

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(91) 177 final

Brussels, 30 August 1991

Proposal for a
COUNCIL DIRECTIVE

laying down minimum standards for the
keeping of animals in zoos

(presented by the Commission)

EXPLANATORY MEMORANDUM

Introduction

It is estimated that there are over a thousand zoos in the European Community today, exhibiting to the public a wide variety of exotic animals (Annex I). Collections vary considerably, not only between Member States, but also from one zoo to another: some are public, some private; some are professionally run with adequate resources, others lack staff and experience; a few specialise in particular species, most have a broad selection of animals, whilst a significant number keep only a handful of exotic specimens, usually for the amusement or distraction of the passing visitor (so called menageries).

As a result, the management of some zoos and, more particularly, the conditions for keeping animals and safeguarding the public has come under heavy criticism in recent years, not only from the general public, animal welfare organizations and the European Parliament, but also from the zoo profession itself.

Few would disagree that there is anything to compare with the experience of seeing a live wild animal at first hand, in spite of the many excellent wildlife documentary films now available. However, the proliferation of the latter has also raised the expectations of the visiting public. Many zoos now realise that showing an animal in a featureless concrete cage or "prison" is as meaningless to the public as it is bad for the animal.

The last 20 years has seen a steady accumulation of information and experience on the basic requirements of wild animals kept in captivity. As a consequence, there is now sufficient knowledge available for all European zoos to be able to provide at least a minimum degree of necessary care and accomodation in order to ensure that their animals have the correct nutrition, veterinary attention and social conditions in which to express their most fundamental behavioural and physiological needs.

National legislation

Legislation on the keeping of animals in zoos varies significantly from one Member State to the next (Annex II). Countries with specific legislation on zoos, such as Denmark, France, United Kingdom and Belgium, require that they be registered with a competent authority in order to operate and are therefore subject to a series of conditions spanning the whole of zoo management, including animal welfare and public safety aspects. Many Member States also impose further restrictions on the granting of state subsidies to zoos in view of their essentially commercial nature.

Zoos in all countries are subject to basic animal welfare laws, veterinary health restrictions on imports and, in cases where threatened species are involved, the regulation of their trade and aquisition.

This variation in national laws has many potentially negative consequences. Not only are wild animals kept in captivity subject to very different conditions but international efforts for conserving threatened species may also be jeopardised as a result.

The role of zoos

The role of zoos to society is generally accepted to be threefold:

a) Conservation:

As the number of species becoming threatened or endangered by habitat destruction, encroaching human populations, trade and pollution, increases, so international efforts to save them become ever more crucial. Keeping specimens of these species in zoos can make an important contribution to the efforts to conserve them in the wild. However, as small isolated groups of animals run the risk of inbreeding, successful breeding requires close international cooperation. A significant number of International Studbooks and breeding programmes have already been established to this end.

These species specific initiatives are further supported by the International Species Inventory System (ISIS) which stores on computer detailed information on individual animals throughout the world. Although the system was initially set up in the US, many European zoos have now joined it.

The main overseeing organization for breeding in captivity is the IUCN's Captive Breeding Specialist Group (CBSG) which together with the Species Survival Commission (SSC) and the International Union of Directors of Zoological Gardens (IUDZG) is in the process of devising a global strategy for species survival based on pooling resources from species both in the wild and in captivity - "the Heritage Species Plan". One of the next major challenges to zoos will be the successful reintroduction of captive animals into the wild, a few success stories already exist, e.g. Père David's Deer, the Arabian Oryx, but much more work is still necessary.

b) Education:

Very often the general public is unaware or ignorant of the existence of fellow species, their ecological role in nature and their sometimes precarious plight. A zoo can offer a readily accessible environment in which to learn about and become aware of other animals. But, it is up to each zoo to stimulate and encourage such an understanding. One important aspect of this, as studies have shown, is the cage design: a barren concrete cage exhibiting listless and sometimes psychotic animals is not only meaningless to the visitor but also distressing. If, on the other hand, the environment was supplied with some cost effective "furniture" - branches, ropes, hay, earthmounds - the animal could be stimulated into expressing at least a part of its behavioural repertoire which, in turn, would be more likely to draw the visitor's attention.

If zoos are to play an active role in education, clear and accurate information about the animals is also essential. Such information commonly identifies the species and describes some of its biological characteristics, but it has also been supplemented in many cases by guidebooks, videos, telephone stalls and even volunteer guides. Some zoos go further still and set up programmes for educating school children as part of their biology course.

In doing so, these collections recognise the principle set out by the United Nations Conference on Human Environment (1961) which stated that

"Education in environmental matters for the younger generations as well as the adults ... is essential in order to broaden the basis of enlightened opinion and responsible conduct by individuals, enterprises and communities in protecting and improving the environment in its full human dimensions".

The fact that zoos attract some 350 million people throughout the world every year is further testimony to their potential impact on public awareness.

(c) Research:

Animals in captivity are by their nature far easier to observe and study than their counterparts in the wild. This gives rise to the possibility of detailed research into the biology and ecology of individual species which can in turn make an important contribution to their management both in the wild and in captivity. Such research is, however, only just beginning.

Activities in the European Community

The 1989 Work Programme for the Commission states that: "The Commission will propose in the course of the year, standards for the protection of animals in zoos".

Several aspects of Community legislation are directly implicated in the control of zoological collections: Council Directive 79/409/EEC on the conservation of wild birds, Council Decision 82/461/EEC on the conclusion of the Convention on the conservation of migratory species and Council Decision 82/72/EEC on the conclusion of the Convention on the conservation of European wildlife and natural habitats all have provisions prohibiting or regulating the deliberate capture and trade in live specimens of the species listed in their annexes. Exceptions are only allowed for certain reasons, such as the protection of fauna and flora or for research and education, repopulation, reintroduction and necessary breeding.

Council Regulation 3626/82 on the implementation in the Community of the Convention on international trade in endangered species of wild fauna and flora is particularly important to the management of zoos. CITES regulates the international trade in specimens of species of wild fauna and flora on the basis of a system of permits and certificates which are only issued when certain conditions are met.

The issuing of permits for import into the European Community of live specimens of the species listed in Appendix I of the Convention and Annex CI and II of Regulation 3626/82 is, for example, subject to proof "that the intended recipient (e.g. a zoo) possesses adequate facilities suitable for accomodating the species and suited to its behaviour and that the animal will be properly cared for".

Article 6 of the Regulation, furthermore, prohibits the display to the public for commercial purposes of species listed in Appendix I of the Convention and Annex C1 of the Regulation whose importation is in any case only allowed in exceptional circumstances. Derogations may be made to this article only if the specimens are pre-convention, bred in captivity (that is at least second generation offspring), intended for research, or breeding purposes, not for primarily commercial purposes and have been removed from their country of origin in accordance with the laws of that country.

Not all zoos in the Community will have collections containing CITES listed species, but it is generally accepted that a large number of them do. Such species as primates, felids or elephants are after all some of their main attractions. In some instances, particularly among the zoos cooperating internationally in breeding programmes, the animals are derived from already existing captive stocks and so do not necessarily lead to further depletion from the wild. However, the threat of inbreeding still demands that a significant number of animals be captured to suppliment the captive populations.

The Scientific Working Group and the Committee set up under Regulation 3626/82 agreed that there was a need for a common approach with regard to the exceptions granted from Article 6.1 of the Regulation (for captive breeding, education and research) and with regard to the standards to be met by zoos and aquaria for their care and accomodation.

Work therefore began in 1986 on detailed provisions for importing and keeping dolphins in the European Community and will be repeated for primates, felids, reptiles in the coming years. This work, although essential for the smooth and uniform implementation of the Regulation is, by its nature, done on an ad hoc basis and will take several years in order to establish the "state of art" of a limited number of priority species.

This point was reflected in a major review of the Community application of the Regulation 3626/82 carried out by the Wildlife Trade Monitoring Unit (1988). It concluded that:

"criteria should be developed on what constitutes adequate housing for the purposes of Article 10.1.b) as well as other purposes. This should be done in the form of a Community measure concerning the keeping in captivity of live animals".

This proposal:

The aim of this Directive is therefore to ensure that all European zoos meet minimum harmonised standards for the keeping of wild animals and for public safety, in order to facilitate the application of EEC legislation on nature conservation.

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 130s thereof,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas the 4th Action Programme on the Environment (1987-1992) lays down guidelines for action in the field of nature conservation and animal welfare and underlines the necessity of promoting a real policy of information and education in environmental matters;

Whereas Council Regulation (EEC) No 3626/82 of 3 December 1982 on the implementation in the Community of the Convention on International trade in endangered species of wild fauna and flora⁽¹⁾, as last amended by Regulation (EEC) No 197/90⁽²⁾, requires evidence of adequate facilities for the accommodation and care of live specimens of species listed in Annex 2 before allowing their importation into the Community; and whereas it furthermore prohibits the display to the public for commercial purposes of species listed in Annex 1 unless a specific exemption has been justified for education, research or breeding;

(1) OJ No L 384, 31.12.1982, p. 1.

(2) OJ No L 29, 31.1.1990, p. 1.

Whereas Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds⁽³⁾, as last amended by Commission Directive 91/244/EEC⁽⁴⁾ of 3 December 1991, concerning the conclusion of the Convention on the conservation of European wildlife and natural habitats⁽⁵⁾ and Council Decision 82/461/EEC of 24 June 1982 on the conclusion of the Convention on the conservation of migratory species of wild animals⁽⁶⁾ have provisions prohibiting or regulating the deliberate capture and trade in live specimens of the species listed in their Annexes and allow exemptions for certain reasons, such as research and education, repopulation, reintroduction and necessary breeding;

Whereas zoos can play an important role in species conservation, scientific research and public education;

Whereas it is therefore necessary to lay down uniform minimum standards for the keeping of animals, the safety and training of staff and the safety and education of the visiting public;

Whereas in order to ensure that these standards are met, all zoos should have a licence in order to operate; whereas such a licence should only be issued once an inspection of the premises has determined that the zoo in question meets all these standards or would be able to do so within a short period;

Whereas the competent authorities should monitor the compliance of licenced zoos with the conditions of this Directive, and take appropriate action where necessary;

(3) OJ No L 103, 25.4.1979, p. 1.

(4) OJ No L 115, 8.5.1991, p. 41.

(5) OJ No L 38, 10.2.1982, p. 1.

(6) OJ No L 210, 19.7.1982, p. 10.

Whereas a Committee should be set up to deal with the questions arising from the implementation of this Directive and to update the annexes according to the latest scientific and technical information;

Whereas Member States should encourage zoos to promote the conservation of threatened species and the education of the public in this respect;

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. This Directive relates to the management of zoos. It covers the keeping of animals, the safety and training of staff, the safety and education of the visiting public and lays down rules for their inspection and licencing.
2. For the purposes of this Directive the following definitions shall apply:
 - (a) Zoos: all establishments, except circuses and pet shops, where live animals are kept for exhibition and to which members of the public have access on seven or more days of the year, such as zoological collections, animal parks, safari parks, bird gardens, dolphinarlia, aquaria and specialist collections such as butterfly collections.
 - (b) New zoos: all zoos built more than 2 years after the implementation of this directive.
 - (c) Circus: a place where animals are kept or introduced wholly for the purpose of performing tricks or manoeuvres at that place.
 - (d) Animals: specimens of all species of the animal kingdom.

(e) Authority: the authority or authorities designated by each Member State as being responsible for issuing the licences and for ensuring the compliance of zoos with the provisions of this Directive.

(f) Expert: a person appointed by Member States with a broad experience (minimum 5 years) in the management and professional keeping of wild animals in zoos.

Article 2

Member States shall take the necessary measures to ensure that all zoos:

- maintain their animals under conditions which are suited to the behavioural, social and biological requirements of the individual species;

- maintain a high standard of animal husbandry with a developed programme of preventive and curative veterinary care, nutrition and scientifically based breeding;

- maintain their animals under conditions which ensure their safety and the health and safety of the staff and the visiting public;

- keep records of the number, species and sex of the animals, the numbers and conditions of births, acquisitions, and the number of deaths and causes of death.

Article 3

Member States shall take the requisite measures to ensure that all zoos:

- display accurate information about the species exhibited including its name (both scientific and common); some of its biological characteristics and its conservation status;

- ensure that there is sufficient staff responsible for the care of the animals and that they are trained so as to execute their responsibilities properly;
- provide access for inspectors designated by the competent authorities of the Member States to the animals, premises, equipment and records of the establishment at all times.

Article 4

Every zoo shall have a licence within 2 years after the implementation of this Directive in order to operate.

Article 5

1. Each zoo shall submit a detailed application to the competent authority of the Member States outlining its provisions with respect to the standards laid down in this Directive.
2. Before granting or refusing a licence, the competent authority of the Member State shall carry out an inspection of each zoo, in accordance with Article 6, in order to determine whether or not the standards of this Directive have been met.
3. If it appears from the inspection that the standards of the Directive are not yet met but could be met within 12 months, the competent authority may deliver a conditional licence specifying that the zoo shall take the necessary measures to comply with the Directive within 12 months from the date of issuance.
4. Should the conditions laid down in the licence not be complied with within the 12 months, the competent authority shall withdraw the licence and close the zoo to the public.
5. Each licence shall be reviewed by the competent authority every 6 years.

Article 6

The inspection shall be undertaken by at least one member of the competent authority and two experts who are not involved in the zoo in question. They shall draw up an inspector's report detailing the conditions in the zoo with respect to the provisions of Articles 2 and 3.

Article 7

Following licencing, the competent authorities of the Member States shall monitor compliance with the provisions of this Directive. If, at any time, the competent authorities have reason to believe that they are not being met, they shall carry out an inspection of the premises and take the appropriate steps to ensure compliance. If necessary they shall withdraw the licence and close the zoo to the public.

Article 8

Each new zoo shall be licenced in accordance with Article 5(1) and (2).

Article 9

Member States shall encourage zoos to promote the conservation of threatened species and the education of the public in this respect.

Article 10

1. Member States shall submit to the Commission annually and for the first time at the latest 4 years after the implementation of this Directive, a report on:

- the zoos for which licences have been given or refused;
- the conditions, if any, imposed on the licences and action undertaken by those zoos to meet these conditions;

- the date of inspection prior to licensing and names of inspectors assisting in the inspection;
 - any subsequent inspection undertaken, the reasons for such inspection and the decisions taken.
2. The Commission shall prepare a composite report based on the information provided in paragraph 1.

Article 11

Member States may lay down more stringent provisions than those provided for in this Directive for the keeping of animals in zoos.

Article 12

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive within two years of its notification. They shall immediately inform the Commission thereof.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

2. Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field covered by this Directive.

Article 13

This Directive is addressed to the Member States.

Done at Brussels,

For the Council

The President

COMPETITIVENESS AND EMPLOYMENT
IMPACT STATEMENT

I. What is the main reason for introducing the measure?

The present proposal aims to harmonize minimum standards for the keeping of wild animals in captivity in order to facilitate the full application of EEC legislation on nature conservation and, in particular Council Regulation 3626/82 on the implementation in the Community of the Convention on International Trade in endangered species of wild fauna and flora.

II. Features of the business in question. In particular:

(a) Are there many SMEs?

No.

(b) Are they concentrated in regions which are:

(i) eligible for regional aid in the Member States

(ii) eligible under the ERDF?

Yes.

III. What direct obligations does this measure impose on businesses?

By virtue of Articles 2 and 3, zoos will have to meet minimum standards for the health, safety and well-being of animals, as well as the safety of the staff and public.

IV. What indirect obligations are local authorities likely to impose on businesses?

By virtue of Articles 4 and 5, all zoos will require a licence in order to operate following an inspection of the premises by 1 member of the competent authority and two independent experts.

V. Are there any special measures in respect of SMEs? Please specify.

No.

VI. What is the likely effect on:

(a) the competitiveness of businesses?

Uniform minimum standards will be applied to all businesses.

(b) employment?

Zoos that are able and willing to meet the standards may require extra personnel to operate effectively.

Zoos that are unable or unwilling to meet the standards of this proposal will have to close.

VII. Have both sides of industry been consulted?

Yes, the proposal and its technical annexes have been elaborated in close cooperation with the European Communities Association of Zoos and Aquaria (ECAZA).

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