

Companion Animal legislation 2021

Detailed Comments for submission to the Public Consultation

1. Article 2 Paragraph 19 – The restriction to “licensed” shelters to be withdrawn and the definition to be revised so as not to prevent welfare organisations and groups of volunteers from running shelters.
2. Article 3, paragraph 4 - The additional work to be undertaken by veterinarians to register all data in the NAR (National Animal Register) will increase the cost of medical services. This will place an unbearable burden on some owners, resulting in more uncared-for animals.
3. Article 4. Paragraph 1 – Delete “may” so as to make this obligatory.
4. Article 5. Paragraph 1a – With regard to... "In the event of a failure to neuter an animal, the fine of Article 21 is imposed on the owner and sterilisation must then be carried out within three-months. In the event that the deadline expires, the fine is re-imposed." Determine the body responsible for the fine and the way in which this body will be informed of the infringement.
5. Article 5. Paragraph 1d – After the words “compliance with the welfare rules” add “as expressly referred to in Article 1 (b) of the same law”.
6. Article 5. Paragraph 1z - Clarify the very specific conditions under which an owned animal can be handed over to the municipality (sickness, death, etc.). In other circumstances, the owner must remain responsible for the cost of its care until such time as it is adopted.
7. Article 5. Paragraph 1th - Define what is meant by the term 'adequate contact'. According to specialist professionals a dog should not be left alone more than 6 consecutive hours.
8. Article 5. Paragraph 3e - only dogs recorded as "guard dogs" will be permitted to remain permanently outdoors. Certification of "guard dog" is to be done through the local three-member committee.
9. Article 5. Paragraph 3 - Add an additional subparagraph, clarifying that it is an owner's obligation to ensure their dog is given daily exercise appropriate to its breed, age and physical condition.
10. Article 6. Paragraph 7 - Add that “the veterinarian should be obliged to record in the NAR when an animal suffers from a ‘harmful characteristic’ (genetic defect) in accordance with Article 5. Paragraph 7.”
11. Article 6. Paragraph 10 - Delete this paragraph since the reproduction of an owned animal is permitted the owner should have the right to seek an appropriate mate for it.
12. Article 7. Paragraph 5a - Collection [of strays] must be carried out by appropriately trained staff whose training must be mandatory and not optional, with specific programmes drawn up by the National Center for Public Administration and Government.
13. Article 7, paragraph 5bac - "If it is established by veterinary examination that a companion animal is dangerous or that it is suffering from an incurable disease or that it is completely unable to survive independently due to old-age or infirmity and the preservation of its life is manifestly contrary to its welfare, it is euthanised." With regard to stray animals, we suggest that the veterinarian gives an opinion, but for the final decision on euthanasia, the agreement either of a second veterinarian or of the municipal committee (5 member & 3 member) must be obtained.
14. Article 7. Par. 5c - Puppies that have been raised in a shelter should not be put out on the road after 5 months because they will not survive.
15. Article 7. Paragraph 8b - Clarify the procedure that will be followed in municipalities where there is no veterinarian (private or public).
16. Article 7 Paragraph 9c. – Determine the body that shall be responsible for supervising and ensuring the municipalities’ 5-member committees “produce an annual report to the Council on the progress of its management programme for stray animals and its proposals for improving it.”

17. Article 7. Paragraph 10 (after C) - Municipalities should be obliged to seek a professional trainer's opinion. Clarify how this will be done in areas where there is no trainer.
18. Article 7. Paragraph 11 – Any proposed euthanasia should additionally be posted on municipal public noticeboards so that those that do not have internet access can also be informed.
19. Article 10. Paragraph 4 - Make it easier to move larger animals by public transport (with a muzzle), with the exception of airplanes where there is a matter of space. Otherwise, a disincentive is created to adopt large animals.
20. Article 18. Paragraph 2 - Euthanasia of a stray dog diagnosed with Leishmaniasis should be decided either by two veterinarians or by the municipality's 5-member Committee.
21. Article 20. Paragraph 1 – Confiscation of an animal to be permanent also in cases of long-term negligence and more generally following any deliberately abusive act.
22. Article 20. Paragraph 3 - Determine the procedure to be followed in the event of non-compliance.
23. Article 21. Paragraph 4 - Do not differentiate between hunting dogs and pet animals and the exemption from the penalty of “imprisonment for up to one year and a fine of five thousand (5,000) eight thousand (8,000) euros” to apply solely to personal assistance dogs.
24. Article 22. Fine 12 - Cat kept caged, the fine should be significantly higher than EUR 300.
25. Article 22. Fine 39 – Fine of 20,000 EUR for “breeding, training and use of an animal in any type of fight” is disproportionately low in comparison with the fine of 30,000 EUR laid down for the use of an animal in a show/performance given that fights are more harmful or deadly.
26. Article 22. Fine 41 - Add "long-term neglect"
27. Article 23 - Anything concerning shelters should not apply equally to all municipalities. There should be a scale depending on the population, the number of animals and other factors.
28. Article 23. Paragraph 2b - Animals should be microchipped immediately otherwise this is in direct conflict with Article 6 (10) "advertisements for the sale or adoption of pet animals in print, brochures, posters or websites are only allowed by persons referred to in paragraph 1, with a mandatory reference to the microchip number and the registration number of the approved breeder."
29. Article 28 – Details of offenders who have had a prison sentence imposed upon them should be kept permanently on the offenders registry.
30. Article 35 Paragraph 1. – in the phrase “The Ministry of Interior’s Directorate of Organisation and Operation of Local Government’s Department of Protection of Companion Animals,... may define...” Replace the word “may” with the word “must”.
31. Article 39. Paragraph 3 – Delete this To fully abolish this paragraph as it leaves open loopholes for uncontrolled reproduction from "backyard breeders". It is preferable to exclude from mandatory sterilization, professional or hobbyist breeders, who will anyway operate under a very specific framework and very strict rules.