

Message 001

Communication from the Commission - TRIS/(2025) 0144

Directive (EU) 2015/1535

Notification: 2025/0025/NL

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késésekét - Non fa decorrere la mora - Atidējimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20250144.EN

1. MSG 001 IND 2025 0025 NL EN 21-01-2025 NL NOTIF

2. Netherlands

3A. Douane Groningen, CDIU

3B. Ministerie van Landbouw, Visserij Voedselzekerheid en Natuur, directie Wetgeving en Juridische Zaken.

4. 2025/0025/NL - C90A - Well-being of animals and pets

5. Amendment of the Animal Keepers Decree in connection with the ban on keeping cats with folded ears and hairless cats

6. This Order in Council concerns the keeping of cats with folded ears and hairless cats, the welfare of these animals is affected by their external characteristics.

7.

8. The newly proposed Article 3.33 (see Article I(B) of the Amending Regulation) may contain technical

regulations (ban on keeping cats with folded ears and hairless cats).

With this Order in Council, it is prohibited to keep cats with folded ears and hairless cats. An exception is provided for shelters, veterinarians, animal emergency assistance and transit. In addition, there is a transitional arrangement for cats that are already kept before the entry into force of the Decree. The proposal also includes a ban on allowing cats covered by the transitional arrangement to participate in competitions or exhibitions.

As this ban constitutes a total ban on keeping cats with folded ears or hairless cats, no mutual recognition clause has been included. The inclusion of a mutual recognition clause has no added value in this case, and is therefore not necessary. See also the description of the effects under 9.

9. In the Netherlands, companion animals are kept that suffer due to their external characteristics. An example is the cat with forward-folding ears (i.e. folded ears). These cats have a gene mutation that not only causes the desired deviation in the development of cartilage in the tips of the auricles, but also leads to progressive bone and cartilage growths in the extremities (legs, ears, tail), resulting in these joints and vertebrae becoming thick and stiff. The affected cats will limp and become stiff due to osteoarthritis pain, and will want to jump less or not at all, or may even become paralysed. There is no cure for this condition; only the pain caused by osteoarthritis can be suppressed. Another harmful external characteristic in cats is the lack of a functional coat and the absence of whiskers and tactile hairs. These so-called hairless cats are compromised in their integrity, have a greater chance of health problems and are sensory impaired. Despite the ban on breeding these cats, there are people who trade these animals and own them, or wish to. It is therefore necessary to explicitly ban the keeping of cats with folded ears and hairless cats.

The actual effect of the ban is that, as a general rule, no one in the Netherlands is allowed to keep such an animal, not even for trade purposes (neither import nor export). Animal welfare is a legitimate objective of general interest (see, inter alia, *Andibel* case-law: ECLI:EU:C:2008:353). The ban is proportionate because it is limited to the keeping of two animal categories that have been scientifically proven to suffer from the banned external characteristic, and only the keeping of those animal categories is banned. The main rule banning the keeping of cats with folded ears and hairless cats thereby includes (lifelong) transitional provisions for such cats that are already being kept on the effective date of the ban. In addition, there are exceptions to the ban that relate, on the one hand, to the welfare of such cats when they are kept in violation of the ban or are found as stray cats so that they can receive appropriate assistance (including medical), on the other hand, to the transit of such cats through the Netherlands. The ban is thus the least restrictive means of achieving the intended objective. The ban, and the exceptions thereto, apply without distinction on grounds of nationality within the Netherlands.

10. Numbers or titles of basic texts:

11. No

12.

13. No

14. No

15. No

16.

TBT aspects: No

SPS aspects: No

European Commission

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