

For our Environment

Non-Chemical Alternatives: The Legal Perspective

Annika Schlötelburg

German Environment Agency
Section IV 1.4
Health Pests and their Control

**Animal
Welfare**

Efficacy

**How are rodent traps
regulated in the EU?**

**Protection
of non-
target
animals**

**User
safety**

Animal
Welfare

Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community

Article 13

*In formulating and implementing the Union's agriculture, fisheries, transport, internal market, research and technological development and space policies, **the Union and the Member States shall, since animals are sentient beings, pay full regard to the welfare requirements of animals**, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage.*



Example: Regulation of traps in Germany

German Animal Protection Act

Article 4

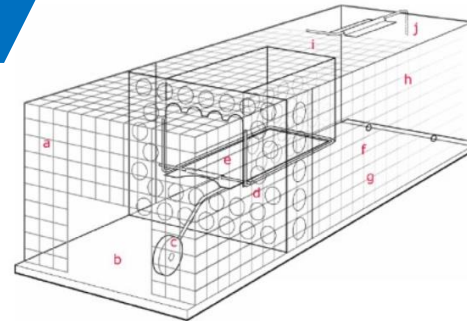
...killing may only be carried out with no more than unavoidable pain.

- No authorization of traps in Germany. It is a post-hoc decision:
 - Local veterinary authority decides on case-by-case basis (professional pest control)
 - Non-professional users can be made afterwards responsible for animal cruelty
- No criteria for humaneness of traps; no central decisions

Animal Welfare

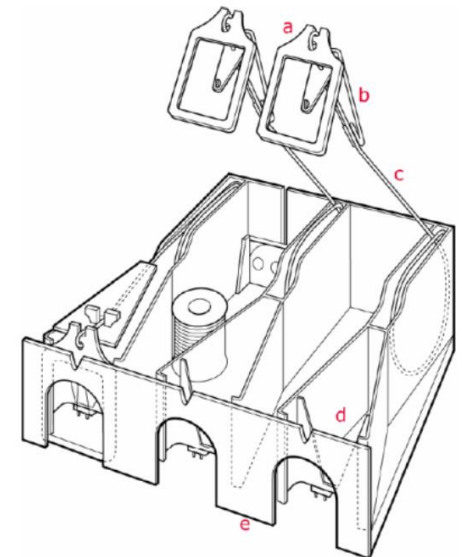
Example: Regulation of traps in Sweden

- Approval of traps by the Swedish Environmental Protection Agency
- For traps of martens, polecats, mink, stoats, weasels, beavers, squirrels, wild rabbits, moles, **voles**, muskrats, lemmings, **rats**, **mice**, shrews and grouse.
- Aim: only the trapping devices that are **safe for humans and property**, selective and **do not expose wild animals to unnecessary suffering** are used.



S21
Tyko för mus

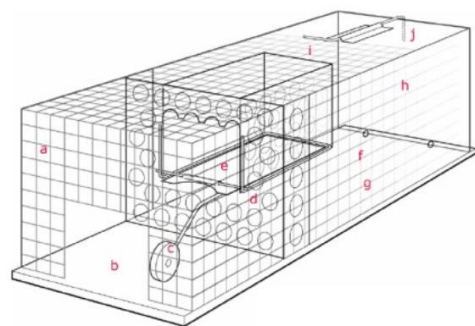
- a) Gavel
- b) Förgärd
- c) Motvikt
- d) Sida
- e) Trampplatta
- f) Fångstrum
- g) Golv
- h) Vikbar gavel
- i) Tak
- j) Låsspärr



- a) Fångstrum
- b) Ingångsskydd
- c) Slagfjäder
- d) Fångst- och betesutrymme
- e) Skyddshölje

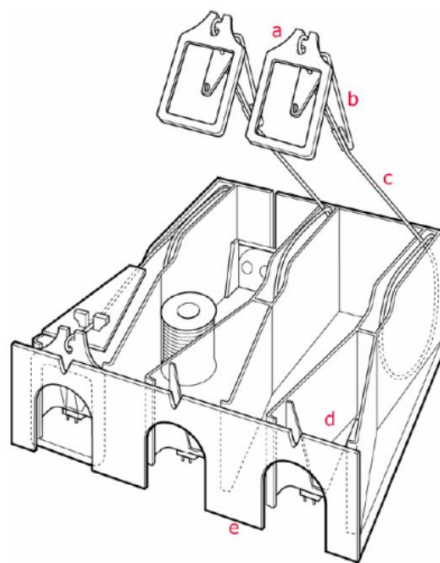
www.Naturvardsverket.se

Animal Welfare



S21
Tyko för mus

- a) Gavel
- b) Förgård
- c) Motvikt
- d) Sida
- e) Trampplatta
- f) Fångstrum
- g) Golv
- h) Vikbar gavel
- i) Tak
- j) Låspärr



- a) Fångstrum
- b) Ingångsskydd
- c) Slagfjäder
- d) Fångst- och betesutrymme
- e) Skyddshölje

Test of killing devices:

- 12 animals of intended species
- in laboratory if possible, otherwise in the field
- Test situation corresponds to natural conditions
- 80% of rats and mice must be unconscious in 45 s
- killed or captured animals X-rayed and an autopsy carried out

Non-Chemical Alternatives: The Legal Perspective

Cosmetics

- ➡ Directive 2003/15/EC of the European Parliament and of the Council of 27 February 2003 amending Council Directive 76/768/EEC on the approximation of the laws of the Member States relating to cosmetic products, 11.3.2003

Pets

- ➡ Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC, 13.6.2003

Fur

- ➡ **Leghold traps:** Council Regulation (EEC) No 3254/91 of 4 November 1991 prohibiting the use of leghold traps in the Community and the introduction into the Community of pelts and manufactured goods of certain wild animal species originating in countries which catch them by means of leghold traps or trapping methods which do not meet international humane trapping standards, 09.11.1991
- ➡ **Seal pups:** Council Directive 83/129/EEC of 28 March 1983 concerning the importation into Member States of skins of certain seal pups and products derived therefrom, 09/04/1983
- ➡ **Seals:** Regulation (EC) No 1007/2009 of the European Parliament and of the Council of 16 September 2009 on trade in seal products, 31.10.2009
- ➡ Regulation (EU) 2015/1775 of the European Parliament and of the Council of 6 October 2015 amending Regulation (EC) No 1007/2009 on trade in seal products and repealing Commission Regulation (EU) No 737/2010
- ➡ **Cats and dogs:** Regulation (EC) No 1523/2007 of the European Parliament and of the Council of 11 December 2007 banning the placing on the market and the import to, or export from, the Community of cat and dog fur, and products containing such fur (Text with EEA relevance), 27.12.2007

Fisheries/Cetaceans

- ➡ Council Regulation (EC) No 812/2004 of 26 April 2004 laying down measures concerning incidental catches of cetaceans in fisheries and amending Regulation (EC) No 88/98, 24.5.2004

Zoos

- ➡ COUNCIL DIRECTIVE 1999/22/EC of 29 March 1999 relating to the keeping of wild animals in zoos OJ L 94/24, 9. 4. 1999

Transport

- ➡ Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97, 5.1.2005

Slaughter

- ➡ Council Directive 74/577/EEC of 18 November 1974 on stunning of animals before slaughter, OJ L 316, 26/11/1974
- ➡ Council Directive 93/119/EC of 22 December 1993 on the protection of animals at the time of slaughter or killing, 22/12/1993
- ➡ Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing, 18.11.2009

Farming

- ➡ Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes, 8.8.1998
- ➡ **Laying hens:** Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens, 3.8.1999
- ➡ **Calves:** Council Directive 2008/119/EC of 18 December 2008 laying down minimum standards for the protection of calves (Codified version), 15.1.2009
- ➡ **Pigs:** Council Directive 2001/88/EC of 23 October 2001 amending Directive 91/630/EEC laying down minimum standards for the protection of pigs, 1.12.2001
- ➡ **Broilers:** Council Directive 2007/43/EC of 28 June 2007 laying down minimum rules for the protection of chickens kept for meat production, 12.7.2007

Experiments

- ➡ Council Directive of 24 November 1986 on the approximation of laws, regulations and administrative provisions of the Member States regarding the protection of animals used for experimental and other scientific purposes (86/609/EEC)
- ➡ Directive 2010/63/EU of the European Parliament and of the Council of 22 September 2010 on the protection of animals used for scientific purposes, 20.10.2010

Animal Welfare



Rodents used in experiments

Directive 2010/63/EU

Article 6: Methods of killing

- 1. Member States shall ensure that animals are killed with minimum pain, suffering and distress.*
- 2. Member States shall ensure that animals are killed in the establishment of a breeder, supplier or user, by a competent person.*

**Animal
Welfare**

Fur-delivering animals

Council Regulation (EEC) No 3254/91 of 4 November 1991

prohibiting the use of leghold traps in the Community and the introduction into the Community of pelts and manufactured goods of certain wild animal species originating in countries which catch them by means of leghold traps or trapping methods which do not meet international humane trapping standards.

Agreement on International Humane Trapping Standards (AIHTS)

- between the EU, Canada and the Russian Federation (with a similar agreement with the United States); since 2008
- Testing and certifying humane methods of trapping wild (fur-delivering) animals
- Prohibition of the use of non-certified traps (if certified traps for the target species are available)

4.1. Species list

The Standards apply to the following species:

<i>Common name:</i>	<i>Species</i>
Coyote	<i>Canis latrans</i>
Wolf	<i>Canis lupus</i>
Beaver (North American)	<i>Castor canadensis</i>
Beaver (European)	<i>Castor fiber</i>
Bobcat	<i>Felix rufus</i>
Otter (North American)	<i>Lutra canadensis</i>
Otter (European)	<i>Lutra lutra</i>
Lynx (North American)	<i>Lynx canadensis</i>
Lynx (European)	<i>Lynx lynx</i>
Marten	<i>Martes americana</i>
Fisher	<i>Martes pennanti</i>
Sable	<i>Martes zibellina</i>
Pine Marten	<i>Martes martes</i>
Badger (European)	<i>Meles meles</i>
Ermine	<i>Mustela erminea</i>
Raccoon dog	<i>Nyctereutes procyonoides</i>
Muskrat	<i>Ondatra zibethicus</i>
Raccoon	<i>Procyon lotor</i>
Badger (North American)	<i>Taxidea taxus</i>

Additional species will be included in the future as appropriate.

Agreement on International Humane Trapping Standards (AIHTS)

Criteria for killing traps:

- 80% of min. 12 individuals of the target species are irreversibly unconscious and insensible within the time limit.

Indicators and time limits

Time limit to loss of corneal and palpebral reflexes	Species
45 seconds	<i>Mustela erminea</i>
120 seconds	<i>Martes americana</i> <i>Martes zibellina</i> <i>Martes martes</i>
300 seconds ⁽¹⁾	All other species set out in paragraph 4.1.

Bird Directive 2009/147/EC

- prohibits activities that directly threaten bird species listed in Annex III.

Habitat Directive 92/43/EEC

- prohibits all types of capture or killing of the species listed in Annex II.

A blue hexagon with white text inside, pointing to the right.

**Protection
of non-
target
animals**

Bird Directive 2009/147/EC

prohibits activities that directly threaten bird species listed in Annex III.

Habitat Directive 92/43/EEC

prohibits all types of capture or killing of the species listed in Annex II.

“However, there is no indication that (glue) traps would pose any significant risk to the conservation status of any of these species.”

A blue hexagon with white text inside, pointing towards the left.

Protection
of non-
target
animals

Example: Glue traps

- House mice and rats = not protected species under the Habitat Directive 92/43/EEC
- No indication that glue traps pose significant risks to the conservation status of species listed in the Bird or Habitat Directives
- EU Member States shall pay full regard to animal welfare requirements (Article 13, Treaty of Lisbon), but animal welfare concerns regarding glue traps are not covered by EU legislation → Member States



Directive 2001/95/EC on general product safety

It is the responsibility of businesses and national authorities to ensure that only safe products are for sale.

Businesses must

- only place products which are safe on the market
- inform consumers of any risks associated with the products they supply

National authorities must

- check and ensure product safety legislation and rules are applied by manufacturers and business chains



Efficacy

General:

- No data required for traps
- Authorization of biocide products requires proof of efficacy

Exemption:

German Infection Protection Act §18:

To protect human beings from diseases, procedures of officially ordered measures against health pests must have been recognized by the competent higher federal authority.

- UBA tests traps on animal welfare and efficacy (comparable to NoCheRo Guidance)

**Animal
Welfare**

Welfare of pest rodents depends on each EU-country and its different laws, civil codes and constitutional principles.

Killing of laboratory rats and mice and traps for fur-delivering animals are regulated by EU Directives or Regulations.

Welfare of trapped pest rodents is not sufficiently regulated by all EU-countries.

Efficacy

**Protection
of non-
target
animals**

**User
safety**

**Animal
Welfare**

Efficacy

The Bird and Habitat Directives prohibit the killing of protected species.

However, it is assumed that the application of [glue] traps has no relevant effect on the populations of these species.

**Protection
of non-
target
animals**

**User
safety**

**Animal
Welfare**

Efficacy

User safety is regulated by the
Directive on General Product Safety.

Depending on the type of the trap,
specific decrees must be considered
(e.g, for the use in sewers, electronic
devices etc.).

**Protection
of non-
target
animals**

**User
safety**

**Animal
Welfare**

Efficacy

Generally, no data on efficacy necessary.

In special cases (German Infection Protection Act), efficacy of traps must be proven.

**Protection
of non-
target
animals**

**User
safety**

Non-Chemical Alternatives: The Legal Perspective

Generally, no data on efficacy necessary.

In special cases (German Infection Protection Act), efficacy of traps must be proven.

Animal Welfare

Welfare of pest rodents depends on each EU-country and its different laws, civil codes and constitutional principles.

Killing of laboratory rats and mice and traps for fur-delivering animals are regulated by EU Directives or Regulations.

Welfare of trapped pest rodents is not sufficiently regulated by all EU-countries.

Efficacy

How are rodent traps regulated in the EU?

Protection of non-target animals

User safety is regulated by the Directive on General Product Safety.

Depending on the type of the trap, specific decrees must be considered (e.g, for the use in sewers, electronic devices etc.).

User safety

The Bird and Habitat Directives prohibit the killing of protected species.

However, it is assumed that the application of traps has no relevant effect on the populations of these species.

Thanks a lot for your attention!

Annika Schlötelburg

Annika.schloetelburg@uba.de

www.uba.de

