

Dods - Debate Summary

EP Animal Welfare Intergroup - Towards a better implementation of the Zoos Directive

On January 17, European Parliament's Intergroup on the Welfare and Conservation of Animals convened to discuss a better implementation of the Zoos Directive. The Intergroup held a presentation by on the results of the Zoos Directive REFIT evaluation by an Administrative Agent of DG ENV, followed by a presentation by the Wildlife Programme Leader of the Eurogroup for Animals on recommendations for a better implementation of the Directive.

Anja Hazekamp (GUE/NGL, NL) Vice-President of the Intergroup, informed that an oral question on animal welfare rules on aquaculture has been tabled on January 7, 2019. The Conference of Presidents needs to agree on placing the question on the agenda of the next Plenary sessions. The next opportunity will be the February Plenary session. Ms Hazekamp urged the Members of the Intergroup to write a letter to the President and to the Plenary Coordinators requesting the inclusion of the oral question in the February Plenary session, adding that the Secretariat of the Intergroup can provide a sample letter. The situation is the same for an oral question on live animal exports. The aim is to table it in the second session of the January Plenary.

Ms Hazekamp explained that the Intergroup received a letter urging them to take action concerning the Padalko Zoo in Eastern Ukraine. Twelve bears, six lions, and about hundred other animals, including primates and wolves, are kept under terrible conditions and exposed to harsh Winter temperatures of this region. The owner refused to help the animals, which has been offered by several NGOs. Veterinarians are not allowed access to the zoo grounds. Despite assurances from the Ukrainian Ministry for Natural Resources to rehome animals of the zoo, nothing has been done so far. Meanwhile, one of the lions has frozen to death. In the beginning of December, MEP Stefan Eck called on Ukrainian President Poroshenko to act on the matter, which gave the issue more attention on the international level but has not yet helped to transfer the animals to more appropriate locations. MEP Sirpa Pietikäinen addressed a YouTube message to the petitioners promising that the issue would be discussed by the Intergroup and that letters would be sent to the European Commission and the Ukrainian Government.

Anna van Densky, Europe Diplomatic, stated that she was addressed by animal right groups from Ukraine and she wrote several articles on the matter. The issue is very political because civil society is indignant. According to the civil society groups, the EU pays a high amount of money, since, last December the Government received 500 million €, and they receive the other half of macro-financial assistance to Ukraine to reform the country. The groups were promised alignment with European laws, since the European people wish to be a European country and, in a distant future, to enter the EU. This was the promise of the Ukraine, but the reality is completely different, and the ministries are immobile. The journalist explained that the lions are kept in conditions where they are not even able to stretch in the cages. The dead lion was in its urine and faeces, ending frozen to death, since the temperatures are currently negative 11 degrees. The EU provides funds, the Ukrainian should take responsibility for the matter, and there should be alignment of legislation, which why the civil society groups addressed the European Parliament.

John Stewart Agnew (EFDD, UK) wondered about the origin of the income for the zookeeper when he maintains animals in such conditions.

Anna van Densky, Journalist, Europe Diplomatic, responded that the Ukrainian Education Ministry has funds for extracurricular activities for children. The public funds are supposed to help children bond with nature. There are different excursions and schools pay the Padalko Zoo. Children are brought by busses from a very poor surrounding area without many cultural institutions. The journalist explained that children are actually crying at the scene and that the teachers are very angry. There is also a lack of institutions in the area, due to people abandoning the region and the proximity to war frontlines. The governor of the region is covering the situation, due to image concerns.

Tomasz Rusek, EU Policy Manager, European Association of Zoos and Aquaria, stated that the zoo in question was not a member of their association, but that they are aware of the problem. Mr Rusek declared EAZA's readiness to cooperate with the right authorities.

Tilly Metz (Greens/EFA, LU) requested to be sent the articles written by Ms van Densky on the matter, in order to facilitate further action.

Anja Hazekamp (GUE/NGL, NL) Vice-President of the Intergroup, informed that there was a letter written on behalf of the Intergroup addressed to the EU Commissioner for Neighbourhood Policy asking for the problem to be solved.

Andreas Erler, Intergroup secretariat, informed that a letter was written to the Ukrainian Minister for Ecology asking for immediate action to rescue and rehome the animals. The Minister can also count on the support of international NGOs that already offered to rehome the animals to more appropriate locations.

Results of the Zoos Directive REFIT evaluation

Ute Goerres, Administrative Agent, DG ENV, European Commission, explained that her unit was a policy implementation unit responsible for the various Zoos Directive and the evaluation process. The main objective of the Directive is to protect wild fauna and biodiversity, strengthening the role of zoos in the conservation of biodiversity. The directive requires parties to take conservation measures mainly for the purpose of complementing in situ conservation. The directive has a strong subsidiarity dimension, leading wide discretion to the Member States to determine their licensing and inspection systems. The directive does not foresee a monitoring and reporting system, nor a Commission expert group. It also does not foresee any EU co-financing for conservation measures implemented by zoos. To acquire a license, zoos must undertake several conservation measures. These are adapted to the variety seen in the zoos community.

Ms Goerres explained that the targeted survey covered fourteen Member States, including the three Member States with the highest number of zoos: Spain, France, and Germany. In the fourteen Member States, there are at least one thousand licensed zoos. Of these, only 19% are EAZA members. Across the entire EU, only about 10% are EAZA members, meaning more conservation oriented. Due to high number of visits to zoos, zoos have a high potential for awareness raising on biodiversity issues.

Regarding the licensing and inspection system, Ms Goerres outlined that functional systems have been established in the Member States, but these diverge widely in their organisation and requirements, leading to an inconsistent application across the EU. This divergence is due to the high

level of subsidiarity. The general provisions of the Zoos Directive are quite broad, but 12 out of the 14 evaluated Member States have introduced strict and more detailed provisions in their national law, concerning mainly more detailed criteria for the definition of zoo, for exemptions, and more strict conservation measures.

The zoo inspectorate is usually located in the veterinary services of the Member States. The Zoos Directive is only a small part of the duties of the national veterinary services. The services have broad veterinary knowledge, but less focused zoo knowledge. The competent authorities try to compensate for this lack of knowledge with external advisory bodies and external experts specialized in zoo animals, which was the case in 11 evaluated Member States. Animal welfare is still a main consideration in zoo inspections, but the main focus is conservation. Seven out of the 14 Member States have minimum accommodation requirements in their national law or in established guidelines for inspections.

The share of licenses increased between 2010 and 2015. However, not all zoos are licensed yet, because authorities have refused licenses of zoos that were not compliant, obliging them to fulfil the requirements in a given timeframe. Only a few penalties have been applied so far. Authorities prefer to give zoos the possibility to improve. However, main breaches have been detected in licensed zoos concerning mainly accommodation husbandry and education and awareness raising.

On the implementation of conservation measures, promotion of education and awareness raising is one of the best implemented conservation measures in zoos. There are several scientific studies proving that zoo visitors know more about species, their habitats and their protection after the zoo visit. The repopulation introduction information exchange is also very well implemented. There were several successful reintroductions of already extinct species with the involvement of zoos. There have been species removed from the Red List thanks to work of zoos. There were improvements for some conservation measures due to the Zoos Directive, but that were not fully achieved yet, such as keeping animals under appropriate conditions.

Overall, the main objective has been achieved. The role of zoos in conservation has been strengthened. However, the overall extent of the impact of these conservation measures on the ground was impossible to quantify in the evaluation. About 90% of zoos do not belong to associations, so they do not have to comply with the accreditation standards. However, the Zoos Directive sets minimum legally binding and enforceable standards for all the zoos.

On why the staff working document on the zoo directive does not provide any forward-looking statements, Ms Goerres stated that, according to the Better Regulation guidelines, the Commission services are not supposed to do it. It is important to analyse what worked and what did not work, which is done under the key messages for policymakers and the lessons learnt. There are still some problems in Member States' inspection and licensing systems, with the capacity knowledge, resources constraints, and coordination issues between institutions acting at different levels. Many Member States have already taken measures to remedy the short-comings, such as external advisory bodies, standards for accommodation, structured inspection forms, and training offers. Since there is no forum to exchange this information and good practices, it limits the exchange of information.

The Commission issued the Zoos Directive good practices document in 2015 to help Member States, zoos, and stakeholders in the implementation of the directive. The document has been regarded as very useful by all the stakeholders, but it should be better used and disseminated, so it should be translated into all languages. The Zoos Directive is often criticised for being too broad and not strict enough to be effective, which is not true, since the directive is effective. The directive allows the

accommodation of the ever-changing role of zoos. Zoos shift from purely ex situ conservation towards integrated in situ conservation. The directive is flexible enough to accommodate all these variants. Zoos must undertake conservation measures with their own funding. The only EU funding that zoos can use is the LIFE Programme, which has not really happened so far, because it is not widely known, or the application procedure is too burdensome for zoos. On this matter, EAZA has already taken action. The LIFE Programme was presented at the last EAZA conservation forum.

On the EU's added value, the directive has clear EU added value and should be maintained, but continued EU action is needed to better implement the directive. In response to the lessons learned, the Commission has decided to take several follow-up actions. Firstly, the Commission will start to translate the good practices document. This year, the Commission will start with the translation of the first seven languages, which will cost more than 50.000€. Then, there is a tender running for a three year contract to organise stakeholder meetings directed at all stakeholders implementing the Zoos Directive, in order to develop training modules. A support mechanism is foreseen only addressed at authorities to make use of already available learning mechanisms, she concluded.

Anja Hazekamp (GUE/NGL, NL) Vice-President of the Intergroup, expressed her satisfaction with the translations of the good practices document being available soon.

Keith Taylor (Greens/EFA, UK) thanked Ms Goerres for the presentation and asked if it was possible to read about the matter somewhere, namely if a report was available. Plus, if there was a report, if it was available online.

Ute Goerres, Administrative Agent, DG ENV, European Commission, responded that there is a Commission's website for the evaluation of the Zoos Directive. There is also the Commission's staff working document as well as the report that served as basis. The results of the evaluation are also available, she added.

Keith Taylor (Greens/EFA, UK) wanted to understand Ms Goerres' comments that the Zoos Directive only concerns animal conservation and not animal welfare. Mr Taylor stated that it would be strange to be conserving animals without addressing the welfare of animals, which would be serious omission.

Ute Goerres, Administrative Agent, DG ENV, European Commission, responded that she did not say that the directive did not concern animal welfare. One of the provisions under Article 3 is to keep animals under conditions that satisfy their biological and conservation needs, so animal welfare is seen in the Zoos Directive as a conservation measure. It is a base for all the conservation measures that need to be carried out. It is not possible to participate in proper conservation or breeding programmes without education on this matter. There is an animal welfare provision, but it is not the main objective. The objective is to protect wild fauna and to conserve biodiversity. Animal welfare facilitates the conservation measures.

Recommendations for a better implementation of the Directive

Ilaria Di Silvestre, Wildlife Programme Leader, Eurogroup for Animals, on the importance of the Zoos Directive for the protection of wild animals kept in captivity, stated that it is the only EU legislation requiring the respect of welfare of wild animals in captivity. In her opinion, the text is still too vague. As the Commission stated, welfare is not the main objective of the directive. The directive has established a compulsory and centrally regulated licensing of zoos, which is crucial to ensure the respect of minimum standards of animal welfare, plus to prevent illegal trade of wild animals. The directive has requested the exchange of information and data related to species conservation, which

is a very important EU added-value of the directive. The directive also prevents the opening of new small zoos by amateur individuals that do not have the knowledge, the willingness or the financial resources to properly keep the animals.

On the main findings of the evaluation process, Ms Di Silvestre highlighted that the Zoos Directive is fit for purpose. It was not so obvious, because, at the beginning of the process, it was not clear that it would be the outcome of the evaluation. All stakeholders agree that the directive is still valid and relevant, so it will continue to be implemented in the Member States. The evaluation found out that several Member States have introduced stricter or more detailed provisions in their national legislation, which is a very good effect of the directive. The directive has strengthened the role of zoos in conservation, but not enough. Compared to twenty years ago, improvements have been achieved. There was some progress, which was too limited, on animal husbandry.

Concerning what needs to be improved in the implementation of the directive, Ms Di Silvestre underscored that poor capacity and limited expertise in Member States still too often prevents the closure of illegal zoos. Even when it is very clear that a license should not be delivered or that should be withdrawn, the closure of the zoo does not follow. The Wildlife Programme Leader provided an example in Germany, which hosted one of the largest worldwide collection of rare parrot, that, even after several NGOs and newspapers exposed that the facility is not open to the public, not being clear the conservation contribution, no scientific papers published, no education value, and there are suspicions of contributions to illegal trade, the zoo remains licensed. Too many zoos keep animals under substandard conditions, for example a zoo in Greece was keeping in miserable conditions and, after nine years from several NGOs, the license will be withdrawn, and the animals will be rehomed.

Ms Di Silvestre highlighted that the evaluation found out that only 35% of threatened species are present in zoo's collections. Zoos have a marginal role in the conservation of endangered species and a very limited role in rescuing and rehoming animals that are confiscated from the illegal trade, closed zoos, and banned circuses. There is a clear role for zoos on those matters, since there is an education potential to show animals that were mistreated, so it should be developed more. The Wildlife Programme Leader stated that licenses are delivered to facilities that use animals in performances, such as dolphinariums, or that donate land animals to circuses, or that cull surplus animals. All these practices have nothing to do with the main aim of the directive, which is the conservation of animals, so these facilities should not be allowed.

As for action that could be undertaken to improve the implementation of the directive, Ms Di Silvestre mentioned the need to translate the good practices document by the Commission, since it can help enforcement of the directive. The Wildlife Programme Leader welcomed the other follow-up actions announced by the Commission, specially the creation of a platform to exchange information among stakeholders and the training of inspectors. She stressed the importance of identifying harmonised EU standards to improve the welfare of animals kept in captivity, which can be discussed by stakeholders participating in the forum. It would be important to establish a rigorous management plans for zoos when dealing with animal population, in order to ensure that culling of surplus animals does not happen anymore. It is important to create a protocol to assist the competent authorities in phasing out licensed zoos, in order to ensure that zoos can be promptly closed, and the animals rehomed. The good practices document needs to be disseminated in all Member States, she added.

John Stewart Agnew (EFDD, UK) expressed his surprise with the condemnation of the culling of surplus animals. If there is no culling, there can be problems of overcrowding and problems with

wrong breeding, such as incest. It is not good enough to give the animals away to people who cannot take care of them. Mr Agnew stated that, therefore, he could not see the problem with euthanising the animal in the situation. The MEP asked to hear an overview of the industry, namely if it is expanding, if more people are paying to see animals in captivity, if individual zoos are becoming larger, and what are the reactions to legislation.

Ilaria Di Silvestre, Wildlife Programme Leader, Eurogroup for Animals, responded that the problem with culling surplus animals would not exist, if there was a management plan. Animals in zoos cannot decide to breed by themselves. There is a management of the animals, so it is possible to avoid the breeding, if the animals are not needed. Since small animals are appreciated by the public, sometimes zoos allow this breeding and, when the animals grow up, the animals are killed, because tourists are no longer being attracted. The Wildlife Programme Leader stressed that it is possible to manage and avoid surplus animals. There can also be coordination with other Member States to exchange animals. Breeding of animals should only take place when it is necessary for the conservation plans or the need of the zoos, but not just to have cubs without a specific reason.

Tomasz Rusek, EU Policy Manager, European Association of Zoos and Aquaria, explained that his organisation brings together around 400 zoos and aquariums in 47 countries, mostly EU Member States. Mr Rusek stated that it was very difficult to provide a concise answer to Mr Agnew's question on the trends in the community. The members of EAZA strive to maximise their contributions to conservation and to lead on the management of the population, while ensuring maximum health and welfare of the populations. The EAZA community are bound by standards that, in many ways, are stricter than the directive's requirements. There are hundreds of other zoos that are not bound by the EAZA standards, but that are bound by the requirements of the Zoos Directive, which is why it is important to ensure the proper implementation and enforcement of the directive across the EU. There should be enough capacity among the authorities to license the appropriate zoos, to inspect them, and to react when the results are not positive. The Policy Manager expressed his availability to discuss figures, in a later occasion, in order to describe the sector better.

Mr Rusek thanked the Intergroup for dedicating the meeting to the topic and thanked the Commission for the inclusive approach during the evaluation. EAZA was very closely involved in the process. The Policy Manager also thanked the MEPs that maintained a watchful eye on the evaluation and all the MEPs working for nature. He stated that EAZA might not be representative in terms of the numbers, but it strives to ensure that the standards among the members are the highest possible as well as to share the standards. In EAZA's website and in communications with other zoos and authorities, they publicly share the standards on husbandry, on conservation contribution, on education, on demonstrating animals, among other issues. EAZA strives to promote the standards, so that the standards can be applied in other zoos and aquariums in the sector.

Mr Rusek underscored that the Zoos Directive is a crucial piece of legislation for the sector. It is the legal backbone for the institutions, which is why EAZA has been calling for an evaluation of the directive for some years. EAZA is pleased to see the outcomes. The outcome is empowering for the sector, in order to strive for excellence and to improve conditions. On the future, EAZA does not expect, realistically, that it will become a priority, since there are many other priorities that gain the attention and the funding, besides biodiversity. Still, the EU can be a standard-setter in modern Zoo legislation and can fulfil its obligations under Article 9 of the CBD, if the Zoos Directive is properly implemented across the EU.

Mr Rusek stated that Ms Di Silvestre's points for the future were quite valid and quite aligned with EAZA's requests, starting with the good practices document. It is not enough to translate the

document or even to disseminate it. There must be a minimum level of shared understanding across the EU about the practical implementation. The challenges are known as well as the little capacity available in some Member States regarding licensing and inspections. Still, there are Member States that can show and share many best practices on licensing. In some Member States, the official inspecting process takes into account the accreditation done by EAZA. EAZA and its members have been working with the authorities and look forward to working together of ensuring the good implementation of the Zoos Directive. Finally, EAZA looks forward to cooperating with the Intergroup and the European Parliament, he concluded.

Jacqueline Foster (ECR, UK) stated that, even though twenty years have passed, the discussions are the same at the Intergroup. There have been improvements and there are good organisations, such as EAZA. There are individual Member States with very good levels of control and licensing, but it is still not good enough. Ms Foster agreed with Mr Agnew that there are difficulties in reality with surplus animals and moving to another place. The MEP expressed her shock with the amount of time that was needed to close the previously mentioned Greek zoo. In relation to Goerres's presentation, she wanted to know what is happening with enforcement, adding that it is possible to approve a lot of legislation, but is necessary to know what is happening on enforcement. The EU should be a flagship to set standards on Zoos worldwide, she concluded.

Isabella De Monte (S&D, IT) agreed with the comments on the lack of enforcement, adding that there is a feeling of powerless when facing these situations. Perhaps the structure of the directive is a bit weak and leaves too much enforcement on the hands of the Member States. There is also a legal issue, since legislation needs to be effective. It is necessary to consider what standards are being introduced through the legislation. It is necessary to see if there is a scope for substantial improvement, she concluded.

Ute Goerres, Administrative Agent, DG ENV, European Commission, regarding enforcement, stated that there is a difficult political situation at the moment. It is the nature of EU directives to be implemented and enforced by the Member States. It cannot all be done by the Commission. The Commission will examine any well-founded evidence received, but still the Commission has broad discretion on starting infringements procedures. Ms Goerres' drew attention to the Commission's communication on future enforcement of EU law, which will be very much restricted to systemic issues. It is not possible to react to bad conditions in a single zoo in each Member State. Member States are asking for more leeway in the implementation of directives. There was even a subsidiarity task force on the matter. The Commission is enforcing the directive and there were several infringement procedures against several Member States, but there must be a systemic issue with the countries licensing and inspection system. Unlike DG SANTE, DG ENV does not have an inspection directorate, so there is no inspection power in the Member States.

Ilaria Di Silvestre, Wildlife Programme Leader, Eurogroup for Animals, recognised that the directive is weak, that there is a lot of autonomy for Member States, and that there is no mechanism to monitor the actions of the Member States. In the past, even though it took a long time, infringement cases worked well. In those situations, the problems were solved even before the end of the processes. The infringement procedures should be started more promptly when there is a problem. The role of inspectors is key, because inspectors that visit zoos are the ones that will report and inform the management authorities concerning the problems. In many cases, these inspectors are not trained enough and are not able to recognise problems. Training of inspectors is very urgent. Well trained inspectors and clear standards would make a difference, she added.

Anna van Densky, Europe Diplomatic, wanted to know about who provides the license for breeding in zoos. There is a large black market of lion cubs. It costs around 10.000€ to buy a lion cub online. Private zoos are specialised in breeding large cats. It is a fashion to have a memorable event and to take pictures with lion cubs, but then the animals are unwanted when they become older. There is not enough legislation to assume responsibility of the private zoo owners.

Ute Goerres, Administrative Agent, DG ENV, European Commission, stated that, if is not a zoo that falls under the definition of the directive, the Zoos Directive does not apply. Other national welfare acts are applicable for such breeding centres.

Ilaria Di Silvestre, Wildlife Programme Leader, Eurogroup for Animals, responded that is a problem for legislation on keeping exotic animals by private owners. The Eurogroup for Animals would like to see the adoption of positive lists that clearly establish in each Member State which species are allowed to be kept by private owners.

Jacqueline Foster (ECR, UK) exemplified that, on aviation security, after 9/11, it was necessary to put in place minimum standards of security across Europe in all airport, which worked for the consumer. There was an agreement to have inspections to be set-up by a team from the European Commission to have checks on the spot. If it was possible to do it under such European legislation, Ms Foster could not understand why there would not be an agreement in the area under discussion for the Commission to set-up a task force or an inspectorate that could do checks. The MEP expressed her hope that there will be political will to act on the issue and that the Commission will come on board.