

Tackling the online trade in Austria

The Illegal Online Puppy Trade Conference

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Animal welfare in Austria – legal framework

- Animal Welfare Act (Tierschutzgesetz):
 - in force since 01.01.2005 (BGBl. I Nr. 118/2004)
 - regulating animal welfare on federal level
- Legislation on federal level
- Enforcement on state (Bundesländer) level

Puppy trade as emerging problem

- during the years, puppy trade was identified as an emerging problem:
 - puppies brought to Austria from other countries
 - „trunk sales“
 - massive violation of principles of animal welfare regarding animal husbandry, but also of animal health

Puppy trade as emerging problem

- during the years, puppy trade was identified as an emerging problem – **also via internet**:
 - internet sales as a new phenomenon during recent years
 - aggravated existing issues with illegal puppy trade
 - cross-border sales activities especially problematic

Puppy trade – identifying key elements

- well-being of the animals is of utmost importance
- **knowledge of the location** of the animals is key for enforcing animal welfare law

Need for changes in the legal framework!

Improving the legislation

- Animal Health Act had to be amended
- **regulation is better than complete ban**
- amendment entered into force the day after adoption
(no transitional period, except for some entities now required an authorization for animal keeping)

Improving the legislation

Animal Welfare Act (until 2017)

- publicly offering animals for sale only allowed for breeders and **commercial** keepers

Animal Welfare Act (**NEW**)

- publicly offering animals for sale under certain provisions allowed for:
 - registered breeders
 - **registered** keepers
 - keepers of farm animals

Entities allowed to offer:

- persons and organizations registered under animal welfare legislations allowed to keep animals (animal welfare organizations, pet shops, animal shelters) – regulating also non-commercial keepers
- keepers of farm animals (cattle, pigs, sheep, poultry etc.)
- persons who have to give up their animals (due to health-related or other issues)

Entities allowed to offer:

- persons and organizations registered under animal welfare legislations allowed to keep animals (pet shops, **animal welfare organizations, pet asylums**):
 - need an establishment located in Austria
 - the establishment has to comply with the provisions of the animal welfare legislation
 - have to have a sufficient number of trained personnel with special knowledge in animal care etc.

Entities allowed to offer:

- persons who have to give up their animals (due to health or other issues)
 - animals have to be older than 6 months
 - for dogs and cats: the canine teeth must be fully developed
 - for dogs: the animal has to be registered in the Austrian pet database for 16 weeks prior to offering them

In case of violation:

- administrative penalty 3 750 EUR, in recurring cases up to 7 500 EUR
- immediate seizure of animals illegally offered
- in very severe and extreme cases the person can be banned from keeping animals
(if already convicted by court on facts of animal cruelty before and the actual violation involves new facts of animal cruelty)

Enforcing the improved legislation

- entry into force: the day after adoption
 - no transitional period needed due to the involvement of stakeholders during the legislative procedure (exception for entities now needing an authorization for animal keeping)
- cooperation with major online platform („willhaben“)
- operators of online platforms aware that they can become accomplices if they keep up illegal ads
- online ads removed by the platforms

Enforcing the improved legislation

- online ads still possible, BUT:
 - only for persons/entities still allowed to offer animals
 - platform operators only accept ads if the person/entity shows official proof of compliance with the new animal welfare provisions
 - official proofs (§ 31/4 or § 31/4 TSchG) are issued by the animal welfare authorities

Enforcing the improved legislation

- Enforcement by the authorities:
 - awareness-raising of authorities to conduct controls of animal transport if the transport seems suspicious
 - training of public security officers (e.g. police) on sensitive tasks while dealing with animal transport controls
- cooperation between the authorities:
 - animal welfare authorities (=state level)
 - federal police
 - customs controls

An international problem...

- bypassing of the legislation by online platforms in other countries cannot be prevented by Austria
- enforcing the law can prevent some animals to be brought into Austria
- solution on international level would be ideal

...needs an international solution

- cooperation of authorities not only between branches of government, but also **between countries**
- regulation of online platforms can be recommended for other countries as well
- regulation is better than total ban (not to force compliant entities/persons into illegality)

Thank you!
Vielen Dank!

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