

To : ESDRA MEMBERS  
From : ESDRA BOARD  
1/11/2010

Re: EC decision 388/2010 Non Commercial transport of more than 5 dogs

As announced on the ESDRA Website August 3<sup>rd</sup>, the ESDRA had a reply to its lengthy comments sent to the European Commission regarding EC Decision 388/2010 (see Annex). In short the reply said that the Commission *“still considers the decision applicable as it is a question of public and animal health whenever more than five animals are transported.”* However, *“after initial experience,”* the Commission seems to consider *“that in certain cases involving a limited population of pet dogs, notably those related to sports or shows, the provisions of that regulation would be disproportionate.”* The reply to the ESDRA comments indicated that the European Commission planned to get more information in order to try to find a way to resolve the problem of fraud with *“reduced administrative burden,”* and planned to study and *“propose options to address this issue.”*

As it turned out this was the “model answer” the European Commission used to reply to other people and Members of Parliament, with slight changes to adapt it to the person being replied to. For example, contacts from Scotland, Germany, Italy and Sweden all got letters with replies very close to the one sent to ESDRA. So let’s not start jumping up and down for joy yet...

Are the Commission giving us a runaround? Difficult to say. It is however highly probably that the European Commission is getting very sick and tired of the whole issue.

Your humble secretary has been living with this problem all summer and recently called a person in the EU Commission who is in charge of replying to our questions (this may be different from “answering.”) This person told me, by telephone on Monday Oct. 25<sup>th</sup>, that the new proposals “are to be understood as follows”:

1. FIVE DOGS: the legislation is to be understood as “five pet animals accompanying their owner or responsible person.” In other words, in the vehicle there are to be at maximum five dogs per person. (*I should think we need to be careful that the “other people” in the car are not under age children...?*)
2. If there are more than five dogs “per person” then the transport certificate has to be made up.
  - A. The “clinical examination” is to be done by the accredited vet, in other words, the vet who has the authority to vaccinate the dogs against rabies. So, then, the dogs’ normal vet is OK unless he is not the one who has authority to vaccinate.
  - B. This vet fills in the passport section IX, for each dog.
  - C. Then the “owner or responsible person” takes the passports (not the dogs) to vet in the local Health Department or equivalent and asks for the certificate. Drivers needing to get the certificate should call this official vet and ask for information on the procedure.
  - D. Also proof of the non-commercial nature must be provided: race registration proof, show registration proof... For private reasons this will be more complicated but the driver can send a letter bona fide for example, with information on the training destination or family address. Again they can ask the official vet at the health department what sort of information they want for this sort of “holiday”.

- E. The official vet at the health department will look at the passports and other proof of non-commercial movement and will possibly contact the private vet to ask if in his opinion the movement is bona fide "non-commercial." This is a question of confidence; if the vet knows you he will say who you are and that you are not a "commercial venture".
  - F. **WHAT IS NEW AND "MORE FLEXIBLE IS:** The "transport document" will be valid for four months, even if you ask for it for one "event".
3. 24 hours before departure: "Brussels" said this can not be changed as it is a rule and very difficult to modify. But they also said we should interpret it as "as soon as possible before departure." We will see how this functions in reality with the officials.
  4. **Transport document:** there will be a slightly modified document published soon with the changes in the decision; this modification will say "valid for four months for non-commercial transport of pets" or something like that. However, for the moment, the current document must be used. They do not seem to want to make up another document, for the moment at least.
  5. **PUBLICATION PLANNED FOR MID NOVEMBER.**
  6. Drivers/owners should contact the local vet authorities (health department) for any further information.

PLEASE NOTE: This information should not be considered as "official" as it was given by telephone and I have not yet got the promised confirmation in writing; therefore this information is not to be published on official websites though it can be shared when needed.

Now, my idea is that we have to wait and see what will be published by the Commission mid-November. At the same time, I suggest that Members contact the Official Health/Veterinary Services in their areas and other veterinarians to see if they know **anything about any of this**. If we start asking the people on the ground about it we may find out just how much THEY know or don't know about it. If you get information that your official veterinary offices have no idea what you are talking about, or they look at you as if you have just landed off Mars, or anything else strange, please send it to ME, I am collecting and then I can send my file to Brussels and say: "and what about this? And this? And this?"

Meantime please do keep talking about it and getting people to write their MEP's: including and maybe even more importantly the unmarried citizens with no partners, travelling alone with two dogs, two cats and two ferrets (or six dogs or six cats or whatever) who now have to get this eejit document just to visit grandma on the other side of the border at Christmas... Because for the Commission this has become a "sled dog issue". It *is* but it's *more*. **It's about personal freedom to move about the EU**. For everybody.

Many thanks to all of you who have written letters and sent emails and telephoned and kept me updated. Keep up the good work, and even if we have not got the hoped-for results we have stirred up quite a pile of manure for the EU Commission... in itself no small undertaking.

*Michelle B.*

Annex: letter to ESDRA from EU Commission, Aug 2010
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EUROPEAN COMMISSION  
HEALTH & CONSUMERS DIRECTORATE-GENERAL

Directorate D - Animal health and welfare  
D1 - Animal health and Standing Committees

16. 07. 2010

Brussels,  
SANCO/D1/HK/cg (2010)411216  
AES (2010) 436871

Dear Mr Svanfeldt,

Thank you for your letter of 20 June 2010 sent to Commissioner Dalli and copied to President Barroso, who in turn asked me to reply on his behalf.

In your letter you expressed concerns about certain effects of Commission Regulation (EU) No 388/2010<sup>i</sup> and its negative impacts on the members of the European sled dog racing association and on dog-related activities in general.

Experience in the application of Regulation (EC) No 998/2003<sup>ii</sup> has shown that there is a high risk of commercial movements of dogs, cats and ferrets being fraudulently disguised as non-commercial movements, when those animals are moved into a Member State from another Member State or a third country listed in Section 2 of Part B of Annex II to that Regulation

In order to reduce the risks for public and animal health arising from such fraudulent movements, Regulation (EU) No 388/2010 provides that where more than five pet dogs, cats and ferrets are moved to another Member State, the more complex requirements and checks laid down in Directive 92/65/EEC<sup>iii</sup> for trade in animals of those species apply, including in addition a clinical examination and official veterinary certification.

However, initial experience in the application of Regulation (EU) No 388/2010 would indicate that in certain cases affecting a limited population of pet dogs, notably those related to sports or shows, the provisions of that Regulation would be disproportionate.

The Commission is therefore gathering information on the implementation of Regulation (EU) No 388/2010 and on the problems mentioned in your letter.

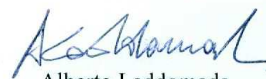
The matter has been discussed with the Member States in the framework of the Standing Committee on the Food Chain and Animal Health on 1 July 2010.

The Committee confirmed the need to address risks related to fraudulent movements of pet animals, but concluded that the problems recently emerged could be solved by reducing the administrative burden linked to the implementation of the current provisions.

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The Commission will therefore explore and subsequently propose options to address the issue.

Yours sincerely,



Alberto Laddomada  
Head of Unit

- i Commission Regulation (EU) No 388/2010 of 6 May 2010 implementing Regulation (EC) No 998/2003 of the European Parliament and of the Council as regards the maximum number of pet animals of certain species that may be the subject of non-commercial movement (OJ L 114, 7.5.2010, p. 3.)
- ii Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC (OJ L 146, 13.6.2003, p. 1)
- iii Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A (I) to Directive 90/425/EEC (OJ L 268, 14.9.1992, p. 54.)



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