, the Foundation undertook the most comprehensive investigation into the implementation of the EU Zoos Directive to date, *The EU Zoo Inquiry 2011*.⁶ The investigation's findings indicated that the lack of relevant knowledge and expertise amongst Member State competent authorities significantly hindered the effective implementation and enforcement of the legislation and its requirements.

Subsequent surveys involving Member State competent authorities (2012;¹ 2013;² 2014³) have confirmed that there remains a widespread lack of fundamental knowledge concerning the welfare of wild animals⁴ and, in particular, an inability to evaluate and safeguard the specific needs of the many different species involved. This ongoing process of evaluation included a widespread consultation conducted in February 2013, as part of the development of The EU Zoos Directive Good Practices Document,⁵ which reported that 87% of the competent authorities which responded (n=15) confirmed that they required additional information about 'animal welfare requirements', as stipulated in the EU Zoos Directive.

This acknowledged lack of expertise and capacity by EU Member State competent authorities is likely to significantly contribute to the poor enforcement of legislation. In order to test this perception, the Born Free Foundation was keen to specifically identify the knowledge gaps of Member State competent authorities. Further, having particular concern for the welfare of wild animals in captivity (namely those in zoos, captive dolphin facilities, travelling circuses, and those kept as pets), the Born Free Foundation wanted to evaluate the hypothesis that the poor conditions consistently documented is as a result of the inability of the Member State competent authorities to identify, assess and safeguard these species through effective application of and compliance with the relevant legislation.

Between August 2014 and January 2015, in collaboration with VetEffect, which project-managed The EU Zoos Directive Good Practices Document, the Born Free Foundation created an online survey to identify the knowledge gaps, and therefore the training needs of EU Member State competent authorities. Intent on making the findings of the online survey as useful as possible, Member State authorities were invited to participate at national, regional and local levels.

This document provides an overview of the findings of the above described survey. Common trends in the feedback from the Member State competent authorities have been identified, which indicate the extent of current problems and limitations that may be hindering the implementation and enforcement of legislation that regulates animal protection and species conservation across EU Member States.



There is an expectation that vets have the ability to diagnose, treat and care for a huge variety of animal species; each with their own inherent welfare needs. Yet knowledge of exotic species is rarely included in undergraduate veterinary education.

Methodology

An online survey, entitled, 'Survey to assess implementation of legislation and need for training: Wild animals kept in captivity', was divided into five topic areas: national animal protection legislation; zoos and aquaria; circuses and travelling exhibitions that feature wild animals; wild animals kept as companion animals; and wild animals in trade. The questionnaire was available in eight European languages: Bulgarian; English; French; German; Italian; Polish; Romanian and Spanish. Competent authorities from each of the 28 EU Member States were consulted, and the responsible official identified and asked, via email and telephone, to complete the questionnaire for those sections relevant to their competency.

The questionnaire (available at www.veteffect.ecu/bornfreesurvey) required specific information about the respective legislation, its implementation and enforcement, and further, sought clarification as to the need for capacity-building and training. In this regard, the respondent was asked to identify 10 competencies from a list, applicable to each topic area, where capacity-building was believed necessary and asked to prioritise those, by ranking from 1 to 10 (1 being the highest priority).

Results

A total of 59 responses were obtained from 17 EU Member States. Of this total, 48 respondents completed the questionnaire. Respondents included competent authorities at national, regional and local levels, which included certified veterinarians, active in inspections of zoos and other facilities that keep wild animals in captivity. The number of respondents varied between Member States: one respondent from Croatia, Cyprus, Latvia, Luxembourg, Slovakia and the United Kingdom; two respondents from Estonia, Finland, Italy and Malta; three respondents from Lithuania, Poland and Portugal; four respondents from the Netherlands and Spain; six respondents from Romania; and 22 respondents from Bulgaria.

Across the responding Member States the evidence suggests that the competent authority principally responsible for the implementation of national animal protection legislation is the Ministry of Agriculture (or an equivalent), whilst the State or regional veterinary services are responsible for its enforcement. Zoo regulation is predominantly implemented by the Ministry of Environment (or an equivalent), whilst the required inspections are undertaken by both environmental protection and veterinary services. Circuses and travelling exhibitions that feature wild animals are regulated by the Ministry of Agriculture or the State Veterinary Services in the majority of responding Member States.

The competent authority regulating the keeping of wild animals as companion animals is either the State Veterinary Services or the regional environmental inspectorate, dependent on the Member State, but inspections are generally carried out by regional/local veterinary practitioners. The Ministry of Environment is principally responsible for overseeing the trade in wild animals. Competencies across the five topic areas, relating to the keeping of wild animals in captivity, are largely divided between the Ministry of Agriculture and the Ministry of Environment (or their equivalents).

Overall, feedback from the competent authorities identified the need for further training and additional guidance on the regulation of: zoos and aquaria (5:6); circuses and travelling exhibitions (9:10); wild animals as companion animals (5:8); and wild animals in trade (2:3).

The following provides an overview of the feedback across the 17 EU Member States, indicating the top 10 competencies (ranked by importance), for each topic area, identifying where additional training is required:

Topic: Regulation of zoos and aquaria

- 1. Conservation programme objectives and evaluation protocols**
- 2. Animal welfare indicators and assessment criteria**
- 3. *In-situ* conservation: effective participation and linking to other zoo activities**
- 4. Specific housing requirements**
- 5. Specific husbandry requirements**
6. Conservation measures (including information exchange, captive breeding, reintroduction/repopulation of species into the wild)
7. Ecological threats and preventing animals' escape into natural habitat
8. Environmental enrichment (effective physical and mental stimulation based on wild behaviour)
9. Zoo inspection protocol, procedure and compliance
10. Licensing and categorisation of zoos

Topic: Regulation of circuses and travelling exhibitions that feature wild animals

- 1. Animal welfare indicators and assessment criteria**
- 2. Specific husbandry requirements**
- 3. Specific housing requirements**
- 4. The impact of animal training and performance**
- 5. Sanctions, confiscations and the management of the animals**
6. Transportation of animals
7. Animal health and veterinary programme (quarantine, screening, euthanasia, etc.)
8. Circuses and travelling exhibitions inspection protocol and procedure
9. Management of the collection (origin and exchange of animals, population control, surplus animals, etc.)
10. CITES (UN's Convention on International Trade in Endangered Species) and EU wildlife trade regulation

Topic: Regulation of wild animals kept as companion animals

- 1. Ecological threats and preventing animals' escape**
- 2. The registration and licensing of wild animals kept as companion animals**
- 3. The development of species lists identifying animals suitable for keeping and pets**
- 4. Regulation of pet shops, fairs and markets**
- 5. Public education and responsible ownership**
6. Establishment and the operation of advisory bodies and ethical committees
7. Species identification, recording and monitoring
8. Regulation of animal sanctuaries and rescue centre
9. Animal health and veterinary programme (quarantine, screening, euthanasia, etc.)
10. Environmental enrichment (providing animals effective mental stimulation)

Topic: Regulation of wild animals in trade

- 1. Specific housing requirements**
- 2. Appropriate animal transportation**
- 3. CITES and EU wildlife trade regulation**
- 4. Species identification, recording and monitoring**
- 5. Animal handling**
6. Inspection protocol and procedure
7. Specific husbandry requirements
8. Animal welfare indicators and assessment criteria
9. Animal health and veterinary programme (quarantine, screening, euthanasia etc.)
10. International Air Transport Association (IATA)'s Live Animals Regulations

Specific feedback from Member States, together with relevant information and, where possible, guidance, has been shared with respective governments and will not be published.

Across the above four topic areas, the top five ranked competencies where the EU Member State competent authorities require additional training and support are the housing and husbandry requirements of wild animals kept in captivity; the ability to identify and assess animal welfare and guidance on effective regulation and inspection.

Conclusions

This investigation, initiated by the Born Free Foundation and in collaboration with VetEffect, has confirmed that EU Member State competent authorities lack vital knowledge and would welcome additional guidance and training in order to effectively apply existing legislation protecting the welfare of wild animals in captivity. This is consistent with the findings from previous Member State surveys in 2012 and 2013, is likely to be the case in all EU Member States, and it is likely to be a significant factor contributing to shortcomings in the application of legislation across the EU.^{6,7,8,9}

Recommendations

The Born Free Foundation therefore recommends:

1. Recognising that the European Commission (2015 - 2020) has prioritised better regulation and improved enforcement, the Born Free Foundation encourages the European Commission to support the Member State competent authorities in the delivery of these responsibilities to wild animals in captivity, while upholding the principles of subsidiarity, by facilitating training and guidance;
2. The European Commission reconsiders its commitment to animal welfare protection, re-instates its Animal Welfare Unit and increases its scope to include responsibility for the protection of wild animals in captivity by supporting the proposed creation of a 'One Stop Shop' for animal welfare within the European Commission;¹⁰
3. The European Commission commits to a programme, involving competent authorities and other relevant stakeholders, to develop consistent animal welfare indicators and best practice guidance for wild animals species commonly kept in captivity;
4. The European Commission creates a training initiative similar to Better Training For Safer Food (BTFS), to provide training and capacity-building for Member State competent authorities in relation to the protection of captive wild animals;
5. The Member State governments consider adopting other national training and capacity-building programmes to improve knowledge and enforcement of animal protection legislation;
6. The Member State governments ensure all national, regional and local competent authorities receive regular training to improve and maintain their knowledge and expertise.

Unless the training needs of the Member State competent authorities are addressed, the implementation and enforcement of respective legislation is unlikely to improve which, in turn, will leave millions of captive animals without the comprehensive and consistent animal welfare protection they deserve, and which millions of European citizens expect.





The conditions under which dolphins are housed in European zoos have not changed for decades, despite many experts stating odontocete species cannot fully adapt to confinement in zoos and aquariums.

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The Born Free Foundation is an international wildlife NGO, founded in 1984 by Virginia McKenna and Bill Travers, following their starring roles in the classic film 'Born Free', with their son Will Travers. Today the Foundation works worldwide for wild animal welfare and compassionate conservation. Born Free supports and manages a diverse range of projects and campaigns; embracing both compassion and science in setting an agenda that seeks to influence, inspire and encourage a change in public opinion away from keeping wild animals in captivity.

In the short term, the charity works with governments, the travel industry and like-minded organisations to seek compliance with existing legislation and improve the welfare conditions for wild animals currently held in zoos. Via our Compassionate Conservation agenda, we provide protection for threatened species and their habitats across the globe. Working with local communities, Born Free develops humane solutions to ensure that people and wildlife can live together without conflict.

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