

Analysis on Trade in Pet Animals and Privately Kept Wild Animals in Vienna

Shifting Values, 30th January, 2015

commissioned by the Ombuds Office for Animal Protection of the City of Vienna

The Ombuds Office for Animal Protection of the City of Vienna commissioned a study on trade in animals kept as pets, analysing the period November 2013 till January 2015. The study focused on online trade in dogs (especially puppies), cats and reptiles. It involved a monitoring of pet animal advertisement numbers on six main classifieds platforms and further investigations into the practices of illegal traders. The study also involved notifying illegal ads to platform operators and in some cases to the authorities. Recommendations were deduced from the main findings.

Legal provisions

Federal Act on the Protection of Animals (TSchG)¹:

- § 8a: Offering for sale and selling (vertebrate) animals in publicly accessible areas – including the internet – is prohibited. Exempted are:
 -) events in accordance with § 28 (e.g. pet exhibitions)
 -) business activities as authorized in accordance with § 31(1) (e.g. pet shops)
 -) breeders registered in accordance with § 31(4)
 -) animal shelters and animal welfare organisations
- § 7(5): Exhibiting, import, or transfer of possession of dogs born after 1st January 2008 on whose body parts interventions prohibited in Austria (e.g. docking of tail or ears) have been performed is prohibited.
- § 5(2): It is prohibited to import, acquire, broker the transfer or transfer possession of animals with features resulting from cruel breeding practices (dyspnoea, hairlessness, inflammations of the lid conjunctiva, deformities of the skullcap, etc.).
- § 24a(3): All dogs kept on federal territory shall be marked by a veterinarian by means of a number-coded electronically readable microchip. Puppies shall be marked no later than at the age of three months, but in any event before possession of them is transferred for the first time. Dogs imported into federal territory shall be marked in accordance with provisions of veterinary law.
- § 25(1): Wild animals which pose particular requirements for their keeping (as defined by regulation), may only be kept on the basis of a report on the keeping of a wild animal to be made to the authority within two weeks.
- § 31(1): Keeping animals within the scope of a business activity requires an approval by the authority.
- § 31(4): The keeping of animals for the purpose of breeding (including hobby breeding) and sale (with the exception of agriculture, forestry, zoos, and pet shops) is to be registered by the keeper with the authority before starting the activity. The registration application

¹ https://www.ris.bka.gv.at/Dokumente/ErV/ERV_2004_1_118/ERV_2004_1_118.pdf (english)

shall contain the species and maximum number of animals kept, and the place where they are kept.

- § 37(2-2a): If it is necessary for the well-being of the animal, executive officers or bodies of the authority are entitled to take the respective animal away from persons violating § 5 through § 7. Executive officers or bodies of the authority are entitled to take animals offered for sale away from persons violating § 8a.

Regulation on the protection and keeping of animals within the scope of a business activity (Tierhaltungs-Gewerbeverordnung – TH-GewV):

- § 7: Prohibits, among others, the keeping of animals unsuitable for being kept (e.g. animals taken from the wild), and the offering for sale of reptiles not habituated to feed uptake (i.e. reptiles younger than six month of age).
- § 8: Information leaflets on all the species offered for sale must be available and given to the customers.

Viennese state law on the keeping of animals (Wiener Tierhaltegesetz):

- § 8: Prohibits the keeping of dangerous animals – e.g. poisonous snakes, giant snakes (growing to an adult size of more than 3 m), Helodermatidae, several species of crocodiles, fish, and scorpions.

Federal Act governing certain legal aspects of electronic commercial and legal transactions (E-Commerce Act – ECG)²

- § 18(1): Service providers shall not be obligated to monitor in a general fashion the information stored, transmitted or made available by them or to actively research circumstances indicating illegal activity.
- § 16(1): A service provider shall not be responsible for the information stored on behalf of a user, provided the service provider does not have actual knowledge of illegal activity or information and, upon obtaining such knowledge or awareness, acts expeditiously to remove or to disable access to the information.

Monitoring pet animal advertisement numbers

The numbers of small ads offering dogs, cats or reptiles were monitored on six main online classifieds platforms in three periods of time between November 2013 and January 2015. These platforms will be referred to in anonymized form using the letters *A* to *F*.

A seventh platform (registered in the Czech Republic) had to be excluded from the monitoring, as it has been flooded with fraud ads³ throughout 2014, with dog ad numbers for Vienna rising from about 200 to more than 1700.

Absolute numbers have to be looked at in the light of restrictions posed by data quality (e.g. misclassifications by advertisers, ads for the same animals on several platforms, differences in selection filters), but the data accurately show proportions and development over time.

Platform operators were informed in writing by the Ombuds Office for Animal Protection of the City of Vienna about the legal provisions pertaining to the offering of animals for sale in the internet. At the outset of the study period, none of the platforms had instituted effective measures to

² https://www.ris.bka.gv.at/Dokumente/ErV/ERV_2001_1_152/ERV_2001_1_152.pdf (english)

³ These fraud ads only pretend to offer animals and want to make potential buyers agree to cash before delivery payments via cash transfer services.

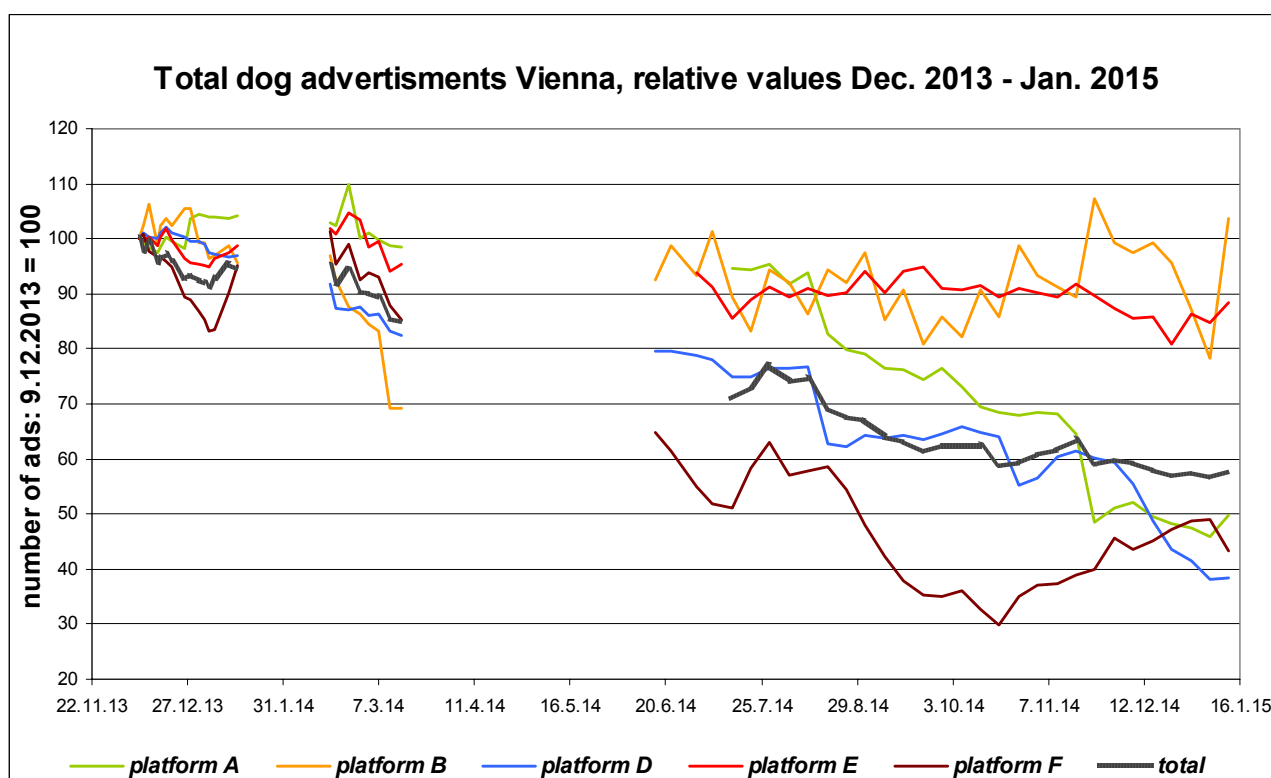
prevent or restrict small ads not complying with animal welfare law. During 2014 three main operators introduced different measures:

- **D** not only contains elaborate warning notices directed to potential customers, but above all – since late autumn 2014 – poses strict requirements to advertisers to prove their exemption from § 8a TSchG (breeders have to demonstrate their notification to the authorities, animal rescue groups have to demonstrate their association registration number).
- **A**, too, informs advertisers about legal provisions and does not accept pet animal small ads by private persons (from August 2014).
- **F** limits itself to warning notices which are quite eye-catching in the dog sector, but completely lacking in other animal sectors (including reptiles). There's no official restriction of advertisers, but suspect ads may be checked manually.
- The other monitored platforms did not institute any discernible measures against illegal ads.
- **B**, registered in the Czech Republic, seemed to increasingly become one of the main platforms used by illegal puppy and pet animal traders.

This means that **D** has been the only platform to effectively implement structural measures that fully reflect Austrian animal welfare laws.

Small ads offering dogs

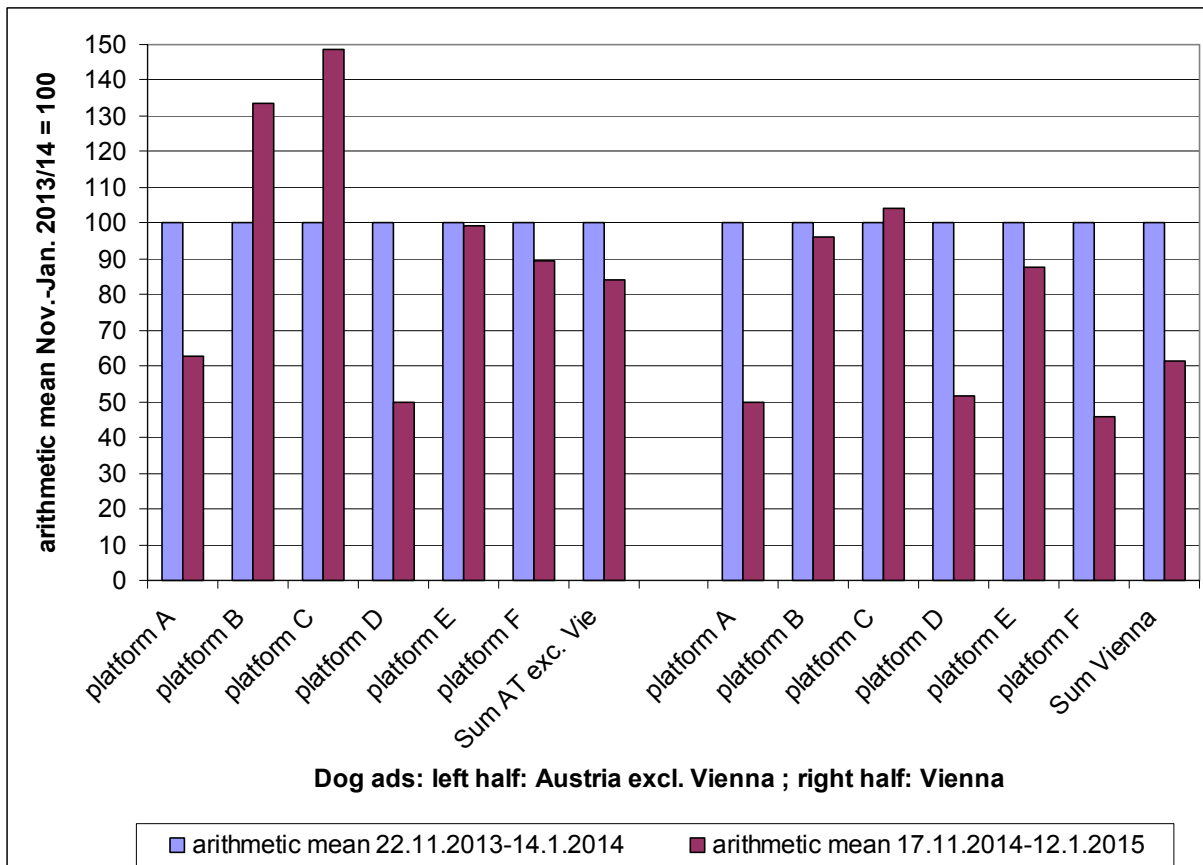
During the study period, the aggregated total number of small ads offering dogs in Vienna dropped to less than 60% of the baseline value.



note: For the sake of clarity, the (highly fluctuant) values of C are not shown, but are included in the total.

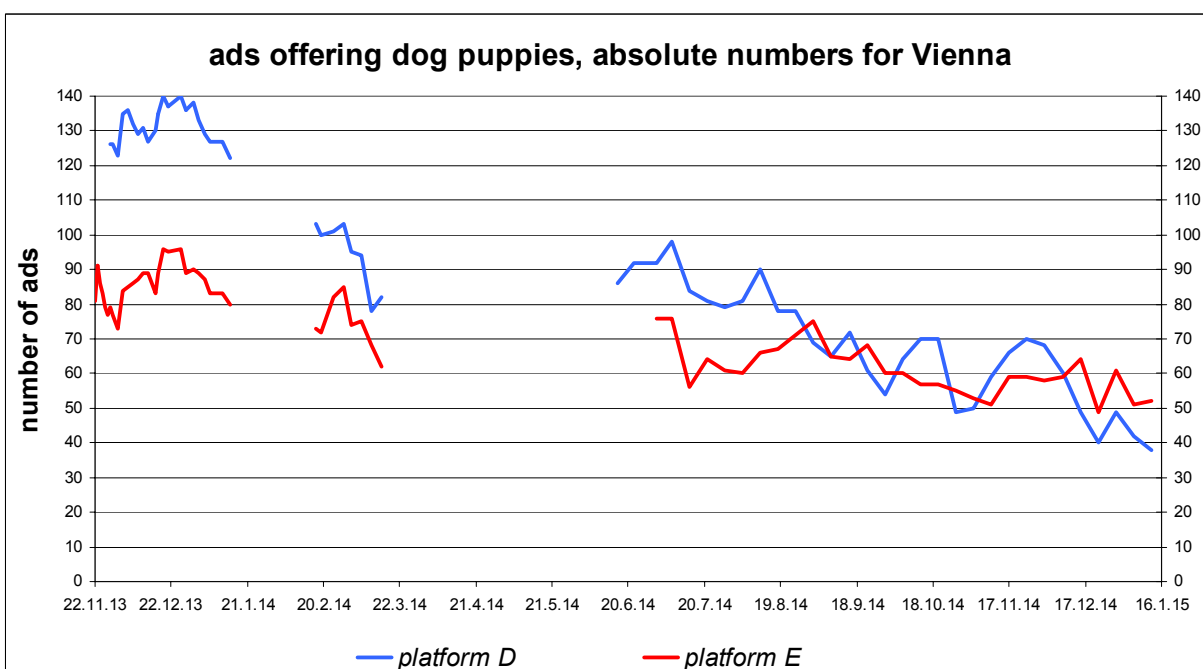
This development is mainly owed to the three platforms that instituted measures against illegal pet animal ads (**A**, **D**, **F**).

Year-on-year, the drop in dog advertisement numbers was much stronger in Vienna (38.7%) than in the other eight Austrian states (15.8%).



This difference is especially strong in *F* – minus 54.3% in Vienna vs. minus 10.5% in the other states – while there’s no difference in the two columns for *D*. This shows that structural measures, as implemented by *D*, are indispensable for reaching high levels of legal compliance.

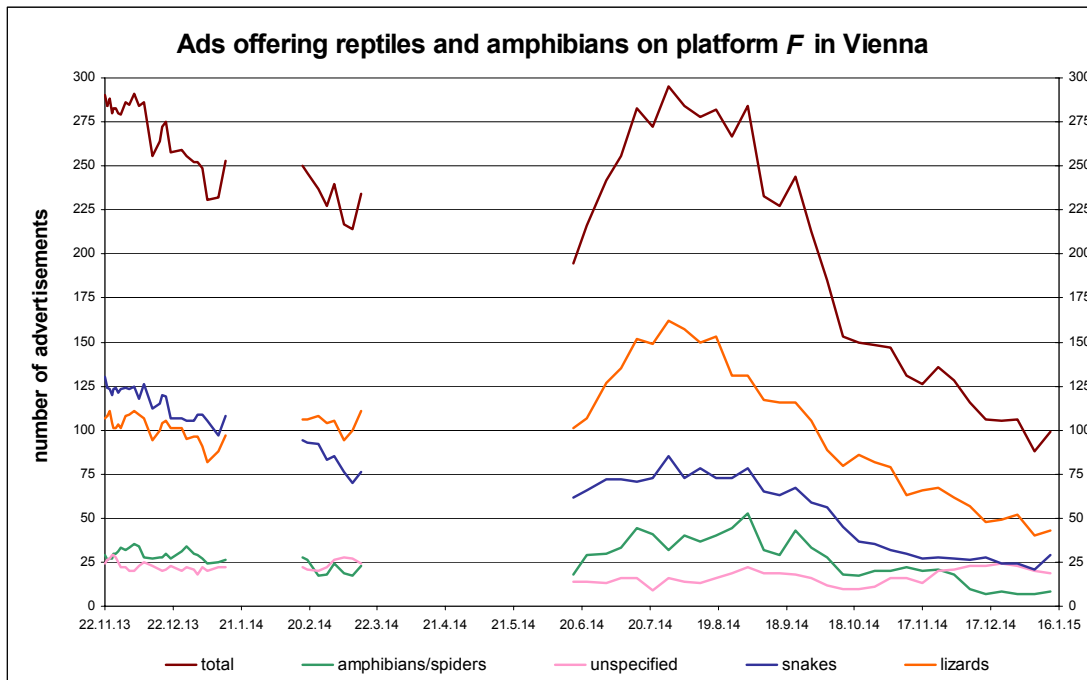
Numbers of ads offering dog puppies declined even stronger than overall dog ads. For *D* and *E* (the platforms offering a filter for puppy ads) the aggregated number of ads fell from more than 200 to less than 100.



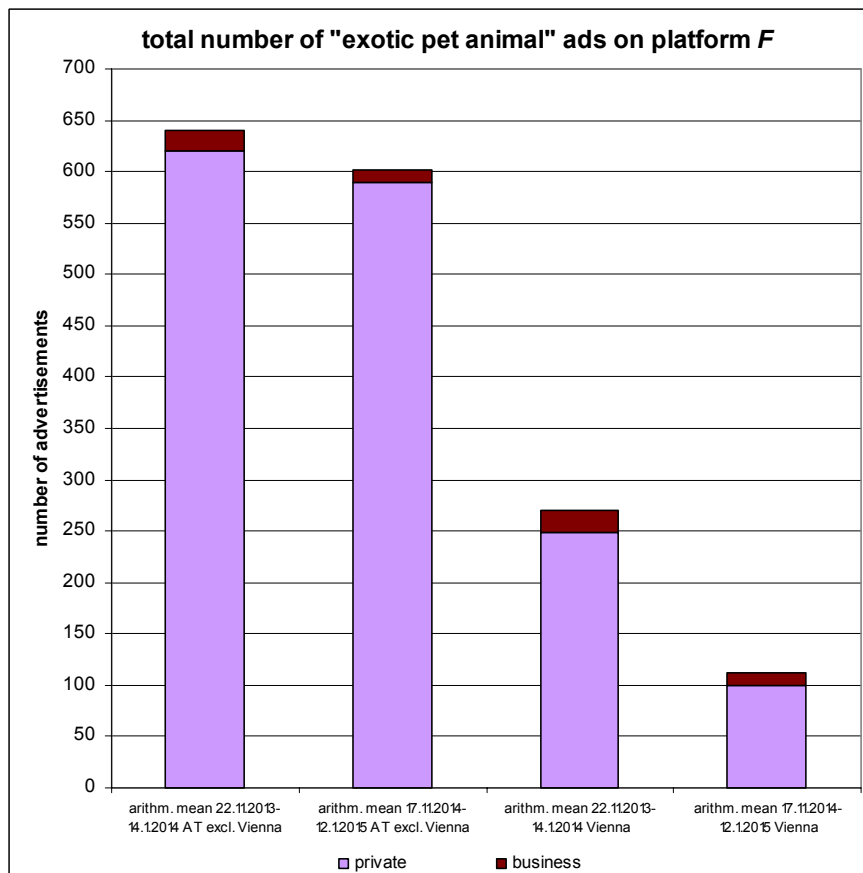
Small ads offering reptiles

Out of the monitored platforms, the by far most important platform for small ads offering reptiles (mainly snakes and lizards) was *F*.

The graph shows a significant drop in advertisement numbers from September 2014.



However, this decline was restricted to Vienna. While numbers in Vienna dropped by 58.4% year-on-year, the other eight states showed only minor reductions (minus 5.9%).

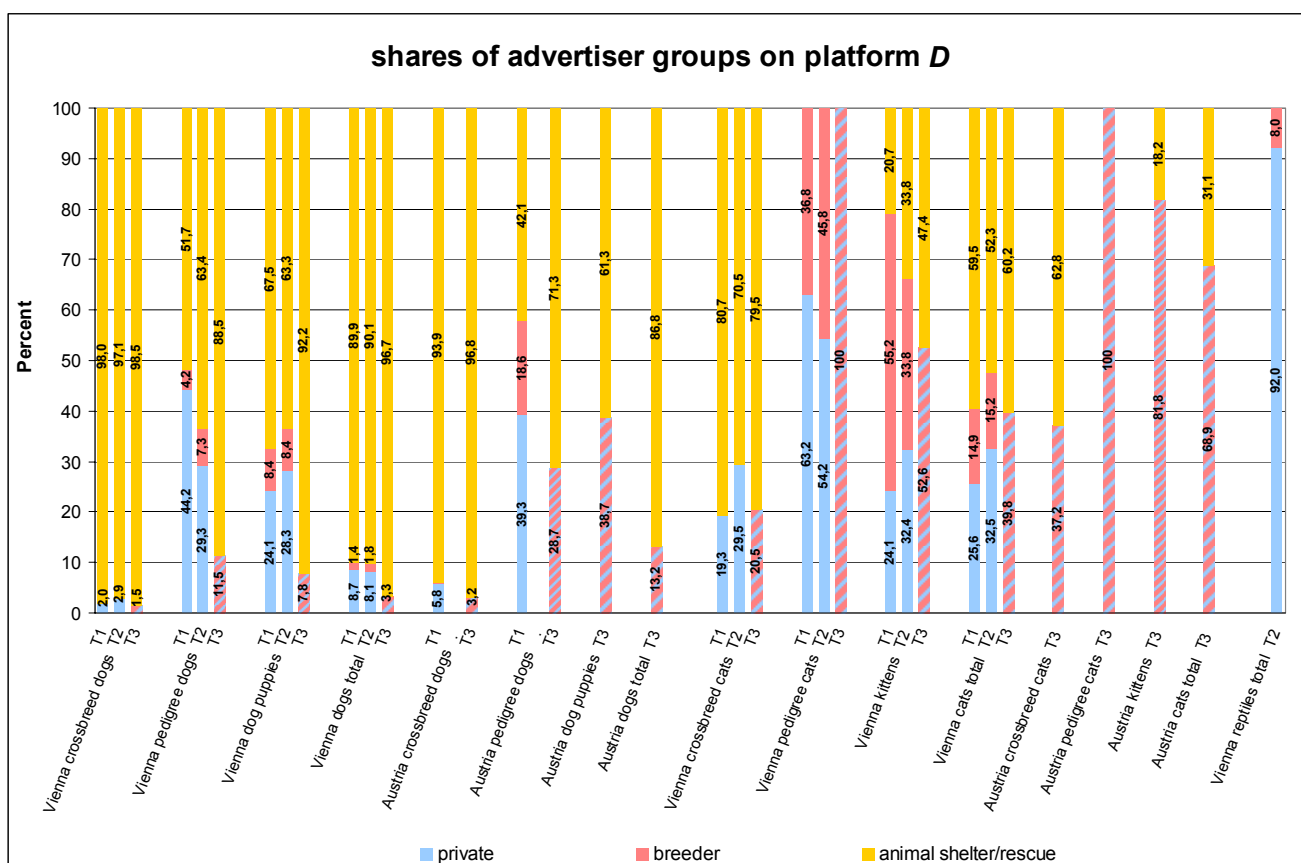


A possible interpretation for the findings in this sector (where the platform operator did not implement any structural measures and not even warning notes) is that the declines in Vienna may be mainly due to public attention after three major cases where the authorities confiscated reptiles offered for sale. These three cases occurred between late August and early October and resulted in widespread media coverage including a headline in the newspaper with the highest circulation, which might have had a deterrent effect on advertisers placing illegal contents.

Groups of advertisers

As mentioned above, § 8a TSchG restricts the offering for sale animals in publicly accessible areas to authorized business activities (e.g. pet shops), registered breeders as well as animal shelters and animal welfare organisations.

The best set of data on groups of advertisers was obtained from **D**, because this platform had filters in place in accordance with the groups relevant with regard to § 8a TSchG – breeders, animal shelters/rescue, private persons.



notes: T1 = 17.2.-15.3.2014; T2 = 16.6.-29.9.2014; T3 = 17.11.2014-12.1.2015

The categories “private” and “breeder” were discontinued from October 2014, thus distinction between the two was no longer possible in T3 (two-coloured columns).

For some of the groups of animals data was collected only in one or two of the periods.

The shares of advertisements by **private persons** (non-compliant to § 8a TSchG) significantly declined in the dog sector, especially regarding puppies and pedigree dogs. By contrast, no such decline occurred in any of the cat categories. The shares of private persons were particularly high in the categories pedigree animals and reptiles.

The shares of ads by private persons were much higher in the cat sector than in the dog sector, and the shares of **animal rescue groups** lower. These groups, bringing in animals from third countries

(mainly Slovakia, Hungary, Czech Republic and Serbia) seem to focus on dogs. Their share of dog ads on **D** was more than 90%, particularly regarding crossbreed dogs (far lower in pedigree dogs and puppies).

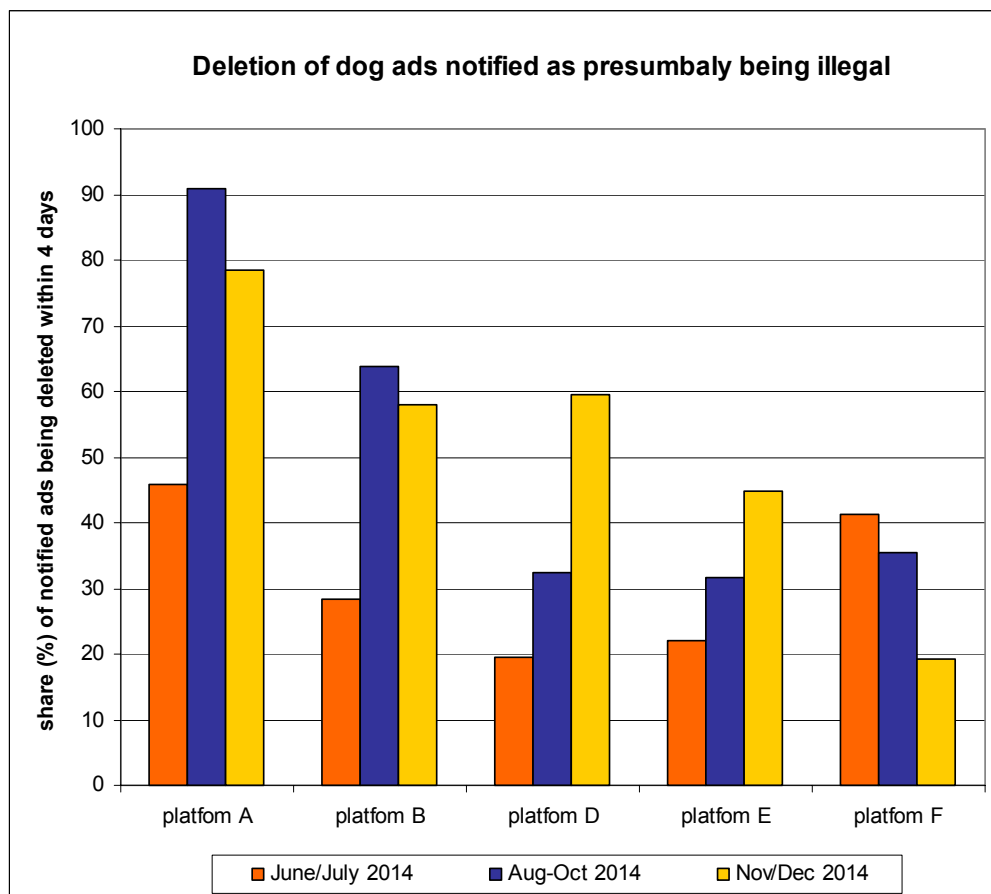
There are no ads by animal rescue groups at all in the categories of pedigree cats and reptiles. Ads by animal rescue groups significantly decreased over the study period. It is unclear if this development is in some way connected to increased public attention or other effects caused by this study.

Other platforms offered no advertiser categories at all (**B**, **C**) or differentiated only between “private” and “business” (**A**, **F**) with no category for ads by animal rescue groups.

The real shares of “private” ads are higher than depicted, as breeders and animal rescue groups that are not registered have to be considered “private” in the sense of the Animal Welfare Act, too.

Reaction by classifieds platforms to notifications of presumably illegal ads

From June 2014 till the end of the year, a total of 1182 presumably illegal dog ads were notified to the respective platform operators, followed by a monitoring if these ads were removed (either by the platform operator or by the advertiser) or stayed online. Within four days⁴ 522 (44.2%) of these ads have been removed. Especially **A** was very active in removing presumably illegal ads. **D** became active later in the year, while **F** showed a contrary development (declining rate of deletions). **B**, registered in the Czech Republic, was to some degree willing to remove illegal ads, but this cannot compensate structural measures that prevent these ads from being inserted.



⁴ Four days was considered a conservative estimate to meet the term “expeditiously” in § 16 ECG.

platform	notified ads	thereof deleted within four days
<i>A</i>	178	120 (67.4%)
<i>B</i>	353	189 (53.5%)
<i>D</i>	289	96 (33.2%)
<i>E</i>	203	61 (30.0%)
<i>F</i>	159	56 (35.2%)

Examples of illegal trade in pet animals

Advertisers of selected ads were contacted to gain a better insight into the practice of illegal pet animal trade via online classifieds platforms. The ads were selected using structural and textual features that indicated a higher degree of illegality.

These examples involved the following violations of law:

- publicly offering animals for sale
- dogs and cats offered for sale were too young (separation from their mother before reaching 8 weeks of age)
- animals from third countries offered for sale without being vaccinated against rabies (because they were too young for vaccination)
- vaccinated animals imported before the vaccination against rabies became valid
- dogs on whose body parts prohibited interventions have been performed (e.g. docked ears) offered for sale
- animals with features resulting from cruel breeding practices (e.g. hairless cats without functional whiskers) offered for sale
- illegal practices related to animal breeding (e.g. keeping cats in cages)
- offering for sale of dangerous animals which are prohibited to be kept in Vienna (e.g. giant snakes)
- no notification of cross-border transfers via TRACES
- dogs offered for sale without being marked by a microchip
- animals offered for sale without or with faked pet passports
- sick animals or animals infested with parasites offered for sale

The study also involved passing on ads that indicated a higher level of illegality to the authorities. As a result 40 dog puppies, 3 cats, 63 reptiles (46 snakes, 16 geckos, 1 chameleon), and 10 amphibians (newts) were seized by the authorities.

The seizures showed some difficulties in law execution, notably a lack of sanctuaries for reptiles and difficulties in dealing with unvaccinated dogs from areas where rabies occurs (e.g. Serbia).

Over the 14-month period of this study, the number of ads indicating illegal trade in dog puppies declined on those platforms that actively implemented measures against illegal activities, namely ***D***, ***A***, and ***F***.

By the methods used in this study, it was not possible to either verify or disprove the question of whether there are more complex organisational structures behind illegal trade activities. To gain more in-depth knowledge regarding possible networks or groups involved in illegal pet trade, extended investigation methods would have to be applied.

There have been numerous detailed and eye-catching media reports about these case examples, including online, print, radio, and television media. It can be assumed that this intensive media coverage contributed significantly to the effects reflected in the results of this study.

Breeders

During the study period, the number of breeders registered with the authorities in Vienna increased significantly. Thus many breeders met their obligation to register. This increase was especially strong in dog breeders which may be due to increased awareness caused by the activities of the Vienna City Administration. In other animal groups however, the number of registered breeders remained very low (especially reptiles and amphibians).

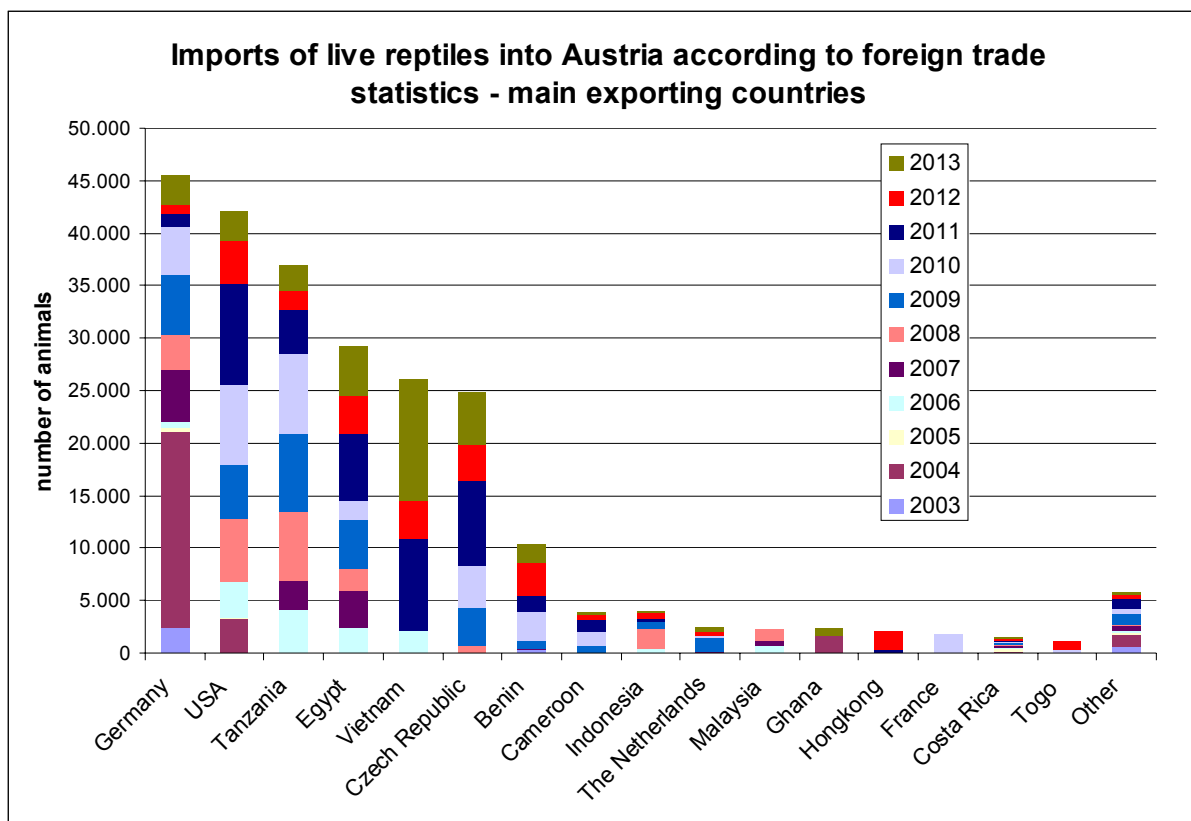
Imports into Austria

Unfortunately, available data on imports of animals into Austria for the pet market are very poor. All sources – TRACES, Statistics Austria, UNEP/WCMC – only provide an excerpt of undetermined size of the actual trade volumes.

The group of animals most heavily affected by trade for the pet market are reptiles. The **foreign trade statistics of Statistics Austria** show net imports of about 241,300 reptiles from 2003 to 2013, i.e. about 22,000 reptiles per year on average.

The actual trade volumes are presumably much higher than shown by these figures. For example, Ghana reported the export of 8900 *Python regius* (listed in CITES Annex B) to Austria from 2005 to 2009. But the foreign trade statistics do not show any import of reptiles from Ghana in these years.

Given these high numbers of imports and on the other hand the very low number of registered reptile keepers and breeders, the whereabouts of the imported animals remain an open question.



From 2003 to 2012 Austria reported the import of 23,610 live specimens of CITES listed reptile species for trade purposes to UNEP-WCMC (exporting countries reported about 3200 animals

less). This means that more than 2000 reptiles alone of species listed under CITES are imported into Austria per year (more than half of them *Python regius*). However these figures only relate to imports from third countries, not from other EU countries. Thus, actual numbers of imported reptiles listed under CITES are presumably much higher.

The share of reptiles taken from the wild (excl. *Python regius*) is 75.5% (reports by Austria) and 66.1% (reports by exporting countries) respectively.

Outlook

This study shows that the (online) trade in animals to be kept as pets involves significant problems that affect both animal welfare and consumer protection. Getting these problems under control will require intensified efforts on regional, national, bilateral, and EU levels. But responsibility to prevent illegal animal trade also falls on the operators of online classifieds platforms. And not least, raising further awareness in potential buyers is of significant importance.

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