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CME feedback on the EU Commission proposal for a regulation on the welfare of dogs and cats and their traceability

Classifieds Marketplaces Europe is a coalition of industry-leading EU-based tech companies – including Adevinta, OLX Group, Schibsted, Vinted, CustoJusto, and Wallapop – operating online classifieds platforms in 21 European countries that connect buyers and sellers to safely, easily and conveniently exchange goods and services in their local communities. We have been closely following the developments of the EU Commission's impending animal welfare proposal, and with this paper, we aim to contribute to shaping a Single Market that upholds high standards of animal welfare.

CME welcomes this proposal for a regulation on the welfare of dogs and cats and their traceability as :

- it establishes a single sales regime at the European level, thereby strengthening the European Single Market.
- it will improve the traceability of pets, and contribute to combat acts of abuse and abandonment by streamlining the sales regime - including online listings.
- it defines a coherent online and offline framework for the publication of ads and the sale itself.

In addition, and with a view to constructive improvement, the CME formulates its comments prior to the debates.

I. Compatibility with the DSA

CME welcomes the fact that this proposal ties in with new horizontal rules set out for the Digital Single Market - in particular by using the definition of online platforms (art. 3) set out in Regulation (EU) 2022/2065.

Nevertheless, CME would like to point out that the current wording of this proposal raises a number of questions leading to legal uncertainty for online platforms allowing sales of dogs and cats :

- **It should be clarified in Art. 17 (4) that these obligations apply to B2C sales only :** while the current proposal defines suppliers of dogs and cats as “any natural or legal person supplying a dog or a cat, including natural or legal persons responsible for shelters”, Article 17 (4) formalises obligations for online platforms in line with Article 31 of the DSA (Regulation (EU) 2022/2065) which only applies to providers of online platforms allowing consumers to conclude distance contracts with “*traders*”. This seems also contrary to Recital 41 which states that without prejudice to Regulation (EU) 2022/2065, online platforms should be required to adapt the modalities of their listings for dogs and cats so that suppliers provide proof of the identification and registration of the dogs and cats intended for sale or donation. From the current wording, we deduce that all types of sales (including C2C sales) are in the scope, but the obligations only apply to B2C sales. However, we consider it necessary to provide greater legal certainty and clarity in this wording so that C2C sales cannot be subject to these obligations.
- **Online and offline sales should be fully aligned in recital 39 :** recital 39 states that “for the sake of proportionality, natural persons supplying dogs and cats occasionally by other means than online platforms should not be subject to this obligation” [providing proof of identification and registration of the animal in one of the databases]. In a similar spirit with this regulation proposal, CME stresses the need to define a coherent cross-channel sales regime (offline and online). Backwards from the expected result, this provision opens up grey areas that could be exploited by fraudsters or distort competition between online and offline players.

CME suggests to :

- clarify the scope of the proposal with regard to consumer sales and donations. We recommend aligning online and offline practices and targeting B2C sales only.
- clarify recital 39 to define a coherent regime between online and offline sales without grey areas.

II. Combating illegal online trade : CME welcomes a scheme that respects the DSA's core principles

CME welcomes the fact that this proposal strikes the right balance between provisions aiming to tackle fraudulent activities and enhance animal welfare without prejudice to the fundamental principles laid down in the DSA - in particular the reminder of the ban on general monitoring by intermediary service providers and online platforms in line with Article 8 of Regulation (EU) 2022/2065.

A balanced proposal for verifying animal registration (Art. 17 paragraph 4) : CME welcomes the wording of the article, which stipulates on the one hand that suppliers of dogs and cats are fully responsible for the information they provide through the interface of the online platform, and on the other that online platforms shall inform acquirers of the possibility to verify the animal's identification and registration. As our member's platforms simply help to connect

buyers and sellers, including donations of cats and dogs, and the actual sale and payment are however done outside the platforms, our member's platforms therefore do not have any visibility if and which animal is in the end being sold or purchased. The proposed wording formalises clearly the responsibilities of each player in the acquisition process.

In addition, this provision introduces a realistic system enabling the buyer to check that the animal has been properly registered, both in the advertisement and when it is delivered in person, as our member's platforms do not have any visibility if and which animal is, in the end, being sold or purchased even if the seller provides for an identification number in the advertisement. Issuing a valid identification number does not necessarily authenticate an animal. Only the buyer, at the moment of the sale itself, can authenticate the animal and proceed with the purchase. In this respect, the online platform must enable the buyer to be aware of the possibility of verifying the ID number at the different steps of the sale process without itself carrying out an automatic verification that would necessarily be partially reliable.

III. Preventing animal abuses & mistreatments : CME supports proportionate measures

CME understands the introduction of a warning message in Article 8 (2), alerting consumers to their responsibilities and duties when purchasing a dog or cat when the supply of dogs and cats is advertised via online means.

It is however unclear whether the warning message in the listing has to be provided by the supplier or the online platform (Art. 8 paragraph 2) : while we understand that displaying this message is the sole responsibility of the supplier, we note that the current wording reveals a lack of legal clarity, in particular the fact that "the listing" cannot display this message by itself. We therefore recommend that the text clearly specify that the supplier must display this message in the description of its ad.

We question more globally the effectiveness of this provision (Art. 8 paragraph 2) : from our members' point of view a single warning message, with a broad and static message combining precise graphic specifications (e.g. bold characters) , "*An animal is not a toy. Buying or adopting an animal is a life-changing decision. As an animal owner, you are obliged to ensure that all the needs for its health and wellbeing are met at all times.*" as a standalone will not combat compulsive pet purchases or combat fraud. To limit compulsive pet purchases and combat fraud more effectively, several of our members' platforms which enable the connection of sellers and buyers of pets via their services have already launched a number of concrete and voluntary initiatives such as:

- 1) a specific upload process for our classified ads dedicated to pets.
- 2) dedicated categories for pets separated from second-hand consumer goods.
- 3) a highly visible "report animal welfare concern" button on the ads.
- 4) dedicated rules regarding the advertisement and sale of pet animals in their policies.
- 5) prohibition of delivery sales in these categories.

- 6) dedicated awareness-raising messages designed by animal health professionals.
- 7) contact points with the relevant national authorities.

CME emphasises the essential nature of cooperation between platforms and national authorities and the need to define proportionate, effective and local measures to better address the issue of compulsive purchases of dogs and cats.

CME suggests:

- To remove all graphic specifications for this message (static message / bold characters) to enable online platforms to customise their graphic interface to suit local contexts.
- Moreover, it should be clarified that the legal obligation to provide for a warning message in the listing lies with the suppliers placing on the market dogs and cats.

IV. CME raises the need for fair treatment of all online services to fight against animal trafficking

To date, most social media platforms implicitly tolerate pet advertisements in their community guidelines without dedicated measures to moderate these posts compared to our classified ad platforms subject to local regulations and proactive public engagements.

Given the absence of controls and monitoring of these disguised advertising by some online stakeholders, CME believes this situation :

- generates emerging risks of traffic.
- contributes to a clear distortion of competition between social networks and classifieds platforms and between social networks and “physical” traders.

Therefore, CME welcomes the fact that the proposal intends to address all online platforms as defined under the DSA by its proposal. As the proposal outlines quite rightly, in recent years, the sale of dogs and cats has increasingly grown also through social media.

- **A consistent scope applicable to all online platforms** : We welcome the alignment of definitions of online platforms in Article 3(7) with the DSA in order to apply a regulatory regime that is equivalent and fair between social media and classifieds marketplaces.
- **Social media do not list classifieds** : to prevent non-compliant and simple posts disguised adverts for cats and dogs on social media platforms without any legal constraints, CME suggests to provide further clarification to the text, in order to be able to meet the challenges of illegal trade of cats and dogs via those platforms. Posts and similar content on social media can incorporate an advertisement in diverse formats (audio, video, picture etc.) but these posts differ from moderated classified listings in

terms of market standards and specific upload processes. The proposal refers in Article 8 as well as the corresponding recital 41 to Article 17 (4) to “listings”, which are defined in Art. 3 (8) as the publication, on an online platform, of an advertisement for the supply of a dog or a cat. Unfortunately, the definition leaves room for legal uncertainty as regards simple “posts” on social media platforms, informing friends and groups about the possibility of acquiring a dog or a cat.

CME suggests to :

- Include in Article 8 as well as Recital 41 the additional wording of “as well as any other content and commercial communications informing about the supply of cats and dogs, in order to embrace a greater diversity of formats and types of advertisement”.
- Prevent a two-tier implementation of this regulation by social media and classified marketplaces platforms. In the case where the online platform cannot meet the obligations set out in Article 17 (4) the online platform must explicitly prohibit the publication of this type of content and/or listing in a transparent manner within their Terms of Use in line with Article 14 of Regulation (EU) 2022/2065 and effectively enforce this prohibition.

About CME

[Classifieds Marketplaces Europe](#) is a coalition of industry-leading EU-based tech companies – including Adevinta, OLX Group, Schibsted, Vinted, CustoJusto, and Wallapop – operating online classifieds platforms in 21 European countries. Our aim is to empower citizens to strengthen the circular economy and local communities. By combining our resources, we are raising awareness about the specificities of the online classifieds sector and its positive contribution to key objectives of the EU digital and green agenda.

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