

Submission Part I of Electronic Collar Manufacturers Association™ (ECMA) – 5th September 2020 (Submission Part II = Appendix G)

Attention: Dog owners, Members of the Public, Parliamentarians, Minister C. Schouten

INTRODUCTION: A public consultation document demonstrating inaccuracies, misinformation, and a lack of understanding of the realities facing communities, dog owners and dog/animal welfare

1. **Dutch communities, dog owners, and dogs all are severely negatively impacted by the proposal contained within the contents of public consultation.**
2. Disturbingly, the obvious mistakes in the proposed regulation of facts, motivation, a clear lack of product knowledge and misleading ‘cherry-picking’ information is the result of a **bias of a new government file manager (Paul Bours) in charge since 2018.**
3. If the current proposed draft regulation published in this public consultation is put into force then **a unique training and behavioural tool for dogs, is taken away from caring and responsible dog owners**, elevates the risks for people living in a community which contains dogs, and ultimately poses an unnecessary risk to the dog itself:
 - 3.1. Dog owners will lose the option of access to a unique, effective and efficient training tool despite continuing legal obligations to control their dog.
 - 3.2. Removing dog training tools unnecessarily **elevates the risks for people who share their community with dogs** (irrespective of whether or not they own a dog themselves) as a consequence of barking dogs, wandering dogs, and anti-social behaviours to other animals and people.
 - 3.3. Obviously, removing a training and behavioural modification option elevates the risk of negative outcomes associated with the dog (e.g. perpetuation of antisocial behaviours, rehoming, destruction of healthy animals).
4. These submissions demonstrate that the proposed amendment to ban the use of electronic training aids (i.e. electronic training aids and containment systems, as quoted in the proposed legislation as “devices suitable to administer power surges”) is in complete contradiction with, and counterintuitive to, the balanced and robust regulations serving all stakeholders, that was published on 26 April 2018 in the Staatsblad 2018, 146.
5. These submissions also provide evidence that the proposal drafted by the current Department of Animal Welfare, which is the subject of these internet consultations, demonstrates the Department’s:
 - 5.1. **Gross misunderstanding and/or misleading representation** regarding the product range, proper use of electronic training aids, or dog behaviour; and
 - 5.2. **Inaccurate and consequently misleading perspective** being provided to the public and Parliamentarians regarding the scientific authorities; and
 - 5.3. **Obvious misinterpretation** regarding the proper application of relevant law; and

6. These submissions provide the public and Parliamentarians and the Minister with **evidence** of the inaccuracies, misunderstandings and misleading statements contained within the public consultation document, by way of supporting **written documentation in the footnotes and appendices** which provide:
 - 6.1. **A chronology of communications** (including copies of the written materials in the appendices to these submissions) provided to the Department of animal welfare, and
 - 6.2. **Copies of correspondence** including the official complaint to the government Complaints Committee regarding the **misconduct of the government file manager associated with electronic training products (Paul Bours)**, the response from the **Complaints Committee** confirming that “proper procedure had not been complied with”, and, what appears to ECMA to be the subsequent perpetuation of Mr Bours bias by the Director of Animal Welfare (Mrs Hendrix).
7. In order to rectify the obvious inaccuracies, misrepresentations and misleading statements contained within the public consultation document, these ECMA submissions provide each member of **the public, Parliamentarians, and the Minister** (who theoretically serves the interests of the public) with **facts, explanations and understandings** in order to provide them with **full and accurate information** associated with training and containment products that utilise modern day electronic pulses.
8. ECMA submits that removing a proven training and behavioural tool on the basis of a government employee’s lack of understanding, personal bias, and misleading information, represents an entirely inappropriate **standard of care of public interests** by anyone entrusted with the powers and responsibilities associated with governance/public office.

ABOUT ECMA: An association with global experience successfully assisting dog owners, police, and others to train, control and protect their dogs

9. ECMA is an association of manufacturers who have a commitment to providing **industry-led standards regarding the quality and use of electronic training systems** used in conjunction with animals.
 - 9.1. The founding member of ECMA is Radio Systems Corporation (RSC). RSC has a long-standing global reputation for providing an exemplary standard of products, client education materials and support that assist a wide range of dog-associated stakeholders that ranges from individual dog owners and dog clubs, police, military and security, through to local authorities and other public decision-makers.
 - 9.2. **ECMA members are in the business of developing products that use modern electronic technologies in order to assist people** in complying with their legal responsibilities regarding dog control, teaching dogs to demonstrate socially acceptable and safe behaviours, and consistently meeting and exceeding the principles of animal welfare.
10. Predictably there may be those that would seek to dismiss the submissions on the mistaken assumption that ECMA is only interested in preventing a ban of electronic training aids because it potentially loses business.

- 10.1. As understandable as that perspective might be, it overlooks the fact that the basis of ECMA business depends upon successfully providing effective solutions to dog associated training and behavioural problems.
 - 10.2. The public, Parliamentarians or the Minister need only look in their own communities for examples of very real and very prevalent **examples of dog associated issues that if left unattended, become an issue for the dog, its owners, and members of the community.**
 - 10.3. Dogs who escape from owners' control, excessive barking, or antisocial behaviours toward other animals or other people are just some of the quickly and easily verifiable issues demonstrating the problems associated with instances where owners may need help in training, controlling and/or protecting their dog.
11. There are many training and containment tools available to the dog owner, but as any dog owner will tell you, even the most well-natured dog can have its moments of uncertainty and misbehaviour.
 - 11.1. Consider, for example, the perils associated with a dog that gets off the lead and does not immediately come back when called.
 - 11.2. In addition to the anxiety for the owner, the dog may become a hazard to other animals or, if it strays onto a road, become a risk that is potentially lethal to the dog and vehicle occupants.
 - 11.3. ECMA products provide dog owners with **effective and proven reliable solutions for controlling and containing their dog** even when there are no property fences, or the dog is off lead.
 - 11.4. In fact, electronic training aids are unique products that enable the dog owner to retain control of a dog that is not neither physically confined or restrained on a lead.
12. Common sense illustrates that it is better to retain a unique product in order to assist and protect dogs, dog owners and communities.
 - 12.1. There is a history of engagement by ECMA with the Dutch government that clearly demonstrates the benefits of providing dog owners with continued access to this unique training and behavioural tool by way of assistance via qualified trainers.
 - 12.2. The system of regulation successfully used overseas in excess of 10 years, was in the process of being implemented under the guidance of former Dutch government file manager Mrs. Regeer. Further relevant information regarding the system of regulation is available at <https://agriculture.vic.gov.au/livestock-and-animals/animal-welfare-victoria/pocta-act-1986/electronic-collars>, and was addressed in the 2014 ECMA submissions to the Dutch government.
 - 12.3. In 2018 the Dutch government, under the continued guidance of governmental file manager Mrs. Regeer, demonstrated **a standard of global leadership** in respect of dog protection and control by implementing a system that mirrored the established form of regulation overseas that has been successfully operating in excess of 10 years.
13. The system of regulation ensuring use of quality electronic training aids under qualified supervision is a whole-of-system structure from the point of purchase right through accountability of use.

- 13.1. The system retains use of electronic training aids as one of a range of tools available to assist the dog owner, and includes steps requiring, for example, a preliminary veterinary check, assessment by a suitably qualified trainer or dog behaviourist to determine if the electronic product is indeed the product of choice given the circumstances of the dog, the owner and the community; and requires ongoing regular written reports regarding the progress.¹
 - 13.2. **Under the previous Decree, Dutch dog owners would continue to have access to this unique training tool** and, in the opinion of ECMA still would, “but for” the personal bias of the current government file manager P. Bours who took over during the course of 2018 and the complicit support of the current Animal Welfare Department director Mrs. L. Hendrix.
14. At a meeting with the Dutch government on 13 March 2019, file manager Paul Bours announced to a room full of objecting stakeholders that he intended to rely on primarily one scientific paper and that he had already gone to the Minister and told her to ban the electronic products. At that same meeting Paul Bours ignored protestations of attending stakeholders and dismissed the system of regulation on the grounds that drafting a limited ban and technical standards were “too difficult to draft”.²
 - 14.1. The actions of Paul Bours were subsequently the subject of a formal complaint to government by multiple stakeholders. **SEE APPENDIX A: Formal complaint** of ECMA alongside complaints also submitted by other stakeholders objecting to proposed ban
 - 14.2. The government Complaints Committee subsequently in its letter of 19 December 2019 supported the formal complaint and stated that “proper procedure had not been followed”. **SEE APPENDIX B: Complaints Committee findings**
 - 14.3. In response to the recommendations of the Complaints Committee, there was a 90 minutes meeting between Director Mrs Hendrix of the Animal Welfare Department, Mrs Kleintjes (who is Mr Bours supervisor) and stakeholders which included ECMA, the Royal Association of police dogs (trainers), the Royal Dutch Hunters Association and Multidog trainers; highlighting need to retain the electronic collar.
 - 14.4. Director Hendrix listened then dismissed the experience, practical insights and associated commentary of the stakeholders warranting additional follow-up correspondence. **SEE APPENDIX F: Letter to Director of Animal Welfare**
 15. “Positive reward systems” are defined as “praise, treats, toys and other pleasurable rewards” that have been used to successfully train animals.
 - 15.1. Positive reward systems are frequently referred to by those wishing to totally ban a dog owners’ access to electronic training aids, suggesting that positive reward systems are sufficient to train dogs in all situations.
 - 15.2. Of course, in an ideal world, dogs and people would learn as a consequence of praise, treats and toys - but there are times when reliance upon those methodologies is simply unrealistic and consequently irresponsible.

¹ <https://agriculture.vic.gov.au/livestock-and-animals/animal-welfare-victoria/pocta-act-1986/electronic-collars>

² Statements witnessed by ECMA representative Attorney Van der Tol.

- 15.3. Consider, for example, instances of where there is an off lead highly predatory dog who does not come back on command, or for a treat. When the innate predatory instincts of the dog are activated, it is simply foolish to suggest that an owner, or anyone else, can reliably stop the dog from chasing, worrying or attacking another animal by using a “treat” such as a toy or a biscuit.
 - 15.4. In contrast, ECMA electronic training aids have been used by government departments overseas to quickly, reliably, and efficiently teach dogs not to worry or attack other animals (this includes, for example, New Zealand’s Department of Conservation and measures to protect endangered bird species)³.
16. The electronic pulse utilised within quality electronic training aids is, in most instances, like holding any other vibrating object to your hand.
 - 16.1. Primarily the collar works on the basis of communication via a **warning and distraction**.
 - 16.2. There are instances where due to elevated states of arousal it may be necessary to increase the electronic pulse from perception of distraction to one of startle, discomfort or briefly painful.
 - 16.3. It is obvious that a moment of discomfort is sometimes necessary, or preferable, to distract the dog/animal from continuing an unwanted behaviour that may result in detriment to the dog, others being injured, and the dog’s owner being prosecuted.
 - 16.4. From a legal perspective, such instances are referred to as “**reasonable**” in consideration of all the relevant circumstances.
 17. The obvious concern for all those sharing their community with dog owners and dogs is that the Minister will take away a unique, proven, and effective tool from dog owners as a result of the bias, misunderstandings and misinformation that she has been fed by file manager Paul Bours, and the Director of Animal Welfare, Mrs Hendrix.

PRE-2018 BACKGROUND: The Dutch government’s global leadership in dog training options and care until 2018

18. For several years and prior to the change of government file manager in 2018, ECMA has been one of the participants in a group of stakeholders who were approached by file manager Mrs Regeer, and who actively informed and assisted the Ministry on the subject of electronic collars.
19. The **stakeholders work group** consisted of multiple participants from industry, behavioural, training, and other dog associated backgrounds. The stakeholder inputs regarding the use of electronic training aids, and the combined balanced input of all stakeholders under the guidance of Mrs Regeer, eventually resulted in the **amendment of the Decree Owners of Animals ‘Houders dan Dieren’ which was published 26 April 2018**.
20. The intent of the 2016 Dutch government was that the Amendment of 26 April 2018 was going to enter into force simultaneously with the underlying secondary regulation to ensure smooth,

³ <https://www.doc.govt.nz/parks-and-recreation/know-before-you-go/dog-access/avian-awareness-and-avoidance-training/>

practical and controlled retention of electronic training products, thereby providing dog owners with continued access to the benefits of electronic training products when required.

21. The Amendment of April 2018 stands as an illustration of multi-stakeholder cooperative input, a balanced consideration of relevant science and frontline experience, and effective legislation regarding the electronic training products that apply the principles of animal welfare mirroring laws nationally and internationally that retain the considerable and unique benefits of the electronic training products⁴.
22. Importantly for Dutch dog owners, the measured, authoritative, and balanced/non-biased approach demonstrated by the 26 April 2018 amendment of the Decree Owners of Animals 'Houders dan Dieren' legislation would have:
 - 22.1. Retained the electronic training aids as training tool options; and
 - 22.2. In the event that the electronic training aids were considered to be the most appropriate training tool (after professional assessment of the dog, the dog owners capabilities and circumstances, and the degree of disturbance and/or risk (if any) to the community) then the Decree would have ensured that any use of electronic training aids would be responsibly regulated so that there was use of "quality products under the supervision of qualified supervisors"; and
 - 22.3. *Fr dog owners wishing to utilise the benefits of containment systems, availability to containment systems were continued (i.e. not exempted) as well.*
23. Collectively these features would have assisted the dog owner by:
 - 23.1. Providing them with **access to competent supervisors** trained in the proper use of all dog training systems (including electronic training options to suit the dog, the dog owner, and the community); and consequently,
 - 23.2. Helping the dog owner properly train and protect the dog; and concurrently
 - 23.3. Providing the dog owner with **access to the full range of training tools** to fulfil their legal responsibilities to keep the dog under control at all times.
24. All these advantages are potentially undermined and dismissed by the bias and improper conduct of the government file manager, Paul Bours who took control of the electronic training aids file after the departure of Mrs Regeer.

POST 2018: A GOVERNMENT EMPLOYEES PERSONAL BIAS DEMONSTRATED IN THE 2020 PROPOSED REGULATION

25. After the publication on 26 April 2018, under the management of the new government file manager Mr Bours, ECMA and others within the group who recognised the need for, and value of, retaining access to electronic training aids were, it appears to ECMA, misleadingly, and over a period of months, **selectively excluded by Mr Bours** as he sought to **use his government office** to undermine the work done by his predecessor Mrs Regeer, and implement his own biased views.

⁴ Australia (Victoria): <https://agriculture.vic.gov.au/livestock-and-animals/animal-welfare-victoria/pocta-act-1986/electronic-collars>. New Zealand Codes of Welfare: <https://www.mpi.govt.nz/dmsdocument/1428/direct>

26. During the months of silence towards ECMA and other members of the stakeholders' group in favour of retention, after 26 April 2018, the new file manager, Paul Bours, in retrospect has selectively collaborated with stakeholders who shared, and would support, his own views.
27. Mr Bours' intentional and premeditated agenda was revealed in a **meeting of 13 March 2019** at the Ministry during which he set out his own decree to affected stakeholders.
28. Notably, Mr Bours decision, in stark contrast to the inclusive and balanced style of engagement used by his predecessor Mrs Regeer, involved only his supporters and **specifically excluded ECMA and other stakeholders who recognise the benefits of retaining the electronic training aids including containment systems.**
29. At that meeting, Mr Bours announced out of the blue that he himself had taken the initiative to go to the Minister to change the regulation of 26 April 2018 into a general ban the electronic training aids and that she had agreed. At that meeting Mr Bours, without any input of ECMA or other stakeholders advocating the use of the electronic training aids, evidently incorrectly stated⁵:
 - 29.1. A ban with exemptions and technical standards as in the Amendment of 26 April 2018 is too complicated to draft (dismissing the work of Mrs. Regeer and the group of stakeholders until then);
 - 29.2. A general ban would be easier to enforce than a ban with exemptions (ECMA argues that the reasoning should not be about what is easier but about what best serves the animal's welfare, the dog owner and the community), and;
 - 29.3. There allegedly would be new scientific evidence stating that the use of the electronic training aids would be harmful for animals (which is incorrect: Mr Bours is referring to an article of February 2018 from the ESVCE that was already public at the time of the Amendment of 26 April 2018: the article was even mentioned in the accompanying explanatory memorandum of 26 April 2018 (Nota van Toelichting);

Formal complaint to the Complaints Committee

30. The misconduct, bias, and dictated decision of Mr Bours subsequently became the subject of a formal complaint to the Dutch government's Complaints Committee.
31. Several stakeholders⁶ approached the Minister to convince her not to take over the advice of Mr. Bours. Three formal complaints to our knowledge (ECMA, Royal Dutch Hunters Association, Multidog trainers) were submitted at the Complaints Committee of the Ministry LNV expressing concerns regarding Mr Bours' misconduct, failure to comply with proper procedure, and the selective exclusion of ECMA and other stakeholders.
32. For the purposes of informing the public, the Parliamentarians and the Minister, a copy of ECMA's complaints letter of 5 June 2019 is attached as annex to these submissions. **APPENDIX A: Complaint of ECMA** dated 5 June 2020 to the Minister regarding the conduct of Paul Bours

⁵ Witness: lawyer M. van der Tol attending the meeting on behalf of ECMA.

⁶ Including ECMA, police dog trainers and other dog training organisations, the Hunters Association, governmental departments (Defence) and individual members of the public such as Prof. Dr. G.J. Scheffer.

as file manager since 2018, Paul Bours conduct of the stakeholder meeting (13 March 2019) where he announced he had gone to the Minister to propose a ban, and that in his opinion implementing systems to retain electronic training aids were “too difficult”, and a general ban was “easier to enforce.”

33. On 19 December 2019, after hearing the stakeholders as well as several public officers of the Ministry, the Complaints Committee issued a final letter in which it agreed:
 - 33.1. That the Ministry had **failed to properly involve stakeholders** since 2018 contrary to previous communications between the stakeholders and the Ministry;
 - 33.2. That stakeholders were simply confronted with the policy change at the meeting on March 13, 2019 and, at that meeting, were not given sufficient space to be heard;
 - 33.3. That there was insufficient communication around and during the meeting by (employees of) the Ministry.
34. In its letter of 19 December 2019, the Complaints Committee issued the following advice to the Minister to repair its mistakes:
 - 34.1. To arrange a meeting with said stakeholders to ask and discuss their reaction to the proposed ban of the electronic training aids; and
 - 34.2. To respond in writing to the written submissions that were sent by the complainants to the Minister after the meeting of 13 March 2019.
 - 34.3. A copy of the correspondence of 19 December 2019 from the Complaints Committee is attached to these submissions. **APPENDIX B: Response from the Complaints Committee** (19 December 2019) formally validating that under the management of Paul Bours, “proper procedure had not been followed”.
 - 34.4. Responding to the commentary of the complaints committee, on 5 July 2020 a video conference between three government representatives led by Animal Welfare Director Mrs. Hendrix, and four complainants / stakeholders namely ECMA, the Royal Dutch Hunters Association, the Royal Dutch police dog Association and dog trainers Multidog took place.
 - 34.5. The four stakeholders were collectively given just 90 minutes to speak to Mrs Hendrix regarding the obvious inaccuracies, misunderstandings and demonstrated bias associated with the proposed ban of electronic training products.
 - 34.6. Mr Bours was not present, however as it turned out, the letter of 2 July 2020 that the parties received from the Ministry as a follow up of the meeting, was drafted by Paul Bours who fully remained in control.
35. On the basis of the conduct within the meeting, the apparent lack of meaningful consideration to stakeholder inputs, and, notably, the continued involvement of Paul Bours and perpetuation of his bias apparently supported by Mrs Hendrix, then the obvious conclusion is that the meeting was simply a tick-box exercise conducted by Mrs Hendrix providing lip-service and dismissive deference to the views of the Complaints Committee, complainants, and those who would be detrimentally impacted (i.e. dogs, dog owners, and Dutch communities) as a consequence of the collaborative bias-and-perpetuation of Paul Bours and Mrs Hendrix.

36. Indeed, on the basis of the collaborative conduct of Paul Bours and Mrs Hendrix, it is reasonable to conclude that they demonstrated a closed mind to the input, experience and failure is demonstrated in the proposed regulation seeking to ban the electronic training products.
37. These submissions are provided in an attempt to remedy the bias and closed minds of these to government representatives, and provide the Minister with full, accurate, and balanced information.
38. Copies of ECMA submissions and communications to the government are attached in the appendices:
39. The public, Parliamentarians and the Minister are strongly encouraged to review the content of these documents in anticipation that the contents will properly inform and consequently familiarise readers with:
 - 39.1. The verifiable need for electronic training aids,
 - 39.2. The unique effectiveness and efficiency of retaining these tools as an option for training and containment, and
 - 39.3. The established system of regulation used successfully for over 10 years overseas that effectively ensures “use of a quality product under the supervision of a qualified trainer” thereby providing benefits to the dog/animal welfare, the dog owner, and the community⁷.
40. In addition to the Minister, these submissions are also made available to the public and Parliamentarians, and the Raad van State, in order to provide a publicly available chronology of events, evidence and accurate information upon which to fairly and properly respond to the misleading, inaccurate and misleading commentary contained within the public consultation documentation **APPENDIX E: Copy of the published regulation and explanatory notes**.

CRITIQUE OF THE PUBLISHED GOVERNMENT “EXPLANATORY MEMORANDUM”

41. The explanatory memorandum published by the government on 1 August 2020 attempts to lead/mislead the public and Parliamentarians with a list of inaccuracies, misrepresentations, and incomplete information.
42. The misleading information occurs in almost every paragraph of the “explanatory document” and, as a consequence, these submissions provide a dedicated critique of the document provided by the government in order to provide the public, Parliamentarians and the Minister with full and accurate information upon which to make an informed decision.

⁷ it is noted that at the meeting of 13 March 2019, Dutch government representative Paul Bours dismissed this system of regulation which would have retained the benefits of the electronic collar and containment systems for Dutch dog owners and communities, dismissed this option as “too hard”. ECMA subsequently complained to the Dutch government's complaints committee that Mr Bours conduct portrayed his personal bias rather than more appropriately giving due consideration to the benefits ensuing from the regulations and continuation of the established Dutch amendment of the Decree Owners of Animals ‘Houders dan Dieren’ which was published 26 April 2018.

43. For particularly the attention of dog owners, it is highlighted that the governments explanatory document (**APPENDIX D**): the written response of the Director of the Animal Welfare, (Ministry of Agriculture, Nature and Food Quality (“LNV”), Mrs Hendrix (“Director Hendrix”), illogically and impractically advances its own biased agenda by suggesting that the ban is in the interest of the animal’s welfare in a manner that:
- 43.1. Demonstrates the memorandum’s misunderstanding about animal welfare e.g. “welfare” standards do NOT seek to prohibit all discomfort, pain or distress of an animal, but instead prohibit discomfort, pain or distress that – based on an assessment of ALL the circumstances, is assessed as unnecessary or unreasonable;
 - 43.2. Demonstrates the memorandum’s gross misunderstanding regarding the relevant law i.e. the proper application of the word “reasonable”, as it applies to the subject of animal welfare, considers ALL relevant circumstances including, for example, the nature of the dog, AND the capabilities of the owner AND the dog’s behaviour to be addressed AND any risks/detriments to the dog, the owner, or the community in which the dog resides ; and
 - 43.3. The memorandum unrealistically relies upon the public and Parliamentarians accepting that the dog, and its welfare (i.e. “animal welfare”) is a subject totally separate and unrelated to the human caregiver (i.e. the dog owner) and the interests of other people and Dutch communities.
44. It is anticipated that dog owners, Parliamentarians and non-dog owners alike, will ALL be amazed at the **complete absence of logic** that suggest the dog’s welfare is somehow completely separate from the dog’s reliance upon its owner to not only feed it, and provide shelter, but to also teach the dog how to behave in a socially acceptable way within the household and within the community.
45. The attention of the public, Parliamentarians and the Minister are directed towards APPENDIX G of these submissions which assist pointing out the blatant incompetency, misunderstandings and misleading information that, if left unchecked, **incurs long-term detriments to dogs welfare, removes an option from dog owners, and places Dutch communities at unnecessary inconvenience and risk.**

WHAT CAN THE PUBLIC AND PARLIAMENTARIANS DO?

46. The objective of these submissions is to ensure that the public and Parliamentarians and the Minister are fully, properly, and accurately informed.
47. It is anticipated that the public and Parliamentarians, just like ECMA, police dog trainers, general dog training groups, and at least 3000 existing dog owners, expect that Minister Schouten (Ministry of Agriculture, Nature and Food Quality, LNV) will:
- 47.1. Demonstrate considerable concern about being told “what to do” on the basis of a government workers bias and intentional provision to her of misinformation, and.
 - 47.2. Take a genuine active interest in protecting issues of “animal welfare” in a manner that applies logic in how the dogs/animals welfare relates to the interest of her voting public (i.e. the dog owners, and people living in Dutch communities who equally have a vested

interest in sharing their neighbourhood with dogs that are properly controlled and trained).

48. These submissions advocate that the interests of animal welfare, dog owners and Dutch communities warrant more than dismissing a system that would retain a unique training tool as one of a spectrum of training tools to achieve the goal of properly controlled and trained dogs. Specifically, these submissions advocate:
- 48.1. Retaining the current legislation published 26 April 2018, whereby the Decree “Houders van Dieren” was amended to allow containment systems, as well as electronic training aids under certain conditions (Staatsblad 2018, 146); in order to
 - 48.2. Retain the communities and dog owners’ access to a unique electronic training and containment system.
49. In order to ensure that the bias, misinformation and misunderstanding of government worker Paul Bours, supported by Director Hendrix, is not permitted to progress unopposed, ECMA recommend that dog owners, members of the public, and Parliamentarians:
- 49.1. Submit your own submissions outlining interactions with your own dog, with other people’s dogs, demonstrating the needs and benefits to the community, the dog owner and the dog particularly and having a dog off the lead or outside of a specific fenced area; and/or
 - 49.2. Because this public consultation is part of a process and not a final decision, then members of the public can still influence the outcome by communicating their concerns directly to their Parliamentarian via the link at https://www.tweedekamer.nl/kamerleden_en_commissies/commissies/Inv/samenstelling; in order to
 - 49.3. Clearly communicate to Minister Schouten that you oppose the proposed ban and support retention of decree number, and support a system of regulation that retains electronic training and containment systems; and
 - 49.4. Demonstrate the need for these products to the Minister by providing her with realities and examples of dog behavioural problems including, for example, personal examples of where positive reward training (toys, treats, praise) have proven ineffective; and personal circumstances (e.g. renting a property with no fences, dog exercise with the dog off lead) that have been successfully resolved with the help of the electronic training aids and containment fences.

APPENDICES: see next page for the list A to G.

- A. *5 June 2019: Complaint of ECMA dated 5 June 2020 to the Minister regarding the conduct of Paul Bours as file manager since 2018, Paul Bours conduct of the stakeholder meeting (13 March 2019) where he announced he had gone to the Minister to propose a ban, and that in his opinion implementing systems to retain electronic training aids were “too difficult”, and a general ban was “easier to enforce”*
- B. *19 December 2019: Response from the Complaints Committee “Proper procedure had not been followed” with annexes (summaries of hearings by the Complaint Committee)*
- C. *2 June 2020: Submissions by ECMA in preparation for the meeting with Director Hendrix held on 5 June 2020*
- D. *2 July 2020: The follow up letter of Mrs Hendrix (drafted by Paul Bours)*
- E. *1 August 2020 published public consultation documents by the government. English version of: “proposed regulation” (draft date 17 June 2020) and “explanatory memorandum” (draft date 3 June 2020)*
- F. *4 August 2020: ECMA response to Mrs Hendrix expressing disappointment at apparent tick-box exercise responding to Complaints Committee recognition of improper procedure*
- G. **SUBMISSION PART II** - *ECMA critique of public consultation document demonstrating inaccuracies, misrepresentation, misrepresentations, and misleading statements*

Ministry of Agriculture, Nature and Food Quality
Minister Mrs. C. J. Schouten
Postbus 20401
2500 EK The Hague
NETHERLANDS

Rotterdam, 5 June 2019

Attention: Mrs. Schouten,

**Re: Misinformation to Minister because of unreasonable bias of a Ministry representative -
electronic training products for dogs and cats**

I am writing you on behalf of Electronic Collar Manufacturers Association™ (ECMA™) with grave concerns regarding the misinformation that you may have received based on the bias demonstrated by a government representative concerning the use of electronic training products for pets.

ELECTRONIC COLLAR MANUFACTURERS ASSOCIATION (“ECMA™”)

1. The ECMA™ is an association of manufacturers who have a commitment to providing industry-led leadership regarding the quality and use of electronic training systems used in conjunction with animals.⁸
 - 1.1 ECMA™ has committed to providing industry-led leadership regarding the quality and use of electronic training systems used in conjunction with animals.
 - 1.2 The founding member of ECMA™ is Radio Systems Corporation (RSC). RSC has a long-standing reputation for providing an exemplary standard of products, client education materials and support that assist a wide range of dog-associated stakeholders that ranges from individual dog owners and dog clubs, through to local authorities and other public decision-makers.
 - 1.3 ECMA™ members are in the business of developing products that use modern electronic technologies in order to assist people in complying with their legal responsibilities

⁸ www.ecma.eu.com

regarding dog control, in order for their dogs to demonstrate socially acceptable and safe behaviors, respecting the principles of animal welfare.

BACKGROUND AND SUMMARY OF ECMA™ REQUEST

2. After a period of approximately 6 years of participation involving a group of around 12 key stakeholders including manufacturers, trainers, behaviorists, hunters associations, welfare groups, government/police and academics with Mrs. B. Regeer, the senior public policy officer with the Ministry in charge of the file at the time, on 26 April 2018 a Decree, was published in the *Staatsblad* 2018, 146.
 - 2.1 It introduced article 1.3 under h. Decree on animal keepers which bans the use of electronic collars for animals, with exceptions.
 - 2.2 As part of the exceptions, it allows the use of electronic training products for containment purposes as well as of electronic training products for training purposes to benefit the animal, animal owners, and communities in certain situations.
 - 2.3 The decree also attracted international recognition for the Netherlands for implementing regulation that applied animal welfare in a manner that went beyond just the dog, to include wider owner and safe community considerations.
3. On 13 March 2019 a meeting of the group of stakeholders was held, led by Mr. P. Bours, a senior public policy officer with the Ministry who had taken over the file from Mrs. Regeer (beginning of 2018). In this meeting, Mr. Bours announced to the 12 persons present that a general ban on the use of electronic training products was going to be put in place, after he had (in his words at the meeting) *“went to the Minister and convinced her to get all e-products banned”*. It was noted that following the meeting, an announcement by the Minister was made to the House of Representatives (dated 4 April 2019) to ban the use of the electronic collar for dogs / *gebruik van de stroomband voor honden*.⁹
4. Other than a minority of academics present, who appeared to have had prior collaboration with Mr. Bours, ALL remaining stakeholders expressed surprise and anger about the complete lack of consultation with the key stakeholders, and about Mr. Bours’ “personal Decree” to get all electronic training products for pets banned.
5. Mr. Bours ignored questions and attempts of those present who tried to demonstrate the inaccurate presumptions that Mr. Bours made to motivate his biased decision.
6. ECMA™ is aware of other stakeholders, part of the working group, who along with ECMA™ recently have sent or will send similar complaints to regarding:
 - 6.1 The meeting of 13 March 2019, and
 - 6.2 The Minister’s announcement in the House of Representatives which appears to correlate with the bias, closed mind, and unreliable resources referenced by Mr. Bours.
7. These other fellow-stakeholders include to our knowledge:
 - 7.1 The Dutch Police Dog Association / Koninklijke Nederlandse Politiehond Vereniging KNPV,
 - 7.2 National Police, Police Academy / *Politieacademie*,
 - 7.3 The Royal Dutch Hunters Association / Koninklijke Nederlands Jagersvereniging KNJ,
 - 7.4 The Tinley Institute,

⁹ Letter of 4 April 2019, Reference DGA / 19016548

7.5 Multidog Dog trainers, and

7.6 DIVEBO.

8. ALL these stakeholders have grave concerns that the personal bias, closed mind, and misinformation of Mr. Bours will be passed on to the Minister who may accept it without recognizing its lack of credibility, accuracy, or reasonableness.
9. It is further noted that the member of the House of Representatives Mr. Von Martels (CDA) have asked the Minister a range of formal questions about your change of policy that are going to be discussed on 25 June 2019.¹⁰
10. To be clear, ECMA™ and wider stakeholders do NOT advocate the electronic training aid as the preferred or only training product, but stakeholders DO recognize that it is important to retain electronic training aids as an option for dog owners. The option is important because electronic training aids may be the ideal training product in consideration of all the varying circumstances associated with the dog, or the owners' competencies and resource capabilities, or the detrimental impact on the community (e.g. barking, fouling, wandering, danger to other animals and/or people).
11. To radically change your legislation of article 1.3 under h Decree on animal keepers, only a year after it has been published, requires is strong motivation and at least an indication of a profound change in facts or circumstances since then. However, no change has taken place that could justify your radical policy turn.
12. Consequently, this letter is sent directly to the Minister with the request that the Minister gives attention to key considerations including:
 - 12.1. The benefits associated with electronic training products retained under the existing Decree;
 - 12.2. The weight given to the scientific evidence set aside and/or ignored by Mr. Bours in direct conflict with previous discussions and agreement with wider stakeholders;
 - 12.3. To reconsider the announced change of the limited ban into a total ban;
 - 12.4. To continue with the development, that was already ongoing, of the ministerial regulation to set requirements for the expert use of the electronic training aids including setting technical standards for the products allowed to be used; and when this is completed;
 - 12.5. To set a date for the entering in to force of article 1.3 under h of the Decree on animal keepers as published on 26 April 2018, *Staatsblad* 2018, 146, as well as for the Ministerial Regulation; and finally
 - 12.6. A request that the Minister appoint an alternative government representative who demonstrates an ability to continue the leadership commenced by Mrs. Regeer, and a lack of personal bias in order to retain the long term benefit of retaining a training tool benefitting the community, the dog owner, and dog/animal welfare.
13. The following sections of this letter are set out in the following order:
 - 13.1. Firstly, the Minister is provided with the facts associated with electronic training products (Section C: **"Facts and Benefits associated with electronic training products"**).

¹⁰ The questions are published under Reference 2019Z07107 Year of meeting 2018-2019

- 13.2. There is a significant amount of misinformation and misunderstanding regarding the products, its proper use, and confusion about the purpose of any training aid used to teach dogs how to behave in a socially acceptable manner. For example, while reward-based systems are obviously preferable, they do NOT work 100% of the time in 100% of dogs.
- 13.3. Secondly, the Minister is provided with a summary of events, discussions and the considerable participative stakeholder process undertaken in order to ensure that any use of electronic training products is warranted, utilizing quality products and the user is under qualified supervision (Section D: **“Participation and legislative process leading to the current limited ban”**). It is notable that the Netherlands’ limited ban has received international recognition for its forward thinking benefiting the dog/animal welfare, the dog’s owner, and the community
- 13.4. Thirdly, in Section E: **“Unlawful bias, misinformation and closed mind of File Manager (Mr. Bours)”**) the Minister is alerted:
 - 13.4.1. to the comments of Mr. Bours which alienated and angered key stakeholders, and demonstrated the bias, closed mind and dictatorial self-positioning which, in turn, puts the Minister at risk of considerable criticism. reflects the same approach which has resulted in the English Minister being judicially reviewed in the High Court:
 - 13.4.2. to the misleading and incorrect information Mr. Bours gives for convincing the Minister to plan a total ban of the electronic training products.
- 13.5. Fourthly, the Ministers’ announcement of 4 April 2019 to the House of Representatives to change the policy on electronic collars reflects maladministration. This is clearly based on the misleading and incorrect information the Minister has received. (Section F: **“Nine grounds of maladministration regarding the Minister’s announcement of a total ban of electronic training products”**).
- 13.6. We end this letter with a **Conclusion** (Section G).

FACTS AND BENEFITS ASSOCIATED WITH ELECTRONIC TRAINING AIDS

3 different types of electronic training products

14. There are three types of electronic training products, each of which are associated with a distinctly different style of use: (notably, however, ALL delivery systems function on delivery of the same technical stimulus):
 - 14.1. Electronic training products for containment purposes that are controlled by the animal itself (for dogs and cats).
 - 14.2. Electronic training products for anti-barking purposes that are also controlled by the animal itself (only for dogs).
 - 14.3. Electronic training products for training purposes (handheld) that the person operates by a hand-held device (only for dogs).
15. The electronic training product is a collar that triggers an electronic pulse (similar to a static pulse which can be varied in strength). Some containment collars may emit a sound which

warns the pet that an electronic pulse is about to be triggered, allowing the pet to stop whatever it is about to do before the pulse is generated.

16. The electrical stimulation on low levels gives merely an annoying sensation to the dog (where the user gains the attention of the dog). Medium levels give an uncomfortable sensation (which will interrupt a behavior of the dog) and high levels give a startling sensation (which will inhibit a behavior).
17. Currently, a limited ban of the product is in place under Article 1.3 under h. Decree on animal keepers, published 26 April 2018, *Staatsblad 2018, 146*. The limited ban means that owners have access to electronic training products under specific circumstances.
 - 17.1. In article 1.3 under h to the Decree on animal keepers, an exemption to the ban on electronic training products was made for electronic fences, without even setting the requirement of having sufficient expertise. This is because electronic fence electronic training products have little risk of being misused therefore are in general not seen as harmful or controversial since the dog controls the stimulus itself.
 - 17.2. It is in general seen even by most people who have no specific knowledge about the products as a useful tool, preventing dogs from leaving properties (for example farms and gardens), straying or getting killed in traffic accidents. The general public does not seem to have any problem with using electronic fences for cattle, which as we know tend to have a much higher energy output than the electronic training products for pets and are dangerous for persons to touch. Moreover, contrary to the situation with electronic training aids for pets, electronic cattle fences punish randomly: the animal has no means to auto adjust the impulse and has had no prior training. Persons, on the other hand, will not be harmed by the electronic containment collars for dogs since this is only inflicted on the dog wearing the collar.
18. The same argument of self-controlled operation goes for the anti-bark electronic training product, although the current article 1.3 under h to the Decree on animal keepers placed those under the b.-group of “devices, the use of which is aimed at causing a justified change to the behavior of the animal in order to prevent danger to persons or animals or damage to the welfare of the animal and the user of the device has sufficient expertise for this purpose”.
19. The use of handheld electronic product for training purposes, more than the other two products, raise concerns with some animal welfare advocates since the product is operated by persons.
 - 19.1. In most cases, the persons or associations involved have never seen or used an electronic training product.
 - 19.2. And when they have used the product for example on themselves, they use a high level which is rarely used on most dogs.
 - 19.3. It must be understood that most dogs respond already to very low intensities of the stimulus to achieve the training goals. Some dogs even respond well to the sound emitted prior to the stimulus of the containment products is equipped with this feature, so it never experiences the electronic stimulus. And when it needs a high level to respond, the dog is in a situation, for example of high prey drive (high adrenalin values) such as when he is chasing sheep/rabbits and other wildlife, as well as running after joggers etc.
20. There is also a widely spread misunderstanding that the hand-held electronic product is used continuously. This is not correct.

- 20.1. It is a training tool, one of many types of training aids used to assist with the training of dogs, mostly in cases where the dog, who is off the leash, does not respond well to reward-based training such as when it has a strong prey drive or does not respond to a recall of the owner, to achieve the training goals.
- 20.2. Expert trainers and dog owners who responsibly use the product will confirm that they only had to use the product a few times after which the animal showed the correct behavior just by wearing the product even without the stimulation, and not even wearing it at all after the training.
- 20.3. It is a highly effective training tool, whereby, when used correctly, the animal quickly understands what is expected, even in a high energy -or prey drive- state.
21. The modern electronic training products, contrary to the older, outdated ones that were used well into the nineties of the last century, have different kinds of safety features which make it a safe product. Provided used in a correct way, in accordance with the manual with the right timing and with the right stimulus in the given situation, it offers a good solution for many dogs and dog owners in situations where other tools and products do not.
22. The three electronic training systems are individually and collectively unique when contrasted with all other training options, particularly in terms of their flexibility (i.e. to suit a wide range of circumstances involving the dog and its owner), cost, and reliable speed of effect. No other training tool exists which is able to deliberately link outcomes with the environment and/or the behaviour of the animal at a distance from the dog owner. They are used by government services (police and special forces), hunters, as well as specialized dog trainers and dog owners throughout the Netherlands.
23. There are obvious advantages to the dog, the dog owner, and the community, in having a dog properly trained, controlled and socialized. ECMA™ supports the concept of training methodologies that use reward-based systems. However, the reality is that reward-based systems in isolation may not be fit for purpose following consideration of all the circumstances pertaining to the dog and its owner.
24. ECMA™ supports the involvement of a qualified professional in assisting the dog owner with the training methodology and choice of training equipment to be used. This approach assists in tailoring the dogs training to accommodate the significant range of real-world realities regarding, for example:
 - 24.1. The dog in terms of its size, temperament, and the nature of any antisocial behaviour to be modified, and
 - 24.2. The owner's resources, finances, capabilities and individual circumstances; and
 - 24.3. All wider relevant circumstances including, for example, the seriousness of the antisocial behaviour to be corrected and any (frequently limited) timeframes e.g. existing complaints.

PARTICIPATION AND LEGISLATIVE PROCESS LEADING TO THE CURRENT LIMITED BAN

25. ECMA™ has been collaborating with your public officers in this file starting 2014. Upon the invitation of Mrs. B. Regeer from the Ministry ECMA™ is also a member of the working group of stakeholders. We attended the first meeting of the group of stakeholders at the Ministry on 25 October 2016.

26. The group of stakeholders has been involved in a balanced discussion to retain the benefits of the product, while also addressing issues of animal welfare.
27. As the outcome, a Decree proposal was sent to the House of Representatives on 1 June 2016.¹¹ The proposed Decree, amongst other subjects, introduces article 1.3 under h of the Decree on animal keepers, which bans the use of a device which can cause pain to the animal by means of a power surge, electromagnetic signals or radiation, with the exception of:
- 27.1. electronic fences or fences permissible to fence off or enclose a property, as well as
 - 27.2. devices the use of which is aimed at causing a justified change to the behavior of the animal in order to prevent danger to persons or animals or damage to the welfare of the animal and the user of the device has sufficient expertise for this purpose.
28. We, together with the other stakeholders at the table, welcomed this outcome. Not only does the wording of article 1.3. under h Decree on animal keepers distinguish between the types of product and their benefits for persons and dogs. It also addresses concerns of misuse of the product for training purposes by ensuring that the user has sufficient expertise. There was agreement amongst the stakeholders that regulation of the use of the product is beneficial to the welfare of animals and is better than a general ban, which is NOT beneficial to the welfare of animals since the product will continue to be used even if banned, however in an unregulated way which may be harmful to animals.
29. The formal advice of the *Raad van State* to the proposed Decree was issued on 2 June 2017. In a reaction to this advice, the Minister announced in her Further Report / *Nader Rapport* to the House of Representatives dated 25 April 2018¹² that in addition to the wording of article 1.3. under h Decree on animal keepers set technical product standards for electronic training products are going to be set.
30. The Decree, introducing article 1.3 under h. Decree on animal keepers, was published on 26 April 2018 in the *Staatsblad* 2018, 146. A date of implementation of the article was yet to be established as this would have to coincide with the Ministerial Regulation to outline further regulations regarding the requirement “sufficient expertise” under b. of article 1.3 under h. of the Decree in animal keepers (only for hand-held and anti-bark products). The general outline of this requirement was planned to be in the form of:
- 30.1. a specialist course that the user of trainer must take before being certified to use/give advice on the use of the electronic training product, and
 - 30.2. supervision of the user by an expert or by the association the user is a part of.
31. Said Ministerial Regulation has been under construction since 2016, also in collaboration with the group of stakeholders. During the stakeholders meeting at the Ministry on 25 October 2016, there had been a constructive first discussion on the development of a specialist course/certification for the users of the product. The offer of ECMA™ to assist with the course module “knowledge of products” was welcomed by the Ministry and the other stakeholders. Ever since ECMA™ has been waiting for a follow up on that subject.
32. Around the same time, beginning of 2018, we were then informed of a change of management within the Ministry. The senior policy officer with the Ministry in charge of the file Mrs. B. Regeer

¹¹ Kamerstuk 28 286 Nr. 878 van 1 juni 2016

¹² Nader rapport of 25 April 2018, Reference Nr. WJZ/17134959

was, due to a promotion, taken off the file. Leading senior policy officer was now Mr. Drs. P. Bours.

33. In January and April 2018 Mr. Bours had asked ECMA™ one of two minor technical questions relating to the product, obviously within the context of drafting the technical product standards for the product. This was followed by a period of silence from the part of the Ministry. On several occasions, ECMA™ contacted Mr. Bours to inquire about the progress of the product file and specifically the specialist course/certification for the users as well as drafting the technical product standards. Nothing specific was brought to our attention by Mr. Bours, therefore ECMA™ assumed that the Ministerial Regulation was still in the process to be drafted.
34. During a meeting of 13 March 2019 at the Ministry the stakeholders, that was scheduled to give the stakeholders “information about the status quo”¹³, the persons present were suddenly surprised by the announcement of Mr. Bours to make 180 degrees turn on the policy on electronic collars. The limited ban of article 1.3 under h would be changed into a general ban of the use of the product. According to Mr. Bours at the meeting, he himself had taken the initiative to convince the Minister that her policy needs to change. The meeting was followed by the Ministers’ letter dated 4 April 2019 to the House of Representatives (ref DGA / 19016548) in which she announced said plans to implement a total ban.
35. ECMA™ is of the opinion that there has been maladministration in this file since Mr. Bours took over. To radically change your legislation of article 1.3 under h Decree on animal keepers only a year after it has been published, requires is strong motivation and at least an indication of a profound change in facts or circumstances since then, which do not exist.
36. Since the publication of the Decree in April 2018 there has been no change that could justify your radical policy change. What has changed is that a new senior public officer took over this file around the same time in 2018. He chooses “the easy way out” by means of a total ban, which, as this letter will show, is far from an easy way out in terms of the consequence for the safety and well-being of animals and persons. It appears that false facts and personal, unfounded, biased views and motivations, of Mr. Bours have become leading in this file, which should have no place in a balanced and transparent legislative process.

UNLAWFUL BIAS, MISINFORMATION, AND CLOSED-MIND OF FILE MANAGER (MR. BOURS)

Undemocratic course of events at the stakeholder meeting of 13 March 2019

37. There has been no involvement of the working group of stakeholders as a whole regarding the policy change prior to the announcement of Mr. Bours at the meeting of 13 March 2019.
 - 37.1. Mr. Bours intentionally kept this information from the stakeholders, as we estimate to prevent unwanted questions.
 - 37.2. Mr. Bours had invited stakeholders to the meeting for the first time, such as Mr. G. van der Kaaden and Mr. Arno Broski, representatives of the dog training institute Multidog. Both expected a discussion but were extremely upset that the meeting was anything but a discussion.
 - 37.3. Other stakeholders have mentioned their surprise about the course of events, such as the Royal Dutch Hunters Association / *Koninklijke Nederlandse Jagersvereniging* KNJ, the

¹³A quote from the invitation email of Mr. Bours to the stakeholders dated 28 January 2019 about the subject of the meeting: “*een bijeenkomst over de stand van zaken*”.

Royal Police Dog Association *Koninklijke Politiehond Vereniging*, Mrs. Eline Teygeler from Tinley Instituut, and the representative of DIVEBO Mr. Gerrit Hofstra.

38. The meeting of 13 March 2019 was led by Mr. Bours in an undemocratic, non-communicative way that in our view does not meet the standards of the Ministry that we had experienced until then.
- 38.1. Although the meeting was supposed to be held from 10.00 to 12.00 hrs a.m., Mr. Bours came in half an hour late. After PowerPoint presentations from himself and his guest from Germany Mrs. Barbara Schöning who was announced only the day before, around 11.30 hrs a.m. Mr. Bours announced the policy change.
- 38.2. At the clear outrage that occurred amongst the people present following these statements, Mr. Bours announced that he had to leave the meeting even before 12.00 hrs because of another appointment.
- 38.3. Questions in relation to the drastic policy change were countered by Mr. Bours with the remark, that this was the “Ministers’ decision”; whereas as he made the policy change announcement in the meeting, Mr. Bours had clearly mentioned that he himself had turned to the Minister to convince her to make the decision to change the policy on products.
- 38.4. Mr. Bours refused to have minutes of the meeting made although people present asked for those to be made.

Excluding ECMA™ from a meeting of 9 Mai 2018

39. Furthermore, after the meeting of 13 March 2019, ECMA™ has received surprising information, there has been another meeting with the working group of stakeholders, led by Mr. Bours, on 9 May 2018. Apparently, the group further discussed the outline of the specialist course as part of the requirement of “sufficient expertise” as defined in article 1.3 under h. b. of the Decree. ECMA™ was not invited nor informed before or after that the meeting was going to / had taken place.
40. This is even more incomprehensible since:
- 40.1. it was intended at the previous meeting on 25 October 2016 that ECMA™ would assist with the course module “knowledge of products”;
- 40.2. Mr. Bours and ECMA, as mentioned before, have had email correspondence in January and April 2018 about some technical questions Mr. Bours had about the product.

Misleading reasons for convincing the Minister to plan a total ban of electronic training products

41. During the meeting of 13 March 2019 Mr. Bours shared three reasons for having convinced the Minister to dramatically change policy. They are:
- 41.1. alleged new scientific evidence;
- 41.2. a ban with exemptions and technical standards is too complicated to draft; and
- 41.3. a general ban is easier to enforce than a ban with exemptions.
42. In the following paragraphs, we will show that the Minister has been misinformed on all three accounts.
1. Alleged “new scientific evidence”?

43. Mr. Bours claimed that according to current scientific knowledge, the use of the electronic collar would constitute a serious, inescapable, breach of animal welfare. The risk of impairing the well-being of the animal could not be substantially reduced by acquiring additional knowledge and expertise.
44. These claims are inaccurate, as recognized by the Ministry only one year ago in the Explanatory Memorandum to the Decree of April 2018. In the Explanatory Memorandum, the Minister wrote:
 - 44.1. *" We have investigated further the relation between the way the collar is used, and the risk of damage to the welfare of the animal. The largest risk of damaging the animal's welfare is caused by unprofessional use of the electronic collar. "*
 - 44.2. *"The most important aspects of unprofessional use being timing, as well as frequency and intensity of administering the stimulus, and/or the wrong choice of device. If the stimulus to the dog is not timed in the right way or the punishment is not proportional, this will cause an unpredictable and uncontrolled situation for the animal, causing severe stress. "*
 - 44.3. *"It is therefore important, that the person using the collar has enough expertise."*
 - 44.4. *" In order to decrease the risk of harming the welfare of the dog, it is decided that the use of the electronic collar is allowed only if the owner fulfills the requirement of using the collar in a professional way. An additional ministerial regulation will set out rules to regulate this requirement of professional use."*
45. These considerations were -and still are- not against current scientific knowledge. On the contrary, the Ministry collected all available (scientific) information, reports and knowledge about the product at the time of deciding the former policy, which has not changed to date.
46. As relevant scientific reports, information and knowledge, supporting your former policy, we mention the following selection of many documents:
 - 46.1. the (37 pages) scientific report commissioned by the Belgium Animal Welfare Council (Federal Public Service Health, Food Chain Safety and Environment) of 2009, titled *"Welfare aspects when using electric collars on dogs"*. The researchers looked at the extent to which training, anti-bark and containment electronic training products influence the well-being of dogs and give an extensive overview of other literature. They summarized that despite the limited relevant literature, anti-bark and containment collars have little risk because the electric pulse for the dog is predictable or controllable. In the case of training collars, incorrect timing and inconsistent application of the shock can cause stress for the animal, which is why (according to the report) most researchers promote that the use of the training product is limited to experts. According to the report, the larger part of the existing literature cannot be used to evaluate the new generation of low-energy collars, because the used intensity was not mentioned or too high. According to more recent research on low-energy collars, according to the report, the shock seems to lead to a *"negative state to which an animal adapts at a minimal cost; consequently, its well-being is not reduced."* The report endorses what experts also say: the importance of correct timing and the consistent application of shocks. The welfare of the dog is therefore dependent on the person using the remote control. In other words, if the product is used correctly, the welfare of the animal is not harmed.
 - 46.2. E. Schalke, J. Stichnoth, S. Ott. R. Jones-Baase, department of animal welfare and behaviour, Veterinary school of Hannover, in Elsevier Applied Animal Behaviour Science

11 December 2006, titled “*Clinical signs caused by the use of electric training collars on dogs in everyday life situations*”.

The researchers aimed at investigating whether any stress is caused using the product or not and in this way contribute to their evaluation with respect to animal welfare. After experimental studies on 14 beagles they reached the following conclusion. Animals which were able to clearly associate the electric stimulus with their action, i.e. touching the prey, and consequently were able to predict and control the stressor, did not show considerable or persistent stress indicators. The researches recommend that the use of these devices should be restricted with proof of theoretical and practical qualification required and then the use of these devices should only be allowed in strictly specified situations. This study supports that the issue of welfare is not a matter of the electrical stimulation itself, but the way it is applied.

- 46.3. J.E. Steiss, H.A. Ahmad, V.L. Voith, Elsevier Applied Animal Behaviour Science 2007, titled “*Evaluation of plasma cortisol levels and behavior in dogs wearing bark control collars*. “ The researchers studied the use of anti-bark collars used in a kennel setting, teaching dogs not to bark at dogs passing by the kennel. 24 kennel dogs were involved. The researches used bark activated static collars, bark activated spray collars and dummy collars. Both the static and the spray bark collars effectively reduced barking with no difference in cortisol levels by day 3 in any of the dogs. This is only one of the studies confirming that an accurate correlation between behavior and stimulation does not cause the stimulation itself to adversely affect the welfare of the animal. This is another study confirming that an accurate correlation between behavior and stimulation does not cause the stimulation itself to adversely affect welfare.
- 46.4. University of Lincoln, UK, 2016, a study in containment systems for cats. <http://www.lincoln.ac.uk/news/2016/09/1265.asp>. The researchers found no evidence of long-term welfare problems in cats wearing electronic training products as part of boundary systems. The study concluded that cats actually increased in confidence as a result - probably due to an ability to predict and control greater aspects of their environment. (note ECMA: This same principle is observed daily in dogs wearing electronic collars for chase/aversion training and signal-linked recall enhancement.)
- 46.5. A study by the University of Lincoln funded by the UK Department for Environment Food and Rural Affairs published on 10 June 2013 (AW1402 and AW1402A). This was a field study of dogs trained by products. The study suggested that the research demonstrates that electronic collars are a potential risk to the welfare of some dogs when equally effective results can be achieved by other forms of training. However, the research did not provide evidence that electronic training aids are inherently harmful to the welfare of dogs in general or convincing evidence of long-term effects on welfare following collar use in accordance with manufacturer’s instruction. The study only looked at training products, not at anti-bark electronic training products or containment electronic training products.
- 46.6. A report by the UK Companion Animal Welfare Council, Chairman Professor D.S. Mills from the University of Lincoln (90 pages) on “The Use of Electric Pulse Training Aids”, June 2012, which also contains an overview of relevant study and information available. It states that a valuable distinction can be made between the different types of product. It claims that at least some devices can be used in a way which causes harm and the risk of this is greater with devices lacking specific safety features and in the hands of less

competent trainers. On the other hand, the Council recognizes the widespread use of the different types of electronic training collars. The council therefore recommends regulation of such devices, both to their technical standards and to the requirement of using it within the context of training observing some form of licensing or use by licensed practitioners. Also, their use should not necessarily be considered an act of last resort, but as part of the most appropriate training package for a given animal in the current circumstances.

- 46.7. F.O. Christiansen, M. Bakken & B.O. Braastad, Agricultural University of Norway, Elsevier Applied Animal Behaviour Science 2001, titled *“Behavioral changes and aversive conditioning in hunting dogs by the second-year confrontation with domestic sheep”*. Their study indicated that aversive conditioning with the use of electronic dog collars is an efficient method for reducing the probability of a dog chasing or attacking sheep on pasture.
47. According to Mr. Bours it had not been proven that the use of an electronic collar leads to better results in behavioral changes of the animals in question than other less invasive methods. This statement is inaccurate as well. We point out the scientific research by Salgirli, Y. et al. (2012): *‘Comparison of learning effects and stress between 3 different training methods (electronic training collar, pinch collar and quitting signal) in Belgian Malinois Police Dogs.’*, Revue Méd. Vét., 163, pp. 530–535. In the summary it reads: “The electronic training collar induced less stress and has stronger learning effect in comparison to other methods in a training situation.”
48. ECMA would like to point out that amongst the adversaries of the product there is a lot of cherry picking (/ quotes taking out of their context) from studies and reports. And more than once studies are wrongly named “scientific reports”. Mr. Bours for example seems to derive his current support for a general ban only from an article titled: *Electronic training devices: pros and cons of their use in dogs as a basis for the position statement of the European Society of Veterinary Clinical Ethology (ESVCE)* from Masson S, de la Vega S, Gazzano A, Mariti C, Da Graça Pereira G, Halsberghe C, Muser Leyvraz A, McPeake K, Schoening B (2018). DOI 10.1016/j.jveb.2018.02.006, 6 March 2018.
49. A close reading reveals that this article is an opinion of 9 dog behaviorists that form a working group on electronic training products within the European Society of Veterinary Clinical Ethology ESVCE. It forms the basis for their *“Position Statement”* on the ESVCE-website. The article does not demonstrate a balanced review of the pros and cons of the use of products, but clearly shows an unfounded preference for the cons of their use. No scientific clinical research was performed. All the documentation and literature referred to in the Position Statement was already available at the time that article 1.4 under h Decree on animal keepers was drafted and published.
50. ECMA requested a professional on the subject of scientific research relating to electronic training products to comment on the article of March 2018 of the ESVCE, Mr. Jamie Andrew Penrith. He is a Professional Dog Trainer & Campaigner for Responsible Dog Ownership, and Expert Consultant Regarding Applied Predatory Behaviour Modification Incorporating Electronic Training Aids, also Former RSPCA Branch Behavioral Advisor. He holds a foundation degree in canine studies with the University of Central Lancashire. He contributes regularly to international discussion forums concerning canine training and behavior modification protocols. The 8-page comment paper of Mr. Penrith on the article is attached to this letter. It shows that the content of the article is by no means a thorough, objective review of existing studies. On the contrary. Summarized, these are the findings of Mr. Penrith:

- 50.1. The article presents unscientific, unsubstantiated, hypothetical, speculative, poorly written paragraphs with arguments and that can easily be countered by reasoning and by and other studies.
- 50.2. The authors' criticism concerns mainly electronic training collars, not electronic collars for containment purposes or anti-bark collars.
- 50.3. The article is based on "*scientific information concerning the current knowledge regarding products*", however many of the studies cited are over 20 years old thereby failing to account for the undeniably rapid advanced and refinement in electronic collar technology.
- 50.4. It cites studies f.e. Cooper et al 2014 and Christiansen et al 2001 in an incorrect, misleading way, giving the impression of an absolute finding where this was not the case, missing overall contextual considerations mentioned in the cited studies.
- 50.5. The bias or ignorance of the authors is evident. For example, they intentionally use the misleading term "*shock*". Yet fail to provide a clear, objective definition for it. In a 2012 paper studying the characteristics of electronic training collars, the emotively misleading term "*shock*" was carefully replaced by "*stimuli*" or "*electrical stimulus*". (Lines; J.A; Driel; K.V; Cooper; J.J. (2012) The characteristics of electronic training collars for dogs. Veterinary record (2103) d.o.i: 10.1136/vr.101144).
- 50.6. The authors continuously talk about "*pain caused by the shock*" as if the sole purpose of an electronic training aid is to cause a pain response in the animal, completely ignoring the common application of 'point of perception' stimulation whereby the electronic stimulus is carefully increased as a continuous sensation until an awareness associated response is given by the dog. It is at this level that the dog is then taught the fundamental requirements of predictability and controllability, through a program consisting of guidance and additional rewards. A 'pain' response is therefore counterproductive and avoided in professional use
- 50.7. The article uses language that is indicative of their personal dislike of the products, with electronic collars becoming "*these instruments*" in its final paragraph.
- 50.8. The authors are apparently strong advocates of a reward-based training alone, that they call "positive training techniques" excluding any aversive methods that they call "negative". This is a subjective view, as if positive is better, showing misleading wordings. Users of the product that have positive experiences with the product will call their method "positive". Furthermore, also "positive" techniques can just as easily cause "negative" effects, as is shown by Perone 2003 "*Negative Effects on Positive Reinforcement*", The Behaviour Analyst 2003, 26 1-4.
- 50.9. The authors heavily rely on the Dutch study of Schilder and van der Borg, 2007. This study concerned harsh and seemingly consistently abusive training procedures, conducted by equally harsh persons, training guard dogs. This study represents a good example of how ethical justification, given overall contextual consideration, cannot justify such harsh treatment of sentient animals. The ESVCE-article makes no effort to explain how this study reflects upon the responsible, loving pet dog owner, looking for a final solution in long line of failed alternatives, to control life-threatening predatory behavior in their dogs, in accordance with welfare, social and legal demands.
- 50.10. The authors are speculative where they address dog owners that avoid a "*long and expensive program with behaviourists, trainers, and/or veterinary behavioural specialists*", and failing to consider the person-animal relationship costs of using electronic training aids, advising against the "*Many proven risks, as demonstrated by the*

scientific community for several decades". If the aim of the Position Statement is to promote animal welfare and owner commitment, yet both the price and duration of a training program act as obstacles to this aim, then one could easily argue that high pricing and long duration programs within the behaviour/training industry are in themselves an animal welfare concern, yet this matter appears overlooked. The ethical considerations of "engendering client compliance" is also cited as problematic and a potential welfare risk, however this risk is encountered with every veterinary client entrusted to administer prescription medication safely and according to instruction. It is unclear as to why the authors make a differentiation between 'behaviourists' and 'veterinary behaviour specialists'.

- 50.11. The authors' claim "*No argument given so far for a support for using products, even in the most restrictive context, makes a valid point for their use on dog training*". This statement is an opinion, not a scientific fact. Many findings support the value of proportionate and necessary product inclusion, especially for predatory behaviours, and include guidelines for best practice to minimize adverse effects. (see the studies mentioned by Mr. Penrith)
- 50.12. The author's bias becomes more evident along the Position Statement. Solid conclusions are lacking, instead we read about unconfirmed "warnings" such as "*could*" and "*might*". They fail to provide any supporting evidence that modern electronic training products cause "*learned helplessness*" in a pet dog, or to explain that these phenomena requires the delivery of repeated, unpredictable and uncontrollable, highly punitive events, with all behavioural escape methods blocked. This process has nothing to do with compassionate, proportionate product use.
- 50.13. The authors cite Deldalle and Gaunet, 2014, in support of their statement that the owner-dog attachment "*might deteriorate as a consequence to shocks received*". In fact, the study does not involve electronic training products at all. It rather studies the effect of negative reinforcement training, and even there, the Deldalle study states "*This method does not therefore appear sufficiently stressful for the dogs to induce any attempt to escape or avoid the situation.... The relationship of the dog towards its owner does not appear to be strongly affected: there is no apparent distrust of the owner by these dogs*". The authors cite Schilder & Van den Borg as well, however this work involved unjustifiable harsh training and so the negative association with the handler is both expected and deserved. Even where high level stimulation is delivered in a predictable context, no studies involving the use of electronic training collars for the successful control and modification of predatory behaviours exist to support the warnings of the authors.
- 50.14. Finally, the risk of pressure necrosis from prolonged wear or ill-fitting electronic training collars has become less present due to care and the use of available comfort pad adaptors in some products which replace typical probes with a cluster group of non-irritating contact modules. Moreover, the manuals of good quality products state that the collars should not be left on for more than 12 hours.
- 50.15. Interestingly and importantly, on page 73 the authors talk of the risks by "*unqualified trainers*" and "*lay owners*". These risks would therefore not exist with qualified trainers and informed owners. The argument of the authors regarding "*frank abuse*" towards the dog due to the owner's frustration or anger is a concern relating to 'potential' and should be addressed through supervised, regulated use, not a general ban.
51. Objectively, the view of most dog trainers and dog behaviorists is that although reward-based training is the main basis for training, depending on the dog and the circumstances one cannot

do without a combination of reward-based training and elements of aversive training. Without perhaps realizing, even advocates of only reward-based training use aversive methods such as lowering their voice and increasing volume, showing intimidating body language or depriving the dog of something he/she wants. It should be noted that using “aversive” training methods is not punishing the dog because he has been “bad”. It is a responsible way of correcting behavior where a dog treat just does not work.

52. ECMA™ would like to refer to Drs. Eline Teygeler, psychologist, also a dog behaviorist (SPPD), canine instructor and teaching coordinator at Tinley Academy. She is part of the working group of stakeholders for many years. She wrote a letter to the Ministry in April 2019, in which she advocates the use of the product, under supervision in certain circumstances. In her letter she also writes about the inferior quality of most so-called researches about (and against) the product that makes this in her view a totally inadequate basis to justify a total ban of the product.
 - 52.1. She notices, when reading most of the research, no distinction is made between the use of an electronic training aid for positive correction and for negative confirmation (both operant conditioning techniques).
 - 52.2. Well trained behaviorists know that the choice of technique makes the world of difference to the stress level of the dog. With negative confirmation, the dog has learned with which behavior he will prevent the pulse: the dog is able to predict the consequences of his behavior and knows which behavior is desired.
 - 52.3. With negative correction the animal only knows which behavior will lead to an unpleasant stimulus and there has not been active training to teach the dog what behavior we want. Secondly, Mrs. Teygeler noticed that the trainers involved in the researches seem to possess a varied level of knowledge of learning principles. It is not clear if they practice good timing in their training.
 - 52.4. Furthermore, they use various training protocols or none at all or these are not clearly described. Also, the quality of the used electronic training products is not researched / the researchers do not use the same type of product. The different quality of the products has an effect on stress and training. In many researches the collars have not been checked regarding timing (slowing-down factor), intensity, parallel built up of intensity at higher levels, etc.
 - 52.5. This leaves Mrs. Teygeler with the remark that conclusions concerning the effectivity of the electronic training aid cannot be drawn from these researches. She also considers that in the various researches there is no behavior analyses; all dogs with similar problems are treated the same, despite the various causes/motivations/history analysis for the problems. Without prior assessment if a product is needed, apples and pears are compared in the research results.
53. ECMA™ agrees with Mrs. Teygeler’s opinion, that for each individual dog a problem analysis should be made (which was the original idea in your former policy – remark ECMA™). Some dogs are fine leading a life on the leash.
 - 53.1. Whereas the welfare of others, for example high energy dogs with a high drive, would be severely harmed. These other dogs can walk free after careful training with the product and by doing so, have the freedom to portray their own behavior, which is one of the five freedoms of animal welfare.

- 53.2. A police dog, having certain problems that cannot be solved any different than with an electronic training collar, will be removed when the product will be banned, whereas there is no telling what will happen with his dog.
- 53.3. A well-documented training protocol does not have to influence the well-being of the dog in a negative way. As Mrs. Teygeler puts it, a training using an unpleasant stimulus for a short period of time, preferably by means of negative confirmation, can ultimately result in a dog that will not -or far less- endanger persons/animals and society.
54. Knowing the limited value of some of the alleged “scientific studies”, such as the position statement of ESVE, ECMA™ considers that it is also important to listen to the many expert users of the product that can be found outside but also inside the Netherlands.
- 54.1. Most of them agree that the use of the product should be an exception, where the dog does not respond well (enough) to reward-based training, but that there are circumstances in which the product is the only solution that results in the desired behavioral changes of the animals in question, which will prevent danger to the animal and the person, as well as sometimes even euthanizing the animal.
- 54.2. Mr. Bours has not paid any attention to the opinions of these experts and their positive experiences with the product.
55. We mention a few experts from the Netherlands, most of them have to our knowledge sent complaint letters to the Minister as well:
- 55.1. Eline Teygeler, quote from her letter to the Minister from April 2019: *“For the record; we are in favor of a ban on the use of the electronic collar as a standard training tool and used by people without expertise. In most cases, the use of this aversive training tool is not necessary at all to train dogs. In some cases, however, the use of an electronic collar may be necessary to allow behavioral change in the dog to allow the dog to stay alive, in good well-being, and to function without endangering itself or the environment. The minister's current decision to ban it altogether is regrettable for those dogs that need it as an ultimate means to function safely and in good health.”*
- 55.2. Royal Dutch Hunters Association (we refer to the product statement on their website from the president Mr. Lourens Hoedemakers).
- 55.3. Renowned police dog trainers Mr. G.A.Th. Straatman and Mr. S. Prins who issued written statements in Mai 2019 about the use of the product in their training practices to the Royal Dutch Police Dog Association KNVP, which statements to our knowledge were sent to the Minister recently by the KNVP.
- 55.4. Multidog in Dinteloord (Guus van der Kaaden, Arno Broski, Martin Deeley). Enclosed with their letter to the Minister dated 23 Mai 2019 Multidog submitted statements of renowned dog trainers and dog behaviorists Arno Broski (who trains hunting dogs, but for example has also used the product to train disabled deaf dogs, which allows them to walk free of the leash while still being controlled by the owner by means of communication through the product at a very low stimulation level), Jantine Veldhuyzen, Hunting dog school De Kust and Anniek Winters, IJweg 455, 2143 CJ Boesingheliede. Please not the comment of Ms. Winters, that using a training product is not punishing the dog when he has been “bad”, it is a means of communicating with the dog to get his attention to change his behavior and reach training goals.

55.5. Furthermore, we urge the Minister to look at the Facebook group “Association on Product advocates” / “Vereniging van Product Voorstanders”. On this platform there are many more dog trainers who share their positive experiences with the product and state that in the particular circumstances there was no other option that would have given the same result. Further insightful information is given by the website www.joinardo.com (a UK association of responsible dog owners) which shows the results of a live survey of 660 owners who have used the electronic training collar for their pets. 92% of all respondents answered “yes” when asked “Did the training with the collar solve the problem”. When asked “Where there any negative effects”, 99% answered “no”.

2. A ban with exemptions and technical standards would be “too complicated to draft”?

56. The statement of Mr. Bours that a ban of the product with exemptions as well as setting technical standards is too complicated to draft, is evidently wrong. The Ministry had already drafted the ban with exemptions in the Decree as published on 26 April 2018, *Staatsblad* 2018, 146.
- 56.1. Drafting the further regulation on “sufficient expertise” as well as the technical standards was well on its way when Mr. Bours decided to pull the plug.
- 56.2. Furthermore, the group of stakeholders offered every assistance to continue with drafting the Ministerial Regulation on expert use as well as the technical product standards.
- 56.3. Moreover, a comparative system as well as technical standards are already available to form a basis for the regulations.

A comparative system is available

57. Already during the stakeholders meeting of 25 October 2016 ECMA’s representative Ian A. Robertson, a specialist on animal law from New Zealand (also an attorney specialist in animal welfare matters as well as a veterinarian) explained in all detail the well-balanced governmental regulation concerning a ban of electronic training products for pets with exemptions that is successfully in place since 10 years in the Southern Australian State of Victoria.¹⁴ ECMA™ submitted explanatory documents to the Ministry about this system on 24 October 2016 and 4 November 2016. The system involves:
- 57.1. Involvement of veterinarians to give approval for use of an product,
- 57.2. Written instructions of a veterinarian, competent trainer or qualified dog trainer,
- 57.3. A written or oral examination of a person’s dog training skills,
- 57.4. A probationary of learning period of at least 100 hours in which the trainee is under the supervision of a qualified dog trainer, after which this remains an ongoing review process by the veterinarian, competent trainer or qualified dog trainer,
- 57.5. Licensed supervisors,
- 57.6. All this set out in regulations and supporting Codes of Practice.
58. ECMA™ received no questions from your policy officers about the Victorian system.
59. The specialist course for the use of the product that was under construction with the Ministry, with help from the group of stakeholders until Mr. Bours decided to pull the plug, follows some of the outlines of the Australian system of certification. Nothing would stand in the way of

¹⁴Further information can be found here: <http://agriculture.vic.gov.au/pets/dogs/legal-requirements-for-dog-owners/electronic-collars>

continuing that path and further develop the system of certification as well as supervision in order to ensure that the user has expertise and the welfare of the animal is guaranteed.

Technical product standards are available

60. From the beginning of ECMA™'s involvement in this file, ECMA™ has pointed out that it has technical standards for the product products in place since 2008, to which her members must comply.¹⁵ The latest version 6.0 of 10 April 2012 had been revised in collaboration with the Belgium Animal Welfare Council. The standards comply with all the relevant EU regulation and have been developed after thorough testing and practice experience from our members and their customers. The technical standard can form the basis for a regulation on technical requirements for electronic training products that the Minister announced to implement in her Further Report of 25 April 2018.
61. Electronic training aids for pets that comply with the ECMA™ standards are safe and modern products that do not harm the animals provided they are properly used. Reference to electronic training products that comply with the ECMA™ technical standards as being safe and modern is explicitly made in the scientific report of the Belgium Animal Welfare Council of 2009 as well as in an article of Mr. Alfred Balast in the popular Magazine Hondenmanieren 2012 Nr. 8/9 p. 38 e.v. Both the Belgium report as well as the article form part of your Ministries' file (compiled under the supervision of Mr. B. Regeer) of scientific reports, information and articles to support the former policy of implementing a ban of the product with exemptions and with the requirement of expert use. Mrs. Regeer had sent ECMA™ the file on 3 June 2016.
3. A general ban "easier to enforce than a ban with exemptions"?
62. This is a statement from Mr. Bours without any substance, neglecting the issues that are at stake. A general ban is not the "the easy way out". It will lead to misuse of bad quality-products, increasing the risk of harm being inflicted against animals rather than protecting the welfare of the animals.
63. We kindly remind the Minister of her "*Nader Rapport*" (Further Report) dated 25 April 2018¹⁶ in which she reacts to the advice of the *Raad van State* dated 2 June 2017. The *Raad van State* in its advice had stated that a ban of the product is difficult to enforce amongst dog owners who are not organized, and as a consequence advises the Minister to NOT implement a ban at all and to limit the regulation to only setting technical product standards. Your reaction in your Nader Rapport was as follows:
- 63.1. To set the requirement of expert use is necessary ("*onmisbaar*" in Dutch) to prevent harm against the welfare of the animal caused by inexperienced use. The prohibition to use the equipment without having sufficient expertise has an important effect;
- 63.2. The ban can be enforced well ("*goed handhaafbaar*"), all the more because the definition of "use" is also merely putting on the collar on an animal;
- 63.3. We will implement technical standards.
64. To motivate your sudden change of policy of 4 April 2019 with the argument that a general ban, moreover without setting any technical requirements, is easier to enforce than a ban with

¹⁵ The latest version 6.0 can be found on the website www.ecma.eu.com.

¹⁶ Reference Nr. WJZ/17134959

exemptions with the requirement of expert use, is totally contrary to this statement in your Further Report. Not to implement technical standards is also against the advice of the Raad van State of 2 June 2017.

65. We point out, as many other stakeholders have stressed already, that a total ban, without any technical product standards, gives concerns as to the misuse of electronic training products and the use of bad quality collars. From our sales data we know that there is still a demand for the product in countries such as Germany where the use is forbidden. The products will continue to be purchased and used. Therefore we ask, what is more in the interest of ensuring animal welfare: a. an uncontrolled use of a product that is going to be purchased anyway and that when misused, can lead to harm being inflicted on the animal, or b. a controlled use of good quality products.

Misrepresentation of facts by Mr. Bours at the stakeholder meeting (13 March 2019)

66. During the meeting of 13 March 2019, ECMA™ Mr. Bours tried to further motivate the “easy way out” of a total ban of the product by presenting some false facts about the product, partly showing his personal dislike for the product, that should have no place in a balanced and transparent legislative process. For example:
- 66.1. Mr. Bours claimed he had used an electronic collar on himself which according to him had been painful. But when asked at the meeting what type of product he had used and at what level of static impulse, he responded not to remember.
- 66.2. Mr. Bours claimed he had visited a police department in Germany, Federal State of NRW, where he was informed that the German police does not want to work with electronic training products and have had bad experiences with the product. ECMA™ on the other hand has received other information. Apparently, the German researcher Mrs. E. Schalke from the Department of Animal Welfare and Behavior of the Veterinary School of Hannover, co-author of the article from 2006 discussed in this letter, who has close contacts to the German Police, has information that the German Police kept using the product for two years after the use of the product was banned in 2006. It is said that German Police nowadays even take their dogs to the Netherlands for training sessions with the product. We received this information second hand from the Royal Police Dog Association KNPV. Mrs. Schalke by the way is also a member of the European Society of Veterinary Clinical Ethology (ESVCE).
- 66.3. Mr. Bours claimed that Dutch Police do not want to work with the product anymore either. This is contrary to information which ECMA™ received from the Royal Police Dog Association (*Koninklijke Nederlandse Politiehond Vereniging KNPV*). We refer in particular to the recent statements of Mr. S. Prins who trains specialist police dogs as well as Mr. G.A.Th. Straatman, police inspector assigned with training surveillance dogs since 1983. These statements have been sent to the Minister by the KNPV. Please note that Mr. Straatman explains that there are no milder tools that the police dog trainers in certain circumstances can use to correct unwanted behaviour that give the same training results.
- 66.4. Mr. Bours claimed he had “seen misuse” of the products, but was unable to give any details concerning when, where or under what circumstances the misuse had taken place. ECMA™ is concerned that Mr. Bours has little knowledge of the products involved and possibly is not able to properly distinguished old and inferior models from the safety and performance features of modern Products.

NINE GROUNDS OF MALADMINISTRATION REGARDING THE MINISTER'S ANNOUNCEMENT OF A TOTAL BAN OF ELECTRONIC TRAINING PRODUCTS

67. The Ministers' announcement of 4 April 2019 to the House of Representatives¹⁷ to implement a total ban on all electronic collars reflects maladministration. This is substantiated by the following grounds I to IX.

I. No distinction is made between the types of electronic training products

68. In your announcement of the general ban no distinction whatsoever is made between the different types of electronic training aids.
- 68.1. This ignores the specific benefits of the different types of electronic training aids and the difference in risk of misuse of the various products.
- 68.2. As mentioned before as shown in scientific studies and in the eye of the general public in particular the animal-controlled electronic training products have little risk of potential misuse.
- 68.3. Even in the UK, where the government is currently considering a ban on the electronic training collars, the use of electronic training products for containment purposes as well as for anti-bark purposes is not affected and will remain allowed.

II. No mentioning of "new" sources of scientific evidence against the product

69. In the Minister's announcement, it is claimed that according to current scientific knowledge:
- 69.1. The use of the electronic collar constitutes a serious, inescapable, breach of animal welfare.
- 69.2. The risk of impairing the well-being of the animal cannot be substantially reduced by acquiring additional knowledge and expertise.
- 69.3. Moreover, it has not been proven that the use of an electronic collar leads to better results in behavioral changes of the animals in question than other less invasive methods.
70. However, the announcement does not mention the alleged "new" sources of scientific evidence at all to substantiate these claims. The claims certainly cannot be substantiated in any proper scientific way by the Article from the working group on electronic collars of ESVCE of March 2018, as explained hereabove.

Comment to: "the use of the electronic collar would constitute a serious, inescapable, breach of animal welfare":

71. The wording in the Minister's announcement stigmatizes the product without any justifiable grounds as a bad product, where it claims that it generally constitutes a serious and inescapable breach of animal welfare. This is totally contrary to what the expert users such as dog trainers and many of the scientific reports and generally available information show us, as laid down in this letter. We remind the Minister of the various cited reports that show the benefits of the products as well that there are no long term negative effects on the welfare of the animal caused by any of the types of products including the handheld training product if they are used properly.
72. To address concerns about animal welfare in relation to the use of the electronic training aids by implementing a total ban disregards that there are other, better options such as by regulating

¹⁷ Again, letter of 4 April 2019, Reference DGA / 19016548

the use and the products. Regulating will be in the interest of animal welfare. When quality, modern e-products are used properly, they are a unique tool in:

- 72.1. teaching and containing the dog thereby benefitting its life and safety;
 - 72.2. assisting dog owners to comply with their legal responsibility to control and care for their dog, and;
 - 72.3. promote the enjoyment and safety of the community.
73. It is not fair and reasonable for the Dutch government to have a closed mind regarding this product that has proven to be of benefit to animals, owners and the community.
74. Moreover, by unjustifiably stigmatizing the product as bad product and imposing a general ban, the Minister is giving the product and manufacturers such as the members of ECMA™ an unnecessarily bad reputation. The effect thereof will be cross-border and has a high potential for damages incurred by our members. To be clear, ECMA™ members want to sell not just as many products as possible, but they want to sell a product that benefits the animals and the animal owners.

Comment to: “The risk of impairing the well-being of the animal cannot be substantially reduced by acquiring additional knowledge and expertise”:

75. We remind the Minister of her statement in the Further Report / *Nader Rapport* to the House of Representatives dated 25 April 2018: “To set the requirement of expert use is necessary (*“onmisbaar”*) to prevent harm against the welfare of the animal caused by inexperienced use. The prohibition to use the equipment without having sufficient expertise has an important effect.”
76. Several scientific reports as mentioned in this letter conclude that if a quality product is used correctly, the welfare of the animal is NOT at risk. The statements of the experts submitted to the Minister (dog trainers, members of the public who use the product mostly after training with an experienced dog trainer) confirm this.

Comment to: “Moreover, it has not been proven that the use of an electronic collar leads to better results in behavioral changes of the animals in question than other less invasive methods”:

77. We refer to the scientific research by Salgirli, Y. et al. (2012) ‘Comparison of learning effects and stress between 3 different training methods (electronic training collar, pinch collar and quitting signal) in Belgian Malinois Police Dogs.’, *Revue Méd. Vét.*, 163, pp. 530–535. In the summary it reads: “*The electronic training collar induced less stress and has stronger learning effect in comparison to other methods in a training situation.*”
78. Moreover, the claim that training with an product may be no more effective than other training methods is not in itself a reason to introduce a general ban. By introducing a general ban of the product a tool is taking away from the toolkit of responsible dog owners seeking the welfare of their animal, so the animal for example can walk off the leash without harming sheep or other livestock and not be killed in traffic accidents endangering the public as well. It should be up to the responsible dog owner/dog trainer to choose the training tool he/she sees fit for the particular animal in the particular circumstances, be it an aversive based tool, a reward based tool or a combination thereof. Provided of course the welfare of the animal is not harmed.

III. The announcement is contradictory

79. The Minister’s announcement is contradictory. On the one hand, it claims that the electronic collar is too harmful to the animal and under no circumstances is there a justification for the

use. On the other hand, it announces an exception will be made for government services using dogs for special security operations.

IV. No observance of modern animal welfare principles

80. The Minister's announcement, contrary to the former policy, totally neglects that even based on modern animal welfare principles under circumstances causing a certain degree of discomfort to the animal is justified to reach a certain goal. This was mentioned in the Explanatory Memorandum to article 1.3 under h to the Decree on animal keepers: *"The use of the electronic collar is in certain training or usage circumstances justified to prevent danger to persons or animals, provided the expertise during the use of the collar it is secured. Examples of the use of the collar to prevent damage to the welfare of the animal are situations in which behavioral problems cannot be solved in an animal friendlier way and the situation of the dog would deteriorate as a consequence thereof (f.e. if the dog could not be placed in a home)."*
81. It is consistent with other areas of the Minister's policy to allow under circumstances a certain degree of discomfort to animals when this is justified to reach a certain goal. As an example, we kindly refer to the subject of animal testing and also explicitly to the Minister's announcement dated 18 April 2019 that she is going to formally object to the ban on electronic phishing practices introduced by new EU Regulation from 16 April 2019 (your ref. DGNVLG / 19097769).

V. No regard for the clear and documented benefits of the electronic training products

82. In the Minister's announcement, there is no regard whatsoever for the clear and documented benefits of the use of the collar as a meaningful tool in circumstances where other tools have no or little effect on the specific dog in question, as is for example shown by the statements and testimonials of the experts mentioned in this letter.

VI. Lack of information from other Ministries

83. There has been no apparent consultation between the Minister and her colleagues at other Ministries (Defense and Justice and Security). If this would take place, the Minister will find that the argument, that Dutch police no longer wants to use the product is wrong, as follows from information of the KNPV. The Minister will find that their offices and staff use the electronic training product and want to continue to do so. Not just for secret operations. Police arrest teams allegedly already have received a promise from the Ministry that they will be exempted as well, according to the KNPV.

VII. Underground use

84. The Minister's announcement disregards that electronic training aids will continue to be used underground even if there is no government control over good quality products under good supervision/expert use. A good example is Germany, where electronic training aids for pets, although banned, are still sold and used. This will not be in the interest of animal welfare, on the contrary, and is therefore also not in the interest of ECMA™ members.

VIII. Other countries

85. The Minister's announcement mentions that 9 countries around us would also have banned the product. It would be helpful if this would be more specific. Several countries around the Netherlands namely allow the product or allow a limited use thereof or make a clear distinction

between the types of (such as England, Scotland, Ireland, Belgium, Switzerland). Most countries do not have any legislation about the product in place.

86. Moreover, the Minister is comparing apples with pears if she simply points to other countries to support your new policy. The Netherlands is a far more densely populated country than other countries around us, which makes the benefits for persons and dogs of the use of the different types of electronic training products even more visible. In addition, unlike for example Germany, Spain and, the Netherlands has no ban on breeds or the national obligation to muzzle certain breeds with proven problem behavior in public spaces. All this can result in the need for a higher level of control of dogs to prevent danger to persons, animals and society.

IX. Breach of European Law

87. Article 34 of the EU Treaty, which is fundamental to the common market, prohibits restrictions on the free movement of goods. Under article 36 of the EU Treaty, exceptions are justifiable in relation to *“the protection of health and life of ...animals”*. Whereas introducing a law on the use of electronic training products is a legitimate aim under article 34 (to protect the health and life of animals), the measure of a general ban of all electronic training products is not suitable to achieve that aim.

CONCLUSION

88. ECMA fully acknowledges the importance of animal welfare, which needs to be achieved through appropriate regulation of the electronic training products for pets to ensure the use of a quality product and to ensure that the user has sufficient expertise, rather than an outright ban.
- 88.1. This would enable the substantial benefits of quality electronic training products to be retained and thereby benefit not just the welfare of the dog, but also the dog's owner, and promote the safety and well-being of the community.
- 88.2. A total ban means overlooking, that when the products are used properly then the animal benefits by learning socially acceptable behaviors which, particularly if it is insufficiently responsive to alternative training methodologies, commonly results in the animal being put down/euthanized/killed, or other animals or people suffering as a result of the nuisance, damage or danger consequent to unchecked antisocial dog behaviors.
- 88.3. A total ban, thereby removing owner and community access to a unique and provenly effective training tool, is unnecessary, disproportionate and counterproductive from multiple perspectives.
89. To summarize this letter, we kindly request the Minister to reconsider the announced change of policy and continue with the implementation of the limited ban as published in the Decree of 26 April 2018, *Staatsblad* 2018, 146, as well as continue with the development of the ministerial regulation to set requirements for the expert use of the collar (with the exception of containment products) including setting technical standards for the products allowed to be used. Preferably under the guidance of a senior officer with the Ministry who is capable and competent to do so.

Sincerely,

M.H.J. van der Tol,
Attorney at law,

On behalf of ECMA™ (/Angela Critchley, Key advisor to Radio Systems Corporation, founding member of ECMA™ECMA).

Attachment:

Comments by Jamie Andrew Penrith on the article: *“Electronic training devices: pros and cons of their use in dogs as a basis for the position statement of the European Society of Veterinary Clinical Ethology (ESVCE) “* from Masson S, de la Vega S, Gazzano A, Mariti C, Da Graça Pereira G, Halsberghe C, Muser Leyvraz A, McPeake K, Schöning B (2018). DOI 10.1016/j.jveb.2018.02.006, 6 March 2018.

Attachment to letter 5 June 2019 (Appendix A)

An examination of the Canine Research paper:

Electronic training devices: pros and cons of their use in dogs as a basis for the position statement of the European Society of Veterinary Clinical Ethology (ESVCE)

from Masson S, de la Vega S, Gazzano A, Mariti C, Da Graça Pereira G, Halsberghe C, Muser Leyvraz A, McPeake K, Schoening B (2018). Journal of Veterinary Behaviour

1. On reading the abstract of this ‘discussion paper’ (note: not in itself additional scientific evidence, but rather another – clearly preferentially weighted - review of the existing studies), I note that there is an unsubstantiated claim that work looking into the sentience of animals and the human-animal bond, has resulted in “A notable improvement in dog training techniques”. The ‘notable improvement’ refers to a targeted reduction and condemnation concerning the use of aversive interventions (unpleasant consequences added or removed/avoided), and techniques or methodologies incorporating non reward-induced compliance. This is an interesting statement as it implies by any logical conclusion, that improved ‘training techniques’ have therefore resulted in an improvement in ‘trained reliability’ in dogs, and so an inevitable reduction in behaviour problems. A 5-year U.K. veterinary survey however, found that ‘undesirable behaviour’ accounts for 33.7% of deaths in dogs under 3 years of age, with ‘aggression’ being the most common behavioural cause (1). A 2016 press release by the UK British Veterinary Association, also confirms that a staggering 98% of vets have been asked to destroy healthy animals due to poor behaviour, with 53% stating that this was not a rare occurrence. (2) A recently published survey has also drawn attention to the need for a standardised psychometric tool, for measuring welfare-compromising frustration in dogs. It describes how aggression can be elicited through “absent, reduced or delayed rewards; situations where one is thwarted from obtaining/retaining a resource” (3). Fernandes (2017) does not necessarily support the assertion that there has been a ‘notable improvement in dog training techniques’; rather, their review is more conservative and objective, and talks of the importance of efficacy alongside welfare, together with the need for further studies before firm conclusions are drawn (4).

2. The paper goes in to say in the introduction that “It is now clear that coercive methods that inhibit the emission of behaviour without addressing its causes are not effective mediators of long-term solutions”. This statement fails to take into consideration several long-term findings in respect of both aggression and predatory behaviour, where stimulus-linked – therefore environmentally coercive associations – together with alternative ‘safety behaviours’, have been effectively taught and learned and have proven ‘long term’ solutions without lasting welfare consequences (5,6,7,8,9). It also serves as an umbrella term - ‘coercive methods’ – being vague and unspecific, thereby failing to take into consideration contextual, social and legal duties, which collectively influence and determine ‘welfare’.

3. There is a clear failure to distinguish between environmental, behaviour or stimulus linked negative associations, and the ‘owner-associated’ coercive and confrontational

methods of training. Each will have a distinctly different effect on behaviour. This is a common failing in research reviews and a hallmark of preferential presentation. A basic example of this common and prevalent error could be simply explained with a basic example:

A dog is walking with her owner, leans to investigate a wasp on a flower and receives a sting to the nose. The dog has but one association to form – wasps are not worthy of investigation. If however, the owner were to take a wasp, hold the dog still and despite the dog's attempts to escape, cause the wasp to sting the nose of the dog, then the subsequent association is far more to do with the actions of the owner than those of the wasp, even though the resultant punitive experience is the same. This is an issue of application as much as what is applied. Professionally guided electronic training collar application has nothing in common with 'confrontational' procedures; indeed, they are the only user-operated tool, capable of delivering behavioural consequences without an association being linked to the user, enabling the behaviour to remain without the need for user presence. The benefits to this capability are not to be underestimated, for example, 89% of livestock attacks in parts of the U.K. occur when the owner is absent, therefore training methods which can develop negative associations towards livestock are a valuable addition to welfare.

4. The 'confrontational' method study cited (Heron et al; 2009) is in fact an owner survey and has nothing to do with electronic training collars. Rather it concerns 'hitting, kicking, grabbing, shaking, staring and shouting'; abuses which no professional, compassionate e-collar proficient trainer would support.

5. P72 sees another common tactic, giving an insight into the preference of the author/s; namely the presentation of minority figures in a majority fashion, with a handful of countries (the minority) being put forward as having banned e-collars, whilst failing to mention this as a true percentage in relation to those which have not – a substantial majority.

6. P72 goes on to present one of the least scientific, most unsubstantiated, hypothetical and poorly written paragraphs I have ever read in a scientific review:

"They rarely deliver a shock longer than 10 seconds, even if a handler presses the button longer. This means that modern e-collars are most often very probably used as a positive punishment."

This statement is as uncorroborated as it is inaccurate; 'most often very probably' is most unscientific, and suggests the authors undertake further investigation to support their 'thoughts'.

In reality, the ability to deliver stimulation for up to 10 seconds before safety cut-out, exists for precisely the opposite reason. It allows for the user to select 'point of perception' or 'least invasive and minimally aversive' (LIMA) stimulation (10) to act as a non-startling, tactile sensation, which is then used to guide and strengthen safety behaviour. Known as negative reinforcement (R-), the process is used in conjunction with positive reinforcement (R+), not in opposition to by professional trainers to create stronger safety responses in the dog. In many instances, much of the 'duration of stimulation delivery' is spent gradually increasing the levels of stimulation in order to establish the appropriate, least invasive amount of stimulation for the context. Another major advantage electronic training collars have over other training tools is distance. Once the dog has been trained to understand and control the stimulation at close range, it can be used to effectively communicate requirements – the "communication range"(14) - over considerable distances (up to 1600m) and under competing environmental

distractions such as prey animals, other dogs and family picnic areas in parks and beaches. To prohibit the freedom to safely experience species-specific behaviour in such areas by confining a dog to a lead, knowingly risks welfare-compromising frustration (3), as agreed by 89% of veterinarians (11).

7. The discussion paper is based on “scientific information concerning the current knowledge regarding e-collar training”, however many of the studies cited are over 20 years old, thereby failing to account for the undeniably rapid advances and refinement in electronic collar technology. Polsky, 1994 for example, was conducted 13 years before the first I-phone appeared.

8. In citing Cooper et al; 2014, the authors write that there was “no significant difference in reported efficacy”. This is misleading, since one of the reported behaviour problems for the dogs within the study was chasing livestock. The e-collar group reportedly lost their previous interest in chasing livestock, however there is no record of the ‘reward trained’ dogs doing likewise in the absence of the trainer/reward. During a video recorded personal correspondence with Dr Cooper in 2017, Cooper stated that dogs could not be permitted to approach livestock without the ability to deliver an electrical stimulus. This undermines the ‘no differences in efficacy’ statement, since the efficacy of the training was never tested under naturally occurring conditions for the reward group. This study also failed to account for the majority of professional trainers using e-collars, who do so inclusive of rewards, not to the exclusion of them. Instead, it sought to neatly fit all trainers into 3 distinct categories. Cortisol levels throughout the Cooper et al study were highest in the reward trained dogs throughout testing, and the study failed to monitor or account for events affecting the dogs between the three month retesting period. A further aspect of this study which casts concern, is the fact that (due to weather conditions), the e-collar trained dogs were trained in a completely different location to the reward trained dogs, with the adverse weather affecting the e-collar group. It would have been valuable to have conducted or referenced a study to ascertain the effects of weather and temperature on observable behaviour, to examine to impact of environmental influence over training style.

9. Further on into p72, the authors suggest that dogs “may” create an association between the wearing of the e-collar and “receiving a shock” and so alter their behaviour accordingly – only perform the desired behaviour when the collar is worn. There is no cited evidence to support this claim, and countless YouTube recordings of dogs responding irrespective of collars would discredit it. Even if it were accurate, it would not be a negative outcome, since dogs could simply wear deactivated collars without the need for further correction. There is no disputing that nonaversive techniques can be effective for many dogs in many contexts, but this alone is no justification for the removal of a proven alternative where such techniques have proven ineffective. The issue here is to reach as many animals as possible, not to exclude those that fail to fit the mould.

10. The Christiansen et al; 2001; study is mentioned, with the authors accurately reporting the long term (2 year) efficacy of e-collar aversive conditioning. They fail to mention the fact that the study also reported no negative welfare effects on the dogs throughout the 2-year period.

11. The authors argue that it is “quite difficult” to find the right levels of intensity on e-collars, thereby risking habituation, desensitisation or in increase in the intensity of the undesired behaviour. Again, any ‘difficulty’ is overcome through professional supervision, utilising high quality equipment. The supporting evidence for the argument, comes from studies which used 25-30yr old technology; no such evidence is available using modern, high quality equipment in a responsible, educated manner. Whilst interesting and undoubtedly contextually accurate, a 1969 study on confined laboratory rats within a controlled, electrified chamber, can scarcely be considered accurately representative of the proportionate and necessary inclusion of electronic training collars to enhance the welfare and control of pet dogs. Indeed, in their U.K. (DEFRA) public consultation submission on the proposal to ban electronic training aids for dogs and cats, Dogs Trust (a primary cause of the proposal) deliberately excluded any evidence relating to non-canine subjects. It appears as though the authors are constructing a ‘Goldilocks argument’ here, whereby the ‘just right’ level of stimulation must incorporate either too little, or too much beforehand. By offering a range of stimulation between 1-127 levels, which can be increased or decreased without any break in delivery at a required speed, quality, modern electronic training collars allow for exact stimulation: individual: context matching, thereby greatly minimising any of the aforementioned risk factors.

12. Either bias or ignorance is again evident in the paper, as it continues (bottom of P72) to talk of the “Pain caused by the shock”. This indicates that the sole purpose of an electronic training collar is to elicit a pain response in the animal, and completely ignores the common application of ‘point of perception’ stimulation, whereby the electronic stimulus is incrementally increased as a continuous sensation until an awareness associated response is given by the dog. It is at this level that the dog is then taught the fundamental requirements of predictability and controllability, through a programme consisting of guidance and additional enticement. A ‘pain’ response is therefore counterproductive and so sought to be avoided in professional use. An accurate and objective interpretation of the stimulation delivered at the individual point of perception levels of stimulation, might include imperceptible; perceptible; novel; tingling; irritating. Such terms cannot by any semantic manipulation be considered synonymous with pain. This is not to discount the welfare value in those higher levels of stimulation which can be interpreted as ‘fleeting painful’ or momentarily ‘highly startling’ (10). Depending on a scale of severity of risk to welfare, the intentional application of a highly startling - yet harmless – experience, is unquestionably beneficial, as seen in the widespread use of electronic fencing for the protection of farm and zoo animals. Electric poultry netting serves to protect from canid predation, without consideration of prior training or reward-based alternatives for deterring the predator. Stock fencing and horse tape deliver powerful stimulation indiscriminately, with no regard for the ‘Goldilocks arguments’ contained here. Indeed, we need only examine such contextual use and the subsequent recipients of “Pain caused by the shock”, to see that the concerns surrounding electronic training aids, appear to be influenced more by species than genuine threat (12).

13. The authors are intent on using the misleading term “shock”, yet fail to provide a clear, objective definition for it. This failure to explain and differentiate leaves this up to the reader, and can range from anywhere between an unexpected occurrence, to death via electrocution. In a 2012 paper studying the characteristics of electronic training collars, Lines et al were careful to replace the emotively misleading term shock with ‘stimuli’ or ‘electrical stimulus’(14). The authors accurately raise the differences between dog and human skin

thickness, however they fail to acknowledge that this difference in no way determines individual or species sensitivity thresholds. For example, working dogs willingly endure cuts, punctures and abrasions when working in undergrowth, without the concerns or complaints that such avoidable injuries would cause in a human, irrespective of a thicker skin cell layer. Human subjects have also been used to interpret e-collar stimulation in scientific studies concerning dogs (14).

14. The final paragraph of P72 uses language indicative of contempt and author distancing, with electronic collars becoming “These instruments”.

15. The second paragraph on P73 talks of ‘multiple studies’ showing that e-collars pose a higher risk to welfare when compared to ‘positive’ training techniques, those references only two. This use of the word ‘positive’ is again questionable. It is used to imply ‘better’ in a layperson sense, which is misleading and indeed unproven. If it is argued that the word is used in reference to positive reinforcement, then any punitive training technique is equally ‘positive’, since it involves positive punishment, and any conclusions as to which (if any) is ‘better’, must consider context, individuality, demands and prior experience. ‘Positive’ techniques can just as easily carry ‘negative’ effects (15).

16. The first study referenced (Cooper et al, 2014) states “Immediate effects [of electronic stimulation] gave rise to behavioural signs of distress, particularly when used at high settings”. This is undisputed, although it fails to include the words used “for a subset of dogs tested”(16) and so gives the impression of an absolute finding which was not the case. Additionally, it must be borne in mind why high levels of stimulation were being used, which in this instance was the intentional establishment of an aversive association in pursuit of the preservation of life for both dogs and livestock. Overall contextual considerations are often missing from cited studies, with this being no exception. In the U.K. the Dogs (Protection of Livestock Act) 1953, allows a dog worrying livestock to be shot, therefore it is wise to place physically harmless ‘signs of distress’ into proper context when determining necessity and proportionality. Indeed, the very fact that outside of experimental settings, livestock are afforded legal protection without ethical challenge, using stronger variations of the same medium, namely electronic stock fencing and netting is also worthy of consideration. Put simply, a dog running into a powerful stock fence is ethically acceptable, whereas ‘becoming’ a lesser version of the fence is not. Until late February 2018, the DEFRA funded AW1402 and AW1402A studies were deemed ‘insufficient evidence’ for the English government to call for a ban on electronic training aids.

17. The second study (Schilder and Van Der Borg, 2007), concerned ‘harsh’ and seemingly consistently abusive training procedures, conducted by equally harsh men, training guard dogs. This study represents a good example of how ethical justification, given overall contextual consideration cannot justify such harsh treatment of sentient animals. The authors make no effort to explain how this study reflects upon the responsible, loving pet dog owner, looking for a final resolution in long line of failed alternatives, to control life-threatening predatory behaviour in their dogs, in accordance with welfare, social and legal demands.

18. A live survey of 660 owners who have used electronic training collars for their pets (17), reveals that 75% did so under supervision, with 83% of that 75% using e-collars in conjunction with rewards. Of those who have completed the survey, 45% incorporated e-collars for predatory related behaviours, with a further 27% for failing to come when called. This is not at all comparable to guard dog or police dog training. 92% of all respondents answered 'yes' when asked Did training with the collar solve the problem? When asked Were there any negative effects? 99% answered 'No'.

19. The authors continue with a somewhat speculative paragraph regarding owners choosing to avoid a "long and expensive programme with behaviourists, trainers, and/or veterinary behavioural specialists", and failing to consider the human-animal relationship costs of using electronic training aids, advising against the "Many proven risks, as demonstrated by the scientific community for several decades". This paragraph deserves closer inspection. If the aim of the discussion document is to promote animal welfare and owner commitment, yet both the price and duration of a training programme act as deterrents or obstacles to this aim, then it follows that prohibitively high pricing and long duration programmes within the behaviour/training industry are in themselves an animal welfare concern, yet this matter appears overlooked. The ethical considerations of "engendering client compliance" is also cited as problematic and a potential welfare risk, however this risk is encountered with every veterinary client entrusted to administer prescription medication safely and according to instruction. It is unclear as to why there is a differentiation between 'behaviourists' and 'veterinary behaviour specialists'?

20. "No argument given so far for a support for using e-collars, even in the most restrictive context, makes a valid point for their use on dog training". This statement is an opinion piece, not a scientific fact. Many findings support the value of proportionate and necessary e-collar inclusion, especially for predatory behaviours, and include guidelines for best practise to minimise adverse effects (5) (6) (7) (8) (10) (13). The statement is akin to claiming that, 'given the magnitude of death and injury caused by motor vehicles, no argument, even in the most restrictive context, makes a valid point for their use above walking'.

21. As the discussion continues, so the author bias becomes more evident. Solid conclusions are lacking; instead we see the common inclusion of unconfirmed 'warnings', such as could and might, these being applicable to almost anything in life. The Goldilocks argument ensues, with potential outcomes between habituation (no response) and the extreme of 'learned helplessness'. The authors fail to provide any supporting evidence of the elicitation of learned helplessness via a modern e-collar in a pet dog, or to explain that the phenomena requires the delivery of repeated, unpredictable and uncontrollable, highly punitive events, with all behavioural escape options being blocked. Again, this process has nothing to do with compassionate, proportionate e-collar inclusion, and can as readily be engendered via physical means alone.

22. On P73 the authors cite Deldalle and Gaunet (2014) in support of their statement that the owner-dog attachment "might deteriorate as a consequence to shocks received". In fact the study does not involve e-collars at all, rather it studies the effect on negative

reinforcement training, and even there, the Deldalle study states “This method does not therefore, appear sufficiently stressful for the dogs to induce any attempt to escape or avoid the situation .. the relationship of the dog toward its owner does not appear to be strongly affected: there is no apparent distrust of the owner by these dogs”(18).

23. Continuing with the various impact factors governing the perception of electronic stimulation by the dog (strength, duration, humidity etc.) The authors state that determining the appropriate level of ‘shock’ is “nearly impossible”. Although technically correct, this does not in itself represent almost nearly as much of a default welfare risk for the domestic dog, as it does for farm and zoo animals. Quality hand-held remote training collars employ a graduated, incremental stimulation delivery, which allows the skilled operator to ascertain with as greater degree of accuracy as is possible, the appropriate stimulation level for the desired response. Farm and zoo containment systems make no such allowances for the stated variables; it is suggested therefore, that this might be a field of observation and research to substantiate or exclude the concerns raised. Indeed, it is equally “nearly impossible” to accurately determine the exact nutritional or exercise requirements for an individual animal in a given context without risking malnourishment, injury or obesity, however an element of common sense, observation and necessary adjustments is generally adopted.

24. Where talking about transference of cause onto unconnected environmental stimuli, the authors provide only one study (Schilder and Van Der Borg, 2007) and a single reported example from a study using technology that is twenty years old and was not a hand-held system, but a containment fence. As previously stated, the work of Schilder involved unjustifiably harsh training, and so the association with the handler is both expected and deserved. Even where high level stimulation is delivered in a predictable context, no studies involving the use of electronic training collars for the successful control and modification of predatory behaviours exist to support the warnings of the authors. Rather, under stimulus-linked conditions of prediction and control, the only associations formed are favourable (5) (7) (8) (10) (13) (16). Rather than eliciting “human-directed aggression”, Tortora, 1983 concluded over a two-year study period that the incorporation of electronic training aids for avoidance motivated aggression, “resulted in complete and permanent elimination of aggression in all of the 36 dogs tested” (6). This quite clearly demonstrates, that the concern is likely to be unjustifiably magnified and highly improbable.

25. The risk of pressure necrosis from prolonged wear or ill-fitting electronic training collars is ameliorated through due care and the use of available ‘comfort pad adaptors’, which replace the typical probes with a cluster group of non-irritating contact nodules. This concern is comprehensively conveyed through professional, supervised guidance.

26. Interestingly and importantly, on P73 the authors talk of risks by “unqualified trainers” and “lay owners”, thereby excluding qualified users. Again here, the argument regarding “frank abuse” towards the dog due to owner frustration or anger is a concern relating to ‘potential’ and should be addressed through supervised, regulated use.

Jamie Andrew Penrith,

21 May 2019

(1) Boyd et al; 2018; Mortality resulting from undesirable behaviours in dogs under three years attending primary-care veterinary practices in England. *Animal Welfare* 2018; 27: 251-262

(2) <https://www.bva.co.uk/News-campaigns-and-policy/Newsroom/News-releases/Survey-reveals-98--of-vets-asked-to-euthanise-healthy-pets>

(3) McPeake et al; 2019; The Canine Frustration Questionnaire-Development of a New Psychometric Tool for Measuring Frustration in Domestic Dogs. *Front.Vet.Sci*; 17 May 2019.

(4) Fernandes. J.G; Olsson,I.A; Viera de Castro. A.C; 2017; Do aversive-based training methods actually compromise dog welfare?: A literature review. *Applied Animal Behaviour Science*; 196; 1-12; Elsevier.

(5) Christiansen

(6) Tortora

(7) Dale

(8) Schalke

(9) Cooper

(10) Lindsay

(11) PDSA PAW Report 2018; P9; "89% of veterinary professionals agree that the welfare of dogs will suffer if owners are banned from walking dogs in public spaces (e.g. parks, beaches) or if dogs are required to be kept on leads in these spaces"
<https://www.pdsa.org.uk/media/4371/paw-2018-full-web-ready.pdf>

(12) <https://www.nationaltrust.org.uk/woolacombe/features/cows-in-woolacombe-dunes>

(13) Murphy; J.C; Nelson; R.I; (2017) Dogs and Snakes, Avoiding the Bite
https://www.academia.edu/36953821/Dogs_and_Snakes_Avoiding_the_Bite

(14) Lines; J.A; Driel; K.V; Cooper; J.J. (2012) The characteristics of electronic training collars for dogs. *Veterinary record* (2103) d.o.i: 10.1136/vr.101144

(15) Perone. M; (2003) Negative Effects of Positive Reinforcement. *The Behaviour Analyst*. 2003. 26, 1-14.

(16) Cooper. J; Cracknell, N; Hardiman, J; Mills, D. SID 5; 2011. Research Project Final Report. Studies to Assess the Effect of Pet Training Aids, Specifically Remote Static Pulse Systems, on The Welfare of Domestic Dogs. Final Report on DEFRA Project AW1402A

(17) www.joinardo.com

(18) Deldalle. S; Gaunet. F; (2014) Effects of 2 training methods on stress-related behaviours of the dog (*canis familiaris*) and on the dog-owner relationship. *Journal of Veterinary Behaviour*.2013.11.004

APPENDIX B



Ministry of Agriculture,
Nature and Food Quality

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www.rijksoverheid.nl/Inv

Date 19 December 2019
Re Handling of your complaint

Our reference

BPZ / 19313426

Your reference

Annexe(s)

Dear Mr Van der Kaaden, Dear Ms Van der Tol, Dear Mr Urlings,

On 23 May 2019, 3 June 2019 and 5 June 2019, you applied to Minister Schouten in writing on behalf of Multidog, *Jachthondenschool De Kust* [hunting dog training school De Kust] dog behaviourist Anniek Winters, the *Koninklijke Nederlandse Jagersvereniging* [Royal Dutch Hunters Association] and the Electronic Collar Manufacturers Association (ECMA). In your letters, you wished to draw attention to the announcement of an overall ban on the use of e-collars. I interpreted parts of these letters as a complaint within the meaning of chapter 9 of the General Administrative Law Act (hereinafter: GALA). Because your complaints are closely connected, we chose to deal with them jointly, as was coordinated with you.

I. The course of the proceedings

Mr Van der Kaaden

On 23 May 2019, you sent a letter to the Minister, which was taken up as a complaint.

On 3 July 2019, a written confirmation of receipt was sent to you on behalf of the Minister.

On 3 September 2019, you explained your complaint at a hearing. The record of the hearing was sent to you by e-mail on 23 September 2019. You responded to the record on 2 December 2019.

During the hearing on 3 September, it was decided upon consultation with you that the handling of your complaint would be postponed until all internal and external parties involved had been heard.

The last hearing was held on 9 October 2019.

ECMA

On 5 June 2019, you sent a letter to the Minister, which was taken up as a complaint.

On 14 June 2019, a confirmation of receipt was sent to you by e-mail.

On 9 October 2019, you explained your complaint during a hearing. The record of the hearing was sent to you by e-mail on 31 October 2019. On 31 October 2019, you returned your response to the record by e-mail. The modifications you sent to the record have been incorporated in the text.

During the hearing on 9 October, it was decided upon consultation with you that the handling of your complaint would be postponed until all internal and external parties involved had been heard.

Koninklijke Nederlandse Jagersvereniging

On 3 June 2019, you sent a letter to the Minister, which was taken up as a complaint.

On 4 September 2019, a representative of the *Koninklijke Nederlandse Jagersvereniging* explained your complaint during a hearing. The record of the hearing was sent to you by e-mail on 2 October 2019. On 4 October 2019, you responded to the record of the hearing.

During the hearing on 4 September 2019, it was decided upon consultation with you that the handling of your complaint would be postponed until all internal and external parties involved had been heard.

II. Assessment framework

In assessing the scope of your complaint, the admissibility and the facts and circumstances of it, we based ourselves on the following information and documents:

- Your letters of:
 - a. 23 May 2019, including the underlying letters of 12 May 2019, 23 May 2019 and 7 May 2019;
 - b. 3 June 2019;
 - c. 5 June 2019.
- information obtained from hearings held on 3 September 2019, 4 September 2019 and the hearing held on 9 October 2019 plus the memorandum of oral pleading submitted at the time;
- information obtained from the hearings of the civil servants involved;
- file searches performed with regard to the complaint.

The complaints will be assessed according to the complaints handling procedure provided in the GALA. For your information, I append the relevant articles of chapter 9 GALA (Handling of complaints) to this letter as annexe 1.

III. Admissibility of the complaint

Any person has the right to file a complaint to an administrative authority about the manner in which an administrative authority has acted towards him or another person in a particular matter. Relevant is, however, that a complaints procedure is not meant and is unfit for the assessment of the substance and the legitimacy of the policy pursued as such.

As I explained at the hearings, the complaints procedure, and consequently this complaints handling letter, only addresses the acts and/or omissions of civil servants towards you in the course of the change of policy concerning the e-collar to an overall ban.

In this letter, I will not address the substantive considerations and underlying arguments for the implementation of the ban, therefore. Neither will I address the question whether this change of policy was sufficiently substantiated and whether it was based on the correct information. There will be an internet consultation concerning the proposed regulations, through which anyone will have the opportunity to respond to the substance of the proposed course of action.

Your letters contain complaints about concrete acts and/or omissions of (civil servants of) the Ministry towards you in the course of the e-collar change of policy to an overall ban. I find these complaints admissible. I will address this in more detail below.

IV. The scope of the complaint

The conduct that you complain about in your letters refers to acts and/or omissions of (civil servants of) the Ministry towards you in the run-up to and at the time of the announcement of an overall ban on the e-collar.

I distinguish four parts in your complaints:

Part 1

The working group discussing the exceptions to the ban on the e-collar was not a balanced reflection of the interested parties and was not composed carefully. You argued that there was no practising dog trainer at the table. You also argued that the composition of the working group was changed without notice in the course of the process, as a result of which ECMA did participate in first instance, but was no longer invited later, and that it was not informed about this.

Part 2

No substantive response was provided to the documents you sent to the Ministry. You further argued that the documents you submitted were not read.

Part 3

The run-up to and the conduct at the meeting of 13 March 2019, during which the overall ban on the e-collar was announced.

- Prior to the 13 March 2019 meeting, you were not involved in the process that resulted in this policy change. There was no contact about this with the interested parties, for which reason you assumed that work on drafting exceptions to the ban was still in progress. In connection with this, you asserted that the civil servant handling this file at the Ministry intentionally withheld information about developments in the file.
- The invitation to the meeting stated that the subject of the meeting would be the state of affairs. You stated that the policy change which was announced therefore came as a surprise.
- The above policy officer was late at the meeting, refused to take minutes, acted in a non-communicative way, did not respond to the explanations given by those attending and did not ensure that all parties were heard.
- During the meeting, this policy officer said that he would forward the new scientific insights and PowerPoint presentations. You stated that there was a long delay.
- You wrote that you thought the Ministry used unsubtle and stigmatising language.

Part 4

The Ministry no longer had an open mind to other opinions and information. Moreover, they failed to give an insight into the considerations that led to this decision.

I will address these four parts in my findings.

V. Findings

Part 1

With regard to the composition of the working group, I found as follows. At the hearing on 3 September it was remarked that the working group discussing the exceptions to the ban on the e-collar included few dog trainers on the ground, if any. Mr Van der Kaaden said that he had contacted the Ministry in 2017 because he really wanted to participate in this working group, but to no avail.

At several hearings regarding the handling of this complaint, it was found that the working group consisted of both proponents and opponents of the e-collar, and from file searches it was established that parties from a variety of backgrounds were represented in the group.

With regard to changes in the composition of the working group in the course of the process, I can conclude from the file that it was a conscious decision to invite only part of the working group members for the 9 May 2018 meeting. It is true that ECMA was not notified of this in advance.

File searches and the hearing did not provide evidence that stakeholders (or a group of stakeholders) were excluded deliberately, or that the initial working group was composed carelessly. It is understandable that all stakeholders of a certain process wish to have a seat at the table. The fact that not all had a seat at the table does not mean that the composition of the working group was unbalanced.

Part 2

On 30 August 2018, you, Mr Van der Kaaden, sent the Ministry a report about your training systems. At the hearing of 3 September 2019 and in your letter of 23 May 2019, you stated that you did not receive a substantive response to the report, but only a confirmation of receipt. You also stated that at the 13 March 2019 meeting, it turned out that the case officer had not read the report.

From the interviews that were conducted, I concluded that the information relevant for the policy change was considered in the decision-making process by the Ministry. I conclude that no substantive response was given to the report about your training systems. As a result of evolving insights within the Ministry, an advice to the Minister was being developed of a prohibition without exceptions, in which there was no place anymore for setting up a training. I find that this should have been communicated to you.

Part 3

With regard to the policy change hearing without involving the parties in the run-up, announced at the 13 March 2019, I find as follows.

The Decree re the prohibition of the e-collar subject to certain exceptions yet to be set out further was published in the Bulletin of Acts and Decrees (2018, 146) on 26 April 2018.

At the time, the Ministry and the parties involved were working on the details of the exceptions to the prohibition of the e-collar. In the summer months of 2018, there were still consultations at which the setting up of a training course were discussed.

From mid July 2018, the intention arose to advise the Minister not to proceed with redacting exceptions to the prohibition due to evolving insights, which advise the Minister adopted around the turn of the year.

On Monday 28 January 2019, the case officer sent an e-mail to invite the parties involved to a meeting on the state of affairs of the use of the e-collar, to be held on 13 March 2019. At the meeting on 13 March 2019, it was announced that the Minister had resolved to introduce an overall ban on the e-collar.

Basing myself on file searches and the information gathered at the hearings, I establish that you, as external parties, were not involved in the process that resulted in the policy change to an overall ban on the e-collar. At the hearings, civil servants of the Ministry stated that this process was adopted because it was not yet clear what the Minister's perspective on the advice to ban the e-collar was. Involving and informing the stakeholders was put on hold until the Minister had come to a decision.

Considering the manner in which the Ministry and the stakeholders had been working together on setting up the exceptions to the ban on the e-collar before the summer of 2018, I can imagine that the policy change which was announced on 13 March 2019 came as a surprise to the parties involved. In my opinion, the parties involved were right, considering the intensive cooperation of before, to expect either to be informed of such a change or to be involved in it.

With regard to the course of events at the 13 March 2019, you stated that there was little scope for discussion, if any, and that the Ministry was no longer open to other opinions or information at that point. You stated that the meeting ended at 12:00 punctually, that the case officer was late and that he had to leave the meeting early. You stated that this officer acted in a non-communicative way at the meeting.

Judging by the information obtained at the hearings and by the parts of your letters about the conduct at the 13 March 2019 meeting, I find that there was insufficient scope during that meeting to ensure that both sides were heard, and that the officer acted in an insufficiently communicative way. The purpose of the meeting, as far as the Ministry was concerned, was informative, while the parties invited to it had different expectations. This was communicated and addressed insufficiently by the Ministry. It is true that at that point, the Ministry no longer had an open mind to other opinions and information. The promise was made that presentations held and the new scientific insights would be forwarded, but there was a long delay. I also find that this should have been communicated more quickly and more transparently. However, to draw an unequivocal conclusion about whether the case officer left early and came late proved impossible, because the picture was mixed.

With regard to unsubtle and stigmatising use of language, I find that although different terms were used for the e-collar, there is no evidence that the Ministry had the intention of stigmatising the e-collar.

Part 4

As I found above in part 3, the parties were not involved in the process that resulted in this policy change. Little insight was given into the considerations that led to this decision. It was not until later that the Ministry communicated which information and which articles were used in substantiation. I note that there have been no opportunities to debate this substantiation after the announcement of the policy change. The Ministry stated that the parties could give their response to the substance of the intended policy during the round of internet consultations. I find that this conduct does not tie in with the previous lines of communication and cooperation between the parties.

VI. Conclusion

Part 1

Based on the above findings, I conclude that your complaint that the initial working group was composed carelessly and concerning the change in those invited in 2018 is unfounded.

Part 2

I find your complaint of not receiving a substantive response to the documents submitted admissible, as you were not notified that the Ministry no longer found your report relevant at that stage of the decision-making. The part of your complaint that the documents were not read I find

unfounded.

Part 3

Based on the above findings, I conclude that you, as parties who had consulted with the Ministry before about the redacting of the intended policy, were not involved in the process that resulted in that policy change. The parties involved were not confronted with this change until the 13 March 2019 meeting, and were given insufficient opportunity to ensure that both sides were heard after the announcement. Civil servants of the Ministry failed to communicate sufficiently both about the meeting and during it. For this reason, I consider your complaints in part 3 well-founded. I consider your complaint of unsubtle and stigmatising use of language unfounded.

Part 4

Based on the above findings, I conclude that your complaint of a lack of transparent substantiation of the policy is well-founded. The substantiation of the policy change was not shared with you in a transparent manner, and you were not given the opportunity to give your opinion on it.

Follow-up

Based on the above, I come to the conclusion that parts of your complaints are well-founded, namely insofar as they refer to the communication with you as stakeholders, to involving the stakeholders insufficiently in the process, and to a lack of transparency as regards the substantiation of the advice.

I therefore asked the director of the policy department to learn a lesson from this policy-making process.

Firstly, I advised the director to pay more attention to communications with the external parties involved, and to make sure that the parties involved so far are informed about subsequent steps or meetings. In addition, I advised that feedback on how information will be used should be more transparent.

Secondly, more attention could be paid in the future to the way in which the policy process is shaped, and how the stakeholders are involved in it, even if evolving insights or a change of intended policy evolve within the Ministry.

Thirdly, I asked the director to address the substantive parts of your letters after this complaints handling procedure is completed.

Finally, I advised the director of the policy department to organise a meeting with the stakeholders to discuss the intended policy before internet consultations are started.

The Minister of Agriculture, Nature and Food Quality, on behalf of her:

Marieke Mossink
Director, Administrative and Political Affairs Department

If you do not agree, you can turn to

- *the National Ombudsman within one year on freephone number 0800-33 55555; website www.nationaleombudsman.nl; P.O. Box 98122, 2509 AC Den Haag, or*
- *to the Petitions Committee of the Upper House or the Petitions Committee of the Lower House, P.O. Box 20018, 2500 EA Den Haag.*

BULLET POINTS FOR DIGITAL MEETING 5 JUNE 2020 10.30 A.M., THE USE OF ELECTRONIC TRAINING COLLARS, – VIEW ECMA

(“**attached**” means the document is part of the bundle to be sent to the attendees by email prior to the meeting together with these bullet points).

ADMINISTRATION

- 50. Confirmation regarding available time?
- 51. Confirmation regarding the bundle of documents, agenda items and order.

COMMON OBJECTIVES AND SHARED OPINION

Ian Robertson (Barrister, Animal welfare legal expert):

- 52. Accurately inform the Minister about the product in view of animal welfare, the need for the product (quality products under quality supervision/adequate expertise), the scientific evidence, other countries and other facts.
- 53. Respond to the policy change: legislation on limited ban on e-collars published 26 April 2018 after years of discussing and fine tuning also with the stakeholders, to the plans for a total ban initiated just a few months later (mid 2018 according to interviews Complaint Committee 2019, on initiative of the new public officer handling the file Paul Bours).

We agree on objectives in respect of informing and thereby protecting the Minister

- 54. Make sure the Minister is fully and fairly informed / balanced, authoritative information to the Minister thereby properly serving Dutch dogs, dog owners and the community.
- 55. Clarifying relevant issues pertaining to:
 - 55.1. the meaning of animal welfare
 - 55.2. the ambit of animal welfare
 - 55.3. the need for a unique training product
 - 55.4. the proper use of the product in light of potential owner misunderstanding and/or improper use- “quality products under qualified supervision”
 - 55.5. balanced review of relevant scientific research and opinion
 - 55.6. updates and position statements from other jurisdictions
 - 55.7. additional relevant and weighty information

We agree on the meaning and ambit of “animal welfare”

- 56. The meaning of animal "welfare": it is not the absence or minimisation of pain per se but on unnecessary pain, discomfort – Examples: spay and neuter > application to collar -

57. What best serves the dog, the owner and the community? = "Welfare is not an issue in isolation".
58. Key question is not necessarily what policy is the easiest but what is the most effective? I.e. What best serves the dog, the owner and the community (welfare is not an issue in isolation).

FACTS, NEEDS AND ACCURATE PRODUCT INFORMATION

Ian Robertson (Barrister, Animal welfare legal expert): - Jamie Penrith (Expert consultant dog training and behavior)

Angela Critchley Key advisor to Radio Systems Corporation, Founding member of ECMA

59. Is there a **need**? Yes, because positive training isn't always successful.
60. Provide the Minister with critical information demonstrating the deficiencies and **detrimental consequences associated with the anticipated policy change**: If the policy change re' e-collars goes through then government are taking away a tool that uniquely fills a community (dog associated) need
 - 60.1. Primary issues: A total ban (blunt) or regulate (in place) and retain the former policy?
 - 60.2. Stakeholders: dog, owner, community – relevant law, issues/common dog-associated community problems – options for resolution: positive reward system training, realities and credible research, unique e-collar features
 - 60.3. Key issue: not "what's the simplest"? – Is "what is most effective"? What regulatory models are in place in other jurisdictions? Resources
 - 60.4. Foreseeable consequences: e.g. Germany – police – underground use – first hand account (Jamie Penrith) what will be the alternatives? Belgium hunters about the past when there were no e-collars: *"We would shoot them and get another dog"*.

Jamie Penrith (Expert consultant dog training and behavior):

61. Emotive/factual concern/assumption: "cruel products for cruel people" – pain to the dog (based on perceptions ("electronic"). "animal welfare" not pain per se but unnecessary pain – improper use.
62. (Paul Bours' knowledge of e-collar products, said in meeting 13 March 2019: they "*hurt*"). In contrast:
 - 62.1. "Is that it"? is the most common comment when trying the e-collar e.g. Mrs. Regeer had tried the e-collar on herself, 17 November 2017 in meeting with Multidog and when feeling the sensation (after several levels of no-sensation) stated: is this all (Dutch: "dit valt mee").
 - 62.2. Preconception, misunderstanding – often judgements based on own experience re "electrical" and expectation that "it will hurt"
 - 62.3. "Reward-only" misunderstanding.

- 62.4. Positive training isn't always successful – “positive” frequently misunderstood (not positive = good). Relevant to terminology of “positive training”
63. New scientific evidence: Pessimistic that it would be possible to prevent predatory behaviour in dogs using only positive, reward-based methods”. Howell and Bennett March 2020: see page 6: <https://www.sciencedirect.com/science/article/abs/pii/S016815912030071X> **Attached**
- 63.1. The 'Notes on greyhound study' from Jamie, **attached**, refers to the March 2020 Howell and Bennet paper.
64. Already in 1961 paper 'The Misbehaviour of Organisms' (attached), Keller and Marian Breland. **Attached**. Changed what people thought that reward was invariably successful. – not a new insight that innate behavior takes.
65. In May 2019, a paper was released regarding the evaluation of 'frustration' in dogs was published: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6535675>.
66. **Attached**: Comments of Jamie Penrith in his email 18 May 2020 on reward only training / the aforementioned papers. Also **attached**: Comments of Jamie Penrith 29 May 2020, Word document, on the term “aversive”.
67. Also Salgirli, Y. et al. (2012): ‘Comparison of learning effects and stress between 3 different training methods (electronic training collar, pinch collar and quitting signal) in Belgian Malinois Police Dogs.’, *Revue Méd. Vét.*, 163, pp. 530–535.
- 67.1. In the summary it reads: “The electronic training collar induced less stress and has stronger learning effect in comparison to other methods in a training situation.” (See paragraph 47 our letter of 5 June 2019, **attached** in English and Dutch).
68. Opinions – these are missing: balanced information, contrasting opinion (see para 46 of our letter of 5 June 2019 with many studies pro e-collar), applied in practice. Mrs. Regeer in her interview with the Complaint Committee 9 July 2019: *“There were many studies and on the basis of these studies it was possible to substantiate different policies. It was a tricky gray area.”* So instead of relying so heavily on scientific papers, important to rely on people who work with collars AND common statements e.g. unique, quality products, can cause pain which is why quality supervisor used) – care with assumptions and conflicts between qualification and experience.
69. Video clips:
70. Dog referred for no recall or control and huge prey drive towards birds/other animals <https://youtu.be/zfpvg6DJJHk>
71. Golden retriever owned by a magistrate and referred for chasing/attacking wildlife and livestock. Following quality e-collar inclusion, recall reliable even from chasing running pheasant with e-collar removed – Behaviour remains reliable: <https://youtu.be/gUxrrbEZ7D4>

72. Lurcher with huge kill history successful handheld e-collar training
<https://youtu.be/TIOEJ242gsA>
73. Noted incident in the Netherlands 21 May 2020: dogs chased and killed deer giving birth (Oosterbeek, an area where dogs are allowed off-leash provided under controls).
<https://www.telegraaf.nl/nieuws/726391525/boze-boswachter-ree-tijdens-geboorte-opgejaagd-door-honden>. A dog is a dog is a dog. Not canine centric, its owner, community (including other animals).

THE FORMER POLICY WAS FIT FOR PURPOSE: LEGISLATION LIMITED BAN PUBLISHED ON 25 APRIL 2018 (NOT IN FORCE), SUPPORTED BY ALL THE STAKEHOLDERS.

Ian Robertson (Barrister, Animal welfare legal expert):

74. It fulfilled important principles:
 - 74.1. Qualified users, quality products
 - 74.2. Controlled use rather than underground use
 - 74.3. Creating responsible users
 - 74.4. Respecting animal welfare principles
75. The anticipated changed policy for a total ban loses critical benefits (and incurs unintended detrimental consequences) in respect of:
 - 75.1. Dogs' welfare perspective.
 - 75.2. Owners and community (environment, people, animals) perspective.
 - 75.3. The use will be driven underground which is worse for animal welfare because not with experts (see: Germany).

Marije Van der Tol (Advocaat, Helex Lawyers):

76. The limited ban (published) had not one but two exceptions, see Paragraph 27 letter 5 June 2019, Decree/ AmvB 26 April 2018 and page 11 Explanatory Memorandum/Nota van Toelichting:
 - 76.1. (Prohibited is) "The use of a device which can cause pain to the animal by means of a power surge, electromagnetic signals or radiation, with the exception of electronic fences or fences permissible to fence off or enclose a property as well as devices the use of which is aimed at causing a justified change to the behavior of the animal in order to prevent danger to humans or animals or damage to the welfare of the animal and the user of the device has sufficient expertise for this purpose. "
 - 76.2. Minister has been misinformed. Bours incorrectly states "one exception" in his interview to the Complaint Committee. This is reflected in the announcement of the Minister 4 April 2019 to change her policy.
77. So, exceptions were:
 - 77.1. Fence purposes (is totally separate and allowed, see Explanatory Memorandum).

- 77.2. change the behaviour etc. provided sufficient expertise of use (anti-bark collars, and training collars).
- 77.3. The Minister in the Explanatory Memorandum to “change the behaviour etc” was correctly implementing animal welfare principles: *“The use of the electronic collar is in certain training or usage circumstances justified to prevent danger to persons or animals, provided the expertise during the use of the collar is secured. Examples of the use of the collar to prevent damage to the welfare of the animal are situations in which behavioral problems cannot be solved in an animal friendlier way and the situation of the dog would deteriorate as a consequence thereof (f.e. if the dog could not be placed in a home).”*
Ministerial Decree would be implemented to regulate this (**a special course**, in making in collaboration with the stakeholders since 2016) and to regulate **technical standards** as promised by the Minister on 25 April 2018 to Raad van State.
- 77.4. Note: the changed policy doesn’t mention technical standards or the different types of e-collars at all anymore.
- 78. Consistency with other areas of the Minister’s policy to allow under circumstances a certain degree of discomfort to animals through e-stimulation when this is justified to reach a certain goal.
 - 78.1. Example: Minister’s announcement on 18 April 2019 to formally object to the ban on electronic phishing practices introduced by new EU Regulation from 16 April 2019 (reference to paragraph 81 our letter of 5 June 2019).
 - 78.2. Allowing a level of discomfort to animals eg. E-fishing.

THERE’S NO SOUND REASON TO CHANGE THE FORMER POLICY: WHY THE POLICY CHANGE TO A TOTAL BAN MADE KNOWN TO THE STAKEHOLDERS ON 13 MARCH 2019?

Marije Van der Tol (Advocaat, Helex Lawyers):

- 79. Advised by Paul Bours to the Minister as soon as he became in charge,
 - 79.1. mid 2018 (only “scientists” were involved according to interview legal officer to Complaint Committee on 11 July 2019).
 - 79.2. These “scientist” are ESVCE related persons from the Utrecht University. See interviews public officers to Complaint Committee.
 - 79.3. Again, showing that the Minister has been misinformed, bias, misunderstanding. Important to protect the Minister against misinformation and risk of contradicting herself.
- 80. Minister approved end of 2018, according to the public officers interviewed by the Complaint Committee.
 - 80.1. Contradicting all prior official legislative documents and promises to Parliament and even the Raad van State of only a few months earlier,
 - 80.2. 26 April 2018 when the Decree was published after years of discussion and involvement of many stakeholders.

DEFECTIVE OFFICIAL GROUNDS FOR THE POLICY CHANGE (RESULT WAS MISINFORMATION OF THE MINISTER)

81. (see interview Paul Bours to Complaint Committee on 9 July 2019):

Marije Van der Tol (Advocaat, Helex Lawyers) and Jamie Penrith (Expert consultant dog training and behavior):

PB alleges “new scientific evidence”:

82. While working on the exception, it appeared to the officer that *“sufficient expertise would not be possible, animal welfare could not be guaranteed”*: Paul Bours refers to the overview article ESVCE of Feb 2018 (Minister on 4 April 2019: “Based on current scientific views the use of the e-collar causes severe, unavoidable violation of the welfare of the animal”).

82.1. Contradiction: Minister does want to allow one exception in very special circumstances such as secret operations whereby dogs need to follow commands from a great distance (see her announcement 4 April 2019: so animal welfare can be guaranteed in those cases.) An how about other countries were the use and sufficient expertise is regulated?

83. Several critical comments on the ESVCE article should be considered.

83.1. See Jamie’s’ long list of comments: see paragraph 50 etc. from our letter 5 June 2019 and the document of Jamie from 21 May 2019 from Jamie attached to that letter.

84. For several counter-scientific articles, pro e-collar, see paragraph 46 to 47 of our letter 5 June 2019.

85. List of 27 documents sent to Parliament on 20 September = nothing new (mainly the footnotes from ESVCE against the e-collar). See comments of Jamie Penrith on the list of 27 documents, **attached**

85.1. Misleading Parliament, as if the “new scientific views” is not just the opinion of the ESVCE based on old literature.

85.2. Even during the parliamentary committee LNV meeting with the Minister of 3 July 2019 (MvdT present), the Minister referred to only one overview article to substantiate her change of policy.

85.3. See the official minutes. Minister promised to send it to the MP’s which on 20 September 2019 became the list of 27.

86. The ESVCE article is no more than an opinion of a group of animal welfare behaviorists (ties with Uni Utrecht): see Position Statement on the website of ESVCE. They have not conducted scientific studies on their own.

87. The article and views of the ESVCE were already known to the Minister when publishing the former policy on 26 April 2018:

87.1. It was even mentioned in the Explanatory Memorandum/Nota van Toelichting, page 10: *“We have been in contact with animal welfare organizations, an association of*

*electronic dog collar manufacturers, the police and some dog behavior experts. It has been concluded from this that under certain, in exceptional circumstances an exception to the ban could be allowed, **although the European Association of Veterinary Clinical Ethology (ESVCE) considers that there is insufficient scientific evidence to justify the use of the electronic collar, bark collar or electronic fence.** “*

88. It is contradictory to base a radical policy change largely on the same opinion of the ESVCE shortly after. How can the Minister explain this to Parliament? The ESVCE view is her main argument for the change of policy. The other arguments Paul Bours gave her are sub-reasons.
89. One of the public officers said in his interview to the Complaint Committee on 17 September 2019, that they had the ESVCE article before the publication of the Amvb of April 2018 but that they “*did not know or could foresee the content*”. This is not credible. The Nota van Toelichting mentions the summary of the article!
90. Paul Bours is cherry picking from literature that already existed under the former policy.
91. From the interview Mrs. Regeer to Complaint Committee on 9 July 2019:
 - 91.1. “When the employee (= Mrs. Regeer) came to the file years earlier, many documents and studies showed that if the e-collar was used by an expert and the use of the e-collar was controllable and predictable for the dog, no long-term welfare disadvantage could be established.
 - 91.2. There were many studies and on the basis of these studies it was possible to substantiate different policies. It was a tricky gray area.
 - 91.3. In 2012 it was decided to reserve the use of the e-collar to experts. This is partly to get the entire sector involved in an attitude change”.

Marije Van der Tol (Advocaat, Helex Lawyers):

Allegation that e-collar are not necessary: (Paul)

92. Bours: Dogs can be trained perfectly without using power surge (incorrect: see comments Jamie again),
 - 92.1. as is shown by the air force in the Netherlands (he means: police?),
 - 92.2. police in Germany NRW, and no e-collars during NATO Missions.
93. This is incorrect (previous paragraph):
 - 93.1. There is no formal statement of the Dutch police to back up Bours’ statement.
 - 93.2. Also see the Dutch police dog trainers’ statements from Mr. G.A.Th. Straatman and Mr. S. Prins of Mai 2019 mentioned in our letter of 5 June 2019 (**both attached**) who contradict Bours and motivate why they want to keep using the e-collar.
 - 93.3. The KNPV, who trains and delivers almost all police dogs to the Dutch Police, want to keep using the e-collar. Please contact Chairman Mr. Marc van Ginkel.
 - 93.4. Scientist Mrs. E. Schalke (Department of Animal Welfare and Behaviour, Veterinary School of Hannover, co-published a scientific article in 2006 pro e-collar (see paragraph

46.2 of our letter 5 June 2019). She is in close contact with the German police and has knowledge that:

the German police have continued using e-collars for two years after it was banned in Germany in 2006, and

also send their dogs to the Netherlands to be trained with the e-collar.

Paul Bours has not verified this info.

Other countries-argument:

94. Random argument! Same argument was used to motivate the former policy.

Ian Robertson (Barrister, Animal welfare legal expert):

95. New developments in **Australia and New Zealand** show that other countries see the benefits of a controlled use of the e-collar with quality products:

95.1. **Victoria's** well-functioning comparative model **since over 10 years**. Reviewed in 2019 and regulations enforced. Blueprint ready to go.

95.2. After a consultation in **Western Australia** in 2019, the final standards have been published – see link below and the section on electronic collars: <https://www.agric.wa.gov.au/animalwelfare/standards-and-guidelines-health-and-welfare-dogs-wa-0>

95.3. **New Zealand** Government pays for e-collar training to stop dog attacks on native species: <https://www.stuff.co.nz/national/120185885/whio-aversion-training-being-offered-to-owners-of-farm-hunting-dogs>

95.4. These countries have **access to same information as the Dutch Ministry**. They support a balanced view and grasped the concept of animal welfare.

PERSONAL BIAS: UNDERLYING GROUNDS FOR THE ANTICIPATED POLICY CHANGE

Marije Van der Tol (Advocaat, Helex Lawyers) and Ian Robertson (Barrister, Animal welfare legal expert):

96. (see paragraphs 56 and 62 our letter 5 June 2019)

97. Paul Bours mentioned during on 13 March 2019:

97.1. Limited ban and technical standards viewed by PB as **“too difficult to draft”**.

Incorrect: the comparative successful model in Victoria is an example. Quality product, quality standards. This has just been held to a 10 year review and regulation reviewed and still fit for purpose.

And ECMA already has up to date safe technical standards, which were incorporated in the Western Australia model.

We provided all information in former stakeholder meetings. The info was welcomed by Mrs. Regeer (in meeting 25 October 2016).

97.2. **“A general ban is easier to enforce”**.

This is contradicting the information of the Minister in her formal legislative document “Nader Rapport” to the Raad van State 25 April 2019 (see paragraph 63 our letter of 5 June 2019).

In that document, in short, the Minister informed the Raad van State that the limited ban is **well enforceable**, (and the requirement of expert use is **necessary** to prevent harm against the welfare of the animal caused by inexpert use.)

REVISION OF KEY POINTS

- 98. Animal welfare: “necessary” – dog, owner, community – over-reliance on theory of opinionated science – realities of issue, owners and training (i.e. usually very low levels) – quality product, qualified supervision.
- 99. Product fills a unique need.
- 100. The former policy of regulation drives people to experts who assist QPQS Quality Product Qualified Supervision thereby avoiding misuse of products, securing benefits for the dog and promoting the well-being of communities.
- 101. The Minister can still return to her former policy. **Consistency:** “On the basis of new information received” (e.g. new scientific information, recent international developments including Australia).
- 102. To conclude: It's needed, valuable and "doable": from purchase through to practical enforcement: i.e. Australia established system (whole of system).

OFFICIAL REQUEST OF ECMA

- 103. Stop all progress in respect of the proposed total ban.
- 104. Take another look at factual authoritative evidence and perspective.
- 105. Take another look at the regulatory model and consequently retain the “fit for purpose” former policy which provides dog owners with access to a unique training tool. – dog, owner, community (“whole of welfare perspective”) welfare in broad of welfare.

Thank you.

Samensteller

G.A.Th. Straatman, inspecteur van politie, vanaf 1983 belast met instructie van surveillancehonden.

Met dit schrijven hoop ik u enige inzichten te geven omtrent de huidige problematiek en vraagstelling van wel of geen deskundig stroomverbruik bij de africhting van de surveillancehond.

Enige inzichten mbt. dressuurprincipes en middelen

De hond leert door klassieke conditionering en operante conditionering.

- Klassieke conditionering
 - Associatie tussen 2 gebeurtenissen in de omgeving
 - Vb; Avond tv uitzetten, hond staat al bij deur. Door associatie heeft de hond geleerd dat het uitzetten van de TV betekend dat hij uitgelaten wordt.
- Operante conditionering
 - Associatie tussen eigen gedrag en een gebeurtenis in de omgeving
 - De hond leert wat de consequenties van bepaald gedrag is. Oftewel gedrag dat de hond iets positief oplevert zal hij herhalen, gedrag dat hem iets negatief of niks oplevert zal hij niet herhalen

In de Wet Dieren wordt niets gemeld over het gebruik van dieren (zoals politiehonden) als “servicedieren”. In het Trendrapport Denken over Dieren (2011) was er wel sprake van een groep “servicedieren” en is er met deskundigen op dit gebied gesproken (groep 19), maar is alleen ingegaan op algemene welvaartzaken die van belang zijn voor het houden van deze dieren, en is het trainingsaspect buiten beschouwing gelaten. Het voorgesteld verbod op het gebruik van “stroomstoten”, “elektromagnetisch signaal”, “straling”, “scherpe uitsteeksels”, “schoppen” en “slaan” is categorisch voor alle (zoog)dieren ten allen tijde.

De honden die op dit moment door de politie worden getraind en daarna gebruikt voor surveillance taken, als ondersteuning bij aanhoudingen van vuurgevaarlijke criminelen, en bij speur- en detectie taken passen niet in het gemiddelde gedragsprofiel van gezelschapshonden. Zelfs binnen hun ras (doorgaans Mechelse, Duitse of Hollandse herder) zijn het honden die geselecteerd zijn op specifieke driften¹⁸: vooral een hoge prooidrift en zoekdrift, gecombineerd met karaktereigenschappen als veerkracht en stabiliteit, en fysieke eigenschappen als kracht en een goede beet. De combinatie van deze eigenschappen wordt door een goede training gevormd tot de huidige politiehonden.

Bij de politie staat in de training het aanleren van het gewenste gedrag centraal. Dit wordt vorm gegeven door gebruik te maken van operante conditionering. Hierbij leert een hond

door de consequenties van zijn eigen gedrag. Bij het aanleren van gedrag wordt het gewenste gedrag versterkt door het te belonen. Bij de beloning wordt gebruikt gemaakt van de driften van de hond: hij wordt beloond door het krijgen van een “prooi” – een speeltje. Door “shaping” worden specifieke gedragselementen vorm gegeven, met behulp van “chaining” worden complexe gedragingen aangeleerd. Omdat de honden leren door de consequenties van hun eigen gedrag, is de timing van de beloning belangrijk: het dier moet de koppeling kunnen leggen tussen zijn eigen gedrag en de beloning. Dat kan alleen als de beloning direct volgt op het gedrag. Een verbaal signaal “braaf!”, werkt daarbij als brug voor de eigenlijke beloning, het speeltje.

Wanneer de hond het gewenste gedrag op het trainingsveld onder gecontroleerde omstandigheden is aangeleerd, wordt dit uitgebreid naar de omgeving waarin hij zal worden ingezet. Een omgeving waar vele afleidingen aanwezig zijn en waar de hond agressief bejegend kan worden. Ook in die gevallen wordt van politiehonden verwacht dat ze onder controle staan, en dat ze hun taak uitvoeren. De overstap van het trainingsveld naar de praktijkomgeving gebeurt stapsgewijs.

Tijdens dit hele proces van training tot praktijk blijft operante conditionering leidend. Wanneer een hond ongewenst gedrag gaat vertonen, kan, afhankelijk van de situatie, gekozen worden om dit gedrag om te vormen, of om het af te laten nemen. Omvormen van gedrag is de eerste oplossing, maar wanneer dit niet mogelijk is, meestal omdat het ongewenste gedrag zelf-belonend is, moet er een andere oplossing worden gezocht. Zelf-belonend gedrag is gedrag dat door de hond zelf als belonend wordt ervaren, en aangezien de selectie van de honden gericht is op honden met een grote prooidrift (met daarbij andere elementen uit het voedsel-zoekgedrag zoals jagen, vangen en bijten) ligt die karaktereigenschap meestal aan de wortel van het ongewenste gedrag

Dit moet tijdig worden onderkend, dus vóórdat het ongewenste gedrag zich al heeft kunnen ontwikkelen tot een vast element in het gedragsrepertoire van de hond. Dan is het mogelijk om door een goede timing van een proportionele aversieve (onaangename) stimulus dit gedrag in de kiem te smoren. Wanneer de hond weet dat het woord “nee” gekoppeld is aan een aversieve stimulus, kan veelal worden volstaan met een verbale correctie. Maar dat moet de hond eerst leren, en voor de koppeling tussen “gedrag – aversieve stimulus” is timing cruciaal – net als bij de beloning van het gewenste gedrag.

Ouderwetse methodes waarbij de hond enige tijd na het ongewenste gedrag fysiek gestraft werd, zijn onder invloed van een grotere kennis omtrent leerprocessen grotendeels in onbruik geraakt bij de politie. De ouderwetse, niet-verstelbare stroomband bleek door de oncontroleerbare hoeveelheden stroom vaak contraproductief voor het leerproces, en is ook verdwenen. Maar moderne elektronische halsbanden kunnen, mits goed gebruikt, hierbij van grote dienst zijn – de koppeling tussen gedrag en gevolg staat los van de geleider, waardoor de hond ook op afstand van zijn geleider het gewenste gedrag blijft vertonen en de relatie geleider-hond goed blijft.

In een recent wetenschappelijk onderzoek door de Raad voor Dierenwelzijn (federale overheidsdienst Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu) in België van 2009 getiteld “Welzijnsaspecten bij het gebruik van elektrische halsbanden bij honden” is bekeken in hoeverre trainings-, antiblaf- en antivluchtbanden het welzijn van honden beïnvloed. Ondanks de beperkte relevante literatuur is de conclusie dat bij antiblaf- en antivlucht banden het risico op welzijnsproblemen klein is omdat de elektrische schok voor de hond voorspelbaar of controleerbaar is. In het geval van trainingsbanden kan door een

foutieve timing en inconsistent toedienen van de schok stress ontstaan voor het dier. Uit recent onderzoek bij laag-energetische halsbanden blijkt dat de schok leidt tot een “negatieve toestand waaraan een dier zich met een minimale kost aanpast; bijgevolg vermindert het welzijn niet.” Het rapport onderschrijft wat ook experts verwoorden: het belang van een juiste timing en het consistent toedienen van de schokken. Het dierenwelzijn van de hond is daardoor afhankelijk van de persoon die de afstandsbediening hanteert.

Het volledige verbod op het gebruik van elektrische halsbanden zoals voorgesteld in het voorgestelde besluit horende bij de Wet dieren zal voor servicedieren zoals politiehonden aanzienlijke gevolgen hebben. De selectie van de dieren zal moeten veranderen naar dieren met mindere driften. De verwachting is dat de training van deze honden minder efficiënt uitgevoerd kan worden, waarbij in sommige gevallen het doel van de wet voorbij gestreefd wordt doordat de honden de fysieke correcties moeilijker kunnen koppelen aan hun gedragingen. Ook operationeel zullen de honden (door hun minder sterke karakter) minder effectief zijn: een verlies aan kwaliteit en kwantiteit.

Het beperken van het gebruik van elektrische halsbanden voor het trainen van servicedieren, gekoppeld aan kwaliteitscriteria van gebruikers ervan, past echter binnen de algemene kaders van de Wet dieren. Het voorgestelde verbod valt onder artikel 2.1, tweede lid, terwijl in het eerste lid staat dat “het is verboden om zonder redelijk doel of met overschrijding van hetgeen ter bereiking van zodanig doel toelaatbaar is”, het welzijn van een dier te benadelen. Het doel van servicedieren zoals politiehonden voor de samenleving is zonder meer redelijk te noemen. In hetzelfde artikel, vierde lid, wordt de mogelijkheid geboden om middels ministeriele regeling regels te stellen voor aangewezen gedragingen. Internationaal wordt daarmee aansluiting gevonden bij andere Europese landen zoals Noorwegen, Zweden en Zwitserland die het gebruik van elektronische middelen onder voorwaarden toestaan (bron: Wetenschappelijk Rapport Raad voor Dierenwelzijn in België).

Vanaf het begin van de tot standkoming van de wet heeft de wetgever getracht om rekening te houden met de belangen van de politie en zijn in gebruik zijnde honden.

Op 5 december 2012 verstuurde Mr. B. Regeer, Senior beleidsmedewerker Ministerie van Economische Zaken een mail naar Anouk Duijcker, regionaal coördinator Dierenpolitie. Hierbij informeert ze of de nieuwe wet niet tot problemen zal leiden bij de training van politiehonden en of er een uitzondering noodzakelijk is.

Ook bij het Integraal afwegingskader voor beleid en regelgeving (IAK) Wijziging besluit houders van dieren komt dit in vraag 4 naar voren. Citaat vraag 4:

4. Wat is het doel

Beschrijf het beleidsdoel / de beleidsdoelen. Formuleer doelen naar mogelijk naar SMART: Specifiek

Meetbaar, Acceptabel, Realistisch en Tijdgebonden

Het doel is om het gebruik van voorwerpen waarmee een dier pijnprikkels kunnen worden toegebracht, bijvoorbeeld om een dier in beweging te zetten of een dier bepaalde gedragingen aan- of af te leren, te regelen. Hiertoe behoort ook het gebruik van apparatuur waarmee het dier door middel van stroomstoten, elektromagnetische signalen of straling pijn kan worden toegebracht. In principe wordt het gebruik van deze voorwerpen verboden.

Over het gebruik van de elektronische halsband bij honden is contact geweest met dierenbeschermingsorganisaties, een vereniging van elektrische halsbandproducenten, de politie en enkele gedragsdeskundigen. Hieruit is geconcludeerd dat onder bepaalde, uitzonderlijke omstandigheden een uitzondering op het verbod wenselijk is. Naar aanleiding van deze reacties is de relatie tussen de wijze waarop de halsband wordt gebruikt en het risico op welzijnsaantasting nader bekeken. Het grootste risico op welzijnsaantasting komt voort uit ondeskundig gebruik van de stroomhalsband. Indien de prikkel voor de hond onvoorspelbaar en oncontroleerbaar is, kan deze ernstige stress veroorzaken.

Bij een gebruik waarbij de prikkel wel voorspelbaar is, kan het te relateren aan een bepaalde gedraging, hoeven zich geen problemen voor te doen. Het is derhalve van belang dat degene die de stroomhalsband gebruikt dit met voldoende deskundigheid doet. Ook moet het gebruik worden beperkt tot het teweegbrengen van gerechtvaardigde gedragsveranderingen zoals bij de training van politiehonden of afleren van gevaarlijk gedrag. Om de deskundigheid, alsmede de wijze waarop de aanwezigheid daarvan kan worden aangetoond, nader in te vullen is kunnen bij ministeriele regeling regels worden gesteld.

In het huidige tijdsbeeld wordt kritisch gekeken naar het geweld dat de politie gebruikt. Uiteraard is derhalve de rol van de politie (voorbeeld) en imago een belangrijk aspect, waarmee rekening dient te worden gehouden. Echter het mag niet leidend zijn in de keuze afweging om geweldsmiddelen professioneel, gecontroleerd en beheersbaar te trainen in als middel bij incidenten in te brengen.

Het verlies van het gebruik van de elektrisch dressuurband als middel, gebaseerd op moderne leerprincipes, zal mogelijk leiden tot

- Terugval naar traditionele trainingsmethodieken
 - Fysieke straffen, beschadiging relatie geleider / hond, toename stress en vermindering van dierenwelzijn.
- Honden die minder controleerbaar en beheersbaar zijn in bepaalde omstandigheden.
- Keuze naar ander type hond, die minder berekend zijn op de zware taak die zij dienen te vervullen.

Praktijkvoorbeelden door mij toegepast.

Voorbeeld 1

Betrof een surveillancehond van een andere eenheid. Men kreeg deze hond niet meer door een keuring en wel om de volgende redenen;

Bij het inbijten was deze hond niet meer bereikbaar door de hoge mate van stress, die optrad tijdens het bijten en voorafgaande aan het moeten lossen van de beet. De hond kneep zijn ogen dicht en jankte luid tijdens het bijten. Als informatie kreeg ik dat de hond niet meer te corrigeren was door fysieke en/of stroomcorrecties (hoogste niveau). Concrete vraag aan mij was of ik de hond weer beheersbaar kon maken.

Tijdens de 1^e training ben ik begonnen met de hond laten bijten, waarbij inderdaad de stress zichtbaar en hoorbaar optrad bij de hond. De hond kreeg vervolgens een serie te verwerken met telkens 2 sec verwerking;

- zacht en rustig commando “los” van zijn geleider – na 2 tellen aantrekken van sliptouwje – wederom na 2 tellen stroomcorrectie op sterkte 45. De stroomcorrectie werd telkens na 2 seconden onderbroken en weer herhaald.
- Na enige tijd loste de hond zijn beet. Na fractie werd de hond beloond met wederom een beet. Vervolgens herhaling van de serie.
- Op een gegeven moment loste de hond op sliptouwje en werd beloond met beet op grote stevige bijtrol die hij mocht behouden.
- Tijdens de 2^e training herhaling van de serie vanuit training 1. De hond loste al snel op het sliptouwje waardoor gelijk de beloningsbeet werd gegeven. Ook dit weer diverse keren herhaald waarna de hond uiteindelijk ging reageren op zacht commando van zijn geleider. Wederom beloond met de stevige bijtrol. Tijdens deze 2^e training nam de zichtbare en hoorbare stress component behoorlijk af.
- Tijdens de 3^e training geen hoorbare of zichtbare stress. Hond was bijtlustig zonder stress en reageerde nagenoeg gelijk op zacht commando van zijn geleider. Diverse keren herhaald met telkens de beloningsbeet.

In deze casus heeft de hond zelf zijn verbanden gelegd tussen de opeenvolgende positieve correcties (sliptouw en stroomcorrectie) en positieve bekrachtiging (beloningsbeet).

Door dat de stroomcorrectie onder sterkte 50 bleef (stresscomponent vanaf 50) en de hond kon gaan beïnvloeden verdween de stress en stond de hond weer open voor externe prikkels (stem geleider en dus weer beheersbaar) De hond schakelt nu weer vanuit zijn systeem om te zoeken naar het gewenste gedrag. Dit gedrag levert hem namelijk voordeel op wat hij zoekt. In dit geval de beloningsbeet. Door chaining en bouwen van bruggetjes werd bovenstaand resultaat bereikt.

Voorbeeld 2

In het verleden vonden de honden een voorwerk. Deze werden aangeblaft, er werd aan gekrabbd en er werd in gebeten. Dit ging ten koste van de kwaliteit van “waarheidsvinding “ . Bij vuurwapens leverde het zelfs gevaarlijke situaties op. In mijn regio werd een patroon afgevuurd doordat de hond met bijten de trekker naar achteren bracht. Deze casus was voor mij aanleiding om alle surveillancehonden het verwijzen bij te brengen. Enerzijds vanwege de waarheidsvinding maar anderzijds vanwege het veiligheidsaspect.

Het verwijzen is bij deze honden vrij snel aan te leren middels positieve bekrachtiging. Echter op een gegeven moment zal de hond trachten te komen in “zelfbeloningsgedrag”. Dit kan zijn krabben, bijten in het voorwerp of zelfs apporteren. Op het moment dat de 1^e vorm van zelfbeloning optreedt volstaat een simpele positieve correctie om dit gedrag weer te laten doven. Middels een stroomcorrectie op sterkte 18 kom ik op het exacte moment binnen bij de hond. Doordat gelijk het niet gewenste gedrag dooft, valt de prikkeling weg. Ook nu weer kan de hond vanuit zijn systeem dus weer zijn voordeel halen. Meteen hierop weer positieve bekrachtiging middels apporthevoorwerp.

Ik hoop met bovenstaande u de nodige inzichten heb kunnen verschaffen om met kennis van zaken de besluitvorming over het deskundig gebruik van de elektrische dressuurband, bij de politie, positief te beïnvloeden.

Uiteraard ben ik bereid om over deze materie van gedachten te wisselen.

Met vriendelijke groeten,

G.A.Th. Straatman

Hallo allemaal,

Op afstand heb ik met jullie kunnen meelesen en heb ook de laatste versie ontvangen van het position statement mbt elektronische trainingsmiddelen. Het staat gelukkig iedereen vrij om artikelen te delen en meningen te uiten. Waar ik me wel zorgen over maak is de richting die wij lijken op te gaan. Nu moet ik hier een flinke slag om de arm houden want ik heb niet bij jullie aan tafel gezeten en de gesprekken niet gehoord. En ik ben ook niet op de hoogte van alle details. Echter wat ik lees in de Nederlandse discussie baart mij zorgen. Net zoals recentelijk in Engeland waar mensen juichend op de barricades springen roepende dat ze na 27 jaar strijden eindelijk die gruwelijke shock collars verbieden. **Het verbieden van tools is geen oplossing als je een cultuur ongewijzigd laat.**

High kill shelters

Helaas was ik afwezig tijdens het laatste overleg. Ik liep in die periode 4 weken stage bij gedragstherapeuten en professionele hondentrainers in de USA. Heb daar mogen ervaren wat een prachtig werk zij doen met honden en mensen. Gezien hoe hun werk er voor zorgt dat honden met gedragsproblemen niet per definitie via high kill shelters geeuthaniseerd hoeven te worden. Gedragsproblemen liggen vaak ten grondslag aan deze definitieve maatregel.

Regelvrij en alleen positief leidt tot gedragsproblemen

Het is schrijnend om te zien hoeveel honden worstelen met het feit dat hun lieve eigenaren geen raad weten met regels, privileges en consequenties. Vaak hoorde ik in Amerika roepen 'be the parent, not the friend'. Om duidelijk te maken dat ook honden behoefte hebben aan structuur, regelmaat, stellen van grenzen, duidelijkheid, kalm leiderschap, fysieke en mentale stimulatie. Ik gebruik hier bewust 'ook' want dit is net zo belangrijk voor mensen. Als wij wetten en (gedrags-) regels loslaten vervallen wij ook in anarchie en chaos. Waarna vervolgens de nadruk werd gelegd op het ook hond mogen zijn. Prettige relatie en associatie opbouwen met de mens en de omgeving. Allemaal belangrijke bouwstenen en voor iedereen logisch toch? Of toch niet gelet op de overvolle highkill shelters en de vele huisbezoeken die ik daar heb meegdraaid.

Ondanks verbod toch volop e-collars in gebruik

In alle ons omringende Europese landen waar e-collars verboden zijn worden deze nog steeds gebruikt en verhandeld. Net zoals de prong collars, prikbanden en vele andere zwaar beargumenteerde 'trainingsmiddelen'. Met het verbieden van bepaalde tools komen wij niet waar we naar toe willen. Waarbij ik moet opmerken dat mensen elke tool als punishmenttool kunnen gebruiken. Met een zaklamp kan je slaan, met een potlood kan je prikken. En ik heb 'trainers' met een normale leren riem honden zien mishandelen. Punishment training stop je niet door bepaalde tools te verbieden. Sterker nog, dan gaat het 'ondergronds' en kunnen wij hier met elkaar niet meer over discussiëren en debatteren.

Van punishment training naar operant conditioneren

Toen ik 25 jaar geleden bij de politie werd aangenomen als 'hondengeleider' schrok ik van het geweld wat in de training werd gebruikt. Traditionele punishment gebaseerde trainingen waren normaal. Positief trainen bestond niet. Ook ik werd opgeleid als punishment trainer en was daar goed in. Echter mijn gevoel was niet goed. De resultaten waren mager en training niet openbaar. Na 3 jaar nam ik afscheid van deze manier van trainen. Ik werd uitgedaagd om gecompliceerde gedragingen en ketens van gedragingen te gaan trainen. Ik werd uitgedaagd om met andere rassen dan de traditionele Mechelse herder te werken. En ik werd geplaatst in een unit speciale operaties waar een andere mentaliteit en groepscultuur heerste. Ik nam afstand van punishment training

methodieken. Ik kan mij dus goed verplaatsen in de punishment trainers en hun wereld. In 1996 ben ik mij het operant conditioneren eigen gaan maken. En heb mij sindsdien altijd verzet tegen de traditionele punishment training. De focus ligt bij ons op positieve versterking van gewenst gedrag. Maar ook met duidelijke grenzen en consequenties indien er gevaar dreigt voor mensen, de operaties of de dieren zelf. Trainers kunnen niet alleen kiezen voor positief versterken. Wij hebben namelijk ook te maken met ongewenst gedrag. Waarbij niet altijd duidelijk is wat de trigger was maar wel duidelijk dat het gevaar oplevert.

Schuld en schaamte

Ik ben van mening dat door een aantal beroepsgroepen, clubs en individuele trainers wordt vastgehouden aan de traditionele punishment training als gevolg van onvoldoende kennis en gebrek aan sociale vaardigheden. Echter ook schaamte en schuld spelen hier een belangrijke rol. Wij moeten met elkaar op zoek naar innovatie, creativiteit en verandering binnen de trainingswereld. Dit is alleen mogelijk als mensen zich kwetsbaar durven opstellen en uit hun schaamte durven stappen. Degene die hier meer over willen weten verwijs ik graag naar het werk van Brené Brown over haar onderzoek naar 'shame and

guilt' https://www.ted.com/talks/brene_brown_listening_to_shame?utm_campaign=tedsread&utm_medium=referral&utm_source=tedcomshare

Voorkom polarisatie

Wij moeten er met elkaar voor waken dat er geen polarisatie plaats vindt waarbij positieve trainers en punishment trainers tegen over elkaar komen te staan. Het is niet zo zwart-wit. Punishment trainers gebruiken ook positieve versterking en positieve trainers gebruiken ook, vaak zonder het zich te realiseren, punishment. De discussie moet open en helder blijven met respect voor elkaars visie, standpunten en belangen. Waarbij iedereen wel gehoord moet worden en het belangrijk is dat naar die man en vrouw in de praktijk wordt geluisterd. Want als de gedragstherapeut, de politieagent, de jager, de defensiemedewerkers of welke trainer dan ook niet meer gebruik mag maken van bepaalde tools kan ook dat ernstige gevolgen hebben voor juist de dieren die wij willen beschermen. De ethische discussie of wij mensen dieren mogen 'gebruiken' voor beveiliging, opsporing, wetenschap, gezelschap, plezier oid moet elders gevoerd worden en niet in de 'tool' discussie.

Dichtbij de praktijk blijven

Ik wil er ook voor waken dat de discussie die nu plaatsvindt niet te ver van de operationele praktijk komt te staan. Zoals President Theodore Roosevelt op 23 april 1910 in zijn beroemde speech sprak over 'the man in the arena'. Er zijn diverse partijen en verschillende kanten. Het is zo gemakkelijk om vanaf de tribune te roepen wat er allemaal niet goed gaat en wat er moet veranderen. Met regelmaat zie ik op de tribune 'experts' die nimmer een dier hebben getraind op het niveau en binnen de doelgroepen waar wij nu over communiceren. Het valt niet altijd mee om de theorie in het hoofd om te zetten in handelingen, timing en het nemen van beslissingen. Echter er zijn iedere dag mannen, vrouwen en dieren actief in 'de arena' met gevaar voor eigen leven. Waarbij soms ook tools als de moderne e-collar het verschil maakt tussen succes, ernstige verwondingen of zelfs de dood van dier of mens!

Tools, misvattingen en trainingsprogramma's

Helaas zijn er nogal wat vooroordelen en emoties welke van invloed zijn op de 'tool' discussie. Als een prong collar door een forse ruk verkeerd wordt gebruikt kan deze verwondingen opleveren. Echter als deze wordt gebruikt zoals bedoeld is dit een zeer effectief middel. Maar deze tool is bij voorbaat 'veroordeeld' door het beeld dat in de media en door 'positieve trainers' wordt neergezet als barbaars en middeleeuws. In de USA heb ik meerdere gevallen gezien waar dankzij deze tool de hond deel uit kon blijven maken van het gezin en niet in een high kill shelter verdween. De e-collar wordt in de volksmond shock collar genoemd en geassocieerd met een soort elektrische stoel als er een fout wordt gemaakt. Dit beeld uit de jaren '60 moet in deze tijd bijgesteld worden. De moderne

e-collar is een hoogwaardige elektronisch product. De 'Chinese replicas' buiten beschouwing gelaten. Er wordt door professionele trainers gewerkt met een zeer laag stroom niveau. Het systeem is voorzien van veiligheidsmaatregelen zoals het meten van spanning en weerstand. En het systeem schakelt automatisch uit als 'de trainer' de knop te lang ingedrukt houdt. Wat over het algemeen niet benoemd wordt is het feit dat er een intensief trainingsprogramma aan vooraf gaat. Dus een duidelijk stappenplan voordat uiteindelijk de e-collar mag / kan / moet worden gebruikt. Waarbij ik de e-collar vergelijk als de veiligheidsgordel in de auto. Een e-collar leert niets maar het stelt veilig. Echter zonder die consequentie bestaat er een veiligheidsrisico voor mens en dier.

Cultuur verandering zonder repressie

Het zou zo mooi zijn als wij in Nederland deze wetgeving anders weten in te richten! In plaats van verbieden of gedogen gaan wij mensen begeleiden en opleiden. Wijzen op de gevaren. Kennis laten maken met de alternatieven. Uiteindelijk met als doel om een gedragsverandering in gang te zetten en zo het dierenwelzijn over de gehele linie te verhogen. In mijn overtuiging ligt het antwoord in zelfreflectie, kwetsbaarheid en educatie. Laten wij met elkaar eens nadenken hoe wij een cultuur verandering kunnen bereiken zonder repressie. Ik zie jullie reacties graag tegemoet.

Simon Prins

Please see the attached study from 25th March 2020 relating to the prevention of predatory behaviour in ex-racing **greyhounds** - so dogs with a strong prey drive. There are several advantageous parts to the study, which is in essence a questionnaire and interview analysis of 84 and 12 'expert' respondents respectively.

Please see the following, relevant citations (in bold) from the study along with a brief note on their significance.

1. **"Experts generally agreed that PB [predatory behaviour] is self-rewarding and unrelated to aggression of any kind"** This is beneficial, since by seeing predatory behaviour (for which e-collars are most commonly sought and used) as being distinct from 'aggression motivated behaviours', it calls into question the validity of using obedience or protection training-based studies when evaluating the impact of e-collars for predation. In short, a military dog (Schilder & Van Der Borg, 2004) is operating under different motivational 'drives' (such as trained defence) to a predatory dog, which is carrying out a self-rewarding behaviour pattern, meaning that the observed results are likely to differ based on motivational states. Saying 'dogs yelped during obedience training', does not and cannot guarantee that the same dogs would yelp during predatory behaviours.
2. **'When asked whether it is possible to prevent PB in dogs with a history of engaging in it, experts who used only positive, reward-based techniques were typically (but not exclusively) more pessimistic about preventing PB than experts who incorporate both aversive and reward-based methods into their training practices'** Very powerful statement with experts themselves admitting the limitations of reward-based training. When we look at the APGAW published report regarding livestock worrying <https://csjk9blog.files.wordpress.com/2017/11/apgaw-livestock-worrying-report-2017-1.pdf> we can see that when it comes to training, the advice is clearly at odds with these findings: "It is clear from the information APGAW has previously received that it is not always easy for people to [find a reputable dog trainer who uses reward-based methods](#) or easily access appropriate professional help at an early stage with their puppy or

dog. More work needs to be done in a coordinated way across animal welfare, dog and veterinary organisations to ensure the public is aware of the need to use, and how to locate, a qualified expert be that for one-on-one or class preventative training of their puppy or dog or remedial behavioural help.”P14

3. **“Predatory behaviour in companion dogs is a common problem, with 24% of respondents in a survey of over 3000 dog owners in the United Kingdom reporting that their pet dog has previously bothered livestock, wildlife or other animals like cats. RSPCA 2018”** With an estimated 9 million plus dogs in the UK (source PFMA and PDSA PAW report 2019), this suggests that more 2 million dogs in the UK represent a threat to other animals and livelihoods.
4. **“Aversive training methods, such as e-collars, may successfully reduce PB, as demonstrated in one study (Christiansen et al; 2001a) however, this risks creating a highly anxious and potentially unpredictable dog (Schilder and Van Der Borg:2004) [see 1 above]. It is also contrary to the practices of many GAPs [greyhound adoption programmes] which do not support the use of aversive training methods.** Here we see quite clearly, that a workable solution is rejected due to the philosophy of the charities. The ‘risks’ mentioned refer to a ‘protection-training’ study and bear no correlation whatsoever to predatory behaviour modification. I note that only Christiansen is cited, whereas several other authors confirm successful use of e-collar for predation without such risks.
5. **“Anecdotal reports by dog behaviour experts indicate that it may not be possible to prevent PB expression using reward-based techniques, and that environmental management is the only reliable solution”** In essence, subjecting the dog to a life of prison-guard style confinement, restriction and prevention is the ‘positive’ solution ... Although the 2018 PDSA PAW report states:
"89% of veterinary professionals agree that the welfare of dogs will suffer if owners are banned from walking their dogs in public spaces (e.g. parks, beaches) or if dogs are required to be kept on leads in these spaces" <https://www.pdsa.org.uk/media/4371/paw-2018-full-web-ready.pdf>
6. **“One expert mentioned that frustration would inevitably accompany successful management of highly predatory dogs, since they would be prevented from engaging in a behaviour they were strongly motivated to perform. This participant felt that this would represent such a poor welfare outcome for the**

dogs that it would negate any beneficial effects of preventing PB” Again confirming the point in 5 above. Prevention via management generates frustration - itself a highly aversive state. E-collar training however, avoids frustration by directly removing the ‘motivation’ through direct consequence. Nothing else can do this at distance.

7. **“They [the experts] agreed that the instinctive nature of PB means that this exposure [exposure to small animals and rewards for not chasing as a puppy] would not be a hard and fast guarantee that the dog would never engage in PB as an adult”** essentially, a dog cannot be ‘cured’ of chasing, simply through ‘exposure’ as a puppy to animals it would like to chase and rewarding it for not doing so - Dogs Trust follow this flawed and unproven philosophy.
8. **“Individuals who reported using only positive, reward-based, methods, were less optimistic about the possibility of permanently preventing PB expression in dogs than the four individuals who reported using punishment in conjunction with rewards .. One expert who relied only on reward-based methods reported having successfully helped to prevent PB in a dog after an extended rehabilitation period of approximately one year”** One year. Even when conducted by an expert, their (unproven) success took one year. How long would this take a non-expert and to what degree of success?
9. **“The only evidence investigating predatory behaviour in dogs used e-collars as punishment when dogs chased sheep (Christiansen et al; 2001a,b,c). This research found that e-collar use reduced sheep-bothering during re-testing one year later”** Very scantily researched. There are multiple such studies.
10. The authors recommend further studies to **“Understand whether there is a truly negative welfare outcome for dogs who want to give chase, but cannot”**
11. **“The dog experts who took part in this study were generally pessimistic that it would be possible to prevent PB in dogs using only positive, reward-based methods, but some felt that incorporating some aversive punishments in conjunction with rewards may be more effective. Since this is counter to many GAP policies, we recommend that GAPs rigorously and systematically examine the effectiveness of their current rehabilitation programmes”**
12. **“Any rehabilitation that is undertaken must consider the welfare needs of the dog, including the presence of an extremely high level of frustration or anxiety resulting from an**

inability to engage in PB. The welfare of the target animals must also be a primary consideration”

13. **“The limited existing scientific evidence of PB in other contexts, and the opinions of several self-nominated dog behaviour experts, suggest that punishment with e-collars or citronella collars, combined with rewarding desired behaviour, is the most effective treatment for discouraging PB in dogs. GAPs generally do not intend to incorporate aversive techniques into their rehabilitation programs, but can take heart in the fact that these existing studies demonstrate that PB can be deterred, at least in some circumstances.**

Comments on the term ‘aversive’

The electronic collar is unjustifiably vilified more than any other training aid not because of the harm it has done, but because of how it has been portrayed. Emphasising words such as ‘electric shock’ and ‘shock collar’ is far from accidental in the speech and writing of those who wish to see electronic training aids banned. Their deliberate inclusion exists to elicit a visceral response in the naïve or ignorant audience, who instantly visualise their own experiences or exaggerated imagery in relation to (usually incomparably powerful) alternative examples of electric shock. The speaker or author knows, that if powerful emotions dominate, truth and reason will struggle to compete and are often met with adamant and repeated rejection from the reader, in favour of ‘trusting the gut instinct’.

No finer example of this truth in action exists, than in the refusal of decision makers to actually ‘experience the collar’ or observe it’s use under qualified supervision; to meet the dogs – the alleged ‘victims’. Instead, absolute faith is placed in what has been told, and (despite it being notoriously inconclusive) ‘science’ is presented as being the unquestionable master of experience. More accurate terminology, such as ‘electronic pulse’ or ‘electrical stimulus’ causing ‘localised tissue stimulation’ from ‘as little as 1/25th of a second’, often used at levels ‘imperceptible to human touch’ would undoubtedly fail to secure the public revulsion required to support a clear and pressing rush to ban, indeed it would likely be counterproductive – as would having the decision maker directly experience the product. Both are to be avoided in the construction of a convincing narrative.

Aversive

This is another word that is very often misunderstood*. An aversive is simply: “A stimulus or context that the animal learner would work to avoid or remove”

Yet many scientific papers and academic opinion pieces practise ‘lumping’ all aversive stimuli together. A fraction of a second of electronic stimulation is treated no differently to a punch, a kick, yelling at, pinning to the ground or otherwise striking the dog – all are considered to be ‘aversive’, with the common, incorrect assumption that ‘aversive equals harmful’; it does not.

As Perone (2003) states in the paper *The Negative Effects of Positive Reinforcement*:

“There is no mention in these definitions of pain, fear, anxiety or distress, nor should there be”^(a)

Individual perception defines the aversive nature of a thing, not the thing itself.

That which an animal will work to avoid in one context, will often be completely ignored and clearly inconsequential in another, even at far greater intensities. The low stimulation of an electronic training collar, the buzzing of a vibration collar or the hiss of a spray collar are no different. Each is capable of violating the accepted qualities of ‘an aversive stimulus’ depending on the genetics, learning and environment of the subject dog – its individuality. Likewise, those stimuli (or tools) which the inexperienced or ignorant decision maker might consider ‘less’ or ‘non-aversive’, such as head restraints, muzzles, vibration-only collars or mild leash pressure, are often perceived (and undeniably observable) as being *highly* aversive to the dog by comparison.

Video

[1] GSD response to vibration versus point of perception electronic stimulation
<https://youtu.be/WpGVPvwZxMg>

[2] Labrador response to head restraint
https://youtu.be/g_5pazGRo0E

[3] Challenging the notion that an electronic collar is inherently aversive.
<https://youtu.be/F-LwpbtsXSE>

[4] Environmental influence – young GSD in presence of sheep, maximum electronic stimulation
<https://youtu.be/IRE7au9AP2k>

It is important to understand that there is no such thing as a universal aversive; even death (arguably the greatest aversive in life) is sought by some, and risked by thrill seekers. It is equally important that decision makers do not commit to the false belief that an aversive stimulus or experience is by definition unjustifiable, inhumane or anti-welfare. Indeed, there are many instances where it must be accepted that a ‘negative experience’, a startle or brief moment of discomfort or pain is *absolutely* justifiable on ethical, humane and legal grounds. A horse that is kept from posing a danger to itself and motorists

through the experience of briefly touching electric fencing, is no more or less deserving of such reliable 'aversive' protection than the dog that might do the same. The fox who avoids the chickens through contact with electric poultry netting is no more or less deserving of such mutual protection than the dog who avoids deer, cats, sheep or other vulnerable animals through the receipt of brief, associated stimulation with an electronic training collar.

The globally-used, veterinary supplied and endorsed 'Elizabethan collar' is undeniably aversive to the dog, to the point of prolonged distress and known injury, yet it is accepted as being in the best long-term interests of the animal and the family.

"Elizabethan collars themselves might have negative welfare impacts in a range of domains including nutrition, environment, health, behaviour and mental state'^(b).

There are many instances where the innate or learned (conditioned) avoidance of a 'thing' or 'context' perceived as aversive, serves to preserve and promote welfare, indeed it is difficult to imagine a behaviour we perform or adjustment we make, that isn't (to some degree) influenced or governed by the avoidance or removal of an aversive of some kind, whether perceived or real.

(a)

https://www.researchgate.net/publication/223960201_Negative_effects_of_positive_reinforcement

(b)

https://www.researchgate.net/publication/339424007_The_Cone_of_Shame_Welfare_Implications_of_Elizabethan_Collar_Use_on_Dogs_and_Cats_as_Reported_by_their_Owners

*I believe from recollection, that High Court Justice Morris asked for clarification as to the meaning of the word 'aversive' during the initial stages of the judicial review

Comments of Jamie Penrith on the list of 27 documents sent by the Minister to Dutch Parliament on 20 September:

What follows is an objective overview of several published scientific papers including review papers, relating to canine behaviour and welfare, specifically in respect of electronic training aids (ETA's). This overview seeks to establish the strength of the existing behavioural literature in justifying *absolute* conclusions regarding ETA's, and to determine whether such works have been presented for the consideration of decision makers in their entirety – therefore honestly and objectively – or whether they have been presented in such a way as to favour a particular agenda.

- **Carter S.L; Wheeler, J.J; 2005; Considering The Intrusiveness Of Interventions; International Journal of Special Education**

This paper does not relate to the training or behaviour of dogs, but instead to children with learning needs. It is aimed at school psychologists and seeks to:

“Promote the least intrusive but effective interventions for students displaying behaviour problems.” P137

We must acknowledge that – when considered from the perspective of dog – ‘least intrusive’ does not necessarily mean *‘that which the human caretaker might prefer’*, but rather *‘that by which the dog derives maximum welfare benefit, whilst reducing the probability of further harms or avoidable intrusion to the dog; the family; and broader society in the most efficient manner’*.

The paper states:

“More intrusive procedures could be warranted” P139

And

“The justification of interventions, especially those involving intrusive procedures should minimally include an accurate assessment of the maintaining variables associated with the behaviour, an evaluation of the severity of the problem behaviour including potential harm to self or others, and a risk versus benefit analysis of specific procedures to reduce the problem behaviour.” P140

“The more severe the problem behaviour, the more justification there is for more positive interventions” P140

Whilst the psychology of learning and behaviour share many common components between animal species, one must be very cautious on relying on progressive advances in procedures relating to children with learning impairments and the domestic dog. Aside from the obvious ‘species’ differences, we must not lose sight of the fact that it is considered socially permissible to kill dogs where ‘preferentially less-invasive’ treatments have failed, and that veterinarians will willingly do so to ease the stress of the owner. Dogs have a far shorter lifespan, and social and legal expectations demand rapid adherence to set criteria, offering little sympathy to owners of ‘problematic’ dogs who are patiently trying ‘least intrusive’ approaches for behaviours where *“more intrusive procedures could be warranted”*.

This work has been cited and used By Dr Susan Friedman – A former child psychologist who has since switched to applying child psychology to non-human animals. Dr Friedman’s article **What’s Wrong With This Picture? Effectiveness Is Not Enough** (available online) places the emphasis of intervention away from ‘effectiveness’, towards ‘related intrusiveness’, with the

legal-proceedings terms 'dogs and owners', being instead referred to as "*Learners and caregivers*".

- **Beerda et al; 1997; Behavioural, saliva cortisol and heart rate responses to different types of stimuli in dogs; Applied Animal Behaviour Science**

This study looked to compare the response of 10 dogs in an experimental setting to 6 stimuli: Pushing a dog down; Pulling a dog forward; opening an umbrella; a falling bag; a loud air horn and an electronic collar stimulation. Observable responses, along with salivary cortisol and heart rate were used to evaluate responses.

The electronic collar used is no longer available and was used *against* present day advice from manufacturers and experienced trainers. The collar was applied 15 minutes before and removed 10 minutes after the experiment itself, making associative conditioning between the wearing of the collar more likely than when current procedures are followed. The collar was activated at an undisclosed intensity – level 8/15 – and without affording the dog any clear predictability signals or controllability (avoidance) behaviour options. In short, the 'test' procedure was not to determine whether an ETA can be used proportionately, humanely and effectively; but rather whether an unexpected and (likely) startling stimulus can elicit responses attributable to a negative experience in the dog.

The study revealed that **'oral behaviours' and 'body shaking' were more common in the stimuli which were directly associated with a human experimenter** (push, pull and umbrella)*. A 'very low body posture' was seen only in some dogs, and was seen more in the air horn (sound blast) and "to a lesser extent in electric shocks and a falling bag" P374

*The fact that the dogs displayed 'body shaking' more often in relation to the handler-delivered stimuli is described as presenting "some difficulties regarding their interpretation". The authors suggest a couple of unsubstantiated - and to be honest far fetched – possible explanations for the body shaking being seen more often towards people, namely that (a), it was not 'stress' at the stimulus, but rather 'relief' at the departure of the human associated with delivery (one and the same thing), and (b) that the dogs' body shaking "may have functioned to rearrange the dogs' coat when this had been disturbed by human action".

'Significant changes' in salivary cortisol were seen in response to the sound blast, and with all stimuli "Normalisation of the cortisol levels always occurred within 60 min following the administration of a stimulus" P375.

In terms of relationship between observable behaviour, salivary cortisol and heart rate, "None were found that could be considered more than coincidental" P376. Equally, the experimenters found "no indications that increased vocalising or panting signals acute stress in dogs" P377. This is interesting when we consider that vocalisation and cortisol/behavioural correlations were used by Cooper et al (AW402a) to determine a welfare concern.

The study also states that "It cannot be totally excluded that the reported responses to electric shocks are influenced by experimental design" P379.

Schalke et al; 2006; Clinical signs caused by the use of electric training collars on dogs in everyday life situations

This study has already been covered in a previous synopsis. Briefly, 14 laboratory bred beagles were tested for their response to ETA's in respect of chasing a dummy prey animal.

The study reaffirmed what others had already found, namely that ETA stimulus – when associated with a specific and identifiable behaviour or environmental stimulus – thereby allowing for predictability and controllability in the dog – can be both effective and does not automatically represent a significant welfare risk.

Steiss et al; 2006; Evaluation of plasma cortisol levels and behaviour in dogs wearing bark control collars; Applied Animal Behaviour Science

This study compared a sample of 24 dogs, wearing either an electronic bark collar, a lemon spray collar or no collar (control) to evaluate efficacy and welfare effects over a two-week trial period. The study concluded that “the collars effectively deterred barking without statistically significant elevations in plasma cortisol compared to controls at any of the time points measured.

The study was funded in part by an electronic collar manufacturer.

Overall, K; 2007; Why Electric Shock is Not Behaviour Modification; Journal of Veterinary Behaviour

This is not a scientific study, but rather an editorial piece, written by a proudly outspoken critic to ETA's and the use of aversive measures in behaviour change programmes. Overall herself states in the opening paragraphs

“In 1999 I wrote a letter, published in the Australian Veterinary Journal (Overall 1999) deploring shock I did not and never have supported shock for teaching or helping animals”

Overall goes on to claim that any use of electronic stimulation is “Intended to stop a specific behaviour that is deemed undesirable”, which either fails to grasp or rejects the differentiation between positive punishment – to reduce a behaviour – as she reports here, and negative reinforcement – to encourage a behaviour, both of which can be accomplished through the use of ETA's.

She further states that “obedient dogs can be quite distressed and can suffer from profound anxiety while complying with a request”, but fails to consider whether ‘disobedient’ dogs fair any better, certainly with regards to surrender to shelter and euthanasia outcomes. (O’Neil et al; 2018) report that ‘undesirable behaviours’ are the third biggest cause of death for dogs under the age of 3 in the UK.

Overall's clear, personal bias continues throughout the paper, where further unsubstantiated assumptions and seemingly exaggerated, absolute statements are made:

“If those recommending electric shock do not understand normal canine behaviour and signalling and have little respect for the welfare and cognitive needs of dogs”

“Flexi leads are formulae for teaching unschooled or unmannered dogs to fail on a lead”

“Any dog who stops responding is experiencing learned helplessness, not obedience”

“Researching this editorial made me viscerally ill”

“we can interrupt the cycle of violence so many have perpetuated”

Overall does make a point throughout this editorial, certainly when we consider criticisms of particular training methods or tools where ‘working dogs’ are studied:

“Because handler capabilities are a confounding variable when evaluating working dogs, collecting the data about whether aversive training actually affects abilities of successful dogs to work is likely to be difficult”

Lines, J,A; Van Driel, K; Cooper, J,J; 2013; The Characteristics of Electronic Training Collars For Dogs

In this paper on behalf of DEFRA in the UK, 13 ETA’s were tested to ascertain electrical characteristics. It is worth noting that the “advice and assistance of Emma Blackwell, Rachel Casey and their colleagues” is acknowledged. Both Blackwell and Casey work with Dogs Trust, an organisation with a well-publicised agenda to see ETA’s banned.

It is interesting to read that, although

“peak voltage varied with the impedance, from 6000v .. to 100v. The highest voltages were generated for a few millionths of a second.”

“The highest voltages are present for only a few microseconds, and do not indicate an obvious welfare concern”

Arnott et al; 2014 Environmental Factors Associated with Success Rates of Australian Stock Herding Dogs; plos one

This study looks at management practices in Australian stock herding dogs and whether the practices and handler characteristics are factors in the success of the dogs (see Overall last comment above).

The study includes ETA use and attempts to attribute partial failure rates as working dogs to the inclusion of ETA’s by the handlers.

Out of 812 dogs:

759 did not have e-collar use reported

53 did

790 handlers did use positive reinforcement

22 did not

Of the dogs which did not go on to become successful working dogs:

80% were listed as ‘no drive’ or ‘temperament problems’

10% health and fitness

9% Training

The study is highlighted in areas which appear cherry-picked to support an 'anti ETA' objective, however it is interesting to note that the following statement is *not* highlighted:

"The current study cannot confirm that the use of e-collars causes dog training failure. The respondents may be resorting to aversive training techniques when experiencing performance problems with their dogs arising from other factors" (P11)

The study fails to account for why, when and how ETA's are reported to have been used; In what sense, with what outcome and by whom? Without these key criteria being satisfied, any link between ETA inclusion and success as a working dog would appear nothing more than coincidence.

Salgirli et al; 2012; Comparison of learning effects and stress between 3 different training methods (electronic training collar, pinch collar and quitting signal) in Belgian Malinois Police Dogs

This study looked at the use of the above, three methods of causing a dog to refrain from biting the sleeve of a human decoy using 42 police dogs. The quitting signal was simply a verbal word, associated with frustration as a result of being paired with 'loss of reward' – or 'negative punishment' – such as any 'signal' which indicates a 'time out' or 'not leaving the threshold and closing the door' for over-enthusiastic dogs.

"The electronic collar induced less stress and had a stronger learning effect in comparison to the other methods .. It was also noted that quitting signal was markedly stressful in dogs."

The study demonstrated that ETA's were successful for 39 out of 42 dogs at the dog 'abandoning the wrong behaviour'. Whereas only 32 of 42 dogs did so with the pinch collar and only 3 out of 42 for the quitting signal.

The study serves to highlight the fact that ETA's are particularly effective at stopping undesirable behaviours in dogs when they are in a state involving strong competing motivation (as per Schalke et al, 2006).

"4.8% of the dogs exhibited "extreme lowering of body posture" as a reaction to the pinch collar, while this reaction was observed in none of the dogs using the electronic training collar".

As per Cooper et al, 2014, cortisol levels were higher in the dogs which did not wear ETA's:

"The highest cortisol levels were measured after the administration of the quitting signal".

Perhaps one of the most noteworthy findings of this study is the fact that it may not be physical, but rather psychologically aversive or punitive states in dogs (such as frustration) that lead to more stressful and thus potentially welfare-compromising states. The aversive nature derived from difficulty in discerning task requirements is well documented; with studies as far back as the early 20th Century demonstrating an induced state known as 'experimental neurosis' in dogs, which is highly detrimental to wellbeing.

"even dogs on which the quitting signal had learning effect exhibited clear stress related behaviours. This point is noteworthy since this result raises an important question about

whether psychic stressors such as frustration and uncertainty produce more stress than the physical exposures in animals.”

This throws into question training procedures involving long-duration restraint and avoidance of undesirable behaviours through the use of physical restraints or isolated exercise, in favour of direct, clear consequence-based requirements. Although a particular ‘choice’ might seem morally preferable, it potentially fails to acknowledge and accommodate the natural requirements of the dog, thereby compromising welfare.

Deldalle.S; Gaunet.F; 2014; Effects of 2 training methods on stress-related behaviours of the dogs (canis familiaris) and on the dog-owner relationship; Journal of Veterinary Behaviour

A scant paper, looking at two training classes in which dogs were trained through either positive or negative reinforcement to perform just two behaviours; walking on lead and ‘sit’.

“Interestingly, only 3 dogs performed avoidance behaviours during the sit command in the group of dogs trained with the negative-reinforcement based method. This method does not, therefore, appear sufficiently stressful for the dogs to induce any attempt to escape or avoid the situation. Consequently, in that group of dogs the relationship of the dog towards its owner does not appear to be strongly affected: there is no apparent distrust of the owner by these dogs.

Rooney, N.J.; Cowan,S.; 2011; Training methods and owner-dog interactions: Links with dog behaviour and learning ability; Applied Animal Behaviour Science

A owner-survey based paper, which also involved video recorded observation in the home environment by a single experimenter. The paper acknowledges the fact that this therefore, opens the door for the possibility of experimenter bias. Rooney is an independent consultant to the RSPCA and the University of Bristol works in collaboration with Dogs Trust, both of which have a well-publicised agenda to ban ETA’s and any ‘aversive training’ involving dogs.

Interestingly, the survey asked questions relating to just 7 ‘common tasks’, 2 of which were post-incident response questions – “when the dog had stolen objects; when the dog had chewed things.” These questions do not indicate whether the context was considered, for example, a dog stealing or chewing medicines or electrical cables would elicit a stronger and more understandable response from the owner, than a dog stealing or chewing socks, tissues or biscuits, or perhaps a teething puppy. Likewise, a dog which ‘steals’ to engage in play or as a genetic predisposition towards carrying/retrieving is unlikely to elicit the same response as one which does so and subsequently guards the item with threat displays. The reported success of each owner’s chosen approach in respect of the relevant behaviour is also missing. In terms of observed behaviour, the dogs are marked according to their sociability towards strangers, response to play and their ability to identify 1 out of 2 wooden spoons – a basic targeting task associated with free shaping and marker training. If the owners did not involve themselves with such aspects of training for fun or specific function, then they would have no reason to understand the processes involved and would likely fair worse than those who did so as a result. Busy families, physically impaired or elderly owners may have neither the time nor inclination to investigate and apply such techniques, yet they

might still provide a suitable home and life for their dogs. Equally, many dogs are not play-oriented or gregarious in nature.

The researchers themselves state:

“one must be careful about drawing discrete conclusions about either dog or owner from this study. Significant findings are best interpreted as indicative of differences between dog-owner relationships rather than attributed to cause and effect.”

However, they appear to contradict themselves in the same paragraph by further stating:

“This supports the popular idea that the best way to build a dog-owner relationship which encourages effective learning is to adopt a reward-based, playful yet patient approach to training.”

The preceding statement omits clarification as to the contextual interpretation of ‘effective learning’ in societies where patient, playful approaches to training, about cultural expectations and impatient, legal insistence.

The authors appear to have a narrow view of the concept of welfare; namely that a willingness to approach a stranger, play with their owner, and touch the correct wooden spoon in a living room is sufficient to conclude ‘enhanced learning’ and a ‘balanced healthy dog-owner relationship’.

“this observational study suggests that, for dog owners, the use of reward-based training appears to be the most beneficial for the dog’s welfare, since it is linked to enhanced learning and a balanced healthy dog-owner relationship.”

Finally, it is worth noting that the acknowledgements include Emily Blackwell – Dogs Trust senior lecturer at University of Bristol, and Dr Sam Gaines – RSPCA head of companion animal welfare. Both organisations STRONGLY oppose ETA’s and aversive interventions publicly; Interestingly however, Dr Gaines accepts that in certain contexts, ETA’s can be used humanely and effectively (personal discussion, 2019).

Masson, S.; Nigron, I. Gaultier, E. 2018; Questionnaire survey on the use of different e-collar types in France in everyday life with a view to providing recommendations for possible future regulations; Journal of Veterinary Behaviour

Essentially, this is an owner questionnaire which looked to gain an insight into the prevalence of ETA use in an unregulated country (France). Of 1,251 owners recruited, (178) 14.2% reported having used handheld ETA’s – more than anti-bark or containment fence collar users with a total figure of 330 recruited users.

It is worth comparing the findings of this survey with those of the current survey running at www.joinardo.com, which looks *only* for completion by actual users of ETA’s, past and present.

Number of users:

France 330

ARDO 686

Main reasons for use (handheld ETA)

France:

Chase 37%

Recall 31%

ARDO

Chase 50%

Recall 26%

Effects of use*

France: 25% increase in 'normal behaviour'

Excessive excitement reducing to 7.6% from 27%

ARDO: 92.5% 'Solved problem'

99.1% No negative effects

41% believe ETA use 'saved life of dog'

36% believe ETA use prevented permanent confinement

How was ETA used

France: 28.2% professional advice

ARDO: 75% with professional supervision

81% combined with reward training

*Again, as per Overall (2007) "Any dog who stops responding is experiencing learned helplessness, not obedience", the authors here also state that the reported improvements in behaviour following ETA use

"could be interpreted as a success due to EC training but could also be explained by learned helplessness."

Given the requirements to induce a state of learned helplessness (Seligman) in a dog, and considering that 57.8% of owners reported administering '5 shocks or less', it is most improbable that an almost catatonic, hopeless state of non-responding to any cause or consequence is attributable to reported behaviour improvements here. The authors continue with this unsubstantiated causation, yet take the tale of possibility further still, in stating that

"This situation is very likely to happen when EC training is done by unqualified handlers, which is the case under real conditions. This represents a major welfare issue and should be a good reason for avoiding the use of positive punishment training."

So it seems that the 'major welfare concern' is not simply ETA's, but 'positive punishment training' per se; based upon no scientific confirmation whatsoever, but on tenuous links and possibilities.

“The high number of physical wounds observed in our work (7%)” is a further example of the popular (but unfortunate) tendency amongst many behavioural scientists to isolate and present minority percentages in a majority manner. If seven percent is a ‘high number’, then we must ask ourselves ‘*in comparison to what?*’ Since the remaining ninety-three percent is clearly higher.

Furthermore, the authors claim that “It seems impossible to use EC’s [ETA’s]” whilst following the European Convention for the Protection of Pet Animals treaty not to force an animal to exceed it’s natural strength or capacities via artificial aids ‘which cause injury or unnecessary pain, suffering or distress’ and is detrimental to its health and welfare. Indeed, this statement shows a distinct lack of understanding as to the professional use of ETA’s, incorporated into a holistic, ethical, proportionate and necessary behaviour change programme, designed to instil, promote and protect welfare.

It is concerning and potentially libellous** to note that the authors state:

“In our survey, BAC [bark activated collars] appears to be the least efficient and the most injurious collar (10.7% [16/149 of dogs were burned]).

**Orion pet products and Innotek Australia versus RSPCA (Victoria) inc (2002). Claimants were awarded \$100,000 following an RSPCA claim in 1999, that an ETA was capable of causing a burn to a dog’s neck. It was proven in court that ETA’s were incapable of causing burns.

The conclusion of this survey, somewhat confusedly states that “These 2 collar types [bark and handheld] should be banned because there are no data to suggest that they are better than other methods and there are data that they risk the dogs’ welfare” .. Further down .. “EC should not be used in everyday life without regulation.” .. And then .. “In the current survey, 78% of questioned owners ask for a better regulation of ECs. This seems to be a much needed and achievable goal that will restrict access to devices (e.g. through the internet).”

ENDS

Not to be copied or shared in part or in whole without prior consent.

APPENDIX D

Ministry of Agriculture,
Nature and Food Control

Address

etcetera..

Handled by: Mr. P.

Bours

Ref: DGA DAD

20163731

>return address postbus 20401 2500 EK The Hague

HELEX Advocaten
Attn. Mrs. M.H.J. van der Tol
Hofplein 20
3032 AC Rotterdam

Date: 2 Juli 2020

Regarding: comments on your letter of 5 June 2019

Dear Mrs. Van der Tol,

To close the complaints proceedings I promised you during the meeting of 5 June 2020 to give you a reaction to your letter of 5 June 2019 as well as to the documentation you provided for said meeting before the internet consultation regarding new legislation relating to the upcoming ban on the use of power surge equipment on dogs.

It is important to acknowledge that the Law on Animals requires that further regulation based on that law fully respects the consequences that such further regulation has for the intrinsic value of the animal, notwithstanding other justified interests. This prevents a violation of the integrity or the welfare of the animal, beyond what is reasonably necessary and ensures the care that animals reasonably need.

In the course of elaborating a possible exception on the prohibition to use power surge equipment in relation to the intrinsic value as incorporated in the Law on Animals the underlying thought was that unqualified use would constitute the larger risk of damaging the welfare of the animal. The estimation was that setting certain conditions would create

sufficient guarantee to prevent abuse and violation of the welfare of the animal and would ensure that the intrinsic value of the animal would be respected.

In the course of elaborating the exceptions on the prohibition to use power surge in collaboration with several stakeholders, it became clear that sufficient expertise does not prevent the risks of damaging the welfare of the dog.

In theory it is possible to use power surge equipment on dogs in a responsible way by using the exact amount of power intensity at the exact right time. However, choosing the exact amount of power intensity depends on the following factors that cannot be controlled by knowledge or ability: weather circumstances such as heat, rain, sun rays and humidity, specific features of the dog such as the thickness of the fur, humidity of the fur, thickness of the skin, subdural fat tissue and the sensitivity for pain.

In view of the variety of factors and the fact that a number of factors depend on the moment, it is, due to the external factors, in practice almost impossible to choose the right intensity even having sufficient expertise and ability.

Furthermore, during the elaboration it appeared that it is possible to train dogs well without power surge equipment.

This is confirmed by experts in the field of dog training such as the head of the dog training department of the Airforce, the head of the dog training department of the German police in Nordrhein Westphalia, various Dutch dog trainers who work with dangerous dogs and hunters.

A general exception on the use of power surge is based on the aforementioned reason not necessary and would not sufficiently ensure the welfare of the animal and would not sufficiently respect the intrinsic value of the dog.

Furthermore, to my knowledge there are no recent relevant scientific articles, published in authoritative scientific magazines, that provide evidence that the use of power surge training equipment lead to better results than positive reinforcement, or scientific articles that give evidence that the use of power surge is necessary to achieve well trained socialised dogs, simultaneously respecting the welfare and fully observing the intrinsic value of dogs. Even the articles referred to by you, such as T.J. Howell and Bennet, do not indicate this necessity. Other, non aversive solutions are available in case non aversive training does not lead to the desired result.

On the other hand, there are sufficient scientific and published researches on dogs that provide evidence that the use of power surge equipment leads to tension related behaviour and lowering posture of the dog or worse. These expressions are a clear indication of stress, pain and fear (Schilder & Van der Borg 2004, Cooper et al. 2014). Also, the overview article of the European Society of Veterinary Clinical Ethology (Electronic training devices: discussion on the pros and cons of their use in dogs as a basis for the position statement of the European Society of Veterinary Clinical Ethology, Sylvia Masson et al.) in the Journal of Veterinary Behaviour refers to numerous researches that have been conducted in this field.

Your argumentation and the consideration based on it to continue to allow the use of the power surge collar could be valid if only the safety of the human, other animals and the dog are taken into account.

The consideration of the Minister is different and is based on the intrinsic value of the animal itself. Other, non aversive solutions are available in case non aversive training does not lead to the desired result.

The above mentioned has led to the decision of the Minister to introduce a general ban on the use of power surge equipment.

I will forward your views and the related argumentation to the Minister. Also, during the internet consultation everyone can still give his/her reaction to the proposed Decree.

Sincerely,

L.E.M. Hendrix

Director Animal Agrochains and Animal Welfare

Decree of , pertaining to an amendment of the Decree Keepers of Animals due to an amendment of the ban of the use of power surge devices

(17 June 2020)

We Willem-Alexander, by the power of God, King of the Netherlands, Prince of Oranje-Nassau,
etc. etc. etc.

Based on the proposal of our Minister of Agriculture, Nature and Food quality, Nr.

WJZ.....;

In view of article 2.1, section three and five, of the Law on Animals;

Heard the Advisory Department of the Counsel of State (advise of..... Nr.);

Having seen the further report of our Minister of Agriculture, Nature and Food quality of
....., Nr. WJZ.....;

Have given our consent:

Article I

To article 1.3 of the Decree Keepers of Animals the following section after g. will be added:

- h.** the use of devices suitable to administer power surges to a dog, with the exception of:
 - 1°.** their use in the professional performance of veterinary medicine interventions;
 - 2°.** their use in the performance of the duties of the police or police duties of the Royal Netherlands Marechaussee, referred to in Article 3 and Article 4 of the Police Act 2012 or in the performance of the duties of the armed forces, referred to in Article 97 of the Constitution, insofar as the purpose intended for that use justifies this and this purpose cannot be achieved in any other way;
 - 3°.** The use of electronic containment.

Artikel II

This Decree will enter into force on 1 July 2021.

Ordering that this Decree and the accompanying explanatory memorandum will be published in the State Courier.

Minister of Agriculture, Nature and Food quality ,

EXPLANATORY MEMORANDUM

3 June 2020

1 Introduction

Electric shock equipment is used structurally in training dogs for certain sports, such as hunting and catching work, in training police dogs, and to unlearn undesirable behavior on the part of their dog, such as jumping up and not wanting to listen. Electric shock equipment is also used as an anti-bark collar. However, the use of electric shock equipment carries a high and irreconcilable risk of causing pain or injury or harming the animal's health or well-being, both in the short and long term.

Equipment that can produce electromagnetic signals or radiation can also cause pain or injury to dogs. For this reason, it was decided in 2018 to designate the use of equipment in animals that can emit electric shock, electromagnetic signals and radiation as prohibited behavior (hereinafter: Decree of 26 April 2018).¹⁹ The Decree of 26 April 2018 containing the prohibited behavior included an exception for the use of the equipment aimed at effecting a justified change in animal behavior in order to avoid a danger to humans or animals or to affect the animal's welfare, provided that the user of the equipment has sufficient expertise. It was estimated that the implementation of certain conditions could create sufficient safeguards to prevent abuse and damage to animal welfare. The aim was to elaborate these conditions and to allow the ban to enter into force on 1 January 2019.

The ban ultimately did not enter into force. During the elaboration of the exception to the ban, the exception was reconsidered. It was subsequently decided to amend the ban and not to include a general exception for the ban on the use of electric shock equipment. This policy change is explained below.

Before the adoption of the Decree of 26 April 2018, it was already known that the use of electricity as a training method in dogs could cause serious welfare damage. This emerged from a scientific review article.²⁰ The idea was that this welfare damage could be removed with sufficient expertise of the trainer. However, when the conditions for the exception to the ban with various stakeholders were elaborated, it became clear that sufficient expertise does not remove the risks of impairing the welfare of dogs. This is further explained in the next chapter. It also appeared during this elaboration that it is quite possible to train dogs without electric shock devices. A general exception to the use of electric shock equipment is therefore not necessary and would not sufficiently guarantee the welfare of dogs.

The present Decree amending the Animal Keepers Decree (hereinafter: the Decree) contains a ban on the use of electric shock devices in dogs. Exceptions to the prohibition are limited to use of the equipment in the professional performance of veterinary activities and use in the performance of police and military duties. The prohibition in this decree is limited to dogs and does not apply to equipment other than electric shock equipment. This policy change is explained in more detail in Chapter 3.

¹⁹ Staatsblad 2018, 146.

²⁰ S. Masson et al., Electronic training devices: discussion on the pros and cons of their use in dogs as a basis for the position statement of the European Society of Veterinary Clinical Ethology (ESVCE), Journal of Veterinary Behavior, 6 March 2018.

2 Problems relating to electric shock equipment for dogs

Risks of using electricity on dogs.

Using electrical shock equipment in a dog poses a high risk of compromising the well-being of the dog, both in the short and long term. In many cases it is a serious impairment of well-being. Electric pulses in dogs can lead to anxiety, stress, aggressiveness, phobia and permanent damage to the relationship of trust between owner and dog. A large number of scientific publications on this subject have been shared with the House of Representatives.²¹

In theory it is possible to responsibly use electric shock equipment in dogs by administering exactly the right current intensity at exactly the right time. Choosing the exact right flow intensity depends on factors such as the following: weather conditions such as heat, rain, sun rays and humidity, specific characteristics of the dog such as coat thickness, coat moisture, skin thickness, subcutaneous fat tissue and the sensitivity to pain stimuli. Given the variety of factors and the fact that a number of factors depend on the moment, it is practically impossible to choose the right intensity. In addition, it is not easy to choose exactly the right time to administer a stimulus. The Dutch Association for Instructors in Dog Education and Training has indicated that even experienced trainers are not able to unambiguously determine the exact moment of the administration of a stimulus.

Furthermore, when applying current stimuli, there is a risk that a dog will become accustomed to the stimuli and stop responding. Habituation does not mean that the welfare of the dog is no longer impaired. Because the dog is unresponsive, the operator will tend to deliver stimuli of a higher intensity, which will also increase the welfare impairment.

In principle, electric pulses in dogs are not necessary

Electric shock equipment is used in dogs, among other things, when training dogs. There is no solid scientific basis that shows that the use of electric pulses would be necessary or that it would lead to better results at all. Practice has shown that military personnel and police officers can effectively train and deploy dogs without the use of electric shock equipment. The Dutch armed forces have successfully deployed dogs in international (NATO) missions that have been trained without the use of electric shock equipment. Also, the police of the German state of North Rhine-Westphalia works with dogs that are trained without electricity. Dogs can be successfully trained with rewarding methods.

3 Purpose and main points of the decision

Purpose

The purpose of this Decree is to improve the well-being of dogs. Prohibiting electrical shock devices, with a limited exception, will increase the use of non-punitive learning methods and improve the well-being of dogs.

Legal basis

Parliamentary Papers II 2019/20, 28286, no.1066.

The legal basis for this Decree lies in Article 2.1 of the Animals Act. Pursuant to the first paragraph of this article, it is prohibited to cause pain or injury to an animal or to harm the health or welfare of the animal without a reasonable purpose or exceeding that which is permissible to achieve such purpose.

²¹ House of Representatives Documents II 2019/20, 28286, nr. 1066

The second paragraph contains a number of prohibited behaviors that are in any case included among the prohibited behaviors of the first paragraph. The third paragraph, in conjunction with the fifth paragraph, offers the possibility to designate as a prohibited behavior the use of objects that can cause pain or injury to animals or that may harm health or well-being in animals. This Decree is based on Article 2.1 (3) and (5) of the Animals Act.

Prohibition on the use of equipment that can emit electric shock.

Article 1.3 of the Animal Keepers Decree already contains a number of prohibited behaviors. The present Decree adds to that article a prohibited behavior: the use of equipment that is suitable for delivering electric impulses to a dog (the new part h).

The use of the electric shock equipment includes not only the actual application of electricity, but also the situation in which a holder lets a dog wear the equipment. Wearing equipment that the dog is aware of can produce aversive stimuli also carries a high risk of seriously compromising the animal's well-being. The animal is aware of the fact that it can be punished for something at any time. The animal is severely hindered in its physiological and ethological behavior and there is a high risk that it is in a continuous state of stress and anxiety, which entails a serious health and welfare impairment.

The forbidden behavior relates to equipment that is *suitable* for delivering electric impulses to a dog. Equipment that is out of order because, for example, batteries are missing or because the equipment has been deactivated in another way, is still considered suitable. If the equipment has previously been used as a shock device, the dog will still experience this equipment as a shock device. For this reason, these collars also qualify as suitable. Equipment that is suitable for emitting electric current and which can also produce other signals such as sound and vibrations is also subject to the prohibition.

Restriction of prohibitions to electric shock equipment and dogs.

The Decree of 26 April 2018 also included bans on the use of equipment that can emit electromagnetic signals or radiation. In addition, the prohibited behaviors in the Decree of 26 April 2018 related to animals in general. The extent to which it is necessary to prohibit the use in animals of (potentially) harmful equipment has been reconsidered when drafting the present Decree. This has led to the decision to ban only the use of electric shock devices and to limit the ban to dogs in the present Decree. This choice was made because the necessity of a broader ban cannot be substantiated at this time. It is unknown whether aversive equipment is used in animal species other than the dog. There is also no scientific literature on the use of aversive equipment in animal species other than the dog and its impact on the welfare of other animal species.

The above does not affect the fact that the use of electric shock equipment in animal species other than the dog can in a specific case be qualified as animal cruelty (Article 2.1 (1) of the Animals Act). The same applies to the use of aversive equipment other than electric shock equipment in dogs. If it turns out that, contrary to what is currently assumed, other aversive equipment is also used as a training method to replace the electric shock equipment, the use of this equipment may in a specific case still qualify as animal cruelty.

Exemptions to the prohibitions

The prohibition on the use of electrical shock equipment in a dog and does not apply to its use in the professional performance of veterinary procedures. This includes actions such as taking X-rays, CT scans, treating tumors and cardiac defibrillation. These procedures may be performed by

veterinarians and possibly other veterinarians, provided that they are legally permitted to perform certain veterinary procedures.

Furthermore, there will be no prohibited conduct if the equipment is used in the performance of the duties of the police, the police duties of the Royal Marechaussee or in the exercise of the duties of the armed forces. It is important in this respect that, taking into account the wording of Article 2.1 (1) of the Animals Act, this exception only applies insofar as the purpose of the use of electric shock equipment to perform these tasks justifies its use and the purpose does not apply to any other can be achieved in a manner. This exception is necessary for the police and Defense Department to continue to be able to properly carry out their statutory duties. In the performance of their legal duties, the police and the armed forces use dogs. Although, as mentioned above, it has been found in practice that military personnel and police officers can effectively train and deploy dogs without the use of electric shock equipment and the Dutch armed forces have also successfully used dogs that have been trained without the use of electric shock equipment, both the police and the armed forces work with dogs that have been trained with electric shock equipment.

It is not always possible to deploy these dogs without the use of electricity. It may also be necessary in exceptional situations to still use a power surge device on a dog that has been trained without the use of electricity. It is possible that a single dog, trained without electricity, will exhibit deviating behavior in the performance of its task, so that the animal can no longer be used. If the use of this animal remains necessary in the interest of the proper performance of the statutory tasks, its short-term use can be proportional.

The Ministry of Defense and the police substantiate the exception to the use of electric shock devices by means of an ethical assessment framework. In the assessment framework, a decision can be made to use electric devices for a short period of time in an individual animal after going through a number of steps, including hiring an independent behavioral therapist and a veterinarian. An independent review committee of the police and the armed forces supervises compliance with the assessment framework.

The exceptions to the prohibitions on electric shock equipment are in line with the prohibition of animal cruelty under Article 2.1 (1) of the Animals Act. Use of the equipment in the exceptional cases may cause pain or injury to a dog or impair the health or well-being of the dog. However, there is no question of animal cruelty within the meaning of Article 2.1, first paragraph, because the use in the exceptional cases, under the relevant conditions, serves a reasonable purpose and the use does not go further than is permissible to achieve the relevant purpose.

Electric fencing is exempt from the prohibition, because the welfare damage when using electric fencing is small and does not go beyond what is necessary. The term "electric fence" is not considered to be invisible boundary boundaries with which an animal can produce a current surge when crossing a certain boundary via a device mounted on the body of an animal. Such a device mounted on the dog, can namely be considered as power surge equipment because of the fact that it can generate a power surge.*+

End the use of electricity in police and defense dogs

Police and armed forces are in the process of ending the use of electric shock devices in their dogs. This path was taken several years ago. For example, the police and the armed forces have started to no longer purchase dogs that have been trained with electric shock equipment. For dogs that are already in use and which do use electric shock equipment, efforts are being made to train these animals within six years so that generic electric shock equipment is no longer required.

4 Notification

A draft of this decision will be notified to the European Commission in implementation of Directive 2015/1535.²² This Decree namely contains technical regulations. The Decree qualifies as "different requirement" within the meaning of Article 1, paragraph 4, of Directive 2015/1535, because this Decree prohibits the use of certain products. [PM: add text where necessary after notification has been completed.]

Notification will also take place by means of Directive 2006/123 / EC.²³ This is because the Decree holds rules that apply to the performance of an economic service (training dogs). It is no longer permitted under this Decree to use certain equipment when training dogs.

5. Enforcement

Those who have been designated for this purpose under Article 8.1 of the Act are responsible for supervising compliance with the provisions of the Decree. This concerns supervision that is carried out under administrative law. To enforce the regulations, an order subject to administrative enforcement and an order subject to penalty payments may be imposed.²⁴

In addition, conduct contrary to the provisions of this Decree is a crime²⁵, enabling criminal action.

6 Regulatory burden

This Decree has no consequences for the regulatory burden.

7 Responses received

A draft of this Decree has been submitted to the National Inspectorate for Animal Protection, the Dutch Food and Consumer Product Safety Authority and the police to carry out an implementation and enforceability test (UHT). The released UHTs did not give cause to amend the decision. However, the explanatory note has been supplemented on several points. [Not yet received by the NVWA - adjust this paragraph if necessary, after receipt.]

[PM: input internet consultation]

The Minister of Agriculture, Nature and Food Quality

²² Directive (EU) 2015/1535 of the European parliament and the Council of 9 September 2015 concerning an information procedure in the field of technical regulations and rules on information society services (PbEU 2015, L 241).

²³ Directive 2006/123/EG of the European parliament and the Council of 12 December 2006 on services in the internal market (PbEU 2006, L 376).

²⁴ Article 8.5 Animals Act in conjunction with article 5:32 (1) General Act on Administrative law.

²⁵ Article 2.1 (1 and 3) Animals Act in conjunction with article 8.11 (1) Animal Act.

Ministry of Agriculture, Nature and Food Quality
Attn. Director Animal Agrochains and Animal Welfare
Mrs. L.E.M. Hendrix
Postbus 20401
2500 EK The Hague
NETHERLANDS

Your ref: DGA-DAD / 20163731 (e-collar file)

Rotterdam, 4 August 2020

Attention: Mrs. Hendrix,

Re: Electronic collar, outcomes of 5 June 2020 meeting

106. Thank you for your letter dated 2 July 2020.

107. This response is sent on behalf of ECMA for the purposes of maintaining a formal, evidential and disclosable written record regarding the attempts that have been made to the Department, in particular with yourself and Paul Bours, to ensure that the Minister is provided with credible, balanced and accurate information regarding the electronic collar.

108. It is noted, for the record, that the Complaints Committee (dated 19 December 2019) upheld the complaint that participation mistakes were made by the Department. This unmistakably refers to the actions and omission of the government manager assigned to the electronic collar file (i.e. Paul Bours). Consequently, as per the recommendation of the Complaints Committee, the meeting with you on 5 June 2020 was attended by ECMA (and other concerned stakeholders) to remedy the biased misinformation provided to the Minister by Paul Bours.

Stakeholders reasonably anticipated that as the Director of the Department of Animal Agrochains and Animal Welfare ("the Department"), you would fairly and responsibly take note of stakeholder inputs which were ignored, misunderstood or set aside by Paul Bours.

109. As noted at the beginning of the 5 June 2020 meeting, a key objective was to ensure that the Minister was fully and accurately informed regarding a number of related issues including, but not limited to, the need for the products, options for retention of electronic collars as a unique training product, and the foreseeable detrimental consequences (to dogs, dog owners, and communities) resulting from a blunt ban of electronic collars.

110. Disappointingly, the content of the letter received from you as the Director of the Department, notably drafted by Paul Bours, shows a continuing closed mind to stakeholder inputs. In particular, there are three broad headings indicating a disregard for the findings and recommendations of the Complaints Committee. Those failures include:

- 110.1. the Department, via yourself, has failed to validate that the Minister has been updated and provided with the additional information given by stakeholders via you as the Director; and
 - 110.2. despite the feedback to you from the Complaints Committee noting Departmental procedural failures and the biased input of Paul Bours, your letter provides evidence of his continued, and arguably inappropriate, involvement in the file dealing with electronic collars; and
 - 110.3. the continuing demonstrable misunderstandings regarding the products, the dog-owner-community interests, and other blatantly incorrect position statements contained in the letter, strongly suggest that the meeting on 5 June 2020 did little more than provide lip service in response to the concerns upheld by the Complaints Committee.
111. Each of these three points are expanded upon further below.
112. The purpose of your letter should have been to:
- 112.1. provide a considered response to the letter of ECMA (dated 5 July 2019); and
 - 112.2. take into consideration ECMA's written submissions from the meeting of 5 June 2020; and
 - 112.3. respond with integrity to the identification of failures noted by the Complaints Committee as a consequence of Paul Bours' inappropriate use of his government position to advance his own biases.
113. However, the Departments response, by way of yourself as the Director, evidences negligible responsible consideration to the facts, evidenced rationale, and supporting materials that were provided to assist the Minister via the Department/you:
- 113.1. Notably, your letter contains a repetition of the misunderstandings and biased statements of Mr Paul Bours, enunciated in front of a room full of several disagreeing stakeholder/witnesses (13 March 2019), where, by virtue of his government position, Mr Bours declared that he had already "advised the Minister" to implement a general ban of the use of the e-collar.
 - 113.2. It follows that the failure by you to demonstrate due consideration to the stakeholder inputs provided to you at the meeting of 5 June 2020, which demonstrated the serious flaws in the views advanced by Mr Bours, is, in the opinion of ECMA, a failure to properly apply the recommendations of the Complaints Committee.
114. It is further noted that your letter provides written evidence of Mr. Bours' continued involvement in respect of the electronic collar file. It is submitted as highly inappropriate that Mr. Bours should continue to have input to the electronic collar matter, particularly given the Complaints Committee findings upholding his bias and consequent behaviour unbecoming of a government representative.
115. It is noted that your letter dated 2 July 2020 further evidences that not only have you chosen to inappropriately retain Mr. Bours on this file, but that you have entrusted Mr Bours to draft the

- reply to the outcomes of the 5 June 2020 meeting despite the fact that Mr Bours was not present during that meeting.
- 115.1. By not inviting Mr. Bours to that meeting, ECMA was under the impression that you responsibly acknowledged and applied the findings of the Complaints Committee who upheld the ECMA complaint regarding his misconduct.
 - 115.2. Your subsequent actions perpetuating Mr Bours' participation strongly suggests that Mr. Bours was only absent for the sake of formality, and still controls and determines the contents and course of this file.
 - 115.3. It further suggests that genuine regard for the full findings of the Complaints Committee has not been applied by you, and that the misconduct of Mr. Bours is demonstrably endorsed and perpetuated by yourself as the Director.
116. ECMA refers you to the 5-page **attachment** to this letter in which ECMA. In this attachment ECMA gives a substantiated reaction (with reference to relevant scientific papers and other information) to the arguments of Mr. Bours in favour of a general ban, as set out in your letter of 2 July 2020. This information is provided to you again to unequivocally demonstrate that you are in possession of balanced, accurate and comprehensive information demonstrating the gaps, misunderstandings and biases of Mr Bours which are mirrored in your 2 July 2020 letter.
117. Via this letter ECMA repeats the verbal and documented material provided to you at the meeting of 5 June 2020 where the intent of the information provided to you was to:
- 117.1. rectify misinformation and procedural failures resulting from the misconduct of Paul Bours, thereby ensuring that the Minister was accurately, fully, and properly informed, in order to:
 - 117.2. ensure that you as the Director, and consequently the Minister, could properly consider and recognise the unique role of the electronic collar and how, when properly used, it (a) promotes the well-being of the animal ("animal welfare") and (b) provides important benefits to responsible Dutch dog owners, enforcement training capabilities and the well-being of Dutch communities.
118. We note that the correspondence received from you provides written evidence that the Department's/your approach continues to mistakenly approach the animal's welfare as if it were totally separate from the dog owner and the community. It is respectfully suggested that this written verification of position supplied by yourself is illogical and contrary to animal welfare, and public safety interests as well as Ministerial responsibilities.
119. It is noted that despite the meeting with you and Mrs. Kleintjes on 5 June 2020, the internet public consultation has commenced on 1 August 2020 in absence of fair and accurate information that you are now formally in possession of. To avoid further formal avenues being considered that name you, Mrs. Kleintjes and Paul Bours, that in turn create avoidable and consequently unnecessary damage to the reputation of the Minister, ECMA repeats its respectful request that:
- 119.1. You and Mrs. Kleintjes reconsider the available facts, arguments, and materials as submitted.
 - 119.2. Provide evidence of the provision of these materials to the Minister; and

- 119.3. Immediately provide ancillary materials to the public consultation information to ensure that the public are fairly, properly and fully informed regarding critical information e.g. the proper use of a quality unique product, regulatory options for retaining the product, and the foreseeable detriments to the dog, the owners and the community as a consequence of a blanket ban.
120. To conclude please note that:
- 120.1. ECMA remains available to support the Minister in this file.
- 120.2. ECMA will provide further submissions within the context of the internet consultation; and
- 120.3. ECMA is disappointed at not being provided with an opportunity to view the draft legislative proposal and the explanatory memorandum or even the date of the internet public consultation before it opened. This is contrary to past communications standards and interactions with your Department under the management of Mrs Regeer. ECMA does hope that suitable Departmental adjustments will be made to enable the previous quality of collaborative communication to continue.
121. A copy of this letter will be sent to the Chairman of the Complaints Committee.

Sincerely,

M.H.J. van der Tol,
attorney at law

Attachment: ECMA's reaction to the arguments in favour of a general ban as set out in your letter of 2 July 2020.

SUBMISSION Part II of Electronic Collar Manufacturers Association™ (ECMA)

INACCURACIES, MISREPRESENTATIONS AND MISLEADING STATEMENTS IN THE EXPLANATORY MEMORANDUM dated 1 August 2020²⁶

122. The explanatory memorandum drafted by the Dutch government, demonstrates a litany of: **misunderstandings, fundamental inaccuracies, a lack of logic** and basic common sense which fatally undermines its credibility, and therefore the proposal contained within the memorandum.
123. The serious shortcomings of the memorandum cumulatively explain why the memorandum fails to (a) properly provide for the interests of **dogs and their welfare**, (b) assist **dog owners** in meeting their legal obligations to control their dogs, and (c) protect **Dutch communities** from avoidable risks.
124. This document critiques the explanatory memorandum in order to illustrate those shortcomings to the public, Parliamentarians, and the Minister, in anticipation that **balanced, fully and properly informed stakeholders** will retain access to the unique training capabilities of electronic training aids.

Quoted text in public consultation “explanatory memorandum”

Electric shock equipment is used structurally in training dogs for certain sports, such as hunting and catching work, in training police dogs, and to unlearn undesirable behavior on the part of their dog, such as jumping up and not wanting to listen. Electric shock equipment is also used as an anti-bark collar.

Critique: The term “shock” is incorrect and its use demonstrates the memorandum’s confusion about how electronic training aids work

125. From the outset the writer demonstrates their confusion even regarding basic terminology associated with the products.
126. Instead of utilising the terminology contained within Holland’s 2018 regulations where electronic training aids (“ETA”) are referred to as “electronic equipment”, or heeding the advice of many authorities validating that use of **the word “shock” is misleading**, (Lindsay. S.R 2005) the writer instead inserts their own emotive and incorrect terminology of “shock collar”.
127. The wording “shock collar” throughout the explanatory memorandum is highly misleading. The incorrect suggestion that ETA’s “shock” unjustifiably stigmatizes the product as a bad product and, equally incorrectly, that the use of ETA’s generally constitutes a serious and inescapable breach of animal welfare.

²⁶ Explanatory Memorandum: in Dutch: “Nota van Toelichting”.

- 127.1.** The unsubstantiated allegations in the memorandum are totally contrary to both science and the experiences of competent users. **See APPENDIX A of the cover letter of these submissions.**
- 127.2. **APPENDIX A** serves to remind the Minister, the public and Parliamentarians about cited reports showing the considerable benefits of using electronic training aids responsibly.
128. Electronic training aids do NOT “shock” a dog but rather provide immediate and consistent feedback.
- 128.1. The electrical stimulation, on low levels, merely gives an annoying sensation to the dog.
- 128.2. Medium levels interrupt the behaviour of the dog, and higher levels give a brief, startling sensation intended to inhibit an undesired behaviour.
129. The government’s file manager until 2018, Mrs. Regeer, personally tested the remote trainer on herself (17 November 2017) in a meeting with Multidog trainers.
- 129.1. When feeling the sensation (after several levels which could not be felt) she stated: **“Is this all?”** (Dutch: “dit valt mee”). This is the most common comment when people personally test and experience the sensation associated with a remote trainer under qualified instruction.
130. ECMA points out that people buying and using the electronic training aids do so because they want to help, control and protect their animal, not to subject it to abuse or cruelty. Common sense demonstrates that people who are genuinely intent on hurting an animal can use all sorts of alternative items (shoes, hands, rolled up newspaper) rather than ETAs. Consequently, there is no justification for banning electronic training aids on the incorrect assumption that there is a link between ETAs and “shock”, cruelty, or intentional abuse.

Critique: the writer does not understand the product range and has consequently given incorrect information to the public and Parliamentarians

131. The writer directs the public’s attention to “training dogs for certain sports”, then moves quickly to referencing “an anti-bark collar”, and elsewhere in the memorandum demonstrates gross misunderstanding regarding containment systems.
132. The public and Parliamentarians will note the contrasting clarity of ECMA information contained in previous correspondence to the Dutch government providing authoritative detail on relevant subjects including, for example:
- 132.1. The identification of quality products;
- 132.2. Proper use of the ETA products under qualified supervision;
- 132.3. The considerable number of safety features of quality products;
- 132.4. Explanations regarding dog behaviour;
- 132.5. Protocols for determining which training and behavioural product/system suits the circumstances of the dog, dog owner and the community (which may, or may not, identify electronic training products as the tool of choice);
- 132.6. Education material relevant to the use of handheld electronic products as distinguished from anti-bark products (which are automatically initiated by the dog’s behaviour); and
- 132.7. The use and benefits of containment systems.

133. The clarity, credibility, and balance of information provided in the ECMA submissions stands in stark contrast to the incomplete and confused commentary set out in the memorandum, upon which the public are expected to make an “informed decision”.
134. It is noted, for example, that the memorandum completely ignores the fact that in the 2018 Decree, containment systems were specifically exempted on recognition of the considerable benefits to the dog, dog owners and the community.
135. Furthermore, the memorandum portrays its inherent confusion regarding the range of products and their application. For example, containment systems are not just used for dogs but also for a range of other species. The point is, that the memorandum demonstrates a failure to do even the most basic research, and it is from this **unstable foundation** that the memorandum seeks to apply a **blanket ban** of electronic training aids.
136. Again, the public and Parliamentarians are referred to the appendices of these submissions for factual rather than fanciful information regarding electronic training aids (remote trainers, containment, and anti-bark collars).

Quoted text in public consultation “explanatory memorandum”

However, the use of electric shock equipment carries a high and irreconcilable risk of causing pain or injury or harming the animal's health or well-being, both in the short and long term.

Critique: the memorandum demonstrates a misunderstanding and neglect of successful ETA trainer inputs

137. The memorandum selectively ignores the knowledge of experienced trainers utilising electronic training aids, and the published research validating that with the use of a quality product used under qualified supervision the chances of “a high and irreconcilable risk of causing pain or injury”, “harming the animal’s health or wellbeing”, is extremely remote. In fact, the published research selectively omitted from the memorandum specifically concludes that there are no such short or long-term detriments to the dog.
138. In preference to the inaccurate and unnecessarily alarmist statements contained in the memorandum, the public and Parliamentarians are referred to APPENDIX A of the submissions for references to balanced research, science, the statements of experienced trainers and governments successfully, and responsibly using electronic training aids.

Quoted text in public consultation “explanatory memorandum”

Equipment that can produce electromagnetic signals or radiation can also cause pain or injury to dogs. For this reason, it was decided in 2018 to designate the use of equipment in animals that can emit electric shock, electromagnetic signals and radiation as prohibited behavior (hereinafter: Decree of 26 April 2018).²⁷ The Decree of 26 April 2018 containing the prohibited behavior included an exception for the use of the equipment aimed at effecting a justified change in animal behavior in order to avoid a danger to humans or animals or to

²⁷ Staatsblad 2018, 146.

affect the animal's welfare, provided that the user of the equipment has sufficient expertise. It was estimated that the implementation of certain conditions could create sufficient safeguards to prevent abuse and damage to animal welfare. The aim was to elaborate these conditions and to allow the ban to enter into force on 1 January 2019.

The ban ultimately did not enter into force. During the elaboration of the exception to the ban, the exception was reconsidered. It was subsequently decided to amend the ban and not to include a general exception for the ban on the use of electric shock equipment. This policy change is explained below.

Critique: misunderstandings and inaccuracies regarding the 2018 Decree, ETA “expertise”, and the Minister’s commitment, are reflected in the memorandum

139. The use of containment systems is exempted from the ban in the current 2018 legislation. The incomplete information of the explanatory memorandum to the proposed legislation is demonstrated by the fact that the memorandum fails to mention this exemption **at all** in its introduction.
140. Another omission that the memorandum fails to disclose to the public, Parliamentarians and the Minister is the fact that just one day before the publication of the new legislation (on 26 April 2018 in the Staatsblad 2018, 146) the then Minister had explicitly made the commitment that:
- 140.1. (a) in addition to the new wording of **article 1.3. under (h) of the Decree** on animal keeper’s **technical product standards** for electronic training products, there was also going to be
- 140.2. (b) a condition for training ETA supervisors who had “sufficient expertise”. This condition requiring involvement of a suitably trained-and-assessed expert would enable continuing access to a unique product while concurrently ensuring the responsible and supervised use of the electronic training aids in justifiable situations.
- 140.3. The Minister’s commitment is recorded in the official document Nader Rapport dated 25 April 2018, Reference Nr. WJZ/17134959. This citation records the Minister’s response to the formal advice of the Raad van State to the proposed legislation issued on 2 June 2017.

Quoted text in public consultation “explanatory memorandum”

Before the adoption of the Decree of 26 April 2018, it was already known that the use of electricity as a training method in dogs could cause serious welfare damage. This emerged from a scientific review article.²⁸

Critique: The memorandum does not provide the public, Parliamentarians, or the Minister with a balanced account of the scientific authorities researching ETAs

141. Demonstrating the prejudicial nature of the memorandum, the writer of the memorandum relies prejudicially on one scientific review article: i.e. “a scientific review article”.

²⁸ S. Masson et al., Electronic training devices: discussion on the pros and cons of their use in dogs as a basis for the position statement of the European Society of Veterinary Clinical Ethology (ESVCE), Journal of Veterinary Behavior, 6 March 2018.

142. There are multiple scientific studies, research papers and wider publications on the subject of ETAs. Common sense highlights that over-reliance on just one paper should raise concerns.
143. In **stark** contrast to the personal views and validated misconduct of government ETA file manager Paul Bours (See APPENDIX A and APPENDIX B of the submissions), the statement of Mr Bours's predecessor (Mrs Regeer²⁹) provides a balanced perspective regarding the many scientific authorities on the subject of ETAs.
- 143.1. In her interview to the government Complaints Committee (dated 9 July 2019) the record of that interview documents Mrs Regeer as stating: "There were **many studies** and on the basis of these studies it was possible to substantiate different policies. It was a tricky gray area³⁰".
- 143.2.** In the opinion of ECMA, Mrs Regeers statement confirms that the existing science reflects inconsistent conclusions regarding ETAs. Her statement also supports the notion that whilst science may assist in responsible decision making, it is **highly inappropriate to rely on just one review paper to make decisions that foreseeably result in detriments to thousands of Dutch dogs, dog owners and non-dog owners sharing the same community.**
- 144.** In contrast to the memorandum's over-reliance on one review paper, in the complaint letter of 5 June 2019 to the Minister (annexed as APPENDIX A to these submissions) ECMA listed pages of scientific studies and materials highlighting **the merits of electronic training aids** (pages 12 to 14), which all conclude that **the responsible use of electronic training aids does not harm the well-being of the dog.**
145. Furthermore, on pages 15 to 18 of the complaint, ECMA critically comments on the "overview" article of Masson dated 6 March 2018, overly relied upon by Paul Bours of the Ministry. ECMA points out the obvious in stating that the **over-reliance and singular focus on one article** means that the overview of available scientific studies and materials is clearly **unbalanced**.
- 145.1. To be balanced, the overview would need to reference contrasting findings for the consideration of the public and Parliamentarians which are notably missing from the decision making, compounding Paul Bours's procedural misconduct of stakeholder input (See letter of the Complaints Committee at APPENDIX B of these submissions).
146. Instead of relying so heavily on one scientific "review" paper (which forms the basis for the documentation provided to the Parliamentary Committee LNV in November 2019), the Ministry should but has not taken into account the opinion and positive experiences of professionals and dog owners who successfully work with electronic training aids.
- 146.1. For example, ECMA directs the attention of readers to the petition of 4 April 2019 submitted to the Minister against the proposed ban, signed by 4516 persons (<https://elektrischehalsband.petities.nl>).

²⁹ Mrs. Regeer is the former governmental file manager who managed the ETA file for years until the beginning of 2018.

³⁰ Direct quotation from the record of the interview conducted by the Complaints Committee. The transcript of the interview is attached to the letter of the Complaints Committee (19 December 2019). See appendices of these submissions.

- 146.2. The reader's attention is also directed to the Association on Product advocates / "Vereniging van electronic training aids Voorstanders" (513 members): and the contents of their Facebook platform where positive experiences/outcomes associated with ETA use are shared. Notably, many cases state that in the particular circumstances where an ETA was used, **there was no other tool/option that would have given the same result.**
147. Further insightful information is available to the reader on the website www.joinardo.com (a UK-based international association of responsible dog owners) which shows the results of a live survey of approximately 900 dog owners who have successfully used the electronic training aids for their pets.
- 147.1. 92% of all respondents answered "yes" when asked "Did the training with the collar solve the problem".
- 147.2. When asked "Where there any negative effects", 99% answered "no".
- 147.3. It is noted that membership to the ARDO association is free, and that ARDO is an independent organisation without political or professional allegiances/bias.
148. The memorandum selectively ignores other papers validating that use of quality products under qualified supervision does not cause the "serious welfare damage" that it alleges³¹.
149. APPENDIX B of these submissions provides a copy of the response received from the government Complaints Committee, to a complaint about the misconduct of Paul Bours in respect of the ETA file.
- 149.1. The Complaints Committee validated that ETA file manager Paul Bours did not comply with proper procedure.
- 149.2. The result of that misconduct was an identifiable bias in the information provided to the Minister.
- 149.3. ECMA submits that the memorandum's continued focus and reliance on one conveniently selected scientific paper which is the same approach and paper denounced by the Complaints Committee (APPENDIX B) is evidence of a continuation of the bias and procedural impropriety³².
150. Basic logic demonstrates to the public and the Parliamentarians that while responsible governance considers relevant scientific evidence, **in the absence of a clear and unequivocal conclusion amongst the scientific fraternity**, then **additional factors must be considered**. Those factors would include, for example:
- 150.1. The realities of dog behaviours;
- 150.2. The needs of dog owners;

³¹ In contrast to the memorandum's over-reliance on one paper, there are many scientific studies, citing reports of hands-on experienced dog trainers, and submissions which clearly demonstrate that use of quality products under qualified supervision provides significant benefits for the dog and its welfare, in addition to assisting the dog owner, and facilitating a peaceful and safer neighborhood shared between dogs, dog owners, and non-dog owners within the community.

³² For the purposes of ensuring that the public, Parliamentarians and the Minister are fully and properly informed, ECMA draws the reader's attention to APPENDICES C,D and F where it appears that the misconduct denounced by the Complaints Committee is largely perpetuated by the Director of Animal Welfare, Mrs. Hendrix.

- 150.3. An accurate understanding and application of the law pertaining to “animal welfare”, and how that intersects with other laws involving, for example, dog control and public safety;
- 150.4. Avoidance of illogical and completely erroneous approaches to a dog/animal and its welfare e.g. mistakenly/biasedly defining animal welfare in a manner that fancifully ignores the reality.
- 150.5. Wider practical considerations associated with dogs, dog owner, and communities;
- 150.6. Consideration of the experiences of trainers who work with electronic training aids.;
- 150.7. At least a degree of “common sense”. For example, “common sense” demonstrates that it is fanciful to expect that a dog off the lead and in full predatory mode, will desist with the offer of “praise, a toy, or a biscuit” by its well-intended but nonetheless arguably irresponsible owner. That over reliance on “positive reward systems” that clearly does NOT fit the situation, irresponsibly creates an enormous, **unnecessary and avoidable** risk of harm to all involved³³.

Quoted text in public consultation “explanatory memorandum”

The idea was that this welfare damage could be removed with sufficient expertise of the trainer. However, when the conditions for the exception to the ban with various stakeholders were elaborated, it became clear that sufficient expertise does not remove the risks of impairing the welfare of dogs. This is further explained in the next chapter. It also appeared during this elaboration that it is quite possible to train dogs without electric shock devices. A general exception to the use of electric shock equipment is therefore not necessary and would not sufficiently guarantee the welfare of dogs.

The present Decree amending the Animal Keepers Decree (hereinafter: the Decree) contains a ban on the use of electric shock devices in dogs. Exceptions to the prohibition are limited to use of the equipment in the professional performance of veterinary activities and use in the performance of police and military duties. The prohibition in this decree is limited to dogs and does not apply to equipment other than electric shock equipment. This policy change is explained in more detail in Chapter 3.

Critique: The memorandum is misleading and deceitful in suggesting to the reader that there was a balanced input from stakeholders

- 151. **The memorandum is misleading and deceitful in suggesting to the reader that there was a balanced input from stakeholders** when the memorandum states: “... when the conditions for the exception to the ban with various stakeholders were elaborated...”.
- 152. It is anticipated that the public and Parliamentarians will be seriously concerned at the blatant, and arguably intentional, misinformation that they are being fed in the memorandum.
- 153. Prior to 2018, there was a balanced group of stakeholders representing multiple disciplines with a range of vested interests.

³³ Dr Cooper of Lincoln Uni explaining how the cortisol results in e-collar study could be excitement
<https://youtu.be/uRe6laAZhoA>

154. The group continued to exist but after 2018 and under the management of Paul Bours, stakeholders who supported continued access and use of electronically training products, were selectively excluded.
155. Because of the closed-minded responses received from Paul Bours, ECMA and other stakeholders were forced to make an **official complaint about his misconduct**. (See **APPENDIX A** of the ECMA submissions for a copy of the complaint).
156. The Complaints Committee confirmed that the grounds for the complaint were valid. (See **APPENDIX B** of the ECMA submissions for a copy of the response from the Complaints Committee).
 - 156.1. One of Paul Bours's failures noted by the Complaints Committee referred to his failure to properly include all stakeholders.
 - 156.2. The Complaints Committee stated: "(all) the parties involved were not confronted with this change until the 13 March 2019 meeting" and that it was entirely inappropriate to exclude stakeholders who should have been "part of the process that resulted in that policy change".
 - 156.3. The Complaints Committee concluded that under the management of Paul Bours, the excluded stakeholders were NOT given sufficient opportunity to ensure that both sides were heard after the announcement".
 - 156.4. The Complaints Committee further made in clear that the excluded stakeholders were not properly involved **before** his announced intention to tell the Minister to ban ETAs, **nor after** Paul Bours's announcement".
157. So, the memorandum's reference to "various stakeholders" actually means **stakeholders selectively and biasedly chosen by Paul Bours** using his government position as file manager of electronic training aids .
 - 157.1. On reviewing the response of the Complaints Committee (**APPENDIX B** of the submissions) it is clear to the public and Parliamentarians that **the memorandum is blatantly misleading**.
 - 157.2. On the facts, and as evidenced by the Complaints Committee, the memorandums reference to "Various stakeholders" does NOT mean "all relevant stakeholders" that SHOULD have been involved **to ensure that both sides were heard**.
 - 157.3. To be clear, the ONLY stakeholders consulted were those that held views opposing the use of electronic training aids. (See **APPENDIX B** for a copy of the full response of the Complaints Committee regarding Paul Bours's misconduct).
158. It follows that:
 - 158.1. The memorandum grossly fails to provide the public and Parliamentarians with a true and accurate representation of events; and
 - 158.2. The failure by Paul Bours to include "all" stakeholders (rather than self-serving selected stakeholders) resulted in prejudiced and unbalanced input to the Minister; and
 - 158.3. Those same prejudices and misunderstandings have tainted the memorandum which clearly makes statements that are inaccurate, incomplete and misleading.

159. In the event that “all” stakeholders (e.g. ECMA, police dog trainers, the Hunters Association, and dog training schools who are all highly experienced and familiar with electronic training products) had been included in the discussions with Paul Bours, or responsibly considered by Director Hendrix, then **(and in contrast to the false statements contained within the memorandum)** it would be clear that:
- 159.1. Not every dog requires an electronic training aid, however NOT all dogs respond to positive reward training, meaning that electronic training aids are sometimes the only available choice that suit the circumstances of the dog, the dog’s owner, and the interests of the community.
 - 159.2. Circumstances that the reader may be familiar with, include, for example: a premises enabling the dog to escape, or a dog that demonstrates a propensity to escape, or a dog that demonstrates a propensity not to return when called when it is highly distracted, or a dog that demonstrates a risk to other animals or people whether the owner is present or not.
 - 159.3. The reader may be familiar with a recent incident reported in the media that demonstrates the avoidable risks being referred to. In the situation that recently took place in the Netherlands on 21 May 2020: dogs chased and killed a deer that was giving birth (Oosterbeek, is an area where dogs are allowed off-lead provided they are under control). <https://www.telegraaf.nl/nieuws/726391525/boze-boswachter-ree-tijdens-geboorte-opgejaagd-door-honden>.
160. This section of the memorandum alone should be sufficient to demonstrate the cumulatively blatantly misleading and biased content being fed to the public and Parliamentarians, and theoretically being further endorsed by the Minister in the absence of her intervention.

Quoted text in public consultation “explanatory memorandum”

Using electrical shock equipment in a dog poses a high risk of compromising the well-being of the dog, both in the short and long term. In many cases it is a serious impairment of well-being. Electric pulses in dogs can lead to anxiety, stress, aggressiveness, phobia and permanent damage to the relationship of trust between owner and dog.

A large number of scientific publications on this subject have been shared with the House of Representatives.³⁴

Critique: The memorandum demonstrates a misunderstanding regarding dog behavior and the proper use of ETAs

161. It is becoming increasingly clearer that the memorandum is full of misleading, confused and inaccurate statements. The memorandum **does not** provide the public or Parliamentarians with a full, honest or balanced representation of the facts.
162. In this paragraph for example:
- 162.1. The whole science does NOT conclude that there is a “high risk” of compromising the well-being of a dog with responsible use of quality electronic products in either “the

³⁴ House of Representatives Documents II 2019/20, 28286, nr. 1066

short or long-term". It follows that it is a highly inappropriate and alarmist allegation within the memorandum to suggest that there is a "high" risk;

- 162.2. The statement that "many cases" (notably quoted without authority or any kind of empirical data) result in "serious impairment of well-being" is equally without foundation or evidential credibility, but merely a reflection of the memorandum's bias.
- 162.3. Additionally, it should come as no surprise to the reader of these submissions that the "large number of scientific publications... shared with the House of Representatives³⁵" is not a balanced selection of scientific papers, but, in the opinion of ECMA, a selection of papers that supports the bias of a man (Paul Bours) utilising his public office to advance his own views. Members of the public and Parliamentarians wishing to have a balanced insight regarding the science are recommended to view the references provided in APPENDICES A and B of these submissions.
163. For the information of the public and Parliamentarians, the primary paper relied upon by the memorandum and Paul Bours, is not a new or independent study but simply a review article from an association (ESVCE) who are themselves **openly against** electronic training aids.
- 163.1. The article shows a selection of cherry-picked papers – including very old material that are based on a former generation of electronic training aids that had no safety features that support the authors opinion.
- 163.2. As quoted before from Mrs. Regeer, the former file manager until 2018, in her interview with the Complaint Committee in July 2019: *"There were many studies and on the basis of these studies it was possible to substantiate different policies. It was a tricky gray area."*
164. The minutes of the meeting of the Parliamentary Committee LNV on 3 July 2019 show just how much the Minister bases the proposed legislation merely on the opinion of the ESVCE in the review article 2018 of Masson et al and how misleading her quotes are that have been provided to her by her Department. The Minister said:
- "In 2018, a review study - Canine behavior, to be exact - was published in leading scientific journals. I will send you that article. It is a review article discussing a large number of published studies. The conclusion is that it generally leads to damage to the animal's welfare and that it has also not been proven that the use of a power collar leads to better results in behavioral change than other, less radical methods."*^{36/37}

³⁵ The list of 27 documents provided by the Minister to the House of Representatives in November 2019 contains only partly scientific papers. These are mainly the footnotes of the article S. Masson et al., Electronic training devices: discussion on the pros and cons of their use in dogs as a basis for the position statement of the European Society of Veterinary Clinical Ethology (ESVCE), Journal of Veterinary Behavior, 6 March 2018. This is the article that the file manager is heavily relying on since 2018 to promote the withdrawal of the current Decree of 26 April 2018 and implement the general ban on the use of electronic training aids as in the proposed regulation.

³⁶ <https://www.tweedekamer.nl/kamerstukken/detail?id=2019Z05279&did=2019D30605>

³⁷ 1Regarding the Minister's quote: .. that it has also not been proven that the use of a power collar leads to better results in behavioral change than other, less radical methods.", ECMA points out the scientific research by Salgirli, Y. et al. (2012): 'Comparison of learning effects and stress between 3 different training methods (electronic training collar, pinch collar and quitting signal) in Belgian Malinois Police Dogs.', Revue Méd. Vét., 163, pp. 530–535. In the summary it reads: "The electronic training collar induced less stress and has stronger learning effect in comparison to other methods in a training situation."

165. ECMA points out that the views of the ESVCE (Masson and others) were already known to the Minister when publishing the former policy on 26 April 2018.

165.1. It was even mentioned in the Explanatory Memorandum/Nota van Toelichting, page 10:
“We have been in contact with animal welfare organizations, an association of electronic dog collar manufacturers, the police and some dog behavior experts. It has been concluded from this that under certain exceptional circumstances an exception to the ban could be allowed, although the European Association of Veterinary Clinical Ethology (ESVCE) considers that there is insufficient scientific evidence to justify the use of the electronic collar, bark collar or electronic fence. “

165.2. ECMA submits that it is contradictory to base a radical policy change largely on the same material and opinion of the ESVCE.

Quoted text in public consultation “explanatory memorandum”

In theory it is possible to responsible use electric shock equipment in dogs by administering exactly the right current intensity at exactly the right time. Choosing the exact right flow intensity depends on factors such as the following: weather conditions such as heat, rain, sun rays and humidity, specific characteristics of the dog such as coat thickness, coat moisture, skin thickness, subcutaneous fat tissue and the sensitivity to pain stimuli. Given the variety of factors and the fact that a number of factors depend on the moment, it is practically impossible to choose the right intensity. In addition, it is not easy to choose exactly the right time to administer a stimulus. The Dutch Association for Instructors in Dog Education and Training has indicated that even experienced trainers are not able to unambiguously determine the exact moment of the administration of a stimulus.

Critique: the memorandum fails to provide information that is balanced by trainers, manufacturers and owners who ARE suitably trained, experienced and competent in properly using ETAs

166. This paragraph appears to miss the point that the limitations, concerns and confusion referred to in the memorandum, DIRECTLY REFLECTS the limited practical experience of a number of less competent and/or opposed-to-ETAs stakeholders selectively included by Paul Bours (See APPENDIX A, APPENDIX B: Complaints Committee evidencing the procedural failures of Paul Bours).

167. Experienced trainers and handlers are well versed in how to properly select quality products, and properly use those products in a way that takes into account all the factors referred to in the memorandum.

167.1. The memorandum itself acknowledges this fact in providing an exemption for qualified and experienced trainers products within the **military and the police** who will continue to utilise the electronic training aids.

168. The memorandum also ignores that several countries have a legal system in place for the controlled use of electronic training aids. Notably, these countries have access to same information as the Dutch Ministry, and they apply a balanced application to the concept of animal welfare which retains an owner’s access to the benefits of quality products under qualified supervision. Examples of the countries ignored by the memorandum include

- 168.1. The Australian state of Victoria has a well-functioning model allowing the use of the electronic training aids where training is required, since over 10 years. It was reviewed in 2019 and upheld.³⁸
 - 168.2. After a public consultation in Western Australia in 2019, the final standards for the use of electronic training aids have been published.³⁹
 - 168.3. New Zealand Government even pays for electronic training aids training of Departmental staff and members of the public to stop dog attacks on native bird species.⁴⁰
169. This paragraph of the memorandum fails to point out that electronic training aids are simply one of a range of available training options enabling the greatest reach to assist the widest number of dogs and range of circumstances.
170. Of course, if one training organisation refuses to understand ETAs, and consequently does not use them, then that suggest a wilful ignorance with that organisation but does not diminish the potential value of ETAs.
- 170.1. This is relevant, for example, to the position taken by the Dutch Association for dog education and instruction (Nederlandse Vereniging voor Instructeurs in Hondenopvoeding en -opleiding) and the prejudicial and questionable weight that the Minister has given to the organisation's opinions (only) that even experienced trainers are not able to unambiguously determine the exact moment of the administration of an electronic pulse.
 - 170.2. The memorandum, and vicariously the Minister, demonstrates a recognisable pattern of misconduct and misrepresentation as a consequence of Paul Bours choice to "cherry pick" selected organisation's quotations, alongside selected scientific papers (see above), and selected stakeholders (see above). (See APPENDIX B: Complaints Committee verifying the misconduct of Paul Bours in excluding selected stakeholders).
 - 170.3. With due respect to the Nederlandse Vereniging voor Instructeurs in Hondenopvoeding en -opleiding , it is not a well-known authoritative association, and does not represent the opinion of a large group of dog trainers in the Netherland.
171. The memorandum demonstrates an ongoing and clearly recognisable pattern of misconduct despite the criticism of the Complaints Committee (See APPENDIX B). Specifically, the memorandum continues a pattern of "selective supportive referencing" in its (a) cited scientific publications, (b) referenced stakeholders, and now its quoted dog training organisation.
- 171.1. Notably, the memorandum relies on ONE quoted dog training organisation. Again, the lack of balance should raise concerns about bias for any responsible assessment of the memorandum.
 - 171.2. The memorandum would, for example, have demonstrated considerably more balance and therefore credibility, if it had referred to the policy and code of practice of an

³⁸ Further information can be found here: <http://agriculture.vic.gov.au/pets/dogs/legal-requirements-for-dog-owners/electronic-collars>

³⁹ <https://www.agric.wa.gov.au/animalwelfare/standards-and-guidelines-health-and-welfare-dogs-wa-0>

⁴⁰ <https://www.stuff.co.nz/national/120185885/whio-aversion-training-being-offered-to-owners-of-farm-hunting-dogs>

additional and contrasting non-profit association such as the Association of Electronic Training Aids (Advocates / Vereniging van electronic training aids Voorstanders).

171.3. Vereniging van electronic training aids Voorstanders is a forum with 513 members who are dog trainers and dog owners who have successfully used electronic training aids for dogs.

171.4. The group is managed by well-known dog trainers Tom van der Berkhoff and Kenneth de Roose, and supported by many well know dog trainers in the Netherlands such as Anniek Winters and Fabian Bernard.

172. In summary, the memorandum's reliance and reference to just one selected training organisation demonstrates a convenient and continued bias that lacks balance, and therefore lacks credibility.

Quoted text in public consultation "explanatory memorandum"

Furthermore, when applying current stimuli, there is a risk that a dog will become accustomed to the stimuli and stop responding. Habituation does not mean that the welfare of the dog is no longer impaired. Because the dog is unresponsive, the operator will tend to deliver stimuli of a higher intensity, which will also increase the welfare impairment.

In principle, electric pulses in dogs are not necessary

Electric shock equipment is used in dogs, among other things, when training dogs. There is no solid scientific basis that shows that the use of electric pulses would be necessary or that it would lead to better results at all.

Practice has shown that military personnel and police officers can effectively train and deploy dogs without the use of electric shock equipment. The Dutch armed forces have successfully deployed dogs in international (NATO) missions that have been trained without the use of electric shock equipment. Also, the police of the German state of North Rhine-Westphalia works with dogs that are trained without electricity. Dogs can be successfully trained with rewarding methods.

Critique: these paragraphs of the memorandum demonstrate a substandard understanding of dog behaviour and relevant behavioural terminology.

Critique: this paragraph of the memorandum demonstrates further misunderstanding, and consequently misleading information, regarding the role and use of ETAs by the police and the military.

173. These paragraphs of the explanatory memorandum demonstrate further misunderstanding regarding other relevant factors. Those factors involve:

173.1. misunderstandings regarding the basics of dog behaviour (e.g. confusion regarding the term, meaning and ETA relevance of "habituation"), and

173.2. the competencies of established and experienced dog trainers who already use electronic training aids to provide, protect and promote greater animal welfare.

174. In respect of "habituation", the memorandum completely misunderstands, and therefore misleads, the reader with the connection that the memorandum makes with the process of "habituation" in the dog, in context of the use of ETAs, and the understanding, qualification, and experience of the trainer.

- 174.1. By definition, “habituation” is the gradual loss of responsiveness to a stimulus as a result of repeated exposure to that stimulus. In order to produce effective habituation (of, for example, a fear-eliciting stimulus like a loud noise), the trainer traditionally presents the stimulus in a weakened form until the dog exhibits little fear.
 - 174.2. Experienced dog trainers are aware that the probability of habituation depends entirely upon the information that the stimulus has been conditioned to provide the animal i.e. what the stimulus signifies to the dog.
 - 174.3. Accurately understanding what habituation means in practice demonstrates that the memorandum is suggesting that the stimulus from the ETA conveys no information of value, as habituation occurs only when a stimulus carries no relevant information in terms of an outcome for the dog.
 - 174.4. This basic error of understanding by the memorandum drafter, and consequent misinformation in the memorandum itself, reflects a core misunderstanding regarding the fundamentals underpinning the use of electronic training aids.
 - 174.5. For the purposes of providing a summary to the reader of the submissions,, the memorandum’s demonstrated confusion reinforces why the task of monitoring the animal’s behaviour and adapting the tools and the program to meet the animal’s response is a matter better left in the hands of an experienced ETA professional.
175. As ex-police dog handler and professional trainer Jamie Penrith states: “the statement in the memorandum demonstrates a fundamental flaw of understanding regarding dog behaviour, how these products are incorporated humanely under professional tuition, and the role of a genuinely experienced, welfare-focussed dog trainer”.
176. Jamie Penrith also very helpfully provides a summary statement for the public and Parliamentarians in stating: “the memorandum appears to focus on an extremely remote possibility and present it as a probability. In short, the occurrence of habituation has been exaggerated to the point of nonsense”. Consider the example of traffic lights; their brightness does not need to increase and road users do not habituate to them as they convey important safety information.
177. In conclusion, the **misunderstanding and therefore misleading information of the memorandum** regarding the subject of habituation, and the memorandum’s subsequent attempts to rely on its own confusion to persuade the public and Parliamentarians to ban electronic training aids, further **undermines the credibility and reliability of the memorandum**.
178. The allegation within the memorandum suggesting to anyone reading it that “electric pulses” are “not necessary” is again in conflict with what the memorandum itself states elsewhere. In this case, within the very next paragraph of the explanatory memorandum which, according to the self-supportive views of stakeholders selected by Paul Bours it states : “ It is not always possible to deploy these dogs without the use of electricity. It may also be necessary in exceptional situations to still use a power surge device on a dog that has been trained without the use of electricity.”
- 178.1. There are many situations where a dog can be trained without electronic training aids. That is not relevant. What is relevant, is that sometimes the preferred or the ONLY

necessary aid is the electronic training aid depending on the context and its direct or indirect impact on the dog, the owner and the community.

- 178.2. It is false to state that ‘no solid scientific basis’ exists to support necessity or ‘better results’ using electronic training aids, indeed, science has shown them to produce ‘less stress’ in the dog than a simple, verbal command. The study of Salgirli, Y. et al. (2012): ‘Comparison of learning effects and stress between 3 different training methods (electronic training collar, pinch collar and quitting signal) in Belgian Malinois Police Dogs.’, *Revue Méd. Vét.*, 163, pp. 530–535.
- 178.3. The fact that the electronic training products (a) are necessary, and that (b) in practice the collars do provide a better result for some dogs in some circumstances, is verified by the fact that those training police dogs are actively seeking to retrain electronic training products (see appendices C, D and F summarising the meeting held with the Director Hendrix).
179. Furthermore, the commentary regarding Dutch armed forces and the German state of North Rhine-Westphalia training without the use of the “shock” equipment is again, inaccurate, incomplete and consequently misleading. The facts are that:
- 179.1. The German police force does not use the electronic training aids any longer because this is prohibited by law in Germany since 2006.
- 179.2. Scientist Mrs. E. Schalke Department of Animal Welfare and Behaviour, Veterinary School of Hannover, co-published a scientific article in 2006 pro electronic training aids) is in close contact with the German police and has knowledge that the German police have continued using electronic training aids for two years after it was banned in Germany in 2006, and also send their dogs to the Netherlands to be trained with the electronic training aids.
- 179.3. ECMA has mentioned the training of German police dogs in the Netherlands to the governmental file manager Mr. Bours several times since he announced the drastic shift of policy on 13 March 2018 to the stakeholders. He never verified this information. Simply because the neighbouring country Germany has banned the product, Mr Bours keeps using the argument that German police work without the electronic training aids, it does not follow however, that the alternatives in use are more welfare focused than ETAs.
180. The statement that all dogs can be successfully trained with rewarding methods alone is incorrect, naive and misleading. Positive (reward) training is successful for “many” dogs but NOT “all” dogs. Positive is frequently misunderstood, as in “positive = good” whereas it simply means “addition” when a dog benefits from ETAs then the addition of safety and freedom is also positive.
181. The most recent scientific evidence of March 2020 states that experienced dog trainers were pessimistic that it would be possible to prevent predatory behaviour in dogs using only positive, reward-based methods.⁴¹ Already in 1961 a paper was published ‘The Misbehaviour of Organisms’, demonstrating that instinctive behaviours cannot always be modified with rewards

⁴¹ ”. Howell and Bennett March 2020: see page 6.

<https://www.sciencedirect.com/science/article/abs/pii/S016815912030071X>.

alone. In May 2019, a paper was released regarding the evaluation of 'frustration' in dogs⁴², showing that reward-based training can also lead to stress, frustration and aggression in dogs, for example when the treat is not given at the right time or withheld all together whereby the dog feels "punished".

Quoted text in public consultation "explanatory memorandum"

3 Purpose and main points of the decision

Purpose

The purpose of this Decree is to improve the well-being of dogs. Prohibiting electrical shock devices, with a limited exception, will increase the use of non-punitive learning methods and improve the well-being of dogs.

Critique: the memorandum demonstrates a failure to take note of the ministers clarification regarding the appropriate retention and use of electronic training aids and is consequently in direct conflict with the Minister's recorded statements pertaining to the well-being of dogs

182. The statement that the purpose of this Decree is to improve the well-being of dogs mistakenly assumes that the dog is somehow in isolation of the owner and the community. Animal welfare is not an issue in isolation.
- 182.1. The current government file manager seems to focus on the intrinsic value of the animal /not inflicting any level of discomfort to the animal under any circumstances. This is not in accordance with established principles of "animal welfare".
- 182.2. The Minister herself , correctly described those established animal welfare principles and the correct application of those principles to electronic training products in stating ⁴³: *"The use of the electronic collar is in certain training or usage circumstances justified to prevent danger to persons or animals, provided the expertise during the use of the electronic training aid is secured. Examples of the use of the electronic training aid to prevent damage to the welfare of the animal are situations in which behavioural problems cannot be solved in an animal friendlier way and the situation of the dog would deteriorate as a consequence thereof (e.g. if the dog could not be placed in a home)."*
183. It is only two years since the Minister made that statement where she strongly, accurately and clearly identified the role of electronic training aids in respect of Dutch dogs and Dutch communities (i.e. "...to prevent danger to persons or (other) animals").
- 183.1. ECMA points out that the memorandum demonstrates a complete misunderstanding of "animal welfare" by reference to the Minister's statement.
- 183.2. Specifically, the memorandum completely fails to recognise that the "well-being" of people, other animals, and the dog itself, relies on having access to electronic training aids in the event that there "are situations in which behavioural problems cannot be solved in an animal friendlier way".

⁴² <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6535675>

⁴³ Recorded in the previous explanatory notes published as a draft mid-2016 to the Decree of 26 April 2018 (Staatsblad 146, 2018) implementing the limited ban on page 11.

- 183.3. The memorandum appears to completely miss the most basic point that underpins the Minister's statement, namely that in order to be able to use an electronic aid as per the Minister's examples, dog owners have to have lawful access to the electronic training aid, BUT the blanket ban posed by the memorandum totally prevents access.
184. The memorandum confuses concepts of "animal welfare", the animals "intrinsic value" and proper legal application of the word "reasonable".
- 184.1. ECMA submits that it would be appropriate for the memorandum to be familiar with, and competently apply, the contents of the Law on Animals 2007-2008 file 31 389 nr. 3 Chapter 3.4.1.1. (intrinsic value in Dutch society) which states:
- 184.2. "The intrinsic value of the animal stands, as indicated above, for the uniqueness of the animal as a living being. This applies in full to all animals; farm animals, wild animals and companion animals. As has been pointed out in the context of the GWWD, the Animal Experiments Act and the Flora and Fauna Act from the government side, there is no absolute status of this concept attached to the recognition of the intrinsic value of the animal".
- 184.3. It should be pointed out what the then Minister of Agriculture, Nature Management and Fisheries noted with regard to the intrinsic value in the proposal for a Flora and Fauna Act: «[this] **does not mean, however, in my opinion that infringements of animal protection no longer could be allowed and therefore those other interests could not or should not prevail. Provided it is for a reasonable purpose, such infringements can be decided, weighing up the various interests**” (Parliamentary Papers II 1995/96, 23 147, no. 7, p. 4). The government is faced with the task and has the responsibility to deal wisely with the scope of this concept. Of course, the importance of stable rules and the trust or expectations that may be placed on them is paramount (see also Handelingen II 1994/95, p. 5028 for the Animal Experiments Act). The balancing of interests is a policy issue that can turn out differently according to time and circumstances.”
185. In consideration of the Minister's statements regarding the role of electronic training aids, and the proper application of the principles of "animal welfare" and "reasonableness", it is clear that the memorandum is inconsistent with the Minister, and the prevailing law.
- 185.1. Moreover, the memorandum's suggestion that taking away a training option somehow "improves the well-being of dogs" is clearly short-sighted and demonstrates a lack of responsibility and logic when we considered what the outcome is for those dogs-or-owners-or-communities if they no longer have access to electronic training aids.
- 185.2. Specifically, the Minister noted that non-access to electronic training tools would result in "the situation of the dog deteriorating". The Minister's statement is completely opposite to that contained within the memorandum which fancifully suggests with any evidence, that removing a dog owners' access to a unique training tool would somehow "improve the well-being of dogs".
186. There is another predictable detrimental outcome that has been selectively ignored by the Department and conspicuous by its up absence from the memorandum. As such, the memorandum demonstrates another example of incompleteness, and selective communications that do not properly and fully inform the public and Parliamentarians.

- 186.1. The proposed legislation will NOT improve the welfare of the animal because of the risk when implementing a far-reaching ban as proposed, persons who still want to use the electronic training aids will go underground.
- 186.2. To avoid people going “underground” and as a consequence of a ban, seeking to use the product without the assistance of a qualified supervisor/trainer , ECMA supports the controlled , responsible and proper use of the electronic training aids and advocates legislation that regulates quality electronic training aids products for qualified users.
187. The unsupported statement in the memorandum that prohibiting “electrical shock devices”, with a limited exception, would increase the use of **non-punitive learning methods** and improve the well-being of dogs demonstrates **a fundamental misunderstanding in respect of both the professional application of electronic training aids and the use of available alternatives following their removal.**
- 187.1. Use of the phrase ‘non-punitive’ in the memorandum implies that the Minister’s views on electronic training aids are that they are designed or applied solely in accordance with punitive modalities i.e. that their use is always intended to reduce the frequency of a behaviour (“punish”). This is a clear misunderstanding and consequently a misrepresentation regarding the products and their use.
- 187.2. The reality is that when quality products are used in a professional manner, electronic training aids are used for reinforcing desirable, welfare-enhancing behaviours which have proven intractable to positive reinforcement in isolation.
- 187.3. The Minister cannot accurately state that prohibiting electronic training aids will ‘improve the well-being of dogs’ without actually experiencing the products being applied by competent trainers and the purpose behind such decision making.
188. There is no scientific or empirical evidence to support the statement that prohibiting electronic training aids will ‘increase the use of non-punitive learning methods and improve the well-being of dogs’.
- 188.1. However, in contrast to the allegation contained within the memorandum, there is scientific and a great deal of video evidence demonstrating that the professional inclusion of electronic training aids benefits dogs that have failed to respond to positive reward-training.
- 188.2. Examination of jurisdictions outside Holland clearly demonstrates that removing access to the unique features of electronic training products, actually makes the situation much worse for those dogs that do not respond to positive reward training. For example, in the UK, where electronic training aids were prohibited for use by police in 2000, their use has been replaced by alternative aversive means and punishments including noxious sprays, chain collar punishments, administering physical punishments and the use of fire extinguishers.
- 188.3. Put simply, the removal of an aversive tool does not remove the need for its inclusion. To state otherwise demonstrates a total detachment from the practicalities of frontline training, safety and control measures.

Quoted text in public consultation “explanatory memorandum”

Legal basis

The legal basis for this Decree lies in Article 2.1 of the Animals Act. Pursuant to the first paragraph of this article, it is prohibited to cause pain or injury to an animal or to harm the health or welfare of the animal without a reasonable purpose or exceeding that which is permissible to achieve such purpose. The second paragraph contains a number of prohibited behaviors that are in any case included among the prohibited behaviors of the first paragraph. The third paragraph, in conjunction with the fifth paragraph, offers the possibility to designate as a prohibited behavior the use of objects that can cause pain or injury to animals or that may harm health or well-being in animals. This Decree is based on Article 2.1 (3) and (5) of the Animals Act.

Prohibition on the use of equipment that can emit electric shock.

Article 1.3 of the Animal Keepers Decree already contains a number of prohibited behaviors. The present Decree adds to that article a prohibited behavior: the use of equipment that is suitable for delivering electric impulses to a dog (the new part h).

Critique: the memorandum incorrectly applies a recognised legal definition of “reasonableness”

189. Although the memorandum is correct in referencing the legal basis for this Decree lying in Article 2.1 of the Animals Act, the memorandum promotes a ban on the basis that ETAs “can emit electric shock” and therefore exceed what the writer of the memorandum considers to be “a reasonable purpose”.
190. It is helpful to highlight that the law applies a two-part test to any treatment of an animal that may cause the animal to experience discomfort, distress or pain.
 - 190.1. First of all, it’s important to recognise that the law does not prohibit all “pain” of an animal because some discomfort, or even pain, is, dependent upon all the circumstances, considered to be necessary or “reasonable”.
 - 190.2. This is clearly evident throughout society. The dog, for example, may experience levels of discomfort or pain in receiving healthcare (e.g. injections, surgical procedures). However, it is obvious that such levels of discomfort or pain are “reasonable” because they are in the interest of the dog concerned, the dog owner relationship and the community in a manner that is similar, for example, to the purposes of microchipping and desexing/spay-and-neuter.
 - 190.3. Determining “reasonable” is not as overly simplistic as the memorandum suggests.
191. Furthermore, it is of note that the memorandum contradicts itself in a later paragraph (below) where exceptions are made to enable police and military supervisors to use electronic training and containment systems.
 - 191.1. In short, the memorandum proposes a complete ban and removing access and use of these unique tools to members of the public and public dogs while, at the same time acknowledging that there are benefits associated with use of electronic products for other organisations and other dogs.
192. The inconsistency is obvious.
 - 192.1. The same quality of training within the armed forces and the police is equally attainable by civilian dog trainers.

- 192.2. Additionally, dogs in the police or the military that are assessed as an “exception” and therefore warranting the use of electronic training products as the preferred tool of choice for that individual dog, is a principle that applies just as much to dogs outside of the police or military.
- 192.3. In short, ECMA points out that the logic, law and ethical justification for enabling police and the military to have access to these valuable products, must apply equally to members of the public and their dogs.
- 192.4. In fact, it might be said that there is an even stronger argument for the unique tools to be available to the public dogs on the grounds that instances of nuisance (e.g. anti-social barking, wandering) and public safety issues (e.g. avoidable road traffic accidents) is, on numbers and distribution, far more prevalent in the public than it is in the military.
193. It is notable that the memorandum also presents its argument on the mistaken assumption that use of the electronic products causes dogs “pain”.
- 193.1. This assumption contained within the memorandum simply illustrates, yet again, the memorandum writer’s ignorance or misrepresentation regarding facts pertaining to the function or proper use of electronic training products.
194. Similarly, and again in contrast to the misleading content of the memorandum, electronic training products used under the supervision of a suitably qualified trainer lead to success stories. These are to be found amongst the internet consultation uploads, and also on the internet. Selected examples include:
- 194.1. Dog referred for no recall or control and huge prey drive towards birds/other animals
<https://youtu.be/zfpvg6DJJHk>
- 194.2. Golden retriever owned by a magistrate and referred for chasing/attacking wildlife and livestock. Following quality electronic training aids inclusion, recall reliable even from chasing running pheasant with electronic training aids removed – Behaviour remains reliable: <https://youtu.be/gUxrrbEZ7D4>
- 194.3. Lurcher with huge kill history successful handheld electronic training aids training
<https://youtu.be/TIOEJ242gsA>
195. **The memorandum highlights a lack of accurate legal understanding** and the fact that it seeks to hold itself out as a legal authority that properly informs the public, the Parliamentarians and the Minister should, in ECMA’s view, be recognised as yet another reason for Dutch dog owners and members of the public to voice their opposition to the memorandum for it’s obvious lack of accuracy, reliability, or credibility.

Quoted text in public consultation “explanatory memorandum”

The use of the electric shock equipment includes not only the actual application of electricity, but also the situation in which a holder lets a dog wear the equipment. Wearing equipment that the dog is aware of can produce aversive stimuli also carries a high risk of seriously compromising the animal's well-being. The animal is aware of the fact that it can be punished for something at any time. The animal is severely hindered in its physiological and ethological behavior and there is a high risk that it is in a continuous state of stress and anxiety, which entails a serious health and welfare impairment.

The forbidden behavior relates to equipment that is suitable for delivering electric impulses to a dog. Equipment that is out of order because, for example, batteries are missing or because the equipment has been deactivated in another way, is still considered suitable. If the equipment has previously been used as a shock device, the dog will still experience this equipment as a shock device. For this reason, these collars also qualify as suitable. Equipment that is suitable for emitting electric current and which can also produce other signals such as sound and vibrations is also subject to the prohibition.

Critique: the memorandum repeatedly demonstrates substandard understanding regarding dog behaviour and associated (proper) use of electronic training aids

196. This section of the memorandum **again** demonstrates a lack of understanding regarding dog behaviour and how the products work.
- 196.1. The memorandum's suggestion that a dog is aware it might be "punished", misses basic principles of dog behaviour.
- 196.2. The fact is that when a dog understands what behaviours are socially acceptable or unacceptable then **its level of stress actually decreases**.
- 196.3. Confidence comes from predictability and controllability. Quality electronic training aids used under qualified supervision, provide the dog with both.
- 196.4. There are a plethora of scientific studies validating this important principle which the memorandum appears to have either overlooked or been totally unaware of⁴⁴⁴⁵.

Quoted text in public consultation "explanatory memorandum"

Restriction of prohibitions to electric shock equipment and dogs.

The Decree of 26 April 2018 also included bans on the use of equipment that can emit electromagnetic signals or radiation. In addition, the prohibited behaviors in the Decree of 26 April 2018 related to animals in general. The extent to which it is necessary to prohibit the use in animals of (potentially) harmful equipment has been reconsidered when drafting the present Decree. This has led to the decision to ban only the use of electric shock devices and to limit the ban to dogs in the present Decree. This choice was made because the necessity of a broader ban cannot be substantiated at this time. It is unknown whether aversive equipment is used in animal species other than the dog. There is also no scientific literature on the use of aversive equipment in animal species other than the dog and its impact on the welfare of other animal species.

The above does not affect the fact that the use of electric shock equipment in animal species other than the dog can in a specific case be qualified as animal cruelty (Article 2.1 (1) of the Animals Act). The same applies to the use of aversive equipment other than electric shock equipment in dogs. If it turns out that, contrary to what is currently assumed, other aversive equipment is also used as a training method to replace the electric shock equipment, the use of this equipment may in a specific case still qualify as animal cruelty.

⁴⁴ Animals, which were able to clearly associate the electric stimulus with their action, ie. touching the prey, and consequently were able to predict and control the stressor, did not show considerable or persistent stress indicators. Clinical signs caused by the use of electric training collars on dogs in every day life situations, E. Schalke et al, (2007) <https://www.sciencedirect.com/science/article/abs/pii/S0168159106003820>

⁴⁵ See kiwi protection program of New Zealand implemented by the government Department of Conservation <https://unitec.researchbank.ac.nz/bitstream/handle/10652/2630/Dale%20et%20al%202013.pdf;jsessionid=12F67AFE980610E7B8DE1F82FF2EBC00?sequence=1>

Critique: the memorandum demonstrates a substandard level of basic research that undermines its accuracy and therefore its credibility

197. This is **another** paragraph that demonstrates that the memorandum has proposed a ban on the products without having conducted even the most basic research, reading or “homework”.
- 197.1. Basic reading of the Internet, any reading any of the multiple submissions and information provided by ECMA to the Dutch government, or a balanced inclusion of stakeholders, would have addressed the basic gaps of knowledge and understanding prevalent throughout the memorandum.
- 197.2. In this instance, the statement in the reference paragraph: “it is unknown whether aversive equipment is used in animal species other than the dog” simply evidences a lack of basic research, understanding or “homework”.
- 197.3. ECMA submits that the glaring lack of competency that is evident in the memorandum undermines its credibility, and should inherently raise serious concerns for the public, Parliamentarians and the Minister, regarding the reliability of the memorandum, its drafter(s), managers or supporters.
198. To illustrate how inept, and therefore how unreliable, the memorandum is.
- 198.1. In response to the memorandums statement “It is unknown whether aversive equipment is used in animal species other than the dog”, a simple Internet search reveals that electronic training aids are also used for cats, cattle, sheep, wolves and others.
- 198.2. The most simple research also shows that for these animals the electronic training aid is a unique product that serves a justified purpose and that is not harming but **protecting** the animal. For example:
199. Cats:
- 199.1. A 2016 Lincoln University study⁴⁶ regarding electronic containment systems for cats concluded that electronic cat containment systems posed no risk to welfare and that cats actually increased in confidence as a result.
- 199.2. The conclusion was attributed to the cat’s ability to predict and control greater aspects of their environment. <http://www.lincoln.ac.uk/news/2016/09/1265.asp> .
- 199.3. This same principle is observed daily in dogs wearing electronic collars for chase/aversion training and signal-linked recall enhancement.
- 199.4. ECMA cited this 2016 Lincoln study on cats in its complaint letter of 5 June 2019 to the Dutch Minister (page 4, paragraph 14.1 and page 11, paragraph 46.4). This is clear evidence that the government file manager does not read the information that is presented to him, thereby misinforming the Minister.
200. Cattle:
- 200.1. <https://www.brusselstimes.com/news/belgium-all-news/123460/invisible-fences-keep-grazing-angus-cattle-in-place/>.

⁴⁶ Effects of Long-Term Exposure to an Electronic Containment System on the Behaviour and Welfare of Domestic Cats, <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0162073>

201. Sheep:
- 201.1. "Using manually controlled training collars, 30 crossbred sheep were trained to respond to an audio cue in order to avoid receiving a low-level electrical stimulus ... Approaches to the attractant significantly decreased from day one to day two. It took a mean of three pairings of the audio cue and electrical stimulus for a change in behaviour to occur." <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5867521/>.
202. Wolves:
- 202.1. " During 2003-2004, we equipped 5 wolves with shock collars and found that a 14-day shock period resulted in a decline in wolf use of baited sites by 50% compared to control wolves that increased visitation to baited sites by, 18%: During 2005, we found that all pack members in shock-collared wolf packs (n = 5) avoided shock sites for over 60 days after being exposed to a 40-day shock period." <https://naldc.nal.usda.gov/download/39043/PDF> .
- 202.2. Also: "Policy makers and practitioners should also give thorough consideration to the feasibility of interventions, before advocating its use. For instance, shock collars can potentially train wolves to avoid livestock herds⁴⁰, but it may not be financially or logistically feasible to collar all carnivores in an area, and uncollared individuals could still kill livestock." <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5437004/>
- 202.3. See also: <https://wilderness-society.org/shock-collaring-wild-wolves-revolutionises-livestock-protection/>.
203. Coyote:
- 203.1. "The collar averted all 13 attempted attacks on lambs by 5 coyotes, greatly reduced the probability of subsequent attempted attacks, and caused coyotes to avoid and retreat from lambs for over 4 months".
- 203.2. https://www.researchgate.net/publication/258098937_Coyote_predation_on_domestic_sheep_deterred_with_electronic_dog-training_collar
204. These multiple studies about the use of the electronic training aids on animals other than dogs clearly demonstrate that the Minister has been inaccurately informed and that the memorandum regarding the proposed regulation lacks credibility.
205. The statement demonstrates continuing vagary and misrepresentation in statements that undermine memorandums credibility.
- 205.1. Regarding the statement in the memorandum stating: " If it turns out that, contrary to what is currently assumed, other aversive equipment is also used as a training method to replace the electric shock equipment, the use of this equipment may in a specific case still qualify as animal cruelty", ECMA respectfully points out that to date it appears that misuse of the electronic training aids has **not** been subject of an animal cruelty (criminal or civil) case.

Quoted text in public consultation "explanatory memorandum"

Exemptions to the prohibitions

The prohibition on the use of electrical shock equipment in a dog and does not apply to its use in the professional performance of veterinary procedures. This includes actions such as taking X-rays, CT scans, treating tumors and cardiac defibrillation. These procedures may be performed by veterinarians and possibly other veterinarians, provided that they are legally permitted to perform certain veterinary procedures.

Furthermore, there will be no prohibited conduct if the equipment is used in the performance of the duties of the police, the police duties of the Royal Marechaussee or in the exercise of the duties of the armed forces. It is important in this respect that, taking into account the wording of Article 2.1 (1) of the Animals Act, this exception only applies insofar as the purpose of the use of electric shock equipment to perform these tasks justifies its use and the purpose does not apply to any other can be achieved in a manner. This exception is necessary for the police and Defense Department to continue to be able to properly carry out their statutory duties. In the performance of their legal duties, the police and the armed forces use dogs. Although, as mentioned above, it has been found in practice that military personnel and police officers can effectively train and deploy dogs without the use of electric shock equipment and the Dutch armed forces have also successfully used dogs that have been trained without the use of electric shock equipment, both the police and the armed forces work with dogs that have been trained with electric shock equipment.

It is not always possible to deploy these dogs without the use of electricity. It may also be necessary in exceptional situations to still use a power surge device on a dog that has been trained without the use of electricity. It is possible that a single dog, trained without electricity, will exhibit deviating behavior in the performance of its task, so that the animal can no longer be used. If the use of this animal remains necessary in the interest of the proper performance of the statutory tasks, its short-term use can be proportional.

The Ministry of Defense and the police substantiate the exception to the use of electric shock devices by means of an ethical assessment framework. In the assessment framework, a decision can be made to use electric devices for a short period of time in an individual animal after going through a number of steps, including hiring an independent behavioral therapist and a veterinarian. An independent review committee of the police and the armed forces supervises compliance with the assessment framework.

The exceptions to the prohibitions on electric shock equipment are in line with the prohibition of animal cruelty under Article 2.1 (1) of the Animals Act. Use of the equipment in the exceptional cases may cause pain or injury to a dog or impair the health or well-being of the dog. However, there is no question of animal cruelty within the meaning of Article 2.1, first paragraph, because the use in the exceptional cases, under the relevant conditions, serves a reasonable purpose and the use does not go further than is permissible to achieve the relevant purpose.

Critique: the memorandum demonstrates a lack of logic and confusion regarding key considerations associated with banning-or-retaining electronic training aids

206. Again, there is a glaring lack of logic contained within the memorandum.

206.1. The memorandum stated earlier that it was almost impossible for any trainer to determine the settings on application of electronic training products.

206.2. In stark contrast to the memorandum's earlier allegations, the memorandum acknowledges that "both the police and the armed forces work with dogs that have been trained with electric shock equipment". Clearly, there are trainers who are competent

in selecting the right tool and utilising those properly. Unless police and military are exempt from animal welfare laws

- 206.3. As a matter of fact, the police and the other governmental services mentioned, in general do not even train their own dogs. More than 90% of all police dogs are trained by and sold to the police by the Royal Dutch Police Dog Association (KNPV). Their members also train dogs for the general public and engage in dog sports. The KNPV is an advocate of the **responsible use** of electronic training aids. Same trainers, same dogs, same safety and control requirement.
- 206.4. When the trained dog is sold to the police, the police handler has to be trained just as well as a public dog owner would be trained. There is no reason to assume that a member of the public would not be able to be trained to become a responsible user of the electronic training aids whereas as the police dog handler can.
207. **There is no logical reason to remove the benefits of the ETA that are available to the police/military dogs, from the public.** Dog owners also have statutory tasks namely to control their dog under any circumstance, thereby protecting the dog, other animals the public (eg. jogger, bikers, traffic etcetera) and the community (e.g. excessive barking dogs in apartments).
208. The memorandum demonstrates a lack of awareness regarding the regulatory model proposed by ECMA which mirrors the successful regulatory model used overseas that retains dog owner access to electronic training aids.
- 208.1. Notably, this is the same model that file manager Paul Bours dismissed as simply “too hard”.
- 208.2. Nonetheless, the recommendations contained within the memorandum reflect some (although not all) of the features of that regulatory system.
- 208.3. For example, in respect of the “ethical framework” referenced in the memorandum for the police/military use of electronic training aids, it should be of interest to the public and Parliamentarians that an ethical framework was in the process of being drafted as the secondary regulation (i.e. Decree of 26 April 2018⁴⁷) by the same Dutch Ministry with the involvement of stakeholders including ECMA.
209. By failing to review the proposed regulatory model, the memorandum itself demonstrates a failure to apply basic standards of due diligence and competence.
210. The ECMA recommendation to the Dutch government mirrored principles of the Australian model⁴⁸, the established ethical framework used in Australia for teaching and assessing dog trainers, and the entire system of ongoing accountability and viable system of user-pays. These appendices contain submissions regarding the meeting of 25 October 2016 where the stakeholders group discussed documents from the Ministry (via Ms Regeer) for an ethical framework and the contents of a training course for qualified supervisors/users of electronic training aids.

⁴⁷ The Decree exempted the use of the electronic training aids from the ban, provided the use was aimed at effecting a justified change in animal behaviour in order to avoid a danger to humans or animals or to affect the animal's welfare, provided that the user of the equipment has sufficient expertise

⁴⁸ <https://agriculture.vic.gov.au/livestock-and-animals/animal-welfare-victoria/pocta-act-1986/electronic-collars/antibark-and-remote-training-collars>

211. What the memorandum spectacularly fails to do is provide members of the public with the same access to the same product in order to gain the same benefits as are made available to the military and police. Albeit stating the obvious, a dog is a dog irrespective of who the owner might be i.e. a member of the public, a member of the police, or a member of the military.
212. The memorandum perpetuates its own lack of logic and consistency in reference to the law, and in respect of its justifications for continued use of electronic training products by the police/military in contrast to proposing a ban that would prohibit public dog owners and public dogs from gaining access to the same tool, the same benefits, and the same competent supervisors/trainers.
- 212.1. ECMA has repeatedly drawn attention to the contradictions, inconsistency and lack of logic in prohibiting public dog owners from having access to the same benefit, for the same reason, as the military and the police.
- 212.2. Comparatively there is a larger number of privately owned dogs versus the number of police and military dogs, meaning that there is much larger geographic distribution and prevalence of antisocial dog behaviours from amongst the private sector dogs (e.g. excessive barking, wandering). This disparity of numbers, distribution and prevalence provides a strong argument for making sure that all dog owners – police and nonpolice, military and non-military – are assisted in their efforts to ensure that dogs behaviour in a socially acceptable and legally compliant manner.
213. At the meeting of 13 March 2019 at the Ministry attended by ECMA and other stakeholders who vehemently opposed his “announcement” that he” had gone to the Minister and had convinced her to ban electronic products”, Paul Bours stated that in his opinion, retaining the current decree or implementing a regulatory system was “too difficult”.
- 213.1. This ECMA submits to the public and Parliamentarians that protecting the public, assisting voting dog owners, and avoiding the unnecessary detrimental consequences to dog/animal welfare is **not a question of being “difficult or easy”, but simply one of doing the “right” thing.**

Quoted text in public consultation “explanatory memorandum”

Electric fencing is exempt from the prohibition, because the welfare damage when using electric fencing is small and does not go beyond what is necessary. The term “electric fence” is not considered to be invisible boundary boundaries with which an animal can produce a current surge when crossing a certain boundary via a device mounted on the body of an animal. Such a device mounted on the dog, can namely be considered as power surge equipment because of the fact that it can generate a power surge.

Critique: the memorandum demonstrates complete confusion regarding containment products space

214. Right through to the end of the memorandum, it displays the writers lack of research and reading, plus a lack of knowledge about basics pertaining to the features and/or proper use of electronic training aids.

215. The memorandum demonstrates a lack of basic competency and understanding regarding the distinguishing features of the various products and how they correlate with fundamentals of dog behaviour.
216. The memorandum, again, this time regarding electronic containment aids, illustrates clear confusion.
- 216.1. It has a litany of confused terminology and obvious inaccuracies ranging from “invisible fencing” through to apparent assumptions that electronic containment systems operate in a similar manner to stock fences.
- 216.2. To illustrate just some of the in competencies evident within the memorandum it is helpful, in the first instance, to simply state that there are a multitude of differences between stock fences and the electronic containment aid.
- 216.3. For example, the stock fences have a standard voltage, which is capable of delivering significantly higher output, requires no training and delivers electrical stimulation indiscriminately. In contrast, the electronic containment system follows a set training programme to help the dog succeed and automatically adjusts the pulse intensity to suit the individual dog. The electronic pulse can only be felt by the dog selected to wear the electronic collar. The electronic containment system carries a pre warning function allowing the dog to rapidly learn how to successfully predict and control electronic pulse, thereby creating confidence.
217. The Decree of 26 April 2018 exempted containment systems from the ban for a list of ethical, robust, and practical reasons which the current memorandum appears to either be unaware of or selectively ignore.
218. It is submitted that memorandum’s continued lack of understanding regarding the function, proper use and role of electronic training aids, in conjunction with the apparent confusion regarding fundamentals related to dog behaviour, are fatal to the credibility and reliability of the document, and, by extension, to its proposal to remove access to their benefits by way of a blanket ban.

Quoted text in public consultation “explanatory memorandum”

End the use of electricity in police and defense dogs

Police and armed forces are in the process of ending the use of electric shock devices in their dogs. This path was taken several years ago. For example, the police and the armed forces have started to no longer purchase dogs that have been trained with electric shock equipment. For dogs that are already in use and which do use electric shock equipment, efforts are being made to train these animals within six years so that generic electric shock equipment is no longer required.

Critique: the memorandum again selectively references incomplete information regarding the training of police and military dogs.

219. If it is correct that Police and armed forces aim at ending the use of electronic training aids for their dogs within around 6 years, then the obvious question is what is going to happen afterwards?

220. The memorandum is full of unsubstantiated allegations, confusion, part truths and misleading statements based on clearly incompetent research and repeated inconsistencies. In its reference to the police and the military, the memorandum provides no substantive evidence or reliable indication of what alternative tool might be available that provides the same training reliability and unique benefits particularly for dogs with a high prey drive in welfare threatening circumstances.
221. The paragraphs provide more illustrations of the memorandum's lack of logic which in this instance involve (a) the alleged detriment of using electronic training aids, and (b) the existence of competent trainers.
- 221.1. For example, if ETAs were truly detrimental to the well-being of the dog, then it is a logical to permit those detriments to be "inflicted" on any animal irrespective of whether they are police dog, a military dog, or a dog belonging to a member of the public.
- 221.2. In the same way that ECMA argues for providing the benefit of electronic training aids to privately owned dogs as much as they are made available to dogs in the police/military, the converse argument would seem true if the products truly caused detriments to the well-being of the dog i.e. if the electronic training aids compromised well-being of privately owned dogs then simple logic would indicate that they would also compromise the well-being of military/police dog. Similarly, the immediate cessation of the products use in privately owned dogs would logically result in immediate cessation of products use in military/police dog? The alternative is to suggest that the government is endorsing regulative cruelty of military/police dogs.
- 221.3. The inherent lack of logic is another feature of this memorandum which undermines its credibility and reliability is a decision-making.
222. The same lack of logic in the memorandum is demonstrated in respect of the competence of supervised trainers.
- 222.1. By permitting military/police dogs to be trained utilising electronic training aids there is an obvious inherent exception that there are qualified supervisors who know how to, and properly use, electronic training aids.
- 222.2. Stating the obvious, people in the private sector are just as capable of learning how to use electronic training aids as people who work with dogs in the military and the police.
- 222.3. On that basis, members of the public would reasonably and reliably be able to source suitably qualified trainers.
- 222.4. This reality demonstrates the nonsense of the memorandum's earlier statements suggesting that knowing how to properly use the electronic training aids is "almost impossible".
223. It must be concluded that the exemption provided for the police and the military validates the unique features and value of electronic training aids.
224. The same exemption validates that it is possible to train and source competent civilian supervisors/trainers regarding the use of electronic training aids.

225. ECMA quotes Dutch police dog trainer Mr. G.A.Th. Straatman, police inspector, who is responsible for training police surveillance dogs since 1983, from his written statement as an annex to the complaint letter of the Royal Dutch Police Dog Association (KNPV) dated 18 June 2019 to the Minister in reaction to the proposed ban on the use of electronic training aids:
- 225.1. “The loss of the use of the electric training aids, a tool, based on modern training principles, will potentially lead to fall back to traditional training methods⁴⁹,
 - 225.2. Physical punishment, damage to the handler / dog relationship, increased stress and reduced animal welfare;
 - 225.3. Dogs that are less controllable and manageable in certain circumstances.
 - 225.4. Choice of a different type of dog, less suited to the heavy task they have to perform.”

CONCLUSION:

226. In conclusion, the memorandum is a litany of unevidenced opinion, inaccuracies, incompetency’s and conflicts, resulting in an overall lack of accuracy, credibility and reliability as a decision-making tool. Those reasons include, for example:
- 226.1. A lack of basic research;
 - 226.2. A failure to read materials that are already in the possession of the government;
 - 226.3. A failure to properly understand dog behavioural terms and behaviours;
 - 226.4. A failure to apply basic logic to the relationship and interaction;
 - 226.5. Failure to understand and properly apply law associated with “animal welfare” and “reasonableness” and a concurrent failure to appropriately be aware of the Minister’s relevant statements validating the role and appropriate considerations to the ongoing availability and use of electronic training aids; and
 - 226.6. The misconduct, as validated by the Complaints Committee (see APPENDIX B) of the file manager who failed to fulfil his responsibilities and consequently failed to provide full, accurate and unbiased information for the purposes of responsible decision-making affecting the well-being of dogs, dog owners, and non-dog owners who collectively share Dutch communities.
227. The Complaints Committee admission that the conduct of evidence gathering and stakeholder involvement was procedurally flawed appears to have been selectively ignored. The memorandum demonstrates a pattern of ongoing misconduct by those entrusted with looking after public interests, and their behaviours functioning on what could be described as a “self-serving selection of inputs” including, as illustrated in the memorandum:
- 227.1. Stakeholder inputs (those who supported a ban of electronic training products);
 - 227.2. Scientific publications (predominantly one) relied upon;
 - 227.3. Dog training organisations (one) relied upon.

⁴⁹ On page 2 of his statement Mr. Straatman explains the traditional training methods: “Old fashioned methods whereby the dog was physically punished after the undesired behavior”. And: “The old-fashioned, non-adjustable electronic training aids often proved counterproductive to the learning process due to the uncontrollable amounts of current and has also disappeared. But modern electronic collars, if used properly, can be of great service in this regard - the link between behavior and consequence is separate from the handler, so that the dog continues to display the desired behavior at a distance from its handler and the handler-dog relationship remains good.”

228. There has been constant reference to Paul Bours within these submissions.
- 228.1. ECMA respects that Paul Bours, like any other individual, is entitled to his personal opinion.
- 228.2. What ECMA is deeply concerned about is a situation where a personal bias is permitted to result in a drastic detrimental policy and legal change enabled by virtue of an individual's government position.
- 228.3. ECMA concerns heightened with statements of Mr Bour while acting in his official position including, for example, that in his opinion **"some dogs deserve to be killed"**⁵⁰. Additionally, in a meeting attended by multiple witnesses Mr Bour dismissed inputs recommending retaining the existing Decree and implementing a regulatory system to retain access to electronic training aids in Holland that mirrored the ETA regulatory model successfully implemented overseas for in excess of a decade as, again in his opinion, simply "too hard".
- 228.4. The Complaints Committee validated ECMA concerns by invalidating that there had been failures of conduct and procedure by Paul Bour.
- 228.5. ECMA therefore references Paul Bour, in conjunction with Director of Animal Welfare Hendrix, for their roles and apparent breach of responsibilities in order to provide the reading public, Parliamentarians and the Minister with context that provides them with insights and understanding to the background and shortcomings of the memorandum.
229. ECMA submits that the cumulative failures, bias, and overall lack of credibility attached to the memorandum makes it totally unfit for purpose as a decision-making document and, it follows, that the proposal contained within the memorandum is equally biased, inaccurate and counterintuitive to the interests of animal/dog welfare, dog owner responsibilities, and the peaceful enjoyment and safety of all those who share Dutch communities.

⁵⁰ Stated by Paul Bours at the first meeting between ECMA representatives and the Dutch government in 2014.