

EVALUATION AND FITNESS CHECK (FC) ROADMAP			
TITLE OF THE EVALUATION/FC	REFIT Evaluation of the Zoos Directive 1999/22/EC.		
LEAD DG RESPONSIBLE UNIT	ENV-B3; NATURE	DATE OF THIS ROADMAP	10/2015
TYPE OF EVALUATION	Interim evaluation mixed	PLANNED START DATE	03/2016
		PLANNED COMPLETION DATE	12/2017
		PLANNING CALENDAR	http://ec.europa.eu/smart-regulation/evaluation/index_en.htm
This indicative roadmap is provided for information purposes only and is subject to change.			

A. Purpose
(A.1) Purpose
<i>This initiative aims at the thorough evaluation of the Zoos Directive 1999/22/EC¹ as part of the Commission's Regulatory Fitness and Performance programme (REFIT²). The evaluation looks at past and current performance and provides an assessment by five different criteria: Relevance, Effectiveness, Efficiency, EU-added value, and Coherence.</i>
<p>The REFIT programme aims to make EU law as efficient and effective as possible, whilst at the same time making it simpler and minimising regulatory costs, thus contributing to a clear, stable and predictable regulatory framework supporting growth and jobs. Better regulation³ is a continuous process, affecting the whole policy cycle - from the design of a piece of legislation, to implementation, enforcement, evaluation and, where justified, to revision. Evaluation is a key, retrospective exercise – it goes further than describing what has happened, looking why there is change or what caused any change and considering what might reasonably be credited to EU action. Evaluation provides an evidence-based critical analysis of whether EU actions are fit for purpose and delivering as expected. Robust evaluations help to identify key learning points which can then be fed back into the decision-making process, leading to actions being developed, improved or dropped.</p>
(A.2) Justification
The Zoos Directive has never been systematically assessed. One of the measures included in the REFIT Programme is the present action to evaluate the Zoos Directive.

¹ Council Directive 1999/22/EC of 29 March 1999 relating to the keeping of wild animals in zoos. (OJ L 94, 9.4.1999, p. 24).

² For more information on REFIT see http://ec.europa.eu/smart-regulation/refit/index_en.htm

³ In May 2015 the Commission adopted its Better Regulation package and [Better Regulation Guidelines](http://ec.europa.eu/smart-regulation/guidelines/ug_chap1_en.htm) http://ec.europa.eu/smart-regulation/guidelines/ug_chap1_en.htm

B. Content and subject of the evaluation

(B.1) Subject area

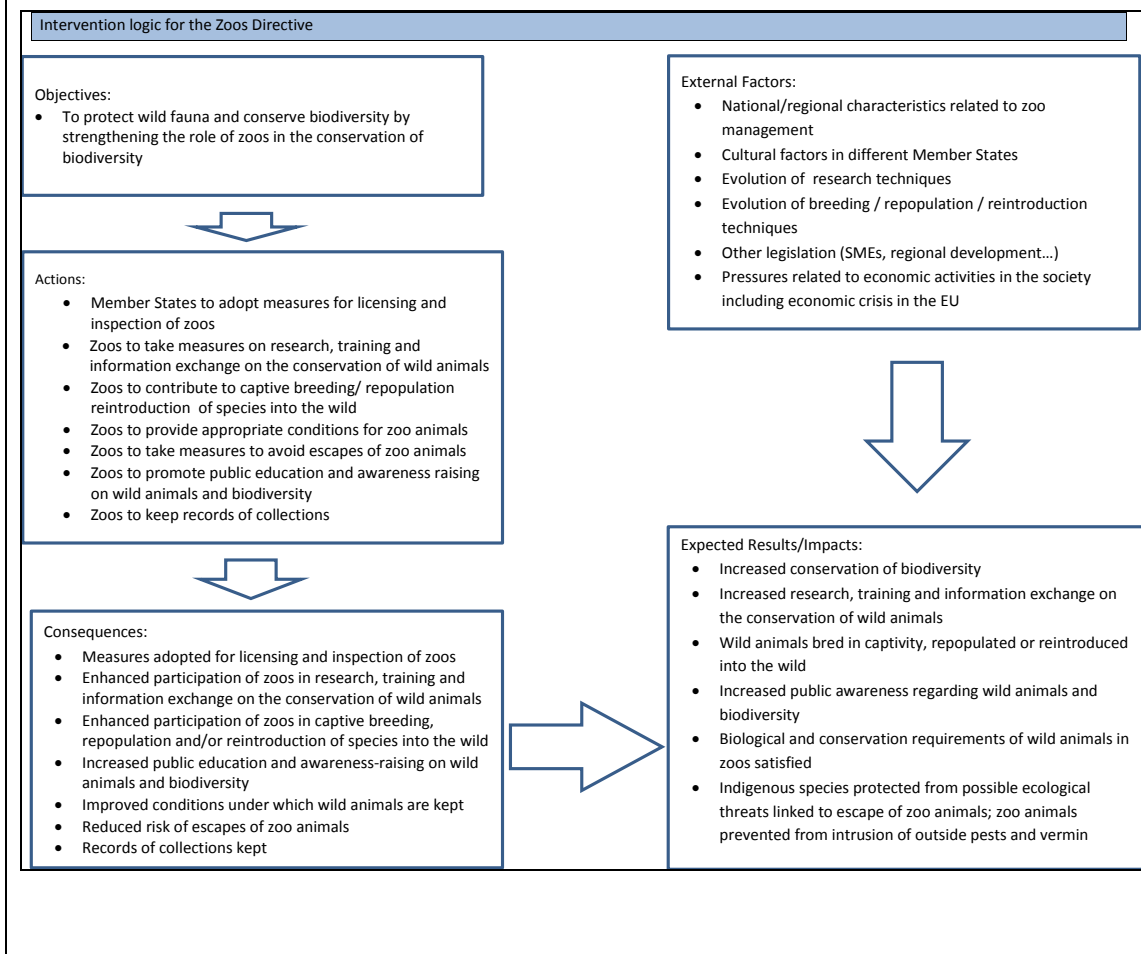
The greatest efforts for the conservation of biodiversity need to focus on measures in the wild. This is the primary focus of EU action through the Birds and Habitats Directives, the EU Biodiversity strategy, the Regulation on Invasive Alien Species and EU Wildlife Trade Regulations implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), all of which contribute to achieving objectives of the Convention on Biological Diversity and other international agreements. However, the Convention on Biological Diversity also recognises the role of "ex situ" conservation. In this regard the Zoos Directive was adopted with the objective to promote wild animal species protection and conservation by strengthening the role of zoos in the conservation of biodiversity.

(B.2) Original objectives of the intervention

The objectives of the Directive are to protect wild fauna and to conserve biodiversity by providing for the adoption of measures by Member States for the licensing and inspection of zoos in the Community, thereby strengthening the role of zoos in the conservation of biodiversity. The conservation measures that all EU zoos must implement under Article 3 of the Directive are:

- Participation in research and training from which conservation objectives may be achieved, exchange of information relating to species conservation skills and, where appropriate, captive breeding, repopulation, or reintroduction of species into the wild.
- Promotion of public education and awareness in relation to the conservation of biodiversity, particularly by providing information about the species exhibited and their natural habitats.
- Accommodating the animals under conditions that aim to satisfy the biological requirements of the species by providing specific enrichment to the enclosures, as well as maintaining high standards of animal husbandry and veterinary preventive and curative care.
- Preventing the escape of the animals.
- Keeping appropriate records of the zoo's collection.

(B.3) How the objectives were to be achieved



C. Scope of the evaluation/FC

(C.1) Topics covered

The evaluation of the Zoos Directive will provide evidence on whether the legislation is fit for purpose and achieving its objectives. The objective is to compile, assess and synthesise evidence to evaluate the performance of the Zoos Directive on the basis of examination of the following categories: relevance, effectiveness, efficiency, and coherence, as well as its EU added value. This will assess:

- Implementation and successes and problems including the extent to which zoos have contributed to the protection of wild fauna and biodiversity conservation through implementation of measures under Article 3 of the Directive;
- The situation of implementation in different Member States, what has worked well, what has not worked well and why;
- Costs and benefits of implementation, having particular regard to unnecessary administrative burden;
- Having regard to the strong subsidiary nature of the Directive and to international standards and good practice, including that of bodies such as the European Association of Zoos and Aquaria (EAZA), whether involvement of EU has been justified and necessary;
- The views of stakeholders.

(C.2) Issues to be examined

The following issues will be examined under the five evaluation criteria:

Effectiveness

- What progress has been made over time towards achieving the objectives set out in the Directive? To what extent is this progress in line with initial expectations? In particular, what progress has been made to achieve the conservation measures set out in Article 3? To what extent have adequate licencing and inspection systems been put in place?
- What is the contribution of the Directive towards ensuring the protection of wild fauna and the conservation of biodiversity in the EU and globally (including its contribution to implementing the EU Biodiversity Strategy and EU commitments under international conventions like the Convention on Biological Diversity)?
- Which main factors (e.g. implementation by Member States, action by stakeholders) have contributed to or stood in the way of achieving these objectives?
- Beyond these objectives, what, if any, other significant changes both positive and negative can be linked to the Directive?

Efficiency

- What are the costs and benefits (monetary and non-monetary) associated with the implementation of the Directive for the different stakeholders, at local, national and EU level? Where possible, an estimate of costs broken down by size of enterprises (micro/small/medium enterprises) should be provided.
- To what extent are the costs associated with the Directive proportionate to the benefits brought by the Directive?
- What factors influenced the efficiency with which the achievements observed were obtained? In particular what, if any, good or bad practices can be identified? Or, if there are significant cost/benefit differences between Member States, what is causing them?
- Taking account of the objectives and benefits of the Directive, what evidence is there that it has caused unnecessary regulatory burden or complexity? What factors identify this burden or complexity as unnecessary or excessive?

Relevance

- How well do the (original) objectives (still) correspond to the needs within the EU and globally?
- How relevant is the Directive to achieving legal and policy biodiversity objectives at EU and global levels?
- How well adapted is the Directive to (subsequent) technical and scientific progress?

Coherence

- To what extent does the Zoos Directive complement or interact with other EU sectoral policies affecting biodiversity conservation and relevant animal welfare issues at Member States and EU levels, in particular as regards wild animals kept in captivity for commercial reasons (notably circuses) and how do these policies affect positively or negatively the implementation of the Zoos Directive?
- To what extent does the Directive support the EU internal market and the creation of a level playing field for economic operators, especially SMEs?

EU Value-added

- What has been the EU added value of the Zoos Directive compared to what could be achieved by Member States at national and/or regional levels?
- To what extent do the issues addressed by the Directive continue to require action at EU level?
- What would be the most likely consequences of repealing the Directive?

The evaluation methodology and detailed evaluation sub-questions will be developed and iteratively refined in cooperation with the successful tenderer.

(C.3) Other tasks

The evaluation will involve assessment of existing information as well as evidence gathering with Member States and key stakeholders, together with a public consultation to get the views of citizens and different interested organisations. The draft results will be presented to Member States and key stakeholders at a dedicated workshop before finalisation of the evaluation report.

External contractors will be commissioned to support the evaluation. The study contract will require contractors to gather and analyse evidence (including via public consultation) related to the performance of the Directive.

D. Evidence base

(D.1) Evidence from monitoring

The Zoos Directive neither foresees the creation of a specific committee nor has reporting obligations from the Member States. Therefore the Commission does not have any source of direct, structured, information from reporting by the Member States about the implementation of the Zoos Directive in their territories.

(D.2) Previous evaluations and other reports

There will be a need to review relevant information including existing evaluations, studies, reports, audits, information on infringements, complaints, court rulings, information and recommendations from stakeholders. This will include evidence available at EU and Member State levels from competent authorities, agencies, economic sectors, NGOs, scientific/technical journals, business and private sector. Relevant international experience will also be considered.

The main available references about the implementation of the Zoos Directive across the EU are a 2008

report from the NGO 'Eurogroup for Animals' entitled '*Report on the Implementation of the EU Zoos Directive*' (<http://eurogroupforanimals.org/files/policies/downloads/66/reportzoos1208.pdf>) and the more recent '*EU Zoos Inquiry*' carried out by the charity Born Free in most Member States in 2011 (www.bornfree.org.uk/campaigns/zoo-check/zoos/eu-zoo-inquiry/). The Commission has supported the development of a Good Practice Guidance Document⁴ on the Zoos Directive, which draws on experience of implementation in different Member States and by different stakeholder groups.

(D.3) Evidence from assessing the implementation and application of legislation (complaints, infringement procedures)

The Commission has launched 21 legal procedures⁵ (all closed) related to the Zoos Directive. Nineteen concerned lack of transposition or non-conformity and the remaining two concerned bad application of the directive.

(D.4) Consultation

Much of the important information for the evaluation of the Zoos Directive will come from Member States administrations, stakeholders and actors who are directly and indirectly affected and concerned in different EU Member States. These stakeholders have valuable insights into what is happening on the ground. There will be a structured evidence gathering consultation with all Member States and relevant stakeholders (European Association of Zoos and Aquaria, relevant NGOs, nature conservation organisations, universities or research organisations).

The contractor will perform written, face-to-face, telephone or web-based interviews or focus groups with key stakeholders on the basis of a structured questionnaire, to be developed in agreement with the Commission. The competent authority and at least one stakeholder should be contacted in at least 14 representative Member States. This should have full regard to availability of relevant information from different countries but also aim to ensure a balance of size, geography, different administrative structures and older and newer Member States.

There will also be an open public consultation through the relevant Commission website ("Your Voice in Europe") using a structured public questionnaire in accordance with the Commission's Better Regulation guidelines.⁶

There will be a dedicated workshop to share the draft results of the evaluation to which Member States and key stakeholders will be invited.

Further detail will be provided as the consultation strategy evolves, particularly in the light of the approach agreed with contractors. A dedicated web page will be established to ensure regular and timely feedback on the evaluation for stakeholders and the public.

(D.5) Further evidence to be gathered

All the evidence needed to evaluate the Zoos Directive will be gathered during the consultation process or during the study work which will include reviewing previously published material.

⁴ http://ec.europa.eu/environment/nature/pdf/EU_Zoos_Directive_Good_Practices.pdf

⁵ One procedure was a reopening of a previous case.

⁶ http://ec.europa.eu/smart-regulation/guidelines/toc_guide_en.htm

Toolbox: http://ec.europa.eu/smart-regulation/guidelines/toc_tool_en.htm

E. Other relevant information/ remarks

None