



Notification Number: 2004/215/F

Draft Decree on the protection of pet animals during their sale and activities involving them

Date received : 14/06/2004

End of Standstill : 15/09/2004

Message

Message 002

Communication from the Commission - SG(2004) D/51165

Directive 98/34/EC

Translation of the message 001

Notification: 2004/0215/F

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist.

(MSG: 200401165.EN)

1. Structured Information Line

MSG 002 IND 2004 0215 F EN 15-09-2004 14-06-2004 F NOTIF 15-09-2004

2. Member State

France

3. Department Responsible

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3. Originating Department

Ministère de l'agriculture, de l'alimentation, de la pêche et des affaires rurales - Direction générale de l'alimentation - Sous-direction de la santé et de la protection animale- Bureau de la protection animale- 251, rue de Vaugirard- 75732 PARIS CEDEX 15



4. Notification Number

2004/0215/F - C90A

5. Title

Draft Decree on the protection of pet animals during their sale and activities involving them

6. Products Concerned

Pet animals

7. Notification Under Another Act

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8. Main Content

Following Law No 99-5 of 6 January 1999 on dangerous and stray animals and the protection of animals, the different types of activities linked to pet animals (breeding, sale, training, dog obedience training and the public showing of domestic species of pet animals) can only be performed under the following conditions:

the activity shall be declared to the Prefect of the department;

conditions for keeping and maintaining domestic species of pet animals, including health aspects, and records shall be compliant with regard to the health and protection of animals;

at least one person in direct contact with the animals shall be a holder of a skills certificate declaring their competences and knowledge of the physiological and behavioural needs of the animals, the text regulating this certificate having already been published.

This text hereby presented relates to the first and second indents. The idea of breeding farms on home premises is introduced for certain categories of animals. Information and documents connected to the sale of pet animals shall be clearly defined and stated. Lastly, controls and penalties for all the aforementioned points and certain aspects of the European convention for the protection of animals are laid down.

9. Brief Statement of Grounds

In view of the considerable development of the activities of breeding and sale of pet animals, it was essential that a specific legislative and regulatory measure cover these activities and thereby allow the responsibility of both the seller and buyer of pet animals to be increased. Legislation applicable today lacks clarity in a certain number of fields and only concerns domestic carnivores. The draft Decree has now been adapted to the clearly stated objectives in Law No 99-5 of 6 January 1999 on dangerous and stray animals and on the protection of animals, i.e. to improve the moral standard of the sector and to combat impulse-buys by supplying sufficient information to the consumer who is buying the animals.

10. Reference Documents - Basic Texts

- a) European convention for the protection of pet animals, ratified by France on 3 October 2003.
- b) Decree No 2004-416 of 11 May 2004 on the publication of the European Convention for the protection of pet animals concluded in Strasbourg on 13 November 1987 and signed by France on 18 December 1996.
- c) Articles L. 214-1, L.214-2, L.214-4, L.214-6 to L.214-8 and L.215-9 to L. 215-11 of the Rural Code

11. Invocation of the Emergency Procedure

No



12. Grounds for the Emergency

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13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

No impact assessment has been carried out.

Nevertheless, in order to draft this text numerous consultations with representatives of professional organisations, animal protection associations, professional and amateur animal breeders, representatives of pedigree records, of the veterinary profession, scientists and ministries concerned by the application of the text (the Ministry of ecology and sustainable development and the Ministry of Finances) have taken place.

16. TBT and SPS aspects

TBT and SPS aspects (Agreements drawn up within the framework of the WTO)

TBT aspect (Agreement on technical barriers to trade)

a) No

b)

iii) The draft will not have any notable impact on international trade.

SPS Aspect (Agreement on sanitary and phytosanitary measures)

a) No

i) The draft is not a sanitary or phytosanitary measure within the meaning of Annex A to the SPS Agreement.

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European Commission

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