

Advice of the Brussels Animal Welfare Council (21/09/2018)

concerning prohibition of the sale of live animals at public markets

Live animals (fish, chickens and other birds, rodents, rabbits, etc.) are still sold at some public markets in the Brussels-Capital Region (BCR). This exposes the animals to transport, adverse weather conditions, crowding, confinement in cages, etc., and can thus cause stress to the animals. Additionally, this practice can lead to impulse purchases, which may result in the animals ending up with owners with an insufficient understanding of the animal's needs or insufficient resources to meet them. The Brussels Animal Welfare Council (from hereon: the Council) has therefore examined the need for a ban on the sale of animals on public markets in the BCR.

The main points of the assessment are described below and the advice is closed with the conclusion and recommendations of the Council.

Current legislation

The current prohibition in the Belgian "Animal Welfare Act" of 14 August 1986 applies only to the sale dogs and cats in public places, of, including markets, fairs, pet salons and exhibitions (by traders as well as private individuals). However, a licence (accreditation) is required for the operation of commercial trade in animals, including establishments or businesses that trade in animals (other than dogs and cats) at markets, agricultural/country fairs and fun fairs, in accordance with Article 1 of the Royal Decree (RD) of 27 April 2007. In the Walloon Region, a decree of 16 October 2015 added a ban to the "Animal Welfare Act", prohibiting in Wallonia the sale of all animals in public places, with the exception of animal markets, municipal markets and animal shows. To date, there is no legislation in the Flemish Region and the BCR that imposes any prohibitions or conditions on the sale of (other) animals (than dogs and cats) in public places or markets. Within the rest of the EU, national legislation on the sale of animals at markets varies widely.

Organisation by and possible restrictions by the Brussels municipalities

The organisation of public markets at which animals may be sold is a municipal responsibility in Belgium. Municipalities may decide to impose requirements, conditions or prohibitions. The Animal Welfare Department of Brussels Environment surveyed the 19 municipalities in the BCR by e-mail about the organisation of and potential local bans on markets where live animals are sold. Most of the municipalities have replied that no public markets where live animals are sold are organised or allowed in their municipality. However, only 2 municipalities mentioned an explicit prohibition. Only the municipality of Anderlecht indicates that they organise or allow public markets at which live animals are sold. At the Anderlecht Fair (held every September) there is a competition of companion dogs and farm animals exhibitions (without sale) and animals are sold by 1 trader only. In addition, there are three traders selling live animals at the weekly weekend market at Abattoir NV. At both markets, only fish, small pets (rabbits, guinea pigs, hamsters, etc.) and poultry (chickens, chicks, geese, etc.) are sold. In the survey, the municipality of Anderlecht and Abattoir NV indicated that the markets are regularly inspected by municipal veterinarians. The total number of animals sold or offered for sale at these markets cannot be determined.

Animal welfare in market sales of live animals

There are no scientific studies or literature studies that specifically gauge the welfare of animals at markets. Nevertheless, the Council discussed several possible arguments against the sale of animals at markets:

- Selling at markets carries a risk of impulse purchases (due to the certain degree of anonymity enjoyed by the supplier and the buyer), where the buyer may not request or receive sufficient information regarding the physiological and ethological needs of the animals, their origin and health status and the costs associated with these matters.
- Bringing animals together on markets poses a risk of spreading contagious animal diseases^{1,2}.
- The animals are kept during the markets in transportable, temporary housing systems, in which they often spend a large part of the day, especially if transport to and from the market is taken into account.
 - As these are usually limited in size, the animals may be restricted in their freedom of movement.
 - They may not be able to hide or isolate themselves sufficiently from the hustle and bustle, or from other animals they are housed with, and they may experience³stress.
 - These may not offer sufficient protection against adverse weather conditions.
 - Stress can exacerbate⁴pre-existing health problems.

With regard to the four risks mentioned above, it should be noted that whether and how much harm is done to well-being largely depends on the length of stay in this environment. To date, however, there is no scientific research - or at least no comprehensive overview of it - indicating which length of stay in which housing system is acceptable for which animals. In the absence of this, however, the 'precautionary principle'⁵ can be applied when drawing up animal welfare legislation.

- The animals undergo transport, which causes stress. Although recent scientific research on transport stress focuses mainly on farm animals, it is absolutely certain that transport creates stress for other animals as well. This is evidenced by the European transport regulation (Regulation (EC)^{No} 1/2005) and scientifically accepted guides to good practice for the transport of, for example, laboratory animals⁶. For unsold animals, there can be multiple transport trips to market sales (to several markets) and this can be considered to be unnecessary stress.

¹ Robinson, S.E. and Christley, R.M., 2007. Exploring the role of auction markets in cattle movements within Great Britain. *Preventive Veterinary Medicine* 81 (1-3), 21-37.

² Van den Berg, T. 2009. The role of the legal and illegal trade of live birds and avian products in the spread of avian influenza. *Revue scientifique et technique* 28 (1), 93-111.

³ Blanchard R.J., McKittrick C.R., Blanchard D.C., 2001. Animal models of social stress: effects on behaviour and brain neurochemical systems. *Physiology and Behaviour* 73, 261-271

⁴ Broom, D.M. and Kirkden, R.D., 2004. Welfare, stress, behaviour and pathophysiology. In: *Veterinary Pathophysiology*, R.H. Dunlop and C.H. Malbert (eds.), Blackwell, Iowa, pp 337 - 369.

⁵ Birch, J., 2017. Animal sentience and the precautionary principle. *Animal Sentience* 16 (1), 1-15.

⁶ Swallow, J., Anderson, D., Buckwell, A. C., Harris, T., Hawkins, P., Kirkwood, J., Lomas, M., Meacham, S., Peters, A., Prescott, M., Owen, S., Quest, R., Sutcliffe, R., Thompson, K., 2005. Guidance on the transport of laboratory animals. *Laboratory Animals*, 39(1), 1-39



Further considerations

- The Council considers that the sale of invertebrate animals as well as vertebrate animals on public markets may also pose problems. According to the Council (and also the Dutch Council on Animal Affairs, RDA⁷), there are sufficient arguments to attribute moral value to invertebrates, and thus to demand that their welfare be taken into account. Indeed, an increasing number of scientific publications report that certain invertebrates have more advanced abilities than previously assumed, particularly in terms of pain perception, cognitive abilities, stress responses and variations in personality¹². Although conscious suffering is not incontrovertible in most invertebrates, the reverse is also not proven. In addition, ongoing research may offer new insights in this area.
- The Animal Welfare Department of Brussels Environment has not received any questions or complaints about the sale of animals at markets in recent years, as a result of which there is no official documentation concerning associated welfare problems in the BCR.
- Commercial animal traders must comply with special housing conditions as stipulated in the Royal Decree of 27 April 2007. These conditions concern minimum dimensions, environmental enrichment (multiple levels, climbing possibilities and/or gnawing objects for rodents; perches and a sand or water bath for birds; rocks, branches, plants and/or a water feature for reptiles and amphibians, etc.). The above conditions are generally not respected in public markets, as there is no specific legislation on the subject.
- It could be argued that any use of live animals for commercial purposes could be subject to licensing or certification. In the case of the sale of live animals at markets, the means of transport and temporary housing systems could be subject to more regular inspections than at present. However, the Council is of the opinion that, in the BCR, the Animal Welfare Department of Brussels Environment cannot be called on to undertake this in its current organisation, given the impact in terms of staffing and costs.
- The Walloon legislation on the sale of animals in public places sets out 3 different types of public places where the sale of animals (excluding cats and dogs) is allowed:
 - An animal market: collection of animals kept for trading purposes.
 - A municipal market: meeting of itinerant traders who, at fixed periods of time, were approved as sellers in a public place by the municipal administration.
 - Animal exhibitions: a collection of animals kept with the aim of having the characteristics of the animals assessed or presented for educational purposes and whose main purpose is not of a commercial nature.

Of these three types of 'events', animal exhibitions, according to the Council, present the least risk of the above-mentioned welfare problems. Although exhibitors at animal exhibitions (other than dogs and cats) may also be sellers and/or buyers and visitors may be buyers, such exhibitions events have a limited commercial purpose. They are also characterised by more specialised participants and organisers.

⁷ Zienswijze Nederlandse Raad voor Dierenaangelegenheden (RDA) 2018: The emergence of the insect sector, <https://www.rda.nl/publicaties/zienswijzen/2018/06/04/rda-zienswijze-de-ontpopping-van-de-insectensector---ongewervelden-als-productiedier>





It is therefore to be expected that these stakeholders will be better informed about the physiological and ethological needs of the animals and that they will give higher priority to these needs, as opposed to economic interests. In addition, sellers who are members of a fanciers' association can recommend to buyers that they also join the fanciers association, which can spread knowledge about physiological and ethological needs. This constructive way of thinking is also supported by an opinion of the Dutch Council on Animal Affairs (RDA)⁸, which places the responsibility chiefly with the seller. The Council's (and also the RDA's) concerns about public markets are also greater than those concerning specialised exhibitions because the former take place more regularly, with transport-induced stress impacts, for example.

Conclusion and recommendations

During its meetings of 21/06/2018 and 21/09/2018, the Brussels Animal Welfare Council discussed the above problems concerning the sale of animals at markets in the BCR. Possible arguments in favour of a responsible sale of animals at markets (and therefore against a total ban) were also examined, but these were weighed less heavily than the arguments in favour of a total ban. This is why the Brussels Animal Welfare Council advocates a complete ban on the sale of all live animals - vertebrates as well as invertebrates - in public places, including animal markets and municipal markets, but excluding animal exhibitions (other than for dogs and cats*), in the BCR. Animal markets, municipal markets and animal exhibitions may be defined in accordance with the Walloon Decree of 16 October 2015 amending the Animal Welfare Act of 14 August 1986 in order to prohibit trade in animals in public places.

*Sale of dogs and cats at exhibitions remains prohibited.

Furthermore, the Council stresses the need to raise public awareness. Exhibitors and visitors and therefore potential sellers and buyers at animal exhibitions should be informed about the physiological and ethological needs of the animals, their origin and health status. That is why animal sellers at exhibitions should also be obliged to provide buyers with guidelines for feeding, housing and care. This is (based on RD of 27 April 2007) mandatory for all approved breeders and pet shops. The Brussels Council has already emphasised, in its advice on the accreditation procedure for occasional breeders of dogs and cats, that such guidelines are essential. This applies not only to dogs and cats, but also to all other animal species. In addition, potential buyers also need to be made aware of the practicality of buying animals from local and specialised breeders, for reasons including the avoidance of unnecessary animal transport.

⁸ Zienswijze Nederlandse Raad voor Dierenaangelegenheden (RDA) 2016: Shared Care and Welfare of Household Pets (action plan), <https://www.rda.nl/publicaties/zienswijzen/2006/03/23/welzijn-gezelschapsdieren>

