

# Recommended Regulatory Framework for Animals in Circuses

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## **ECA Supports the Establishment of Good Regulations**

The European Circus Association (ECA) strongly supports the establishment of appropriate regulations to ensure the welfare of all animals under human care. Concerning animals in circuses, there is no legal basis for European Community wide legislation. ECA therefore recommends that countries that have not already done so enact circus-specific legislation at the national level. Such national legislation would create a legally mandated standard of care for animals that both domestic and foreign circuses must meet to continue operating in that country. From ECA's perspective, clear, workable regulations are the best way to ensure the preservation of high quality classical circus arts and culture because circuses that comply can defend themselves against activist untruths and propaganda and will be able to continue operating. Equally, circuses that do not comply will no longer be permitted to present animals and undermine the integrity of this art-form.

## **Regulations must be Circus-Specific**

Animal welfare legislation should not be confined to circuses or other particular subsets of activities because all animals under human care, whether under public or private ownership, deserve good health and welfare. It is necessary, however, to address circus animals specifically in legislation because of the significant differences between this animal keeping system and others such as zoos. According to scientific studies, circus environments provide significant opportunities for exercise and other forms of "occupational therapy" and stimulation that are important to health and well-being compared to other, more static settings.<sup>i</sup> Because of these differences, regulatory requirements concerning minimum enclosure sizes applicable to zoo animals, for example, may not be necessary or appropriate in the circus context.<sup>ii</sup> Efforts to superimpose zoo regulations on performing circus animals must be rejected as inconsistent with the scientific evidence of the animals' needs.

## **ECA Offers Model Regulation to Governments**

To advance its goal of achieving good regulations across Europe, ECA has developed a **Proposed Model Regulation for the Care, Transport, and Presentation of Animals in the Circus**. This Model is offered to governments that do not have applicable legislation to assist them in developing appropriate regulations for circus animals. By offering a single model to all countries currently lacking regulations, ECA also hopes to encourage harmonization of approaches to facilitate a smoothly working internal market in which circuses can exercise their freedom to provide their services throughout the European Union without arbitrary and discriminatory barriers.

## **New Approach to Animal Welfare in Europe**

Under the new European Action Plan for Animal Welfare, objective indicators for animal welfare will be developed for both domesticated and non-domesticated animals. These indicators, some of which already exist for farm animals, will assist professionals to evaluate animal welfare by reference to objective, verifiable aspects such as hoof condition for horses. By moving to a system of objective indicators, the European Union has made clear that it is the end result (i.e., the animal's health and welfare) rather than compliance with prescriptive regulatory requirements that should be the main goal and preeminent concern of animal welfare regulation. The idea of logos or other indications that operations/facilities meet the objective indicators (assessed, perhaps, on an annual basis) is under exploration. The European Parliament supported this new approach and has asked that the remaining objective indicators be developed in the next three years (by 2010). The same approach has been adopted by the World Animal Health Organisation.<sup>iii</sup>

## **Explanation of the ECA Model**

ECA's Model Regulation provides a starting point for the consideration of governments in drafting their own regulations. The Model provides general husbandry, veterinary and other requirements for animal care and welfare as well as requirements for safety, training, transport, registration, recordkeeping, presentation and public interaction. The Model also proposes the licensing of animal trainers for each species with which they work, incorporating the existing licensing system in Germany.<sup>iv</sup> Overall responsibility to ensure compliance with all aspects of the Model lies with the circus owner/operator, who also is responsible for ensuring that all animal trainers, handlers, and staff fully comply with requirements for animal health and welfare as well as staff and public safety.

## **Use of Objective Indicators**

ECA strongly supports the development of objective indicators for animal health and welfare and has offered its expertise in developing indicators for species commonly presented in the circus. The ECA Model would utilize such indicators, once adopted by the relevant scientific authorities, to support assessment by inspectors of compliance with the general requirements found in the Model. It is envisaged that the indicators would be placed in an annex to the Model as they are made available by the European Commission.

## **Strict Enforcement is Critical**

As indicated above, ECA recommends the enactment of circus animal regulations that are clear and science-based in accordance with animals' needs in this special environment. Critical to the success of such regulations, however, is strict enforcement, including mandatory annual inspections and unannounced inspections as necessary and appropriate to achieve regulatory aims. ECA's Model suggests a minimum of two inspections per year, announced or unannounced, and an inspection of winter quarters. Circuses that are not in compliance are subject to the loss of their operating license for the presentation of animals. Animal trainers that are not in compliance are subject to the loss of their training license.

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<sup>i</sup> See Hediger, H. '*Animal Psychology in the circus*', *Studies of the Psychology and Behaviour of Captive Animals in Zoos and Circuses* London: Butterworths Scientific Publications, at p. 38, 117; Kiley-Worthington, Marthe, *Animals in Circuses and Zoos: Chiron's World?* (including the independent scientific report commissioned by the UK RSPCA on Animals in Circuses), Essex, England: Little Eco-Farms Publishing (1990), at p. 61; Friend, T. H. "Final Report: Transportation and Management of Circus Animals: Effects of Exercise Pens on Performing Tigers" USDA Contract No. 00-6100-0004-GR (July 30, 2001), at p. 4.

<sup>ii</sup> See, e.g., Leitlinien für die Haltung, Ausbildung und Nutzung von Tieren in Zirkusbetrieben oder ähnlichen Einrichtungen' published by the Bundesministerium für Verbraucherschutz, Ernährung und Landwirtschaft <http://www.verbraucherministerium.de/index81461D8E7DA143B7B6BBA6DBB5DF10B3.html>

<sup>iii</sup> OIE Guiding Principles for Animal Welfare ("Equivalent outcomes (performance criteria) rather than identical systems (design criteria) should be the basis for comparison of animal welfare standards and guidelines.") [www.oie.int/eng/Welfare\\_2004/proceedings/pdf](http://www.oie.int/eng/Welfare_2004/proceedings/pdf) at p. 15.

<sup>iv</sup> See 1114 Bundesgesetzblatt (Federal Law Gazette) Volume 1998 (1), No. 30, Bonn, 29 May 1998, at Section 11.