



KleindierNed

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Feedback KleindierNed to draft Implementing Regulation

Regarding the registration requirements of article 86(1) and article 96 (3) of the AHR (2016/429). In Article 3 of this draft the types of establishments are defined that may be exempted by the Member States from the registration requirements.

KleindierNed is a Platform of 9 organizations for breeding, conserving and keeping (rare) birds, rabbits and guinea pigs with 45.000 individual members. These organizations gave already their [feedback](#) on the European regulation on registration in March 2019. Unfortunately this feedback didn't result in the exemptions of registration requirements as we proposed.

No real exemptions in the practice of keeping birds for hobby

The exemptions in the draft Act Article 3 (d) and (e) are not a realistic exemption in the practice of keeping animals for hobby. In the Netherlands there are at least more than 115.000 keepers of birds for hobby. In general these households have no more than 5-50 animals. These birds come and leave the establishment from and to other hobby premises on small scale.

This draft regulation is so strict (art. 3 .1 d.) that it means that almost all the premises where poultry, pigeons and ducks are kept for hobby on a small scale are obliged to register.

Not clear why these data need to be collected

Article 85 of Regulation 2016/429 stated that exemptions are possible for establishments that form an insignificant risk may be exempted by Member States from registration requirements. Establishments where poultry, pigeons and ducks are kept form an insignificant risk in the spreading of diseases as HPAI and NCD. During the last 6 month with a lot of virus from wild birds in The Netherlands it became very clear that spreading of the disease is by wild birds. No transmission from hobby to hobby premises neither from hobby to commercial establishments. There are already regulations for hobbyholders to prevent spreading diseases as HPAI and NCD in 2016/429. So it is not clear why hobbyholders are not exempted from the registration requirements. Neither with what aim all these personal data need to be collected.

How to keep a database up-to-date?

There is a great risk of creating a database which is not up to date. It will take a lot of effort and money to keep the database up to date.

No basis in the AHR for these strict registration requirements

In the context of privacy legislation there has to be a basis to collect personal data. The basis laid

down in the AHR is prevention and control of spreading of transmissible animal diseases. Regulations need to be proportional to the risks of spreading animal diseases. There need to be sufficient reasons for processing personal data of millions inhabitants of the EU. We have argued that these registration obligations for millions of households keeping birds as a hobby are not proportional to the risk they form in spreading animal diseases.

The AHR focuses on the control and prevention of transmissible animal diseases and on animal health. The European rules as they applied until 21-4-2021 for hobby animal (pet farm) owners of birds were sufficient to prevent the spread of animal diseases. The 2 most important infectious diseases for birds are highly pathogenic influenza (HPAI) and Newcastle disease (NCD). HPAI is mainly spread by wild birds. In the Netherlands, for example, there has been no introduction to commercial poultry farms by spread from hobby animal premises. Further, poultry and racing pigeons are already compulsory vaccinated against NCD (EU regulation) when those birds are exhibited at shows or being moved to other Member States. It has been demonstrated that this is sufficient to prevent spread of NCD. A new registration obligation adds nothing to the control and prevention of transmissible animal diseases. As a result, the registration obligation is not proportional and there is no support for this new rule.

Capacity of the competent Authority

The EC now imposes for the first time registration requirements for millions of EU residents (keepers of a few chickens, ducklings, pigeons, etc.) who previously did not have this EU-obligation. Most residents do not see the necessity of this rule and will not be active in keeping track. This means that an expensive system will be set up that will not turn out to be even close to up-to-date. We have already submitted these arguments in March 2019 during the public consultation. It seizes capacity of the competent authority to control this rule and it results in the illegal keeping of animals. There is also a risk that member states differ in the way they implement and control this new regulation.

CITES, IUCN and Convention on Biodiversity

The hobby fanciers are committed to the conservation of rare breeds and species. The new rules in the AHR hinder the small-scale breeding of these birds. This group of breeders will be very much bothered by the newly imposed measures because they are already very well organized within alliances from where they obtain their rings etcetera. At these alliances, registration of breeders and individual animals takes already place. This extra registration is another addition to all the other measures that already have been introduced in the past and further complicates the hobby. All these measures together make it too difficult for an (older) person to comprehend everything. Further, it will take too much time and it can become too expensive.

Note that there is already a shrinking number of people who are concerned about the preservation of the biodiversity of these bird species and the number will only decrease further due to extra rules. This will result in more irritations and, as a result, these people will stop with their hobby because the pleasure is lost.

Alternative regulation obligations

The solution must be sought in the number of birds that may be kept without registration. Then, each Member State is free to take their own measures, as described in Article 3(2). Member States will then be able to introduce country-specific rules that are in line with the national practice of

keeping hobby animals and the risk of the spread of animal diseases in their country. A number of up to 250 adult birds is a good starting point.

Chairman KleindierNed
Ing.Sible Westendorp DVM

A handwritten signature in black ink, appearing to be 'Sible', with a horizontal line underneath and a small dot at the end.