

Online Trade in Animals Kept as Pets in Vienna

Findings from the study “Analysis on Trade
in Pet Animals and Privately Kept Wild Animals in Vienna”

Shifting Values, 2015

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

Study design

Main focus: online pet trade on six classifieds platforms

Methodology:

- ❖ Monitoring pet animal advertisement numbers
- ❖ Notifying presumably illegal ads to classifieds platform operators and evaluating their reactions
- ❖ Passing on ads that indicated a higher level of illegality to the authorities

Legal basis – Animal Welfare Act

§ 8a: Prohibits offering for sale and selling animals in publicly accessible areas, including the internet

Exempted are: authorized pet shops; registered breeders; shelters and animal welfare NGOs

§ 37(2a): Authorities are entitled to take animals offered for sale away from persons violating § 8a

§ 5(2): Prohibits brokering the transfer of animals with features resulting from cruel breeding

Situation at the outset

- ❖ 6 classifieds platforms
- ❖ none of the platforms had instituted effective measures to prevent or restrict small ads not complying with animal welfare law
- ❖ hundreds of illegal ads online every day

Vier Wochen altes Chihuahua Baby sucht Zuhause

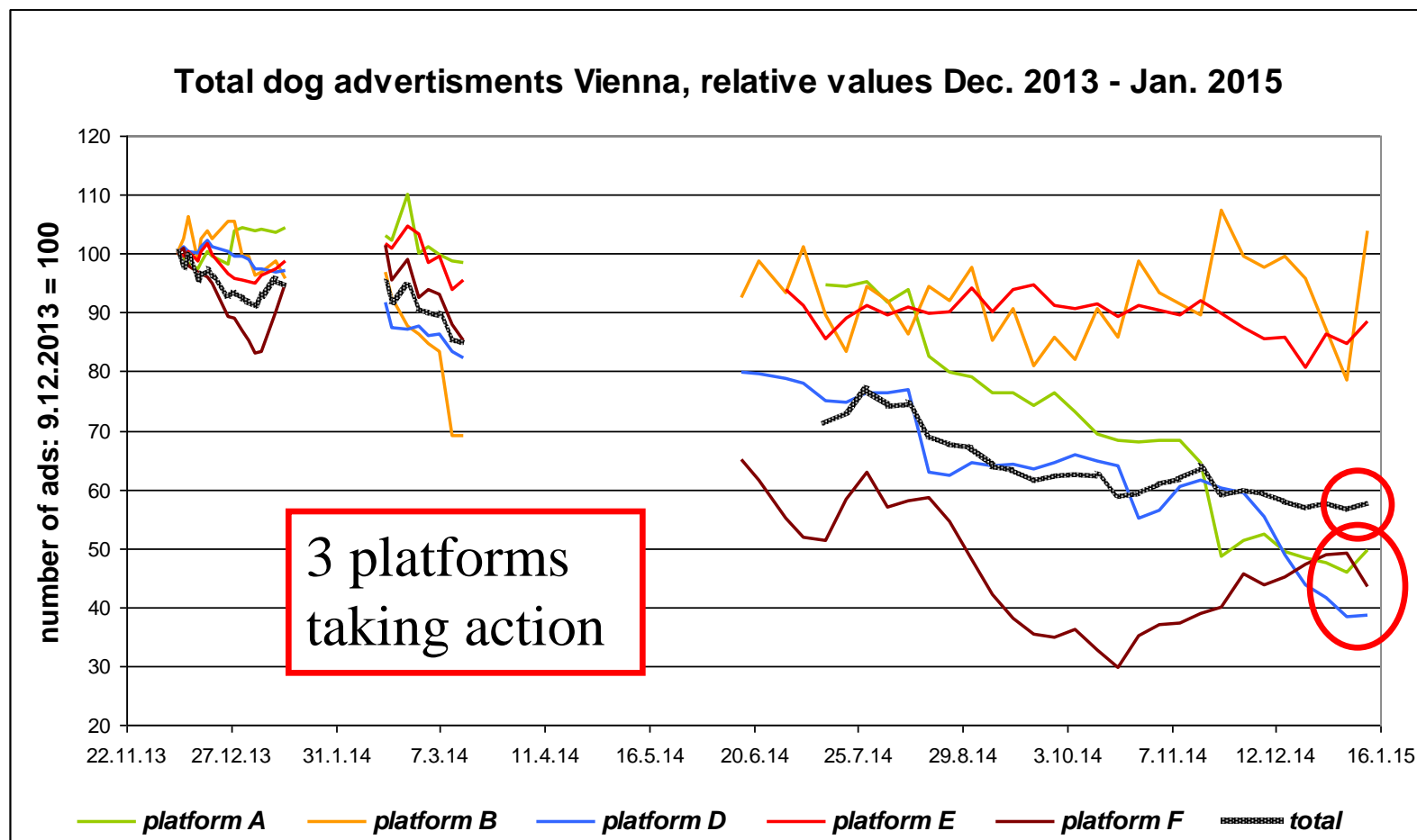


Brauner Chihuahua Welpe ist ein Männchen und nicht geimpft und gechipt

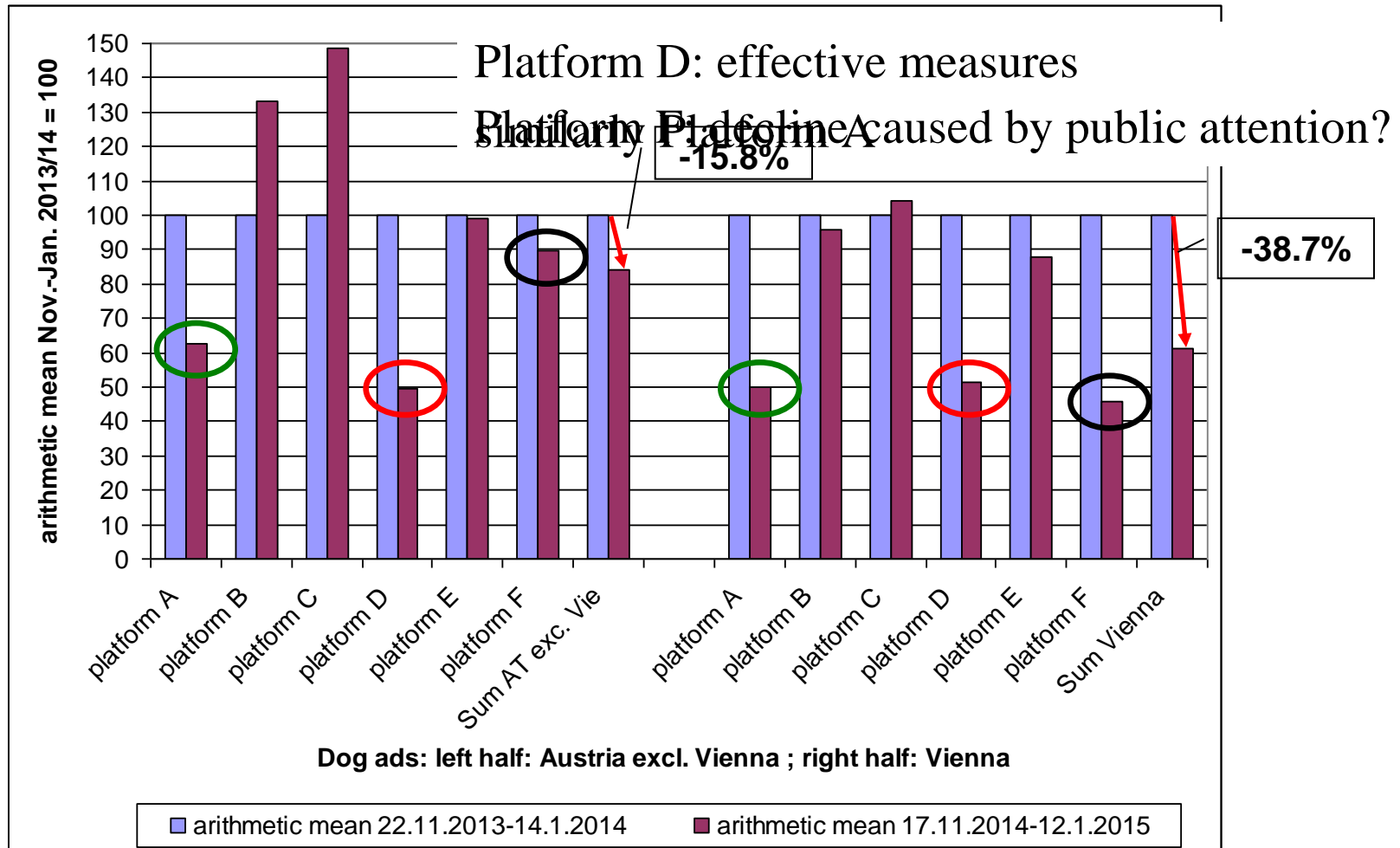
Examples of illegal trade

- ❖ publicly offering animals for sale
- ❖ dogs and cats offered for sale were too young
- ❖ animals from third countries offered for sale without being vaccinated against rabies or without valid vaccination
- ❖ dogs with prohibited interventions (e.g. docked ears)
- ❖ animals with features resulting from cruel breeding
- ❖ offering for sale of dangerous animals (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

Key findings: Monitoring



Drop in dog ad numbers much stronger in Vienna:



Measures by platform operators

- ❖ **D:** elaborate warning notices; strict requirements since late autumn 2014 for advertisers to prove their exemption from § 8a TSchG (breeders, animal rescue groups)
- ❖ **A:** informs about legal provisions and does not accept non-compliant pet animal small ads (from August 2014).
- ❖ **F:** only warning notices; no official restriction of advertisers (suspect ads may be checked manually)
- ❖ The other monitored platforms did not institute any discernible measures against illegal ads.

Platforms registered in neighbouring country

- ❖ Platform B increasingly became one of the main platforms used by illegal puppy and pet traders
- ❖ Another platform (not included in the monitoring) has been flooded with fraud ads throughout 2014

Problem: Austrian authorities have no legal leverage on these platform operators

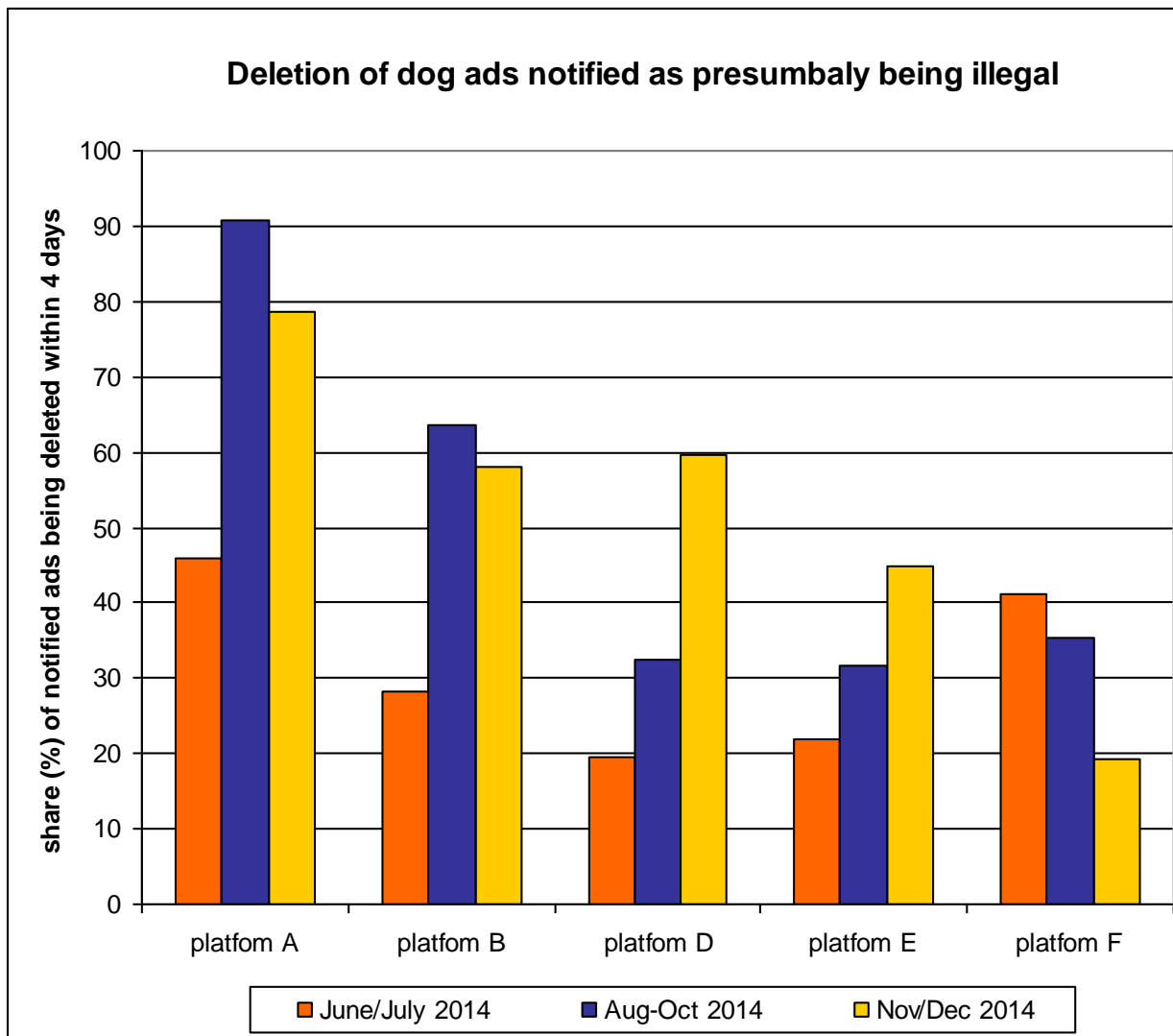
Legal basis – E-Commerce Act

§ 18(1): Service providers not obligated to monitor or to actively research circumstances indicating illegal activity

§ 16(1): Upon obtaining **actual knowledge** or awareness of illegal activity or information, a service provider has to **act expeditiously** to remove or to disable access to the information.

Key findings – Notifying illegal ads

- ❖ 1182 presumably illegal dog ads were notified to the respective platform operators (June-Dec 2014)
- ❖ “Expeditiously” was taken to be 4 days
- ❖ Within four days 522 (44.2%) of these ads have been removed.
- ❖ Differences between platform operators



Confiscations

- ❖ 40 dog puppies, 3 cats, 63 reptiles (46 snakes, 16 geckos, 1 chameleon), and 10 amphibians (newts) have been seized by the authorities
- ❖ The seizures revealed difficulties in law execution, notably in dealing with unvaccinated dogs from areas where rabies occurs (e.g. Serbia).

Conclusions

- ❖ Measures implemented by Vienna – public awareness campaign, intensified law enforcement, dialogue with platform operators – proved to be effective in diminishing illegal pet ads
- ❖ E-commerce law not sufficient to cause the platform operators to assume their responsibilities
- ❖ Illegal traders may resort to platforms registered in another EU country

Thank you for your attention!

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