

# **PROPOSED NEW EU ACT INITIAL ASSESSMENT OF IMPACT**

**DSC REF:** [Insert **the unique reference number allocated by the DSC**]

## **Proposed New EU Act to be added to Annex 2 to the Windsor Framework**

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the welfare of dogs and cats and their traceability (COM/2023/769)

These proposals do not replace or amend any regulations already present in the annexes of the Windsor Framework. The EU would need to seek the UK's agreement at the Joint Committee, when the proposal has been adopted, to add the regulations to the Windsor Framework via the Article 13(4) process. The Commission has indicated that the proposal would be relevant to Article 13(4) and that process would be subject to the democratic mechanisms in the Windsor Framework.

## **Summary of the Act**

General welfare principles for breeding establishments; persons selling cats; and dogs establishments and shelters.

Articles 5 and 6 - restrictions on breeding animals with extreme physical characteristics which cause them suffering.

Article 7 - minimum age for breeding animals and a restriction on the frequency of pregnancies. There would be mandatory approval and registration of these establishments.

Article 8 - Information on responsible pet ownership must be provided to those acquiring a dog or cat.

Article 9 - Required competencies and training of animal caretakers. Animal caretaker is defined as a person taking care of the dogs and cats bred or kept in an establishment.

Article 10 - Annual advisory visits by a vet for welfare purposes will be required for animal shelters and breeding establishments.

Article 11 - Standards for providing feed and water to dogs and cats for animal shelters and breeding establishments.

Article 12 - Minimum standards for housing for animal shelters and dog breeding establishments.

Articles 13 and 14 - Requirements to take care of the health and behavioural needs of dogs and cats.

Article 15 - Certain painful practices are prohibited, with allowances in some circumstances, for example ear cropping is banned but the notching of cats' ears in the context of trap neuter return programmes is permitted. The use of muzzles is prohibited, other than for the welfare of the animal or for public health or animal safety reasons. Applying electric currents to dogs or cats is prohibited.

Articles 17 and 19 - Identification of pets and national databases: All cats and dogs placed on the market would have to be microchipped and registered in a national database, and these databases will need to be interoperable. This means that it will be easy to search across all these approved databases, using a new single search portal to be developed by the Commission.

For online sales, suppliers would have to provide information on the identification and registration of dogs and cats through a website connected to national databases. This would allow buyers to verify the authenticity of their purchase.

Article 18 – Requirement for Member States to designate a competent authority responsible for ensuring that training courses are available for animal caretakers; and approving the content of courses.

Article 21 - Entry into the EU: The proposal clarifies that the welfare conditions for pets entering the EU for sale must be equivalent to those set by the proposal.

Technical requirement for feeding and weaning puppies and kittens, for housing, for space allowances, for breeding frequency and for behavioural needs are set out in the Annexes.

**Department(s) Responsible:**

Department of Agriculture, Environment and Rural Affairs  
Defra Secretary of State

**Initial Assessment of Impact**

**Does it appear likely that the application of the proposed new EU act would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist?**

The proposal will have an impact on cat and dog breeders; rescue and rehoming shelters; persons selling or buying a cat or dog; and those owning a cat or dog, as the regulation would introduce additional requirements, not present in domestic legislation, covering these areas.

**Does it appear likely that not applying the proposed new EU act would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist?**

The welfare of animals in breeding establishments and rescue and rehoming organisations, and the regulation of breeding and selling cats and dogs, are already catered for under domestic legislation. Therefore, dogs and cats will still be protected by law.

**Insert details of any other matters regarding the proposed new act that the Department wishes to draw to the DSC's attention. This information should be of an evidential nature rather than a commentary**

It is proposed that the regulation will apply from two years after it enters into force and is published, except for:

- Health requirements: three years after entry into force
- Caretaker training: four years
- Microchip regulations and microchip databases: four years
- Approval and inspection of breeding establishments: five years
- Housing: five years
- Online platforms requirements and automated checks: five years
- Common index EU microchip database: five years

### **UK Government Explanatory Memorandum**

The proposals aim to improve the health and welfare of dogs and cats in the EU and protect consumers by ensuring minimum common animal welfare standards for the breeding, keeping and placing on the market of dogs and cats bred or kept in establishments, by prohibiting certain practices such as ear cropping, and by promoting competence for animal caretakers.

It is understood that the UK Government will seek further information on the operation of the proposals, the evidence underpinning the request for the proposals to apply in Northern Ireland, the potential impacts in Northern Ireland, as well as the equivalency process and its application, and the potential to apply a specific agreement or specific agreements with the EU.

### **Analysis by the European Commission on its Impact Assessment**

The Commission state that the impacts are as follows:

- Some operators (those currently not following good animal welfare standards) will need to make investments to meet the new requirements regarding the 5 domains of animal welfare, also in particular housing, such as investments to allow animals to have sufficient space, appropriate lighting, and access to outdoors. The investments are estimated at EUR 7,500 (one-off) per breeding establishment or pet shop.
- Age and maximum litters - A marginal reduction in income per female is expected due to fewer litters per bitch or queen for those breeders currently doing intensive breeding. This adjustment cost is estimated to total EUR 246 million at EU level for all operators over the course of the transition period.
- Approval of breeding establishments - The approval costs will incur costs for competent authorities that have to do on-site inspections, unless the competent authority introduces a fee system to cover such inspection. In this case costs will be incurred for breeders who have not been subject to inspection yet, estimated at EUR 35.60 (one-off) for the visit of an official veterinarian.
- Training cost estimate for operators EUR 241.
- Operators (breeders, pet shops, shelters) will incur the yearly costs of an animal welfare visit from an official veterinarian, estimated at EUR 35.6 per visit.
- Member States which currently do not have a database to allow for the registration of the dogs and cats microchip will have to set up such database. All Member States will have to make their database interoperable.

## **Departmental Engagement**

Informal engagement with Defra through established channels.

DAERA officials invited to observe at Second meeting of the JCWG agri-food structured subgroup.