

To:

Mr. Tonio **Borg**, Health Commissioner
European Commission
B-1049 Brussels
Belgium

23 January 2014

With a copy to:

European Court of Auditors
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1615 Luxembourg
Luxembourg

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Veterinary and International Affairs
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ROMANIA; EU FUNDS; RABIES ERADICATION; DOG POPULATION CONTROL

Executive summary

- *EU Commission has legal competence to intervene in the ongoing cruelties directed at Romania's surplus dog population. The legal competence is not based on animal welfare, but **public health**.*
- *Romania's rabies eradication programme is co-financed by the EU. The "control of the population of dogs" was explicitly listed among the measures agreed to be implemented under the programme.*
- *Romania is in the process of implementing dog population control by way of removing hundreds of thousands of dogs ("Catch & Kill").*
- *In order to qualify for EU co-financing, EU law calls for the choice of effective policies. According to unanimous global expert opinion, "Catch & Kill" is not an effective policy. A "Catch & Kill" policy shows the policymakers have not understood where unwanted dogs come from.*
- *Until "Catch & Kill" is replaced by a solution based on international best practice, Romania's rabies eradication programme is **not** legally **eligible** for co-financing from the EU **Agricultural Guarantee Fund**.*

- *Furthermore, the burden of proof is on the Commission when it claims that EU funds granted to Romania under other programmes are not being used, directly or indirectly, to fund Romania's large-scale dog management business, enriching private businessmen operating as contractors to local administrations. This applies notably to the Regional Operational Programme, as co-financed by the **European Regional Development Fund**.*
- *Any continued co-financing of an ineffective policy would constitute a **breach** of not only EU law, but a flagrant violation against European values (as enshrined in Article 13 of TFEU).*

Dear Commissioner Borg,

We, the 211 signatory organizations enumerated in the attached **List of Signatories**, trust you are aware of the continued failure of the Romanian government to find a sustainable and humane solution to the problem of surplus dogs in Romania. The utmost cruelty practiced on a daily basis in various parts of Romania in the name of “euthanasia” of inadequately supervised dogs is in flagrant breach of European values and of a number of international obligations binding on Romania. The inability of the EU Commission, so far, to come up with a credible solution has caused citizens of many EU countries to question the entire justification of the existing EU legal framework. In particular, it goes beyond the limits of imagination of a growing number of EU citizens that Romania, a country receiving millions of euros of financial assistance from other EU countries every year is, at the same time, “entitled” to completely disregard a set of European values. Such values are enshrined in Article 13 of the Treaty on the Functioning of the European Union (“TFEU”), acknowledging animals as sentient beings.

To date, the Commission has not identified a legal basis enabling it to intervene.¹ However, we trust you will agree that it is our duty to intervene as soon as a valid legal ground is identified. By now, it is clear that Romania, an EU Member State, remains unable to solve – in a sustainable and humane fashion – an issue that has been successfully solved in a number of **less developed countries**. Effective handling of the free-roaming dog population issue calls for measures in line with international best practice.

In this letter, we will set out, from a legal point of view, selected options to establish **legal competence** for the EU Commission – at last – to take action in this matter.

In this letter, Romania's current dog population control policy will be referred to as “**Catch & Kill**”, in order to reflect its essential implications. Yet, in many ways, the wording of Romanian legislation is comparable to legislation in a number of other countries; in fact, the wording alone would suggest that a humane “Catch, Shelter & Rehome” policy is being implemented in Romania. However, as the practical implementation of the law materially

¹ European Commission reply to complaint CHAP(2013) 3076, 2013/C 343/10, OJ 23.11.2013 C 343/21.

deviates from its stated content, it is key to note the disconnect between wording and reality. In our view, it would not be appropriate to defend an inhumane policy disguised by way of a purely “cosmetic” piece of legislation. Romania has decided to implement dog population control by way of collecting hundreds of thousands of dogs. Whereas financing, facilities and new homes are not, in practice, available to accommodate the high number of dogs, the essential content of the policy is indeed “Catch & Kill”.

Legal competence

We note that companion animal welfare *per se* falls outside of the scope of EU legislation, as currently in force.² Nonetheless, important aspects of the stray issue fall within the domain of **PUBLIC HEALTH**, a shared competence under Articles 4 and 168 of the TFEU. Of particular relevance to public health are zoonotic diseases (animal diseases transmittable to human beings), notably **Rabies** and **Echinococcus Multilocularis**. The importance of animal health for public health has been underlined, for instance, in Recital 13 to Commission Implementing Decision 2012/761/EU. Furthermore, the special connection between zoonotic diseases and human health is explicitly acknowledged in the OIE Guidelines on Stray Dog Population Control.³

Also agriculture is a shared competence under Article 4 of the TFEU. Under Article 3 of the Council Regulation 1290/2005/EC on the financing of the common agricultural policy, animal disease eradication shall be financed through the European Agricultural Guarantee Fund (“EAGF”). Hence, EU funds for the eradication of rabies are granted through the EAGF.

The scope of Article 13 of TFEU acknowledging animals as sentient beings has been stated to cover “all animals”⁴. Furthermore, it notably contains an explicit reference to agriculture as a domain in which it is necessary to “pay full regard to the welfare requirements of animals”.

Important lump sums are, every year, granted by the EU to Romania to co-finance its Rabies Eradication Programme. For the year 2013 alone, a maximum of six million euros was committed to be paid out to Romania. Romania has received EU funds for rabies eradication since the year 2007, and its current Rabies Eradication Programme runs for a total of ten years (2011 – 2021). EU legislation even provides for the possibility of a member state receiving advances of up to 60 % of the maximum amount set for each programme.

Under the EU legislative framework for the financing of rabies eradication, various controls are required in connection with the grant of EU funds to member states as follows:

² European Commission reply to complaint CHAP(2013) 3076, 2013/C 343/10, OJ 23.11.2013 C 343/21.

³ OIE – Terrestrial Animal Health Code, 2009, Preamble to Chapter 7.7.

⁴ E-011265/2013, answer given by Mr Borg on behalf of the Commission on 21 November 2013.

1. Council Decision 2009/470/EC lays down the procedures governing EU financial contribution. According to Article 27, paragraph 5, item (d), while approving the programme, “any **conditions** to which the Community financial contribution may be subject” shall be set out.
2. The Annex to Commission Decision 2008/341/EC enumerates the minimum criteria for programmes eligible for EU co-financing. According to Article 5, item (e) of the Annex, the measures of the programme “shall be selected as being **the most efficient and effective measures** to achieve the objective”. Under Article 6, the progress of the programme shall be monitored and evaluated on the efficiency and effectiveness of the measures. Under Article 7, the tools and measures selected shall be used “in the most **cost-effective** manner”. Commission Implementing Decision 2012/761/EU, Article 16, paragraph 1 thereof, provides that the grant of the EU financial contribution is conditional upon the Member State “implementing the programme **efficiently**. Recital 17 to the same clarifies that financial contribution from the EU “should be granted subject to the condition that the **actions planned** are efficiently carried out”.
3. Commission Implementing Decision 2012/761/EU, Article 16, paragraph 2 thereof, also provides for **sanctions** in the event of a breach by the conditions of the programme as follows: “Where a Member State does not comply with paragraph 1, the Commission may reduce the financial contribution by the Union having regard to the nature and gravity of the infringement, and to the financial loss for the Union.”
4. Council Regulation 1290/2005/EC provides for **financial controls** in view of protecting the financial interests of the EU and the management of EU funds granted through the EAGF. Articles 9, 36 and 37 provide the financial controls for EU funds granted for Rabies programmes. Under Article 9, the Commission shall check that management and control systems “function properly” in the Member States. Furthermore, the Commission “shall apply the requisite financial corrections”, and “shall reduce or suspend” payments in full or in part and “shall check that prefinancing is reimbursed”. Article 36 provides for the Commission’s full access to information at a Member State, whereas Article 37 enables the Commission to perform on-the-spot checks in a Member State.
5. Regulation 882/2004/EC, Article 45 thereof, also provides for the right of the Commission to carry out general and specific audits in a Member State that is recipient of EU financial contribution. Such audits and inspections may include on-the-spot inspections of facilities “associated with the sector being audited” or investigate “important or recurring problems”. Member States are required to ensure for the Commission access to “all premises”.

Effectiveness of Romania's Rabies eradication programme

Scope

Romania's Programme for the Eradication of Rabies 2013 (the "Programme"), as currently in force, describes the current status of rabies in Romania as follows: "The incidence is **especially in dogs** and foxes" (p.7). It is further clarified that dogs are "responsible for cases of domestic animals" (p. 3). The description of the Programme (p. 8) can be summarized as follows:

- The Programme applies to the entire population of foxes ("target animal").
- A vaccination strategy applies to domestic animals, whereby **dogs** and cats "from backyards" will be vaccinated.
- Furthermore, for the purposes of the vaccination programme, "it will be considered also the wild **dog** populations in rural areas".
- Rabies in Romania develops **both** in wildlife (especially foxes) **and** domestic animals. Rabies "develops **endemicall**y in foxes and **dogs** and occasionally in other animals".
- Most cases of rabies in domestic animals have been recorded in dogs and cats. The situation "is **not casual** if we consider that Romania has a **very large number of stray dogs** and cats."
- Measures to be carried out under the Programme include:
 - Vaccination of foxes
 - **Compulsory vaccination of dogs** and cats
 - **Identification and registration of dogs** and cats
 - **Control of the population of dogs** and cats

Even in circumstances where wildlife (such as the fox) is a primary host of the rabies virus, the need to control rabies in dogs remains of major relevance.⁵ This is because the dog, due to its proximity to people, **remains the closest point of contact between the disease and human beings** (especially children). In more than 99 % of all cases of human rabies, the virus is transmitted via dogs.⁶ Therefore, eliminating rabies in dogs is the key to preventing the disease in people. Hence, in the Programme, vaccinating dogs is explicitly listed among the measures to be carried out.

Dog population control is explicitly listed among the measures to be carried out under the Programme. We agree that dog population management must always form a substantial component of a canine rabies control programme in a country with free-roaming dogs: vaccinating wildlife while allowing an unsupervised dog population to continue to roam and breed freely, could hardly be considered efficient policy.

⁵ Blueprint for Canine Rabies Prevention and Control, Version 2 – November 2012, Chapter 1.6.

⁶ WHO Expert Consultation on Rabies, Second Report – 2012, p. 63.

The relationship between dog population control and rabies has been recognised in the OIE Guidelines on Stray Dog Population Control.⁷ Furthermore, WHO Guidelines for Dog Population Management acknowledge the special relationship between dog population control and rabies as follows:

“Ideally, the conduct of a dog control programme should be carried out at a national level and financed as part of the existing government programme directed at controlling dogs for health reasons. This is particularly relevant... ..of canine rabies control programmes.”⁸

In fact, in Romania, Article 1 of the recently-adopted Methodological Norms⁹ (enabling the culling of the dogs in practice) clarifies as follows:

“The purpose of the present norms is to reduce the number of stray dogs,..., to reduce the occurrence of **rabies** and other zoonoses, to reduce the risk to **human health**”.

Furthermore, according to research, the so-called “Threshold Level” of rabies-immune animals is lower when vaccination and dog population management are practiced together. This means that, in the event of a combined sterilization and vaccination programme, a significantly lower vaccination coverage level has been observed to provide a barrier for the transmission of rabies.¹⁰

Effectiveness

In order to meet the requirement of efficient and effective policy within the meaning of Commission Decision 2008/341/EC, Annex, Article 5, item (e) thereof, it is essential to select a dog population management method that is **effective**.

According to OIE Guidelines on Stray Dog Population Control,

- “Euthanasia of dogs, used alone, is **not an effective** control measure.”¹¹

⁷ OIE – Terrestrial Animal Health Code, 2009, Chapter 7.7, Article 7.7.3.

⁸ WHO Guidelines for Dog Population Management, 1990, p. 77.

⁹ Romanian Government decision on the approval of methodological norms for the application of Government emergency ordinance no. 155/2001 regarding the approval of stray dog management programme, approved with amendments by Law no. 227/2002, with subsequent amendments, p. 2.

¹⁰ J. F. Reece, S. K. Chawla: *Control of rabies in Jaipur, India, by the sterilisation and vaccination of neighbourhood dogs*. Veterinary Record (2006), p. 382.

¹¹ OIE – Terrestrial Animal Health Code, 2009, Chapter 7.7, Article 7.7.6.

According to Canine Rabies Blueprint¹²,

- “Dog culling (i.e. removal) has **never** been **effective** in controlling or eliminating dog rabies and can often be counterproductive”.
- “Euthanasia only deals with the symptoms of a population management problem, and **not** the cause.”

According to WHO Expert Consultation on Rabies¹³,

- “There is **no** evidence that removal of dogs has a significant impact on the dog population density or the spread of rabies.”
- “Mass culling of dogs **should not** be an element of a rabies control strategy: it is ineffective and can be counterproductive to vaccination programmes”.

According to WHO Guidelines for Dog Population Management,

- “In the long term, control of reproduction is **by far** the **most effective strategy** of dog population management”.¹⁴
- “Animals kept as pets are the group which reproduce most successfully, and so methods aimed at them should have the greatest effect”.¹⁵ “In order to achieve long term reductions in dog populations, the strategies selected must include controlling the reproduction of owned dogs”.¹⁶
- “Removal and killing of dogs should **never** be considered as the most effective way of dealing with a problem of surplus dogs in the community: it has **no effect** on the root cause of the problem”.¹⁷

A “Catch & Kill” policy will not work because it is aimed at the wrong target. Stray, feral dogs are not the source of the problem. The dog flourishes only in the company of human beings; accordingly, feral dogs are the least reproductively successful. In contrast, the offspring of kept or owned dogs (whether family dogs or neighbourhood dogs) often survive. The latter are the source of the next generation of unsupervised “street” dogs. This is why a “Neuter, Vaccinate & Return” policy works, whereas Catch & Kill does not. “Neuter, Vaccinate & Return” addresses the root of the problem, “Catch & Kill” only the symptoms. “Catch & Kill” has not permanently solved the surplus dog problem anywhere in the world, and is often carried out inhumanely. In contrast, by means of a “Neuter,

¹² Blueprint for Canine Rabies Prevention and Control, Version 2 – November 2012, Chapters 5.4.15 - 5.4.16.

¹³ WHO Expert Consultation on Rabies, Second Report – 2012, p. 64.

¹⁴ WHO Guidelines for Dog Population Management, 1990, p. 72.

¹⁵ WHO Guidelines for Dog Population Management, 1990, p. 84.

¹⁶ WHO Guidelines for Dog Population Management, 1990, p. 7.

¹⁷ WHO Guidelines for Dog Population Management, 1990, p. 74.

Vaccinate & Return” strategy, a reduction of the unsupervised dog population in six years to less than 10 % of its starting level has been evidenced even in pilot cities¹⁸ in Romania.

Despite a number of “Catch & Kill” campaigns in Romania over the years, the occurrence of rabies in domestic animals in Romania has not decreased, but – instead – increased. This is because Romania has, to date, never implemented at the national level any long-term dog population management programme in accordance with international best practice.

“Catch & Kill” has proved ineffective and short-termist, whereas there is plenty of evidence of “Neuter, Vaccinate & Return” being an effective method that leads to permanent results. Neuter, Vaccinate and Return succeeds because it enjoys the co-operation of the citizens keeping the dogs. “Catch & Kill” fails partly because the dog-keepers obviously do not co-operate with it. “Neuter, Vaccinate & Return” converts every dog-keeper into a voluntary dog-catcher. “Catch & Kill” converts every dog-keeper into a bitter opponent of government policy. Furthermore, in “Catch & Kill”, removed dogs are soon replaced by new fertile, unvaccinated dogs, up to the carrying capacity of the territory. Dog-keepers will feed new dogs to replace the dogs “kidnapped” by dog-catchers.

Hence, the current method of dog population management in Romania violates Commission Decision 2008/341/EC, Annex, Article 5, item (e) thereof. Therefore, **until “Catch & Kill” is replaced with dog population control methods in accordance with international best practice, the Programme is not in compliance with Commission Decision 2008/341/EC and, accordingly, is not legally eligible for co-funding from EU funds.**

Cost-effectiveness

Under Commission Decision 2008/341/EC, Annex, Article 7 thereof, the tools and measures selected shall be used “in the **most cost-effective** manner”. The WHO Guidelines for Dog Population Management state as follows:

- “The process of capture and transportation of the straying animals to an animal pound and their subsequent kenneling and euthanasia [Catch & Kill] is an **expensive** one.”¹⁹
- “As part of a disease control programme, eg rabies control, removal of dogs from the street may **not** be cost-effective.”²⁰
- “Killing is **less cost-effective** than control of reproduction”²¹

According to our calculations, the technical cost of “Catch & Kill” is 2 – 3 times higher than the cost of “Neuter, Vaccinate & Return”. In practice, however, the fees typically paid from

¹⁸ For instance, the city of Oradea, Romania.

¹⁹ WHO Guidelines for Dog Population Management, 1990, p. 96.

²⁰ WHO Guidelines for Dog Population Management, 1990, p. 96.

²¹ WHO Guidelines for Dog Population Management, 1990, p. 74.

public funds to private businessmen for “Catch & Kill” services are 10 times higher than the fee invoiced by a private veterinarian for the cost of a Neuter & Vaccination.

The dog management business is a lucrative way for private businessmen in a number of Romanian cities to avail themselves of public funds indefinitely. Typically, these private companies are on good personal terms with local politicians and may sponsor political parties or individual mayors. Due to the multi-million²² euro nature of the dog management business in Romania and their vested interests therein, these private businessmen have no incentive whatsoever to support a permanent reduction of the unsupervised dog population. A “Neuter, Vaccinate & Return” policy would render their business model obsolete in just a few years, whereas a continuation of the “Catch & Kill” policy will safeguard a constant supply of “raw material” and business income for the years to come. Unfortunately, dog population mismanagement perfectly illustrates certain well-known weaknesses in current Romanian society and administration.

Accordingly, “Catch & Kill” can under no circumstances be regarded a cost-effective measure, as it is much more expensive than “Neuter, Vaccinate & Return”, does not address the root of the problem or bring permanent results. On the contrary, “Catch & Kill” constitutes a Carte Blanche for private businessmen to keep availing themselves of public funds indefinitely. Consequently, the current method of dog population management in Romania violates Commission Decision 2008/341/EC, Annex, Article 7 thereof. **Therefore, until “Catch & Kill” is replaced with dog population control methods in accordance with international best practice, the Programme is not in compliance with Commission Decision 2008/341/EC and, accordingly, is not legally eligible for co-funding from EU funds.**

Our proposal

In view of (i) Council Decision 2009/470/EC, Article 27, paragraph 5, item (d) thereof regarding conditionality, (ii) Commission Decision 2008/341/EC, Annex, Article 5, item (e) thereof regarding efficiency and effectiveness and (iii) Commission Decision 2008/341/EC, Annex, Article 7 regarding cost-effectiveness, we hereby propose the following measure:

- That the financing arrangement for Romania’s Rabies Eradication Programme be supplemented by an explicit **condition** consisting of implementing long-term measures **at the national level** for the management of the unsupervised dog population **in accordance with international best practice**. In other words, the current “Catch & Kill” policy should be replaced by more efficient and cost-effective measures.
- That the implementation of these measures be carefully monitored by the Commission, to ensure due implementation and enforcement.

²² <http://www.romaniatourism.biz/#!/business/c1f7i>

Measures corresponding to international best practice must be of a sustainable and humane nature. Under international best practice, such measures will include, *inter alia*:

- “Neuter, Vaccinate & Return” for all dogs (except pedigree breeding dogs)
- Registration and identification to be implemented in practice
- Education and public awareness on responsible dog ownership.

Audit Report 2012

Under Commission Implementing Decision 2012/761/EU, an EU financial contribution is conditional upon the **actions planned being efficiently carried out**. For this purpose, the Commission performed an audit in Romania in May 2012. The Audit Report suggests that “Romania is largely in compliance with its obligations under the Programme”. However, if we observe the statements of the Audit Report one by one, it is far from evident that Romania is efficiently implementing the measures set out in the Programme:

1. *p. 15: In 2011, out of an estimated population of 3,72 million dogs, there were 3,42 million recorded as being vaccinated.* If this statement was accurate, the vaccination coverage rate in Romania would be as high as 92 %. Usually, a much lower vaccination coverage rate (typically 70 %) ²³ tends to provide an effective barrier against rabies transmission. If the above statement is accurate, how does the Commission explain the continued level of occurrence of rabies cases in Romania?
2. *p. 14: The registration of dogs and cats is compulsory in Romania.* In light of the “estimated 3,72 million dogs” of Romania, has the Commission been able to ascertain whether and how the requirement of compulsory registration is implemented and enforced in practice? Obviously, individual identification and registration would allow for the tracking of the vaccination status of the dog population.
3. *p. 12: Carnivores found dead must be immediately reported and examined for rabies at the CSVFSD laboratory.* In many Romanian cities, dogs are constantly being poisoned in the streets. Furthermore, the living conditions at a number of public shelters in Romania are so low that dead dogs are found in the cages on a daily basis. Often, the dog dies as a consequence of starvation, dehydration or hypothermia – it is just “found dead”. Is the Commission under the impression that the requirement of reporting and examining dogs “found dead” is, in practice, enforced in Romania? In particular, has the Commission been able to ascertain whether the requirement is complied with at public shelters?
4. *p. 12, p. 14: It is compulsory to vaccinate domestic carnivores.* From a legislative viewpoint, this statement should be accurate. However, to what extent is the law, in practice, implemented and enforced?

²³ WHO Expert Consultation on Rabies, Second Report – 2012, p. 64.

5. *p. 14 - 15: In rural areas, dogs are vaccinated annually in campaigns offered free of charge by the authorities. A record of the animals vaccinated is maintained by the local official vet.* In contrast to the stated magnitude of the campaigns, there are surprisingly many dog-keeping Romanians in rural areas who seem not to have heard of these campaigns. Was the Commission given the opportunity to ascertain the coverage rate of the annual vaccination campaigns?
6. *p. 15: Records of vaccinations in public shelters were seen in one of the CSVFSDs visited, but these vaccinations had not been directly supervised by the official services.* Has the Commission ever visited a public shelter in Romania? Is the Commission aware of the widespread non-compliance with a number of provisions at many public shelters?
7. *p. 15, Conclusions: The vaccination of dogs is “largely in line” with the requirements in the Romanian rabies eradication plan.* In view of the above, we find the Commission’s conclusion rather surprising.

Based on the above, we are far from convinced that Romania is “largely in compliance” with its obligations under the Programme insofar as the measures set out in the Programme relate to dogs. In Romania, the wording of the law may, at times, appear satisfactory. However, insofar as the requirements of the law may not have been implemented, monitored or enforced in practice, can non-compliance be remedied by way of purely “cosmetic” legislation?

Incidentally, rabies continues to occur in communities where measures that could prevent it in humans by controlling dog rabies are not implemented.²⁴

Under Commission Implementing Decision 2012/761/EU, an EU financial contribution is conditional upon the actions planned being efficiently carried out. Should planned measures not have been carried out, or should inaccurate information be provided to the Commission for the purposes of the audit, the Commission is under an obligation to sanction such shortcomings: According to Council Regulation 1290/2005/EC, Article 9 thereof, the Commission “shall apply the requisite financial corrections”, and “shall reduce or suspend” payments in full or in part and “shall check that prefinancing is reimbursed”.

Principle of proportionality

Should the Commission not find the vaccination coverage figures for Romanian dogs credible, it is important to draw conclusions observing the principle of proportionality.

Incidentally, it has come to our attention that the possibility of banning international adoptions of dogs from Romania has been discussed lately. May we remind you that, in the event Romania is not implementing the dog vaccination plan in compliance with the Programme, the appropriate sanctions are available within the framework of the “financial corrections” set out in Council Regulation 1290/2005/EC, Article 9 thereof.

²⁴ WHO Expert Consultation on Rabies, Second Report - 2012, p. 1.

In contrast, it would not be proportionate to apply an outright ban on international adoptions of dogs from Romania on such grounds. This is because any animal health risks in connection with cross-border adoption of dogs can be achieved via other, less intrusive means.

Other EU funds

Under the Regional Operational Programme alone, as co-financed by the European Regional Development Fund, the amount of 3,7 billion euros have been granted to Romania during the period 2007 – 2013. The total amount invested by the EU into Romania under Cohesion Policy 2007 – 2013 is understood to be approximately 20 billion euros.

To date, the Commission has stated that it is “not aware of misuse of EU funds in relation to the killing of dogs in Romania”²⁵. The Commission has also stated that “according to the information received from the managing authority of the 2007 – 2013 regional programme, none of the projects selected for financing include specific objectives related to stray dogs”²⁶.

In view of the millions of euros of public funds²⁷ that the local authorities in Romania are spending on the Catch & Kill programmes, how does the Commission explain the origins of the funds? What measures has the Commission taken in order to ascertain that EU funds granted to local administrations are not, directly or indirectly, being used for dog-related purposes under the pretext of, for instance, enhancing public health, public safety, tourism or employment? The company names of the private businessmen enriching themselves while operating as contractors to local administrations do not necessarily refer to dogs at all, but often tend to refer to generic consulting services instead.

Conclusions

The EU Commission has legal competence to intervene in the ongoing cruelties directed at Romania’s surplus dog population. The legal competence is not based on animal welfare, but **public health**.

Until “Catch & Kill” is replaced with dog population control methods in accordance with international best practice, Romania’s Rabies Eradication Programme is not in compliance with the criteria set out in Commission Decision 2008/341/EC and, accordingly, is **not** legally eligible for co-funding from EU funds.

²⁵ Commission answer to parliamentary question E-005291/2011.

²⁶ Commission answer to parliamentary question E-010731/2013.

²⁷ <http://www.romaniatourism.biz/#!business/c1f7i>

In view of the above-stated, we **(1)** urge you to swiftly adopt the following measures:

- That the financing arrangement for Romania's Rabies Eradication Programme be supplemented by an explicit **condition** consisting of implementing long-term measures **at the national level** for the management of the unsupervised dog population **in accordance with international best practice**. In other words, the current "Catch & Kill" policy should be replaced by more efficient and cost-effective measures.
- That the implementation of these measures be carefully monitored by the Commission, to ensure due implementation and enforcement.

Measures corresponding to international best practice must be of a sustainable and humane nature. Under international best practice, such measures will include, *inter alia*:

- "Neuter, Vaccinate & Return" for all dogs (except pedigree breeding dogs)
- Registration and identification to be implemented in practice
- Education and public awareness on responsible dog ownership.

The above-stated legal competence is already at the Commission's disposal. As the guardian of EU funds, it may also be the Commission's legal **duty** to intervene in Romania based on these powers. Should the Commission, for political reasons, be unwilling to utilize the above-mentioned legal competence, we look forward to the Commission's proposal detailing an alternative course of action.

The dog population management business perfectly embodies certain well-known weaknesses in current Romanian society and administration. Consequently, until credible financial inducements to rectify the situation are put into place at the EU level, no change is likely at least during our lifetime.

Furthermore, we **(2)** encourage the Commission to clarify whether it continues to regard as "largely in line" the statements by Romanian authorities regarding the dog vaccination status in Romania (and if not, which remedies the Commission intends to take). Finally, we **(3)** urge the Commission to clarify whether (and on which grounds) the Commission continues to exclude the possibility that EU funds may, directly or indirectly, be used to finance the multi-million euro "Catch & Kill" dog management business in Romania.

We look forward to your reply at your earliest convenience.

Yours sincerely,

The 211 organizations enumerated in the attached List of Signatories

By: Mirjami **Kajander-Saarikoski**, Master of Laws
Hanna **Vermasvuori**, Bachelor of Laws, Bachelor of Business Administration

LIST OF SIGNATURES

Austria

1. Carol Byers, Founder, **Animal Care Austria**
2. Dominik Plank, Deputy Chairman, **Animal Rights Activist**
3. Dr. Franz-Joseph Plank, Chairman, **Association Animal Spirit – Zentrum für Tiere in Not**
4. Maria Winterleitner, President, **Tierhilfe K.O.S.**
5. Patricia Bruckner, 1. Vorsitzende, **Animal Life. Tierschutz ohne Grenzen.**
6. Marion Löcker, CEO, **Tierschutzverein Robin Hood**
7. Petra Schrittwieser, Obfrau, **Verein Fellino – Fellnasen in Not**

Belgium

8. Edoardo Gandini, OIPA European Policy Officer, **International Organization for Animal Protection**
9. Nancy Dequeker, President, **Straydogs**
10. Dr. Marlene Wartenberg, Director, **Vier Pfoten – Stiftung für Tierschutz, European Policy Office**

Bosnia

11. Suzana Boto, **Sapa u srcu – Zampa nel cuore**

Bulgaria

12. Stefana Drianovska, Board Member, **AFA Bulgaria Foundation**
 13. Mariela Taseva, Manager, **Animal Hope Bulgaria**
 14. Nadia Stancheva, CEO, **Animal Rescue Sofia**
 15. Georgi Serbezov, Chairman, **Civil Control for Animal Defence**
 16. Antoaneta Vatashka, President, **Dai Lapa Association**
 17. Aksinia Bosneva, Chairperson, **Federation for the Welfare of Street Dogs**
 18. Katerina Markova, Vet.Med., **German-Bulgarian Help for Animals**
 19. Gabriela Papadopova, **Intimate with the Nature Society**
 20. Mariya Kutreva-Willamson, Chairman, **Let's Adopt Bulgaria**
 21. Maria Velikova, **SNC "Obich Za Obich"**
-

LIST OF SIGNATURES

Croatia

22. Sava Jokic, President, **Society for Welfare and Protection of Cats "Mijau"**

Cyprus

23. Alexis Economides, President, **Animal Welfare Cyprus**
24. Constantina Micha, President, **P.A.W.S. Protecting Animals Without Shelter**

Czech Republic

25. Eva Hodek, Director, **Foundation for the Protection of Animals**
26. Janet Rumlova, **Nadační fond JV+JV**
27. Linda Chříbková, **Občanské sdružení depozitum Adélka**
28. Vendula NNováková, Manager, **O.s.MÍSTO v Nové Pace**
29. Dita Michalickova, Chairperson, **Spolecnost pro zvirata – Society for Animals**

Denmark

30. Joh Vinding, Kampagnechef, **Anima**
31. Bente Hansen Reinholdt, Chairman, **Animal protection Association UFFAC**
32. Livia Haulik, Founder, **internathunde.dk**

Estonia

33. Annika Lepp, Member of the Board, **Eesti Loomakaitse Selts (Estonian Society for the Protection of Animals)**

Finland

34. Salla Tuomivaara, Executive Director, **Animalia – Federation for the Protection of Animals**
35. Hannele Luukkainen, Chairman, **Helsinki Humane Society (HESY)**
36. Jenny Vestlund, Chairman, **Kodittomien Koirien Ystävät ry**
37. Katarina Vallin, Deputy Chairman, **Pelastetaan Koirat ry**
38. Kiia Vasko, Chairman, **Pro Animals Finland ry**
39. Salla Honkapää, Chairman, **Rescue Association Hobo Dogs**
40. Aino Arjas, Chairman, **Viipurin Koirat ry**
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41. Brigitte Auloy, Chargée de mission, **Fondation Brigitte Bardot**
42. Joëlle Oldenbourg, Présidente, **Galgos Ethique Europe**
43. Dominique Villeneuve, **L'Arche d'Eternité**
44. Jane Hunt, PR Coordinator, **Phoenix Association**

Germany

45. Elke Pichler, 1st President, **Animal Respect e.V.**
 46. Ingrid Vowinkel-Lorenz, Leiterin, **Arbeitsgemeinschaft Tierschutz Mallorca**
 47. Dr. Rumi Becker, Chairwoman, **Ärzte für Tiere e.V.**
 48. Petra Zipp, Commissioner for international affairs of animal protection, **BMT Bund gegen Mißbrauch der Tiere e.V.**
 49. Dr. Joerg Styrie, **Bundesverband Tierschutz e.V.**
 50. Grigor Dimitrov, Chairman, **Deutsch-Bulgarische Straßentier – Nothilfe e.V.**
 51. Dieter Ernst, President, **Europäischer Tier- und Naturschutz e.V. (ETN)**
 52. Michaela Frank, **Förderverein kids4dogs**
 53. Andrea Wolff, **Förderverein Notfell-Hilfe Nord e.V.**
 54. Petra Schneider, Chairperson, **Hand in Hand Glückshof-ITP**
 55. Andrea Scheffel, 1. Vorsitzende, **Hundehilfe im Tal e.V.**
 56. Dr. Helga Körnig, Chairwoman, **Internationaler Tierschutzverein Grenzenlos e.V.**
 57. Margarete Tillman, **Menschen für Tiere Tiere für Menschen Koeln-Porz e.V.**
 58. Marie-Louise Strewe, Chairwoman, **Menschen für Tierrechte – Tierversuchsgegner Baden-Württemberg e.V.**
 59. Frauke Lympius, President, **Menschen für Tierrechte – Tierversuchsgegner Schleswig-Holstein e.V.**
 60. Julia Plugge, **Million Actions for Animal Rights**
 61. Daniela Ecker, **Pfotenfreunde Rumänien e.V.**
 62. Anke Waiz, **Pfotenhilfe-Ungarn e.V.**
 63. Gerhard Heymann, Chairman, **Pfötchenhilfe grenzenlos e.V.**
 64. Natascha Wothke, Vice President, **Pro Animale für Tiere in Not e.V.**
 65. Petra Maier, First Chairman, **ProDogRomania e.V.**
 66. Natascha Wothke, Chairman, **Stiftung Pro Animale**
 67. Petra Mohnes, 1. Chairwoman, **Stray – einsame Vierbeiner e.V.**
 68. Susanne Trautmann-Grübl, Vorsitzende, **Suceava – Memory of Tina e.V.**
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- 69. Philip McCreight, Director, **TASSO e.V.**
- 70. Irmgard Seehausen, Chairwoman, **Tiere in Not e.V.**
- 71. Hans-Joachim Richter, Spokesman, **Tiere Brauchen Schutz**
- 72. Dr. Gerhard Henisch, **Tierfreunde Kreta e.V.**
- 73. Petra Schreiber, 1. Vorsitzende, **Tierhilfe BiG – Brücke ins Glück e.V.**
- 74. Karin Kolender-Glatz, Chairman, **Tierhilfe Ludwigshafen e.V.**
- 75. Heike Rothermund, 1. Vorstand, **Tierhilfe Pro Hund aktiv e.V.**
- 76. Gisela Scholz, 1. Vorsitzende, **Tierhilfe Rhein-Main-Ruhr e.V.**
- 77. Stefanie Wolf, Managing Committee, **Tierhilfsfonds Bayern e.V.**
- 78. Evelyn Klein, Chairwoman, **Tierliebe Grenzenlos e.V.**
- 79. Claudia Straßburger-Eppel, 1. Vorsitzende, **Tierschutzverein Helft Handeln! e.V.**
- 80. Hartmut Grohmann, 1. Vorsitzender, **Tierschutzverein Limburg-Weilburg e.V.**
- 81. Ricarda Keller, **Tierschutzverein Muldental e.V.**
- 82. Felicitas von Roennebeck, Vice President, **Tierschutzverein Waldkraiburg e.V.**
- 83. Christina Ledermann, Assistant Chairwoman, **Stadttiere e.V.**
- 84. Claudia **Buthenhoff-Duffy**, Documentary Film Maker
- 85. Isabel Gorski-Grobe, **Verein zur Hilfe und Förderung des kreolischen Hundes e.V.**
- 86. Uwe Siwek, **WEEAC® - Deutschland**

Greece

- 87. Farida Kaptein, Voorzitter, **Animal Care Samos**
- 88. Irimi Molfessi, President, **Pan-Hellenic Animal Welfare Federation**

Hungary

- 89. Izsák Gábor, **Pfotenhilfe-Ungarn Állat-és Környezetvédelmi Egyesület**

Ireland

- 90. Bernie Wright, Director, **Alliance for Animal Rights**
 - 91. Sharon Kelly, President, **Direct Action for Animals - DAFA**
 - 92. Bernie Wright, Founder, **Dog Rescue Ireland**
 - 93. Lutz Stamm, Director, **Fellenberg Foundation Ireland Ltd.**
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Italy

- 94. Teresa Rizzo, President, **Associazione razza bastarda onlus**
- 95. Alessandro Di Rienzo, President, **Coordinamento Antispecista**
- 96. Carla Rocchi, President, **ENPA Ente Nazionale Protezione Animali**
- 97. Massimo Pradella, Chairman, **International Organization for Animal Protection (OIPA)**
- 98. Gianluca Felicetti, Presidente, **LAV**
- 99. Gian Marco Prampolini, Presidente, **Leal Lega Antivivisezionista Onlus**
- 100. Piera Rosati, President, **Lega Nazionale per la Difesa del Cane**
- 101. Massimo Comparotto, Presidente, **OIPA Italia (Organizzazione Internazionale Protezione Animali)**
- 102. Solveig Boccatus, **Rifugio-Canalba**
- 103. Sara Turetta, President, **Save the Dogs and Other Animals**

Luxembourg

- 104. Francis Molitor, President, **Aiderbichlerfrënn Lëtzebuerg asbl**
- 105. Lucia Pereira, President, **Amiavy asbl**
- 106. Jessica Weyrich, President, **Association Hellef fir 4 Patten**
- 107. Tania Janisoo, President, **Association Luxembourgeoise pour la Protection des Animaux asbl ALPA**
- 108. Sandra Kuhlmann, President, **Association Perros Andalusia Asbl**
- 109. Eva Johansson, President, **ESDAW European Society of Dog and Animal Welfare**
- 110. Michèle Feil, President, **Galgo-Lovers A.s.b.l.**
- 111. Christian Muller, President, **Helping Hands for Animals a.s.b.l.**
- 112. Ren Spautz, President, **Juegdgëigner Lëtzebuerg a.s.b.l.**
- 113. Pia Berrend, Founder, **Occupy for Animals asbl**
- 114. Marie-Anne Misteri, Secretary, **Société pour la Protection des Animaux Dudelange (SPAD asbl)**

Malta

- 115. Dr. Mark Vella Bardon, **Noah's Ark Dog Sanctuary**
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The Netherlands

- 116. Raymond Hoffman, Chairman, **Animal Care Projects**
- 117. Christel de Haas, Secretary, **Canilos Animal Foundation**
- 118. Arjan Melger, Board Member, **Dog's Wish**
- 119. Lesley Moffat, Director, **Eyes on Animals**
- 120. Ton van der Hel, President, **Foundation Dogs Adoptions Nederland**
- 121. Wilma van der Wel, Chairman, **Foundation DutchGalgoLobby**
- 122. Letty Ubbink, President, **Greyhounds Rescue Holland**
- 123. Mike Coenen, Member of the Board, **Packleader Animal Rescue Team Foundation**
- 124. Nathalie Klinge, Member of the Board, **Stichting ActieZwerfhonden** (StraydogsCampaign Foundation)
- 125. Hanno Berger, Member of the Board, **Stichting Dierenood**
- 126. Suze Steenbergen-Andringa, Board Member, **Stichting Dierenopvang Bosnië**
- 127. Eleanor Evertsen, Animal Law Consultant, **Stichting Dier&Recht (Law&Justice for Animals)**
- 128. Jet Barkel-Blaauwkamer, Chairwoman, **Stichting Haagse Dierenvrienden**
- 129. A.M. Roest, Board Member, **Stichting SterilizeDogs**
- 130. Lidia Van Oostveen, Secretaris, **Vereniging Hondenbezitters Vondelpark**

Poland

- 131. Magdalena Kuropatwinska, Founder, **Hand in Paw. Together Through Life.**
- 132. Johanna Wothke, President, **Pro Animale dla Zwierzat w Portzebie**
- 133. Cezary Wyszynski, President, **Vegetarians International Voice for Animals VIVA!**

Portugal

- 134. Cristiane Lima, President, **ARPA Association to Reduce Pets Overpopulation and Abandonement**

Romania

- 135. Carmen Arsene, President, **National Federation for Animal Protection (FNPA)**
 - 136. Robert Smith, President, **Foundation for the Protection of Community Dogs (FPCC)**
 - 137. Lascar Stoica, President, **Pro Pet - Baile Herculane**
 - 138. Denisa Sterie, President, Association for animal protection **Inimi Alaturi**
 - 139. Dr. Mihaela Graure, President, Association for animal protection **Micaela**
 - 140. Anda Popescu, President, Association for animal protection **Cainele meu**
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141. Elena Cristian, President, Association for animal protection **Robi**
 142. Lucia-Magdalena Daje, Vice President, Association for animal protection **Anima**
 143. Lucia Calinoiu, President, Association for animal protection **Ajutati-l pe Azorel**
 144. Andrea Florina Duta, Vice President, Association for animal protection **Depind de Noi**
 145. Alina Totoian, Member, **Asociatia Pentru Protectia Animalelor CLUJ**
 146. Eleonora Prigoana, President, Association for animal protection **Hope For Animals**
 147. Cristina Chircu, Vice President, Association for animal protection **Prieteni fara Grai Ploiesti**
 148. Carol Lazar, Director, **SOS Dogs Oradea**
 149. Carmen Secareanu, President, Association for Community Development **APDC Caleidoscop**
 150. Alina Vacaru, President, Association for animal protection **Pet Hope**
 151. Valeria Lebedenco, President, Association for animal protection **Ia-ma acasa**
 152. Oana Venera Popescu, President, Association for animal protection **Speranta pentru Animale**
 153. Andreea Roseti, Vice President, Association for protection of animals and environment **Animal Life**
 154. Lidia Maier, President, Foundation for animal protection **Fiducia**
 155. Cristina Faust, President, Association for animal protection **Christi**
 156. Cristian Tetcu, President, Group for Local Action for Sustainable Development in Micro-region Bistrita-Sieu-Somes **GAL Ruralis**
 157. Alexandra Ionescu, President, Association for animal protection **Romanian Stray Dogs Ploiesti**
 158. Aniela Manea, Founding Member, Association for animal protection **Tora Bistrita**
 159. Raluca Simion, President CD, Association for animal protection **Red Panda**
 160. Brindusa Apostol, Vice President, Association for animal protection **Trei Frati Patati**
 161. Antoaneta Secara, President, Association for animal protection **Prieten Credincios**
 162. Iulian Puican, President, Association for animal protection **A Doua Sansa - Rm. Valcea**
 163. Monica Fernengel, President, Association for animal rights **ADA**
 164. Elena Cardas, Vice President, Association for animal protection **ADOR**
 165. Elena Balaj, President, Association for animal protection **Free Amely 2007**
 166. Andrea Salagean, President, Association for animal protection **Love & Life 4 Animals**
 167. Claudiu Dumitriu, President, **Association Alliance against Abuses (ACAB)**
 168. Dr. Stefan Aurelian, DVM, Veterinary Director, General Manager, **Romania Animal Rescue**
 169. Mircea Serbanoiu, President, **Federatia pentru Protectia Animalelor si Mediului (FPAM)**
 170. Gabriela Malinas, **Animaterra Bistrita**
 171. Camelia Pandele, Assistant, Association for animal protection **Caini Fericiti**
 172. Maria Ardelean, President, **Asociatia Pentru Protectia Animalelor "Puffi" Carei**
 173. Irina Ioedache, President, **Asociatia Prieteni Buni**
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- 174. Otilia Brezoi, President, **Suflete Nevinovate (Innocent Souls)**
- 175. Nica Marian, President, Association for animal protection **CU SUFLETUL**
- 176. Iuliana Zuber, President, Association **NUCA Animal Welfare**
- 177. Corina Grigore, President, Association for animal protection **Ajutati-l pe Labus**
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- 179. Georgiana Vaduva, President, **Fundatia Romana Pentru Cainii Strazii**
- 180. Victoria Muscan, President, Association for animal protection **APAM**

Serbia

- 181. Nikola Stefanovic, President, **National Organization for Protection of Animals NOPA**

Slovakia

- 182. Jana Jana Dvořáčková, President, **OZ OČAMI PSA - Útulok Liptovský Mikuláš**
- 183. Radka Kosecová, **OZ Túlavá labka (Wondering paw)**
- 184. Stanislava Passiova, **SOS PSIKY**
- 185. Romana Šerfelová, **Únia vzájomnej pomoci ľudí a psov**

Slovenia

- 186. Andreja Bogataj Krivec, President, **Obalno Društvo Proti Mučenju Zivali**
- 187. Miroslava Saxová, **OZ Pomoc Psom**

Spain

- 188. Jorge Martínez Quintas, Marketing Manager, **Grupo Mascoteros**
 - 189. Carmen Méndez López, President, **Ong ADDA**
 - 190. Judith Noble, President, **Santiago del Teide Branch Asociación San Francisco de los Animales**
- ### **Tenerife**
- 191. Veronika Meyer-Zietz, **Stiftung Eurodog**
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Sweden

- 192. Erica Larsson, Chairman of the Board, **Dinas Ark**
- 193. Johanna Sandberg, President, **DogRescue Sweden**
- 194. Caroline Berggren, Chairman, **Hundhjälpen**

Switzerland

- 195. Dora Hardegger, **Animal Life Schweiz, Tierschutz International**
- 196. Dolores Rohrer, President, **Asociación suiza para ayudar y apoyo el perro criollo**
- 197. Susanna Wachtl, Founder and President, **Eleonora-Susanna Foundation**
- 198. Martina Gubler, **Sunlight for Animals**
- 199. Iris Baumgärtner, Vice President, **Tierschutzbund Zürich**
- 200. Johanna Wothke, Chairman, **Tierschutzstiftung Fellenberg**
- 201. Nicole Schaffner, President, **Wings of Care (WIOCA)**

United Kingdom

- 202. Kate Fowler, Head of Campaigns, **Animal Aid**
 - 203. Dave Neale, Director, **Animals Asia Foundation**
 - 204. Jennifer Pulling, Director, **Catsnip UK**
 - 205. Mary Alice Pollard, Founder, **Cornwall's Voice for Animals**
 - 206. Peter **Egan**, British actor and animal rights ambassador, "Celebrity Animal Supporter of the Year 2013"
 - 207. Michelle Jones, Trustee, **K9 Rescue**
 - 208. Malcolm Plant, Director, **Making the Link Study Project Limited**
 - 209. Les Ward MBE, Chairman, **Marchig Animal Welfare Trust**
 - 210. Helen Stevens, Co-ordinator, **South West Animal Protection**
 - 211. Caroline Yates, CEO, **The Mayhew Animal Home**
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