

Animal Protection and Well-being Model Law

Draft intended for public consultation

There are many animal protection laws in the world, and the variety of them is impressive. We quickly learned that the task of drafting a Model Law, including collecting and rearranging regulatory elements thereof could take us years, due to the large variety of laws and their diversity. However, we had only a few months. We first checked [this world animal protection index website](#) to identify the best and, thus, presumably the most complete national laws. We asked some animal protection organisations for recommendations, and one of them recommended [Croatia](#), which indeed turned out to be comparatively complete. We screened other top laws, our own comparative articles and the [Model Animal Welfare Act on worldanimal.net](#)¹ for additional elements missed or omitted by Croatia. We structured the text in a more consistent way and complemented it so as to close regulatory loopholes. Finally, we complemented the result with regulatory techniques collected in other regulatory sectors and jurisdictions worldwide, as we usually do to spread regulatory knowledge across sectors and jurisdictions.

The resulting Model Law does not contain all the elements used by one or the other animal protection law somewhere in the world, because inserting all these elements would render the text almost indigestible. However, it is by far the best basis for real-life law-makers to conceive an animal protection law adapted to their respective needs, because it contains many more (around the triple) elements than the best available national law (from [Croatia](#)) and the so far best Model Law, the [Model Animal Welfare Act on worldanimal.net](#). Law-makers will have to make several hundred choices when going through this Model Law, selecting elements for their national law, choosing text options, and reflecting on the indicated possibilities to deepen certain aspects, for instance by reference to certain exemplary countries. They can do so in a few days whilst it would take months to create the knowledge base behind our Model Law.

Contrary to the [Model Animal Welfare Act on worldanimal.net](#), our Model Law is not aimed at optimising animal protection. The purpose of our Model Laws is not to suggest and defend a certain policy optimised in view of certain goals, but to show possibilities for regulators and law-makers. For instance, the balance between the goal of animal protection and other goals needs to be struck by the regulators and law-makers of each country and cannot be anticipated by the Regulatory Institute, because the situations are so different around the globe. For countries where many people, due to their poverty, see animals as food competitors, choices have to be made differently than in rich countries where pet owners can partly afford feeding their cherished animals with meat usable for human consumption which can be regarded as repulsive from the perspective of persons with uncovered food needs. We cannot solve the incompatibility of these views in this Model Law, but we can present a Model Law, which, on average, suggests as a basis for discussing an upper-medium level of protection of animals whilst showing possibilities to adapt upwards or downwards, subject to the wishes of the real-life law drafters.

¹ World Animal Net (WAN) has now merged into the [World Federation for Animals \(WFA\)](#).

Hence, as for so many other regulatory sectors, the level of protection (here: of animals) should be determined in a realistic way, taking into account the respective population and situation. Going to the extreme or just going too far for the respective population and situation might backfire at least in two ways:

- Where obligations are perceived as unrealistic or overburdening, the entire law might be discarded and thus not respected; and
- Enforcement capacities might not suffice to enforce a very stringent set of obligations.

We thus claim that, even in terms of animal protection, it might be better to go for still acceptable and enforceable obligations and make them more stringent gradually over time. This applies in particular to farmed animals.

Regarding the level of granularity of this Model Law, we had to make difficult choices. It was not possible to integrate all elements found in the many diverse laws. Readers who wish to use more elements will find some hints spread over the Model Law. At a more general level, we refer to our three dedicated articles ([1](#), [2](#), [3](#)) and to the following sources:

- World Organisation for Animal Health (WOAH) [terrestrial codes](#) and [aquatic codes](#);
- Global Animal Law (GAL) [legislation database](#);
- Coller Animal Law Forum's [collection of laws](#);
- The [Victorian Prevention of Cruelty to Animals Act 1986](#) that impressed us in particular by detailed enforcement empowerments;
- The Swiss Federal [law](#) and [ordinance](#) on hunting, a topic that we barely touch upon in our Model Law².

And evidently, we cannot cover here all the many policy aspects that might come into play.³

In view of the different implementation capacities of jurisdictions, including those of developed economies, the following colour coding is used in this Model Law:

- Green stands for provisions which are “technically easy to implement” or “unavoidable / essential whilst being of medium difficulty to implement”; therefore, the green provisions represent the minimum all jurisdictions should follow for an effective and competent regulatory framework.
- Red is at the opposite end and stands for “technically difficult to implement” or “rarely advantageous whilst being of medium difficulty of implementation”; we thus recommend particular caution before including the red provisions.
- The remaining provisions are marked in yellow. They are all of medium difficulty.

The Model Law is constructed in such a way that it could “stand” with the green provisions alone, but that the sections or provisions in yellow or red can be added as extension

² The links point to the German versions, because there is no official English version and the German version might be more suitable for machine translation, as it is mostly the drafting language in Switzerland. The French and Italian versions are accessible by the buttons “FR” or “IT” on the top right.

³ See as examples the [One Health global initiative](#) or this document “[Unveiling the Nexus: The Interdependence of Animal Welfare Environment Sustainable Development](#)” of the World Federation for Animals.

modules.

In the above, we refer to the degree of simplicity of the implementation. However, in our view, this parameter alone should not determine whether certain provisions are to be included or excluded in a particular regulation. What is more important for us is the overall quantitative implementation and in particular, the enforcement capacity of the respective jurisdiction; even very advanced technical jurisdictions should consider this carefully. Hence the following questions need to be answered:

- Do we have the necessary (quantitative) enforcement capacities to enforce all the provisions we deem ideal?
- If not, which provisions shall we mainly focus on in terms of enforcement, where shall we steer our resources?
- Which further provisions should still remain in our act because they will be (largely) applied even without enforcement?

As a result of this sequence of questions, even some provisions marked in green will need to be eliminated at the end of the day, and even in technically very advanced jurisdictions. Again, we encourage the regulators and law-makers to be selective and to adapt this Model Law to their respective needs. It is made for that purpose and does not pretend to be a one-size-fits-all solution.

The model law has been subject to a public consultation. The texts inserted or modified following the public consultation are marked by this colour. The inserted or modified sentences are to be found in Sections 1, 2, 7, 27, 28, 29, 33, 69, 76, 80 and 84.

<h2>Chapter A: Generalities</h2>	
<h3>1. Subject matter and goals</h3>	
<p>This Act lays down the obligations of natural and legal persons for the treatment of animals in view of:</p> <ul style="list-style-type: none">- saving the animals' lives AND/OR avoiding unnecessary deaths of animals,- reducing their suffering to the extent possible, which implies avoiding unnecessary suffering,- respecting the animals' needs, their natural behaviour and their sentence, and- increasing their well-being.	<p>We recommend expressing the triple finality explicitly to give guidance for the interpretation of the Act.</p> <p>The finality lays down very fundamental choices that should be made consciously by the law-makers. Please check first whether you go along with the triple finality.</p> <p>“Increasing their well-being” avoids disputes about whether an animal already suffers or just has a discomfort. But one might also argue that integrating the well-being into the finality of the act reduces the focus on avoiding the suffering.</p>

	<p>In choosing between “saving the animals’ lives” and “avoiding unnecessary deaths of animals”, we recommend the former where it is intended to prohibit the killing of animals for economic reasons and the latter otherwise.</p> <p>As an alternative, or addition to our sober text, please check this more detailed description of objectives from the Model Animal Welfare Act on worldanimal.net⁴:</p> <p><i>I. The aim of this Act is the protection of the lives and welfare of all animals [feeling pain], [and the development of humankind’s respect and moral responsibility for animals. This aim includes the progressive development of humane attitudes throughout society, as well as practical measures to protect the welfare of animals and provide a clear ‘duty of care’ for all citizens.]</i></p> <p><i>This Act also aims at recognising each animal [feeling pain] as an individual, with an intrinsic value and a life which matters.</i></p> <p><i>II. This Act finally aims at protecting following five “freedoms” of animals:</i></p> <ol style="list-style-type: none"> <i>a. freedom from Hunger and Thirst and Malnutrition – by ready access to fresh water and a diet to maintain full health and vigour;</i> <i>b. freedom from Physical and Thermal Discomfort – by providing a suitable environment including shelter and a comfortable resting area;</i> <i>c. freedom from Pain, Injury and Disease – by prevention or rapid diagnosis and treatment;</i> <i>d. freedom to Express Normal Patterns of Behaviour – by providing sufficient space, proper facilities and company of the animal’s own kind; and</i> <i>e. freedom from Fear and Distress – by ensuring conditions and treatment which avoid mental suffering.</i>
2. Interpretation and trade-off rules	
<p>I. Where there is conflict between the goal of saving the animals’ lives and the goal of reducing their suffering to the extent possible, the first goal is to be given priority</p>	<p>In order to create both clarity in the process of regulating and steering the later interpretation of the Act in cases of doubt, we recommend the establishment of clear</p>

⁴ World Animal Net (WAN) has now merged into the [World Federation for Animals \(WFA\)](http://www.worldanimal.net).

unless the suffering is long-lasting, intense and cannot be otherwise remedied.

OR

Where there is conflict between the goal of saving the animals' lives and the goal of reducing their suffering to the extent possible, the second goal is to be given priority.

II. Where there is conflict between the interests of the animal and the financial interests of the responsible natural or legal person, the interests of the animal must prevail up to the limit of proportionate affordability, proportionate affordability being defined as:

- a. no owner or keeper is obliged to spend more than ... ($\frac{1}{2}$, 1, 3, 5, 10, 20, 30 ...) her/his daily income for the rescue of a single animal, unless s/he has a fortune above ... ;
- b. no owner or keeper is obliged to spend income for animals where s/he needs the income for the basic needs of her/his family;
- c. no professional owner or keeper OR no owner or keeper of an animal kept for breeding or production is obliged to spend more than ... (single, double, triple ...) the commercial value of the animal;
- d. no professional owner or keeper OR no owner or keeper of an animal kept for breeding or production is obliged to endanger the economic viability of its undertaking by the costs caused by the rescuing of the animals.

III. *Where there is any doubt that an animal's welfare needs can be met, then the 'precautionary principle' must be applied, and the animal's welfare given precedence.*

trade-off rules that might be complemented by other rules on the interpretation of the Act.

The trade-off between the value of (an animal's) life versus the suffering endured if life continues is relevant for Sections 9, 13, 14, 16 and 47.

We have deliberately refrained from listing other potential trade-offs, like animal protection versus environmental protection or human health as it would render this Model Law very complicated. But see also the collision and balancing rules in Sections 5 and 9.

Please select and modify as appropriate. The following criteria are just suggestions, as always. However, we recognise that there is a strong conflict of interest between protecting the animals and the financial interests of their owners or keepers. Not clarifying the conflict by law will necessarily lead to a practice which is not harmonised and even an attitude of disregard by many owners or keepers of animals. It is not realistic to expect that animal owners or keepers will accept to invest all their possessions into the rescuing of an animal or a stock of animals. Enforcement of such far-reaching obligations would not be possible either. Should the keeper of a pet or a breeder of chicken be obliged to apply all that is medically possible to rescue an animal, even if it costs several thousand dollars to transport the said animal to an overseas clinic which might alone be able to treat the respective sickness? Should a keeper of a pet be obliged to spend a month's salary or even sell a house to rescue the pet? We raise these provocative questions just to demonstrate that there must probably be a cost-trade-off rule, unless the regulation leaves the trade-off to the "practice in the field" which means chaotic, diverging actions influenced by the personal views of those who decide; and in case of doubt, no protection of the animal at all: quite many owners or keepers will regard the absence of any cost-limit as so unrealistic or so unfair that they lose the respect towards the law and do what suits them best, e.g. killing instead of curing.

	<p>There can also be a trilateral trade-off: in some situations, the death of an animal might be ethically preferable to its continued suffering, but the suffering could be reduced by an important financial investment into medical treatment (e.g. tailor-made development of an exo-skeleton stabilising the animal and reinforcing the movements of the animal). To regulate such trilateral trade-offs in any other way than a series of bilateral trade-off-rules renders a regulatory text very complicated.</p>
<p>3. Application</p>	
<p>Alt. 1: This Act applies to all chordates OR deuterostomes OR nephrozoa.</p> <p>Alt. 2: This Act applies to all vertebrate animals and to other species of chordates OR deuterostomes OR nephrozoa that [possibly] can feel pain.</p> <p>Alt. 3: This Act applies to all vertebrate animals and to other species listed in Annex I. The Government OR Minister in charge of animal protection may extend the list in Annex I by ... (e.g. ordinance) when science indicates that certain species [might] feel pain.</p> <p>Alt. 4: This Act applies to vertebrates. The Government must decide by ... (e.g. ordinance) to which invertebrates it applies and to what extent. In doing so, it is guided by scientific knowledge on the sentience of invertebrate animals.</p>	<p>In order to protect most effectively those animals that can suffer, we recommend using the relatively precise criterion “capacity to feel pain” to determine the application of the Act. The alternative would be to refer to the capacity to sense or to cover even all animals; see below the “N.B.”.</p> <p>According to Wikipedia there is some evidence that invertebrates, especially the decapod crustaceans (e.g. crabs and lobsters) and cephalopods (e.g. octopuses), exhibit behavioural and physiological reactions indicating they may have the capacity to feel pain. Nociceptors have been found in nematodes, annelids and mollusks. Most insects do not possess nociceptors, one known exception being the fruit fly.</p> <p>Research discovers more and more species that can presumably feel pain. If the purpose of the legislator is to protect animals against avoidable suffering, four main approaches seem to be pertinent:</p> <ul style="list-style-type: none"> - Defining the covered range of species so broadly that all animals feeling pain are included. Alt. 1 expresses this approach, provided that at least chordates are referred to; maybe it would even be necessary to refer to deutersotomia. This approach best covers the many species, for which science will discover in the future, that can feel pain. However, as will be explained below, it has negative effects as well. - Referring to the capacity of animals other than vertebrates to feel pain (for vertebrate

animals, we can generally assume the capacity to feel pain). This approach (Alt. 2) provides a scientific automatism, but at the price of some legal uncertainty.

- Empowering the administration to extend a list of animals for which science assumes the capacity to feel pain (Alt. 3). This approach provides legal certainty, but triggers the need for periodic updating. The list will always lag behind scientific evidence and reality even more.

- Empowering the government to regulate in light of the goal to cover all animals feeling pain (Alt. 4) - the [Swiss approach](#).

If Alt. 1 is chosen, consider limiting certain obligations/sections to certain animals.

When choosing Alt. 2 or Alt. 3, please decide which level of scientific evidence you will request. Mostly, several years pass by between the first scientific indication for pain and the recognition of that finding by the majority of relevant scientists. The addition of “possibly” in Alt. 2 and “might” in Alt. 3 provides for an earlier-on animal protection, but comes at the cost of possible waste of implementation resources, as discussed in the following.

The trade-off behind the choice to be made:

- Law-makers should be aware of the trade-off between preventively covering more animals on one hand and using implementation resources in such a way that pain of animals is minimised. As ever more species are recognised as feeling pain and having consciousness features similar to humans, there are strong arguments for enlarging the scope of an animal protection act so as to cover all animals potentially feeling pain / for which pain sentience cannot be excluded. On the other hand, implementation resources of administrations may be limited; extending the scope to all animals potentially feeling pain will direct implementation resources to quite many animals for which we fear there will never be detected pain sentience. We also quickly reach feasibility limits, e.g. when applying a duty of care and prohibition to kill to car drivers who encounter, at times, dozens of insects per ride. Even in strictly Buddhist societies, most people are not ready for

	<p>such radical animal protection.</p> <p>- The Model Animal Welfare Act on worldanimal.net, that we appreciate in many ways and that we took as a basis for our Model Law where our provisions are in italics, illustrates this concern. It recommends the following scope/application which, in our view, would be so wide (covering all animals) that it would neither be implementable⁵ nor be effective in protecting <u>pain</u> sentient animals⁶:</p> <p><i>“This Act applies to all non-human animals. Chapters 5 and 6, on enforcement and penalties, only apply to sentient animals. It is prohibited to exempt any animal from the coverage of this Act, and any sentient animal from its associated penalties.”</i></p> <p><i>“Sentience: The capacity to perceive or feel things. Sentient beings share with us consciousness, feelings, emotions, perceptions – and the ability to experience pain, suffering, fear, distress and states of well-being.”</i></p> <p>The criterion “sentience” leads to the inclusion of virtually all animals (hardly any animal does not feel anything in any way) and thus to a less effective care and protection for those animals that can feel pain. However, we recognise that in the best of all worlds, all (sentient) animals would be protected to the maximum.</p>
4. Exemptions from application	
<p>I. This Act does not apply to ... (e.g. the military, first nations or other traditional communities protected by the constitution).</p> <p>II. The Government may, by ... (ordinance, decree, ...) fully or partially exempt [private or] public research institutions and their</p>	<p>Traditional communities often have a very respectful way of dealing with animals, but this is not necessarily compatible with classic provisions on animal protection. If a generic exemption is deemed going too far, an empowerment for the Government to exempt (see Subsection II.) might be the right solution.</p> <p>As we have seen during the Covid19 pandemic, it is sometimes necessary, in terms of protecting human lives, to exempt</p>

⁵ The available implementation mechanisms would in very most if not all jurisdictions be overstretched if extended to all animals, we fear. Enlarging the scope is not necessarily optimising animal welfare.

⁶ By using scarce implementation resources for the protection of non-sentient animals, the sentient animals automatically obtain less attention and enforcement capacities.

<p>cooperation partners from the application of this Act in case of a pandemic for humans [or animals] that requires an as quick as possible response on the basis of research with animals. The exemption must be limited to the extent necessary for the pursuit of the research goals.</p>	<p>research from certain animal protection provisions.</p>
<p>5. Collision rules</p>	
<p><i>I. This Act supersedes or takes precedence over all other legislation with which it may conflict, unless such legislation provides a higher level of protection for the welfare of an animal.</i></p> <p>II. However, this Act does not supersede or take precedence over legislation protecting public health and safety [or dealing with military matters].</p>	<p>In this entire Model Law, parts in italics are identical to or based on provisions of the Model Animal Welfare Act on worldanimal.net.</p> <p>Most legislators will value human lives substantially higher than the lives of animals. Therefore, we suggest considering this exemption.</p>
<p>6. Definitions</p>	
<p>I. The following definitions apply:</p> <p>a. <i>abandoned animal</i> means any animal whose owner has intentionally abandoned it,</p> <p>b. <i>anaesthesia</i> means a pharmacologically induced state of unconsciousness characterised by controlled, reversible depression of the central nervous system, and that state is characterised by analgesia, hypnosis (medically induced state of sleep), muscular relaxation (reduced muscle tone), and loss of reflexes,</p> <p>c. <i>analgesia</i> means the procedure of reducing or blocking the sensation of pain in an animal, and is performed using special purpose means,</p> <p>d. <i>animal</i> means any mammal, bird, reptile, amphibian, fish, insect or other multicellular organism that is not a plant or fungi,</p> <p>e. <i>animal experiment</i> means the use of animals for:</p> <ul style="list-style-type: none"> - scientific research on the 	<p>Please check whether you need all these definitions once you have selected which provisions of this Model Law you wish to keep. Please also check whether you wish/need further definitions.</p>

- animals,
- scientific research for or the development [and the production] of products for the diagnosis of disease,
- scientific research for or the development [and the production] of medical devices, in vitro diagnostic medical devices,
- scientific research for or the development [and the production] of implants [and body-enhancement devices], regardless of their medical or non-medical purpose,
- scientific research on the biocompatibility of radiation,
- scientific research on the biocompatibility of human or animal genes, parts of cells, cells, tissues or liquids or of materials based thereon, and the development [and the production] of products based on all these,
- scientific research on the biocompatibility of chemicals or materials intended to be used in such a way that they directly or indirectly interact with or have impact on humans or animals,
- production of genetically modified animals, if gene technology, chemical or other similar methods are used,
- preservation through breeding of a stock of genetically modified animals so as to retain the genetic characteristics of the animals, unless the genetic modification has been approved by the Competent Authority,
- [teaching, if the use means that the animal is killed or subjected to a surgical operation,]
- scientific [or educational] work on isolated organs tissues or other body parts,
- the production of biological

In case of doubt, we recommend deleting "and the production".

Idem.

Idem.

More and more products emerge that strengthen human capacities or add new capacities.

In case of doubt, we recommend deleting "and the production".

Teaching and education, and thus the parts in square brackets, should be deleted here if the distinct provisions thereon in Chapter F are kept. Alternatively, the parts in square brackets could be kept and the distinct provisions in Chapter F be deleted. But this would lead to a less fine-tuned regulation, with less scrutiny of whether use of animals

preparations for scientific [or educational] work, [or - other comparable purposes],

- f. *animal in captivity* means a wild animal which lives in an area confined and controlled by humans or a domestic animal which has neither been abandoned, nor gotten astray, nor become a feral animal,
- g. *(animal) keeper* means any legal or natural person who is not the animal's owner, but has, by contract, the right to use or the obligation to care for an animal on a temporary or permanent basis,
- h. *(animal) owner* means any legal or natural person who owns an animal or has another, similar right to dispose of the animal,
- i. *animal protection* means the act of protecting the lives, the health or the well-being of animals, [including safeguarding animals from cruel treatment and acts that cause the animal harm, injury, loss, pain, suffering or fear and distress],
- j. *(animal) sanctuary* means an animal shelter which protects animals for the rest of their lives,
- k. *(animal) shelter* means a facility that has the purpose to house and to care for unwanted, former experimental, abused, neglected, or otherwise vulnerable animals,
- l. *animal welfare* means the totality of conditions that influence the overall well-being of the animal[, whilst the overall well-being is [inter alia] measured against the Five Freedoms],
- m. *animal welfare inspector* means a professionally qualified public agent appointed **OR** employed by the Competent Authority to execute this Act with regard to certain animals or certain natural or legal persons **OR** to inspect the well-being of certain animals,
- n. *blood transfusion* means the process of transferring blood or blood products from the circulatory system of one animal to the circulatory

is really needed.

Please check whether such a generic clause is useful and lawful in your jurisdiction.

In some jurisdictions, there are rights similar to ownership, e.g. the life-long right to use or the right to hunt in a confined area, which should be treated as equivalent to ownership.

- system of another animal,
- o. *circus and performances with animals* is an undertaking which produces entertaining events with the participation of animals,
- p. *companion animal* see "Pet",
- q. *competent authority* means the authority **OR** any of the authorities entrusted with the execution of this Act by virtue of ... (e.g. ordinance on the intra-state attribution of tasks),
- r. *dangerous animals* means animals that tend to threaten humans [or other animals],
- s. *domestic animals* means animals of a species that have been tamed or selectively bred over many generations; including those animals that have been abandoned or gone astray[, excluding feral animals],
- t. *euthanasia* means a procedure to put an animal to death in order to relieve it from suffering,
- u. *experimental animals* means animals that are or were animals used or are or were intended to be used in animal experiments as defined above,
- v. *farmed animal* means any domestic or wild animal which is kept and raised on farms for the production of any animal products (i.e. food, feed, fur, feathers, leather, skin, wool and fibre) or for the breeding of animals for such production,
- w. *feral animal* means an originally domestic animal having returned to an untamed state or the descendent thereof which is also in an untamed state,
- x. *game animal* means a land mammal or bird, either in the wild or farmed, which is hunted for sport or food, and is not normally considered to be a domestic animal,
- y. *game breeding* is the breeding of game animals,
- z. *humane killing* means a procedure which:
- induces either the instantaneous death of an animal or which uses stunning or anaesthetisation that renders it unconscious

See the comments to Section 69 for the question whether one or several authorities should be entrusted to be "competent authority".

Feral animals should probably in most contexts be dealt with as wild animals.

and insensible until death supervenes, and

- ensures the absence of pain, suffering, fear or distress, including during the period of induction of unconsciousness, where this is not immediate,

aa. *infringing person* mean a person infringing this Act,

bb. *intervention* means any procedure resulting in damage to or the loss of a sensitive part of the body or the alteration of the bone structure,

cc. *killing* means any intentionally conducted procedure that leads to the death of the animal,

dd. *laboratory animals* see experimental animals, **OR** means experimental animals of the following species: mouse (*Mus musculus*), rat (*Rattus norvegicus*), guinea pig (*Cavia porcellus*), golden hamster (*Mesocricetus auratus*), Chinese hamster (*Cricetulus griseus*), Mongolian gerbil (*Meriones unguiculatus*), European rabbit (*Oryctolagus cuniculus*), dog (*Canis familiaris*), cat (*Felis catus*), all species of primates excluding humans, frogs of the genera *Xenopus (laevis, tropicalis)* and *Rana (temporaria, pipens)* and zebra fish (*Danio rerio*),

ee. *legal guardian / custodian* means a natural or legal person entrusted by the Competent Authority [or a Court] to defend the interests of one or several animals including against the owner in case of the owner's non-respect of this Act,

ff. *lost animal* means an animal that has strayed from its owner, who is searching for it,

gg. *organ transplant* is a medical procedure to remove tissue or organs from the body of the donor animal for the purpose of transplant into the body of the recipient animal, for the purpose of extending or saving the life of the recipient [or for scientific purposes],

hh. *natural habitat of wild animals* means the non-confined or only

If you select the second definition, you may shorten some provisions in Chapter F. Some reduced obligations might be justified in case of the referred species, according to some legislators.

Animals on an island which are only confined by the sea should still be regarded

naturally confined habitat usually inhabited by wild animals of the species in question,

- ii. *pest animal* means an animal with characteristics that humans deem to be damaging or unwanted, in particular by disturbing the natural balance,
- jj. *pet animals* means domestic animals kept by humans for companionship or for their interest in those animals,
- kk. *pet shop* means any mercantile undertaking where pet animals can be purchased, including both premises and 'virtual' or online sales, but excluding animal shelters,
- ll. *procedure* is any action executed on an animal **OR** any action that leads to damage or a loss of a part of an animal or changes in the bone structure,
- mm. *ritual and/or religious slaughter* means the slaughter of animals:
 - as sacrifice,
 - as symbol,
 - for the production of ingredients deemed to have healing, strengthening, weakening or sacred effects, or
 - for the production of special or specially prepared foods, where the slaughter or the subsequent processes happen in accordance with a set of beliefs or prescriptions based on tradition,
- nn. *service animals or work animals* means domestic or tamed wild animals that are used to work for humans, such as dogs that serve as guards of persons and property, guide dogs for the blind, search dogs, horses and other animals used by man to perform transport or agricultural tasks, but that do not primarily serve for the production of animal products and by-products,
- oo. *slaughter* means the killing of an animal for the purpose of the production of animal products or by-products,
- pp. *sentience* means the capacity to perceive or feel things,
- qq. *staff* means employees, freelancers, interns or other persons working for

as living in a natural habitat.

Shelters are normally not mercantile, but still the clarification can be deemed useful.

We use the first definition in the following.

- another person without being self-standing contractors,
- rr. *shelter* see animal shelter,
- ss. *stray animal* means any domestic animal not under direct control by a person or not prevented from roaming, regardless of whether owned or not, with the exception of feral animals,
- tt. *stunning* means every intentionally performed procedure that leads to [full loss of consciousness] OR [an extremely reduced consciousness and sensitivity to pain] which lasts until the death of the animal,
- uu. *transport* means the movement of animals by technical means, including connected procedures prior to departure, during the movement and upon arrival at the final destination,
- vv. *trap* means any device or enclosure that is designed to close upon, hold fast, confine, or otherwise capture a previously freely moving animal at a precise location,
- ww. *3R principle* (replacement, reduction, refinement) means the principle to apply methods that replace the use of experimental animals, reduce the number of experimental animals used or that improve the animals' breeding and living conditions, including during the implementation of experiments,
- xx. *undertaking* means a professionally conducted activity,
- yy. *unsocialised animals* means animals that, when kept with other animals, can cause one another undesired pregnancy, injury or death,
- zz. *user* means any natural or legal person using animals in animal experiments or other use projects covered by Chapter F,
- aaa. *veterinarian* means a natural person who has successfully graduated from a recognised faculty of veterinary medicine and is officially registered, certified or licensed to practise veterinary medicine,
- bbb. *wild animals* means all animals other than domestic animals and

We noted in some legislation a mixing up of animals which are not domestic animals (here: "wild animals") on one hand and animals that live outside captivity and without link to humans.

<p>feral animals, regardless of whether they are kept or not,</p> <p>ccc. <i>wildly living animals</i> means wild animals that live outside captivity and feral animals,</p> <p>ddd. <i>wildlife rehabilitation centre</i> means a shelter intended to care and train wild animals in view of securing their release into a natural environment,</p> <p>eee. <i>work animal</i> see service animal,</p> <p>fff. <i>zoo</i> means an undertaking with accommodation facilities in which animals are presented to the general public.</p> <p>II. The Minister in charge of animal protection is empowered to change these definitions, namely to fine-tune and interpret them or to adapt them to technical progress and to close regulatory loopholes. It may add definitions. [Neither changed nor additional definitions may enlarge the application of this Act.]</p>	<p>The sentence in square brackets is necessary in some jurisdictions for constitutional reasons.</p>
<p>7. General prohibitions</p>	<p>These prohibitions should partly be applicable also to animals which are not in captivity, wherefore we place them here.</p>
<p>I. It is prohibited to keep animals under conditions or to treat them in a way:</p> <ol style="list-style-type: none"> a. causing their death, b. subjecting them to pain, suffering and injury, c. increasing the likelihood of diseases or d. not meeting their needs. <p>Where captivity necessarily leads to the offence of these prohibitions for a particular [wild] species, no animal of that species may be kept in captivity.</p> <p>II. It is in particular prohibited:</p> <ol style="list-style-type: none"> a. in the breeding of animals, to increase aggressiveness of animals through selection or other methods, b. to train, promote, stimulate or increase aggressiveness or fighting readiness of an animal through breeding selection or other breeding technologies or methods, c. to incite animals against other animals or humans or train them to 	<p>The generic prohibitions of Subsections I and the more specific prohibitions of Subsection II go too far in some instances, see the Subsections III and IV that provide exemptions. To avoid surprising readers, you might start Subsection I with “Unless authorised in accordance with Subsections III and IV, ...”.</p> <p>The sentence is certainly ethically correct for wild animals. But isn't a domestic animal's life better than no animal's life even if not all its needs are met? Debatable.</p> <p>Here we list prohibitions that we found in a large variety of animal protection laws. We also closed some loopholes. Some of the prohibitions might go too far in certain circumstances wherefore the possibility for exemptions is provided below.</p>

- be aggressive, except in the training of service dogs and dogs for sports and hunting dogs in accordance with the cynological standards and under the supervision of qualified persons.
- d. to train animals to fight, organise fights against other animals or humans, [with the exception of traditional ... fighting with the compulsory consent and presence of the veterinary inspector] or to participate in, permit in one's spaces or on one's ground, financially or organisationally support, [attend], promote or advertise such fights and organise and participate in betting in relation to such fights and contribute to the dissemination of pictures and movies on such fights, whether with payment or not,
 - e. to organise or to take part in fights of men against animals,
 - f. to organise or to take part in races of ... (dogs, ...), [unless the event has been authorised,]
 - g. to make animals run while tied to motor vehicles or machine driven items in motion,
 - h. to organise or to take part in rodeos, [unless the event has been authorised,]
 - i. to use bullhooks, electric prods, goads, pitchforks, baseball bats, whips or any measures, methods, aids or devices [in training or during sports or competitions or similar events] which are linked to pain, suffering, injury, fear or distress for an animal;
 - j. to use spurs with sharpened rowels,
 - k. to mark or identify an animal in such a way that causes, or is likely to cause, pain, suffering, injury, fear or distress,
 - l. to wound, mutilate, torture, kick, hit, drag, throw, squeeze animals;
 - m. override, overdrive, overload, overwork, beat, kick, worry, torment or terrify animals,
 - n. to demand from an animal any work, labour or performance which is beyond the animal's current natural strength or species-specific behaviour, or of which the animal is

Some national laws provide for generous exemptions for the marking of farmed animals. We cannot assess whether this is justified. See as example § 4 of the [German animal protection law](#) that provides:

- “(2) Anaesthesia is not required,
1. if anaesthesia is not normally used for comparable procedures on humans or if the pain associated with the procedure is less than the impairment of the animal's well-being associated with anaesthesia,
 2. if anaesthesia does not appear feasible in the individual case according to veterinary judgement.

- physically or health-wise not capable at that time or which involves, or is likely to involve, pain, suffering, injury, fear or distress for the animal,
- o. [to use equines for the extraction of logs from forests and for the extraction of heating wood, except in inaccessible areas where this is not possible without the use of equines,]
 - p. to use of animals for sexual or sadistic relations or procedures,
 - q. to do or omit to do an act with the result that pain, suffering, injury, fear, distress, illness or disease, is caused, or is likely to be caused, to an animal,
 - r. to force animals into a behaviour that causes them pain, suffering, injury or death,
 - s. to use technical devices, aids and tools aimed at controlling behaviour of animals by punishment, including prong collars or devices involving the use of electric current or chemical substances, whose use causes pain[; however, the following devices are permitted: ...],
 - t. to make experiments with animals, unless they are undertaken in a scientific context in accordance with Chapter F below,
 - u. to carry out any intervention to create a transgenic animal unless they are undertaken in a scientific context in accordance with Chapter F below,
 - v. to feed pharmaceuticals to animals unless they are sick or unavoidably threatened by contagion,
 - w. to feed last resort antibiotics,
 - x. to feed unauthorised stimulants or other unauthorised substances,
 - y. to feed animals substances the ingestion or digestion of which causes, or is likely to cause, pain, suffering, injury, fear or distress,
 - z. to force animals to take particular food, liquids or substances ("forced feeding"),
 - aa. to feed live animals to other animals unless this is necessary for the survival of the fed animals, and if so doing mimics the conditions in nature,

- (3) Furthermore, anaesthesia is not required
- 1. for the castration of male cattle, sheep and goats under four weeks old, provided there are no findings that deviate from the normal anatomical constitution,
 - 1a. (deleted)
 - 2. for dehorning or the prevention of horn growth in cattle under six weeks old,
 - 3. for shortening the tails of piglets under four days old and lambs under eight days old,
 - 4. for shortening the tails of lambs under eight days old using elastic rings,
 - 5. for grinding the canines of piglets under eight days old, if this is essential to protect the mother or the littermates,
 - 6. for the removal of the claw-bearing last phalanx of broiler chicks intended for use as breeding cocks during the first day of life,
 - 7. for the marking
 - a) by implanted electronic transponder,
 - b) of mammals other than pigs, sheep, goats and rabbits by ear or thigh tattooing within the first two weeks of life,
 - c) of pigs, sheep, goats and rabbits by ear tattooing,
 - d) of pigs by stamping,
 - e) of farm animals by ear tag or wing tag, and
 - f) of rodents intended for use in animal experiments by ear tattoo, ear tag, ear piercing or ear notching."

Feeding pharmaceuticals for preventive reasons may render them ineffective as the agents can become immune. This is in particular problematic for (last resort) antibiotics.

OR

- to use a live animal for feed or bait, or to breed or keep a live animal for this purpose,
- bb. to keep animals that need live feed or bait for survival,
 - cc. to use live animals as lure, unless the animals are well protected and not frightened,
 - dd. to feed animals with other animals of the same species,
 - ee. to feed animals with other animals that have infectious diseases,
 - ff. to under- or overfeed animals,
 - gg. to deprive animals of water,
 - hh. to deprive animals of light, unless the respective species does not need light,
 - ii. to deprive animals of veterinary care or similar physical treatment,
 - jj. to deprive sick or injured animals of other physical care they need,
 - kk. to abandon a domestic, service or companion animal,
 - ll. to abandon wild animals so far kept in captivity unless they are set out in a natural habitat for that species and have been sufficiently trained and prepared to survive on their own in such habitat,
 - mm. to abandon or release into the wild a non-indigenous wild animal,
 - nn. to convey or carry, whether in or upon any vehicle or not, any animal in such a manner or position which causes, or is likely to cause, pain, suffering, injury, fear, distress, illness or disease,
 - oo. to tether or chain wild animals [others than ... (e.g. raptors and falcons)], except [short-term] for veterinary-health or safety reasons,
 - pp. to permanently or prevalently chain or tether animals or to tie up body parts permanently or prevalently
 - qq. to prevalently use muzzles, unless required for health or welfare reasons, in which case the duration shall be limited to the minimum period necessary,
 - rr. to lift animals by the limbs, the head, the tail or the hair,
 - ss. to keep animals without providing them an appropriate and sufficiently

large space for their natural activities,

tt. to keep or confine any animal in any enclosure, cage or other receptacle which is not designed in such a way, or does not measure sufficient in height, length and breadth, to permit the animal appropriate opportunity for movement and performance of its species-specific needs and behaviours, or does not provide access to a natural substrate, unless this is a temporary measure to safeguard the animal's or its companions' welfare,

uu. to overcrowd spaces with animals [so that they have stress symptoms or cannot behave anymore naturally],

vv. to restrain the mobility of body parts,

ww. to restrict the movement of animals in a way that causes them pain, suffering, injury or fear,

xx. to prod animals, squeeze, pull or bend their body parts or to hang animals, unless these are procedures necessary for their killing in compliance with respective provisions,

yy. throwing or intentional trampling of animals,

zz. using animals other than ... as a means of transport,

aaa. to amputate partially or totally a sensitive part of the body,

bbb. to remove or destruct parts of organs or tissues or entire organs or tissues,

ccc. plucking the feathers from poultry or the hair of other animals,

ddd. cutting of horns,

eee. hitting, drowning or suffocating animals in any other way,

fff. exposing animals to lack of oxygen, thus causing or likely to cause them pain, suffering, injury or fear or death,

ggg. using carbon dioxide for stunning,

hhh. exposing animals to adverse temperatures and weather conditions, contrary to the accepted animal hygiene standards for individual animal species,

- iii. exposing animals to wrong chemistry, inflicting, or likely to inflict, pain, suffering, injury, fear, distress, illness or disease on the animal,
- jjj. exposing animals to electric currents, fire, hot objects, corrosive or toxic compounds, or with other physical or chemical action,
- kkk. throwing of firecrackers or other pyrotechnical devices onto animals, with the exception of emergency situations when the need for the dispersal of animals is required pursuant to special regulations,
- lll. causing, procuring or assisting at any shooting or hunting event, match or competition wherein an animal is released from captivity for the purpose of such event, match or competition,
- mmm. shooting at animals regardless of the type of weapon or device for shooting, except for the purposes of stunning or killing animals in compliance with respective provisions and for the purpose of protecting the safety of humans and animals,
- nnn. trap-shooting of birds, rabbits ... **OR** animals,
- ooo. manufacturing, importing, buying, selling, providing or using of traps that harm the animal, whilst leghold traps are deemed to be harming,
- ppp. to use authorised traps and catching devices in such a way that does not result in capturing the animal unharmed or killing the animal instantly,
- qqq. to use any unauthorised devices or methods of capture or entrapment,
- rrr. joint keeping of unsocialised animals,
- sss. mating of domestic or breeding animals with wild animals,
- ttt. to breed animals that are not sexually mature and that have not completed their growth or animals after the rejection of offspring that have not yet recovered, and the use of sick, exhausted or injured animals, or animals not ready for mating,

- uuu. to breed animals with heritable defects that cause suffering,
- vvv. to breed animals which will be, or are likely to be, inflicted with pain, suffering, injury, fear, distress, illness or disease; or where their descendants will be, or are likely to be, inflicted with pain, suffering, injury, fear, distress, illness or disease,
- www. to raise an animal in a way that causes, or is likely to cause, them pain, suffering, injury, fear, distress, illness or disease, including subjecting the animal to premature maternal separation, based on the natural age of dispersion of the species,
- xxx. to breed without licence animals other than ... ,
- yyy. to keep dolphins and other marine mammals of the family Cetacea in captivity, except for the purpose of medical treatment, recovery and care, and as service animals,
- zzz. keeping bears (all Ursidae), animals weighing more than 1 tonne, cats larger than 60cm (without tail) and ... in captivity, with the exception of zoos and shelters,
- aaaa. keeping animals, other than ... (e.g. fish) for the purpose of ornamentation of spaces open to the public or clients, with the exception of registered animal trade facilities,
- bbbb. keeping and use of wild animals for the purpose of public display, with the exceptions provided in Sections 44 to 46,
- cccc. using an animal for film shots, advertising, exhibitions or similar purposes or events if this causes, or is likely to cause, pain, suffering, injury, fear, distress, illness or disease for the animal,
- dddd. displaying of dogs with cropped ears and tails, with the exception of hunting dogs,
- eeee. to give animals as a prize or award or as an unsolicited donation,
- ffff. to import, buy or sell the following wild animals[, unless for a zoo or circus]: ...

OR

wild animals with the exception of: ...

gggg. to advertise, import, export, keep, possess, buy, sell, offer for sale, drive or convey animals bred, raised or kept in the way referred to in Subsection I or in violation of letters ... of Subsection II, [unless this is done in view of rescuing the animals in accordance with a public mandate,]

hhhh. to sell, offer for sale, buy, drive or convey animals that appear to be unfit therefore,

iiii. to possess, pass on, sell, offer for sale, transport or purchase any animal for whom the continuation of life would be connected with irremediable pain[, suffering, agony, torment or distress] for any other purpose than for its immediate euthanasia,

jjjj. to instigate any of the above letters,

kkkk. to help or assist to any of the above letters,

llll. to receive, cause or procure any person to receive any money for any of the above.

III. By way of derogation from Subsections I and II, the following measures may be applied, when not causing pain or when applied with analgesia or anaesthesia and post-operative care:

- a. measures necessary to protect the animal, other animals or humans,
- b. measures necessary for veterinary health reasons,
- c. measures necessary to control human or animal disease,
- d. measures necessary for birth control,
- e. measures necessary for the environmental protection or conserving the natural balance,
- f. measures necessary to keep the animals in a certain area, provided that they are the mildest equally efficient way keep the animals in that area,
- g. measures necessary for experimental scientific purposes taken by a recognised scientific institution or the research department of a company in

- accordance with Chapter F,
- h. the killing of bred game animals with firearms in situations when the animals cannot be contained for the purpose of slaughter or such procedure would endanger the safety and health of humans or animals,
 - i. measures necessary for overriding animal welfare reasons; and in such cases, only when there is no alternative solution and the most humane method available has been used.

IV. By way of derogation from Subsections I and II, the partial or total amputation of a sensitive part of the body of an animal, and the removal or destruction of parts of organs or tissues or entire organs or tissues must be permitted if performed with prior anaesthesia and post-operative analgesia and care and if it is undertaken for one of the following purposes:

- a. for a veterinary health purpose, including the diagnosis of a potential disease or injury,
- b. for the purpose of organ transplantation,
- c. for the purpose of experiments or other use projects on animals in accordance with Chapter F,
- d. for the purpose of controlling the reproduction of animals,
- e. for the purpose of breeding animals in accordance with Section 33,
- f. for the purpose of marking animals,
- g. for the purpose of taking animal tissue samples for analysis,
- h. for the purpose of reducing aggressiveness of animals, or
- i. for safety reasons.

V. In derogation to Subsections III and IV, anaesthesia or analgesia may not be used:

- a. when the risks posed by anaesthesia or analgesia would be disproportionate to its benefits,
- b. during the marking of animals, unless necessary for the safety of the person carrying out the marking,
- c. in certain diagnostic and therapeutic procedures in accordance with the rules of the profession,
- d. in the transfusion of blood, unless for the purpose of the welfare of the

<p>animal,</p> <p>e. when the pain caused by anaesthesia or analgesia is greater than that caused by the procedure itself, or</p> <p>f. when it is contraindicated to the results hoped to be achieved by the experiment.</p>	
<p>8. General obligations</p>	
<p><i>I. Every person has, to the extent he/she can reasonably be expected to do so, to grant/render any animal in an accident, during common danger, or injured or in distress the necessary first aid and care, or, if this is not possible, to make all reasonable endeavours to arrange for such first aid and care and/or for appropriate diagnosis and treatment or measures remedying the danger without delay. A person can be reasonably expected to assist an animal if the person can do so without risk and with costs lower than her/his daily income. To fulfil the duty of this Subsection, a person may infringe on the property of another person where this is necessary and proportionate.</i></p> <p><i>II. The owner or keeper of an animal that appears to be ill or injured, or in pain or distress must ensure that the animal is inspected, cared for and treated appropriately, and as comprehensively as possible, and without delay. A veterinarian must be consulted whenever the cause of any health issues, illness, injury or other possible emergency cannot be identified. Any ill or injured animal must be accommodated in consideration of and according to its special needs and if required in separate accommodation. No ill or injured animal must be transported, unless for emergency purposes and to ensure the animal's welfare.</i></p> <p><i>III. The obligations under Subsection II are also incumbent on persons who caused an animal to be sick, injured or distressed.</i></p> <p><i>IV. Everybody who comes upon an animal which is supposedly stray against the will of the owner must inform the owner or the police thereof or bring it back to the owner. A person finding [and hosting] an</i></p>	<p>Reminder: parts in italics are identical to or based on provisions of the Model Animal Welfare Act on worldanimal.net.</p> <p>We try to limit the impreciseness of the term “all reasonable endeavours” in the previous sentence. E.g., it must be possible to break into a car where an animal is stuck therein and the owner or driver of the car cannot be alerted in time.</p> <p>Special efforts should also be expected where somebody damaged the animal.</p> <p>The obligation to inform can be limited to</p>

<p>abandoned or lost animal or a wild or feral animal in need is obliged to inform the police OR the Competent Authority OR an animal shelter thereof immediately OR within 24 hours of finding the animal[, unless the animal has already been returned to its owner within that time period].</p> <p>V. The owner and the keeper of an animal held in captivity is obliged to report the loss to an animal shelter OR the Competent Authority within 1/2/3 day(s), and also, in the case of registered animals, to the respective public register.</p> <p>VI. Everybody is obliged to minimise negative impacts on animals, regardless of whether the animals are in captivity or not.</p>	<p>cases where the animal is hosted, but we would recommend keeping it generic. We also recommend making the obligation to inform immediate so that the animals which are not hosted can be retrieved more easily.</p>
<p>9. Balancing of animals' interests in authority decisions</p>	
<p>All authorities[, including those of local districts and self-administering communities] must assess the impact of their considered measures on animals [covered by this Act] and take that impact into account in the overall balancing of advantages and disadvantages of considered measures. They must document how they have taken that impact into account and must provide the general public access to that documentation.</p> <p>[This Section also applies OR does not apply to the adoption of acts of general applicability.]</p> <p>[This Section also applies OR does not apply to administrative and court decisions reviewing the lawfulness of adopted measures.]</p>	<p>Many types of decisions, namely those on urban planning, construction works, industries and road traffic can have important impacts on habitats and thus on animals. The protection of animals can be provided by individual provisions in the various respective laws and regulations or horizontally in an animal protection act, if the latter has the power to derogate or supplement the various respective laws and regulations.</p> <p>To be decided: must the obligation also apply to acts of general applicability? And if so: also the acts of general applicability of the same level/order? In some jurisdictions, a binding effect on acts of general applicability of the same level/order is unlawful, for instance, because it is reserved to the constitutional law-maker.</p>
<p>10. Promotion of animal protection</p>	
<p><i>I. The state is obliged to promote and support animal welfare, and the development of a humane ethic, in all areas/sectors whereby it has the authority and the duty to educate, inform, make the public sensitive to animal welfare issues, as well as to support the implementation of animal welfare legislation.</i></p> <p><i>II. Such promotion and support must</i></p>	<p>Parts in italics are identical to or based on provisions of the Model Animal Welfare Act on worldanimal.net.</p> <p>This kind of program or policy provision is not suitable in all jurisdictions, but useful in others.</p>

<p>include, but not be limited to, animal welfare and humane attitudes in: scientific research; legal information and capacity-building; educational programmes; competent authority and enforcement capacity-building; rural development and animal welfare-friendly keeping systems; and public awareness activities. Public awareness activities must include, but not be limited to, consumer awareness, and must be supported by state action to ensure full and accurate marketing and labelling of any products the purchase or choice of which could have animal welfare implications. It must also include the dissemination of animal welfare information and advice in veterinary, para-veterinary, agricultural extension, development, legal and environmental work.</p> <p>III. Overall, the state's promotion and support must enhance the protection of the lives and welfare of all animals, and the development of humankind's respect and moral responsibility for our fellow creatures. This aim includes the progressive development of humane attitudes throughout society, as well as practical measures to protect the welfare of animals and provide a clear 'duty of care' for all citizens.</p> <p>Each animal must be recognised as an individual, with an intrinsic value and a life which matters. Sentient animals must be afforded special care and consideration to protect their welfare, as they are recognised as having biologically determined natures, instincts, emotions and needs which matter to them; as well as the ability to experience pain and to suffer.</p>	
<p>11. Subsidies</p>	
<p>I. The Minister in charge of animal protection may subsidise within the limits of its budget:</p> <ul style="list-style-type: none"> a. the development of best-practice guidance for the treatment of animal, b. voluntary compliance programs referring to the legal obligations or the best-practice guidance, established by organisations which are representative of the respective 	<p>Likewise, this kind of provision on subsidies is not suitable in all jurisdictions, but useful in others.</p>

<p>undertakings and animal protection organisations,</p> <p>c. identification of possibilities for improvement of this Act.</p> <p>II. Within this range, the Minister must give priority to ...</p>	
<p>Chapter B: Killing of animals</p>	<p>This Chapter partly applies to animals which are not in captivity, that is why it is placed here, before the Chapter on animals outside of captivity and the various Chapters on animals in captivity.</p>
<p>12. Prohibitions regarding the killing</p>	
<p>I. It is prohibited to kill animals unless it is permitted or mandated by this Act.</p> <p>II. It is prohibited to kill ... (e.g. whales, dolphins, monkeys, cows, pigs, dogs and cats including wild cats, companion animals, service animals, ...) for the production of food, feed, fur, leather and other products. [It is prohibited to kill animals because of their gender, their gender being deemed superfluous.]</p> <p>III. It is prohibited to kill any animal in order to provide entertainment [or as part of a cultural or religious ritual or celebration].</p> <p>IV. Where avoidable, it is prohibited to kill animals in the presence of other animals or in such a way that other animals perceive the killing.</p>	<p>Subsection I creates a generic prohibition because it is necessary to establish exemptions for cases where there is a justification for the killings. The opposite approach might create loopholes. Subject to your cultural background, you might wish to ban the killing of certain animals for the production of food and of other products. Moreover, you might wish to ban the killing of animals for the production of fur or leather.</p> <p>We recommended to exempt certain first nations or traditional communities from this Act. If you do not follow this recommendation, better delete or fine-tune the parts in square brackets so as to protect them.</p>
<p>13. Conditions for the killing of animals</p>	
<p>I. The killing of an animal may be carried out if:</p> <p>a. veterinary treatment of the animal is likely to be long lasting and cause suffering or if the treatment is unlikely to be successful,</p> <p>b. the animal has reached an advanced age and its vital functions are failing,</p> <p>c. the animal is suffering from [an incurable disease or] pain [or has given up its will to live],</p> <p>d. the killing is necessary because of the</p>	

implementation of disease control measures in accordance with the veterinary legislation, in particular for those diseases that can threaten humans or cause great economic damage,

e. the killing is carried out for the purpose of environmental protection or conserving the natural balance [in accordance with respective regulation adopted by the Ministry in charge of ... (e.g. environment, animal protection),

f. the killing is carried out for the purpose of the protection of the health and safety of humans and animals, and the protection of property or of the livelihood of humans,

g. the killing is necessary because a wild animal is found outside its natural habitat and can neither be brought back to its natural habitat nor be brought to a zoo or shelter,

h. the killing is performed because, after dissolution of a zoo or shelter or after the shelter's capacities are reached, the animal can neither be brought into a natural habitat where it can survive nor brought to another zoo or shelter,

i. the animal kept or bred for production purposes is [mature for slaughter or] sick or injured, and the animal cannot be treated or the treatment of which would require the use of compounds that would impact the suitability of the product for human consumption or use,

j. the killing is necessary for the purpose of performing an experiment on the animal or producing biological preparations or it is necessary after the completion of the experiment or after using the animal for the production of biological preparations, in accordance with Chapter F,

k. the killing is necessary for the purpose of the work or education on isolated organs, tissues or carcasses of the animals killed for that purpose, in accordance with Chapter F,

l. the killing is performed for the purpose of obtaining products of the animal bred and kept for production purposes,

m. the killing is performed for the purpose of obtaining an organ or tissue to be transplanted into humans,

n. the killing is for the animal's benefit because it suffers from solitude or because it has given up the will to live,

o. the animal has been bred for obtaining an

Due to their high number, specific and sometimes even less severe rules are often practically unavoidable for animals bred or kept for production purposes. We recommend covering these animals in Table 1 which is introduced below in Subsection VIII.

organ or tissue to be transplanted or for use in experiments, but will not be used for these purposes, and it cannot be adopted and is therefore considered a surplus experimental animal, or if such a procedure is necessary for the welfare of the experimental animal,

p. the killing is necessary due to surpluses of one-day chicks or embryos in chicken eggs,

q. if the animal is a danger for humans or other animals, whilst killings of other animals which are part of the natural food chain are not to be taken into account,

r. for religious purposes, when performed by ... under the following conditions: ...].

II. Regarding the killing of animals in the cases of:

a. Subsection I letters ... , the decision is made by the animal owner,

b. Subsection I letters ... , the decision is made by the animal owner pursuant to the prior opinion of a veterinarian,

c. Subsection I letters ... , the decision is made by the veterinarian,

d. Subsection I letters ... , the decision is made by the veterinarian or veterinary inspector,

e. Subsection I letters ... , the decision is made by the veterinary inspector,

f. Subsection I letters ... , the decision is made by the veterinary inspector with approval of the consultative scientific committee of the Competent Authority / Ministry in charge of animal protection.

III. If the owner of the animal cannot be ascertained or is not available, the decision on the killing of the animal in the case from Subsection II letters a. and b must be made by the veterinarian.

IV. In the case of wild or stray animals, the decision can also be made by the geographically responsible hunter, forester or guardian of wild animals who can also execute the killing.

V. In all situations except the ones referred to in Subsection IV, the killing of an animal may only be carried out by a veterinarian or qualified veterinary technician under the supervision of a veterinarian or by a person who has acquired a licence to kill animals in accordance with Subsection VIII, except in the following cases:

a. the killing of animals bred or kept for

<p>production purposes, in which case the rules ... (e.g. set out in Table 1) apply,</p> <p>b. the killing of animals for the purposes of conducting experiments or producing biological preparations,</p> <p>c. the killing of animals for the use of their organs, tissues, and carcasses for the purpose of carrying out various procedures or for educational purposes,</p> <p>d. pest control or other measures needed to be executed as quickly as possible to hinder the spreading of deadly diseases,</p> <p>e. when it is necessary to kill an animal without delay because it suffers severe and incurable pain,</p> <p>f. when the killing is necessary to preserve the natural balance in accordance with special regulations on nature protection, or</p> <p>g. when the killing is necessary for the safety and protection of humans or animals, and for the protection of property or the environment.</p>	
<p>14. Methods of killing</p>	
<p><i>I. Killings need to happen in a humane way and in such a manner that the animal is spared any avoidable pain, suffering, injury, fear or distress. The following methods are prohibited unless preceded by a loss of consciousness or authorised by specific regulation:</i></p> <ul style="list-style-type: none"> - suffocation, - electrocution, - percussion instruments, unless their application lead to immediate loss of consciousness, - poisons, unless administered by a veterinarian or veterinarian assistant. <p><i>II. Except for emergency killings, killings must be preceded by prior and effective anaesthetisation or stunning that must last until death supervenes. However, this obligation does not apply where the method chosen ensures an immediate death or an immediate unconsciousness followed by death during unconsciousness, whilst the induction of unconsciousness must be</i></p>	<p>Reminder: parts in italics are identical to or based on provisions of the Model Animal Welfare Act on worldanimal.net.</p>

completely non-aversive, and not cause any pain, suffering, injury, fear or distress. When stunning is used to induce unconsciousness before slaughter, the time between stunning and exsanguinations must be kept as short as possible to prevent animals recovering from the stunning before exsanguination.

III. Emergency killings must be performed in such a manner that minimises any pain, suffering, injury, fear or distress.

IV. Any further processing of the animal must be preceded by a thorough verification of its death.

V. Killing facilities and their equipment and instruments must be designed, constructed, maintained and operated in a way that the well-being of the animal is protected and any pain, injury, suffering, fear or distress minimised. Killing facilities and their equipment and instruments may only be used professionally once they have been licenced by the Competent Authority.

VI. The killing must be carried out in accordance with rules representing state of the art veterinary medicine and professional rules. For ... (list the animals,) it must be carried out in slaughterhouses or other specialised facilities, including butchers' premises equipped for the killing of animals, unless the transport to the next available slaughterhouse or other specialised facility would make the animal disproportionately suffer.

VII. The Minister in charge of animal protection is empowered to adopt regulation containing detailed provisions on the killing of certain species.

OR

The provisions of Annexes ... apply with regard to the killing of the following species:

...

AND/OR

VIII. The obligations set out in Table 1⁷ apply.

IX. The Minister in charge of animal protection is empowered to adopt regulation containing detailed provisions on:

- a. the minimum qualification and tests to undergo for personal or company-related licences to kill animals,
- b. the procedure to undergo.

See as inspiration for more detailed provisions, to be placed in Annexes or Government regulation, the various "Schemes" at the end of the [Welfare of Animals at the Time of Killing, Regulations 2015](#) applicable in England/UK and the European Union Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing (click on "latest consolidated version" [here](#)). As the European Union has also set up a system of verification of slaughterhouse facilities worldwide, it is a relatively cost-effective regulatory measure to accept this verification as proof for compliance with minimum requirements for the killing of animals worldwide. However, we cannot assess whether the European Union verification scheme is intense enough and

<p>c. the scope and validity of the various licences,</p> <p>d. the revoking or limitation of licences issued.</p>	<p>whether its assessment basis is sound.</p>
<p>15. Slaughterhouses and other facilities for the killing of animals</p>	
<p>Alt. 1</p> <p>I. Only persons who have the necessary professional, technical and personal knowledge and skills and who have received appropriate training must perform tasks connected to the killing/slaughter process: animal unloading and movement; accommodation and care of the animal in the lairage and slaughterhouse; and the restraint, stunning and anaesthetisation as well as the humane killing, slaughtering and exsanguination of the animal. The Minister in charge of animal protection OR the Competent Authority must establish a system of certification to enable persons to demonstrate compliance with these requirements.</p> <p>Alt. 2</p> <p>I. A “person responsible for animal welfare” must be designated and trained in the legislated pre-slaughter and humane slaughter management of animals according to their species. That person must train, supervise and instruct all persons involved in the operations of the facility, including the drivers of the vehicles used to transport the animals.</p> <p>Continuation for both alternatives</p> <p>II. All slaughterhouses and their installations, equipment and instruments must be designed, constructed, maintained and operated in a way that the well-being of the animal is safeguarded and any pain, injury, suffering, fear or distress is avoided or reduced as far as possible. This includes an architecture, design and organisation that prevents other animals from seeing, hearing or otherwise perceiving that other animals are killed.</p> <p>III. All natural or legal persons operating slaughterhouses must be authorised in accordance with Section 34. No</p>	

installations, equipment, instruments and substances/preparations for the stunning, killing or restraint of animals may be used commercially without first obtaining a licence from the Competent Authority according to the regulation adopted pursuant to Subsection V; this obligation only applies as from ... (e.g. three) months after adoption **OR** entry into force of the regulation adopted pursuant to Subsection V.

IV. All natural or legal persons operating slaughterhouses must assess and monitor, at least, the following aspects related to animal welfare:

- a. adequacy of vehicles for the transportation of different species and animal categories, maintenance conditions and capacity of transport vehicles,
- b. time of suspension of the diet on the property,
- c. distance travelled, by vehicle, from the property of origin to the slaughter establishment and the average speed of transport,
- d. time for the start and end of the animals' embarkation,
- e. total travel time, per vehicle, counted from the end of the embarkation until the end of the disembarkation at the slaughter establishment,
- f. total periods of fasting and water diet, from the property until landing at the slaughter establishment, per vehicle,
- g. procedures and care during the handling of animals in the operations of embarkation, transport, disembarkation, rest and driving until the moment of stunning,
- h. inform the Competent Authority of the arrival of animals that require emergency slaughter,
- i. immobilisation of animals for stunning or bleeding,
- j. stunning and its effectiveness,
- k. suspension or hanging of live animals, when applicable, and
- l. bleeding of the animals.

IV. The Minister in charge of animal protection must, within two months after entry into force of this Act, adopt regulation setting out requirements and procedural

It would overcharge this Act to integrate a comprehensive product legislation for these technical items. Hence, we suggest creating an empowerment for the adoption of

<p>rules for the licensing of installations, equipment, instruments and substances/preparations for the stunning, killing or restraint of animals. That regulation must aim at translating the goals of this Act set out in Section 1 into product requirements without disproportionately burdening economic actors. In terms of procedure, that regulation shall follow the rules set out in Section 34. It shall refer to this Act to the extent possible.</p> <p>V. This Section does not apply to the killing or slaughter for personal consumption or by non-commercial hunters or to ritual and religious killings or slaughters.</p> <p>OR</p> <p>V. The Minister in charge of animal protection may exempt from this article fully or partly and with or without conditions, including procedural conditions, the killing or slaughter:</p> <ul style="list-style-type: none"> a. for personal consumption, b. by non-commercial hunters, c. by first nations, or d. for ritual and religious purposes. <p>The exemptions must contain limitations proportionate to the respective privileged group of persons.</p>	<p>technical regulation, and also setting out guidelines for its content.</p> <p>If you aim to protect certain ritual or religious killings, please check whether you wish to also include similar exemptions in the previous sections.</p> <p>Idem. Idem.</p>
<p>16. Mandatory and emergency killings of animals</p>	
<p>I. The persons responsible in accordance with Subsection II of Section 16 must, without delay, ensure the killing of an animal:</p> <ul style="list-style-type: none"> a. suffering severe and incurable pain [or agony, torment or distress], b. so severely ill or injured that it should be killed immediately. <p>II. Under the conditions set out in Subsection I, the animal must be killed by a veterinarian or a police officer, even if the owner of the animal cannot be contacted. In urgent cases, someone else may also kill the animal immediately.</p> <p>III. The person who has killed the animal must inform the owner or keeper of the animal of the killing. If this is not possible, the Competent Authority, the police and the local administrative authority must be informed.</p>	

<p>IV. The killing of an animal with an infectious deadly disease is mandatory where the number of animals that the animal might infect directly or via other animals multiplied with the likelihood of such an infection is higher than ... (e.g. 1, 1.5, 2, ...).</p> <p>V. The Minister in charge of animal protection is empowered to adopt regulation rendering the killing of genetically modified animals mandatory where the proliferation of their descendents cannot be otherwise stopped and where this proliferation would destroy the natural balance / equilibrium of species.</p> <p>IV. The Minister in charge of animal protection is empowered to adopt regulation rendering the killing of animals belonging to an invasive alien species or other extremely prolific "pest" animals mandatory where the proliferation of their descendents cannot be otherwise stopped and where this proliferation would destroy the natural balance / equilibrium of species.</p>	
<h2>Chapter C: Animals outside captivity</h2>	
<h3>17. Scope of this Chapter</h3>	
<p>This Chapter applies to wild animals which are not in captivity and, where specified, to feral, abandoned and stray domestic animals.</p>	
<h3>18. Protection of wildy living animals and their habitats</h3>	
<p>I. All actions that cause wildy living animals, as populations or individuals, suffering, pain, injury or death, or disable them from performing physiological functions (feeding, drinking, expressing distinctive behaviour, reproducing), are prohibited, including:</p> <ol style="list-style-type: none"> a. disabling access to water and other parts of the habitat that are important to the survival of a species by fencing, polluting, forced dispersion, 	<p>Please check whether you agree with the definition of "wildy living animals" in Section 6 and adapt otherwise.</p>

<p>etc.,</p> <p>b. destroying entire habitats or parts essential for the survival of a species,</p> <p>c. capturing live animals or killing animals in a manner that causes extended suffering,</p> <p>d. other activities with detrimental consequences that have not been authorised in an administrative procedure.</p> <p>II. By way of derogation from the previous Subsection, actions that are scientifically justified or which are either performed for the purpose of protection of wild animals in natural habitats or to reestablish a balance amongst species are permitted.</p> <p>III. The release of ... (e.g. dogs) in areas of hunting grounds intended for the breeding and protection of wild game OR wild animals is prohibited in the period from</p>	<p>Regarding those that are “scientifically justified”, please check whether you wish to make a precise reference to provisions of this Act, namely in Chapter F.</p>
<p>19. Protection of wild [and feral] animals found outside their natural habitat</p>	<p>To be decided: must feral animals be protected as well? And if so, will the protection be at the same level as wild animals outside captivity?</p>
<p>I. Wild [and feral] animals found outside their natural habitat shall be housed in wildlife rehabilitation centres or, if not available, in other shelters that ensure their return to the natural habitat, where possible.</p> <p>II. If it is not possible to return the wild [or feral] animals to the natural habitat, the animals must first be offered to the nearest hunting ground manager in accordance with special regulations on hunting, and if the nearest hunting ground manager cannot accept the animal, it must be offered to a zoo equipped for its reception.</p> <p>III. If the wild [or feral] animal cannot be housed in a shelter, or if the hunting ground manager or zoo is not able to receive the animal, the animal may be killed.</p> <p>IV. The Minister in charge of animal protection is empowered to adopt regulation on the manner of handling wild [or feral] animals found outside their natural habitat.</p>	<p>Once you have decided to include feral animals, you may wish to replace “wild and feral animals” by “wildly living animals”.</p>

<p>20. Obligation to render assistance to animals outside captivity</p>	<p>Here, all animals are covered, regardless of whether they are wild, feral, astray or lost.</p>
<p>I. Anybody who encounters sick, injured or exhausted animals and animals [particularly suffering] while birthing outside captivity must initiate veterinary care [or other assistance]. Subject to the situation, the Competent Authority, the district administration, a veterinarian or the police need to be alerted.</p> <p>II. Veterinary care [or other assistance] must be provided or organised in a timely manner by the owner of the animals, the keeper of the animals, and the person who caused harm to the animals (jointly called: responsible persons).</p> <p>III. Where the responsible persons cannot be determined or where veterinary care is not provided in a timely manner, the local district administration [and, in case of urgency, any other person] may step in and request reimbursement of costs from the responsible persons who are jointly and commonly liable.</p>	<p>Requesting more than the initiation of assistance might backfire as persons might prefer to do nothing if they were obliged to assist themselves.</p>
<p>21. Vaccination and reproduction control</p>	
<p>The Competent Authority, the district administration or the local self-government unit may[, the latter two with agreement of the Competent Authority,] prescribe vaccination or permanent sterilisation of wildy living animals OR animals outside captivity. General acts of the district prevail over those of the local self-government unit, and those of the Competent Authority prevail over all others.</p>	
<p>Chapter D: Keeping of animals in captivity</p>	<p>Most animal protection laws we found have detailed provisions for breeding and production animals, but weak or no provisions for other animals in captivity in general. The usual architecture thus leads to loopholes.</p> <p>Moreover, we do not see any justification for the generally weaker protection of certain animals kept in captivity, be they breeding and production animals or not. Therefore, we recommend the opposite approach:</p>

	<p>-Setting up default provisions for all animals kept in captivity; - If there is a justification for exemptions from requirements, exempt them at the beginning of the Chapter or in individual provisions.</p>
<p>22. Scope of this Chapter</p>	
<p>This Chapter applies to all animals in captivity, regardless of the duration of the captivity and regardless of whether the respective species is deemed to be wild or not.</p> <p>It also applies to animals that are free in their movement, but owned by a natural or legal person.</p> <p>However, the Sections ... do not apply to ...</p>	<p>Animal protection laws usually differentiate between animals for breed and production, animals kept in zoos, animals kept by circuses or for presentation, animals kept for scientific purposes and pets. This usual distinction is still incomplete: dogs held by police or blind persons, animals held for search, animals held as means of transport, for hunting, as guardians, or for agriculture ("service animals") are not covered by any of these categories, but also merit being protected. We have certainly overlooked certain other current purposes of animals kept in captivity, and new purposes of animals will arise over time, such as animals as hosts for organs (genetically modified or not) that are intended to be transplanted into humans or other animals. All this is a second reason for rendering this Chapter applicable to all animals kept in captivity by default, whilst providing targeted exemptions and more detailed provisions for certain subgroups and in particular farmed animals.</p> <p>Some animals are owned by somebody whilst being allowed to move as they wish, e.g. cats, horses or cattle in naturally confined common ground areas like a valley, racing pigeons and hunting birds. Though these animals are not in captivity, similar obligations should apply to protect them.</p> <p>However, certain obligations of this Chapter might be regarded as going over the top for these or other categories of animals, wherefore you might wish to consider exemptions. E.g. a short periodicity of well-being or health checks goes too far where animals live in a confined, but very large area.</p>

<p>23. Qualification of animal owners and keepers</p>	
<p><i>I. Every person capable of complying with the provisions of this Act, and the regulations based on it is authorised to own and to keep animals unless they have been banned from keeping animals due to prior infringements of the subject Act or any other legislation.</i></p> <p><i>II. Any person who is the keeper of an animal must acquire the necessary knowledge and required skills and capabilities to safeguard the animal's well-being and provide appropriate and humane management and handling. This includes ensuring appropriate food and nourishment, liquid, care, hygiene, shelter and accommodation, opportunity for exercise and appropriate social interaction – in accordance with the animal's physiological and behavioural needs.</i></p> <p><i>III. Every keeper of an animal is obliged to ensure that s/he has access to all relevant information, advice and education/training to meet all legislative requirements and provide for all welfare needs of any animal under his/her care.</i></p> <p><i>IV. Every animal owner giving an animal into the care of a keeper is obliged to ensure that the said keeper has the necessary knowledge and required skills and capabilities to safeguard the animal's well-being and provide appropriate and humane management and handling.</i></p> <p><i>V. Without the consent of their legal guardian minors [under the age of ... (e.g. 14) years] are not allowed to obtain animals as keepers or owners.</i></p> <p><i>VI. The Minister in charge of animal protection is empowered to adopt regulation on requirements for the provision of proof of skills, capabilities and knowledge with regard to the particular obligations set out in this Act.</i></p>	<p>Reminder: parts in italics are identical to or based on provisions of the Model Animal Welfare Act on worldanimal.net.</p>
<p>24. Animal ban</p>	
<p><i>I. The Competent Authority [or the district authority] must issue a prohibition on</i></p>	

looking after animals (animal ban) for a person who:

- a. is unable to comply with the provisions set out in this Act, and the regulations based on it;
- b. seriously neglects the supervision or care of an animal;
- c. has treated an animal in a way explicitly forbidden by this Act;
- d. is not following a decision issued by the Competent Authority if that decision is of material importance with regard to animal welfare;
- e. has been found guilty through a judgement that has become legally binding or through acceptance of a summary penalty order of cruelty to animals under ... of the Penal Code; or
- f. has repeatedly violated provisions of this Act or has violated the following provisions ... (list the particularly important obligations that merit being sanctioned).

II. However, an animal ban may not be imposed where the infringement is so minor that it does not justify an animal ban or where it is likely that:

- a. the circumstance that would otherwise lead to an animal ban will not be repeated,
- b. the animal ban would lead to a situation that worsens the animal welfare because animals would be cared for worsely.

III. An animal ban under Subsection I may refer to all species or categories of animals or be restricted to one or more species or categories of animals. An animal ban may also refer to looking after more than a certain number of animals. An animal ban may also refer to other restrictions in the right to look after animals. An animal ban can apply for a fixed period or until further notice.

IV. The authority imposing the animal ban must withdraw the animal ban when it is no longer needed.

V. If the person issued with an animal ban owns or keeps animals, the Competent Authority [or the district authority] must simultaneously either order that person to dispose of the animal or the animals covered by the animal ban within a certain

<p>period of time or organise the taking charge of the animal or the animals in accordance with Section 26.</p>	
<p>25. Ban of unregulated activities</p>	
<p>I. In order to protect animals [and nature], the Competent Authority may, by administrative decision, ban individual activities related to animals where these activities are not covered by specific provisions of this Act or where aspects are to be dealt with that are not appropriately addressed by this Act.</p> <p>II. The Minister in charge of animal protection may, for the same reason, also generally ban certain types of activities in the procedure set-out in ... (procedure for administrative regulation).</p>	<p>Ever new practices with regard to animals appear, and thus it is unlikely that any act can protect animals against all kinds of mistreatment. Where the constitutional setting so permits, two generic empowerments, one for individual and one for generic decisions, might close some or most of the unavoidable loopholes.</p>
<p>26. Taking custody of animals</p>	
<p>I. The Competent Authority or, in urgent cases, the district administration or the police may OR must decide that an animal must be taken in custody if:</p> <ol style="list-style-type: none"> a. the animal is unduly being subjected to suffering and nothing is done to rectify this following a caution from the Competent Authority, b. there is judged to be no prospect of the animal's substantial suffering being remedied, c. the owner of the animal is unknown or cannot be found, d. it is otherwise judged to be absolutely necessary with regard to animal welfare, e. an order issued in accordance with Subsection V of the previous Section to get rid of the animal or animals covered by the animal ban within a certain period of time, or f. a withdrawal of the authorisation or licence in accordance with Sections 34, 43, or 48 or a decision to wind up a holding of animals in accordance with Section 24 Subsection V, Section 25 Subsection I or Section 69 Subsection II Letter f is not being 	

followed.

II. The Competent Authority or, in urgent cases, the district administration or the police are responsible for the enforcement of the taking of the animal in custody.

III. The district administration or the police must decide to take custody of an animal immediately if:

- a. there is judged to be no prospect of the animal's suffering being remedied,
- b. the owner of the animal is unknown or cannot be found, or
- c. it is otherwise judged to be absolutely necessary with regard to animal welfare.

They may decide to take custody of the animal immediately if the animal is being kept in contravention of an animal ban.

IV. The district administration and the police must inform each other and the Competent Authority where they take a decision to take custody of an animal. They must follow the instructions of the Competent Authority.

V. A decision to take custody of an animal or to take custody of an animal immediately also covers offspring that:

- is still dependent on the animal taken charge or, or
- the animal gives birth while it is taken in custody.

When an animal is taken in custody in accordance with this Section, the owner or keeper does not have the right to decide on the animal or its offspring without the permission of the Competent Authority.

VI. The district administration, under supervision of the Competent Authority, must decide on the handling of animals taken in custody. This includes the decision to sell, to donate, to transfer the animal to the relatively best available facility or host or, as a last resort, to kill the animal.

VII. The district administration or the police must cover interim-wise the costs for taking the animal in custody. However, they may recover the costs from the person(s) responsible for the animal by means of ... (e.g. administrative act or civil law procedure). Where the animal is sold, the purchase sum is first to be used for the coverage of the costs.

27. Transport of animals

I. It is prohibited to transport animals in a way that causes them pain, suffering, injury or death that may be avoided or which is disproportionate. Owners and keepers must ensure that this prohibition is respected.

II. Owners and keepers must ensure that the following conditions are complied with when transporting animals:

- a. The means of transport as well as the loading and unloading facilities, procedures and equipment have to be designed, constructed, maintained and operated in a way that the safety and well-being of the animal is guaranteed at any given time, and that any [avoidable] pain, injury, suffering, fear or distress is avoided;
- b. During transport, adequate ventilation must be ensured in the means of transport, and animals must be protected from unfavourable weather conditions;
- c. Means of transport for animals must be regularly cleaned and properly maintained;
- d. Sufficient floor area and height must be provided allowing animals to lie down and stand up in their natural position;
- e. Partitioning must be provided for animals to avoid injuries;
- f. Bedding must be adequate to ensure comfort and the appropriate absorption of faecal matter;
- g. Water and feed must be offered to the animals at suitable intervals, and at the latest every ... (e.g. 4) hours;
- h. *The animal must have the necessary supervision and care during transportation and loading/unloading. During transport, the condition of the animal has to be checked at least every ... (e.g. 4) hours. Concurrently, it has to be ensured that the animal has sufficient water and food of appropriate quality and suitability for the animal's species-specific and individual needs.*

Further inspiration can be drawn from the European Union Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations (click on "latest consolidated version" [here](#)). **This Regulation is now to be replaced by another, even more granular Regulation. See this [proposal](#). For the future negotiation positions or even the final regulation (to be adopted in late 2025 at the earliest), please check [this link](#).**

Please find further inspiration for provisions in Part II A. II. 2. of [this article](#) on regulating animal welfare.

Please be aware of the fact that the enforcement of these provisions is not easy, wherefore we code the entire Section in yellow.

Reminder: parts in italics are identical to or based on provisions of the [Model Animal Welfare Act on worldanimal.net](#).

For all these provisions, you might wish to differentiate by species. See also our Table 2 referred to at the end of this Section.

- i. At least once every ... (e.g. 8) hours, animals must have access to adequate care, namely in case of injury, adequacy imposing an ever more intense care with each additional hour of transport.
- j. [At the beginning of the journey and] Every ... (e.g. 24, 48) hours, a veterinarian [authorised by the Competent Authority] must check the health and fitness of the animals.
- k. Journeys of animals may not take longer than ... (48, 72, 96, 120, 144) hours. Stop-overs for the purpose of paragraph h above may not be counted. Only stop-overs longer than ... (1 week, double the duration of the last confined transport) interrupt the journey in the meaning of the first sentence so that the maximum journey duration can again be counted from zero. Where transporters use stop-over hubs or mix groups of animals, they must ensure that this paragraph is complied with by full traceability of the journeys for all animals.
- l. The persons driving vehicles transporting live animals or handling animals during the transport process must have [proof of] the necessary professional, technical and personal skills, training in driving techniques and understanding of animal behaviour, to care for the welfare and needs of the animals in their care. [The proof must include information on which species of animals they have been trained and certified to transport.]
- m. No animal must be transported commercially without prior approval from OR notification to the Competent Authority for the precise transport on the basis of detailed route plans, plans for the care and rest to be provided during the journey, plans for disease control, veterinary checks and care for ill or injured animals, other emergency response measures, vehicle compliance, container compliance, and driver and handler certification and compliance.

We read about a common practice to use stop-over hubs to mix groups of animals and thereby annihilate traceability to circumvent obligations.

Recommendation: In view of different risks and limited administrative resources, consider differentiating between short and long distance transport, with notification obligations for the first and approval procedures for the second.

n. A person may not transport an animal in any manner other than that certified in the permit. During transportation of an animal, the transporter must, at all times, carry the permit issued by the Competent Authority and other documents relevant for animal movement issued under this Act.

o. An animal must only be transported in a vehicle or container that has been inspected and **OR** certified by the Competent Authority,

p. Aquatic animals transported must be transported in appropriate containers or vehicles with a sufficient quantity of water at an appropriate temperature and oxygen supply, depending on the requirements of individual animal species,

q. In case that the upright position of the container transporting an animal is not evident, the container in question has to bear a sign or marking indicating the said position.

r. In case it is not obvious from the nature or style of the container that it transports a live animal, the container has to be clearly labelled indicating the fact that it contains an animal, and at the same time identifying the animal species within.

III. The following animals may not be transported unless they are transported to obtain veterinary or life-saving assistance:

a. sick, injured and extremely weak or unfit animals,

b. females in the final quarter of pregnancy or in the first week following delivery,

c. new-born animals still needing the care of their parents, unless their parents are with them,

d. ... (please prolong list as appropriate)

IV. The Minister in charge of animal protection is empowered to adopt regulation containing detailed provisions on the conditions to be fulfilled for the transport of animals. The Minister is in particular empowered to adopt regulation containing detailed provisions on:

a. how to establish the fitness of an animal for transport,

b. maximum journey times,

c. regular rest intervals,

Again: further inspiration for Annexes or detailed regulation can be drawn from Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations (click on "latest consolidated version" [here](#)).

- d. feeding and watering times,
- e. authority verification mechanisms with regard to any of the above, namely in the case of international transports,
- f. conditions for the long distance transport of live animals, including temperature ranges or other weather conditions and periods of the year during which transport is generally forbidden, traceability requirements and contingency plans,
- g. the ban of certain type of long distance transports,
- h. conditions and particular verification steps for international transports, and
- i. the presence and qualification of animal welfare officers on livestock vessels.

OR

The provisions of Annexes ... apply with regard to the transport of the following species: ...

AND/OR

V. The obligations set out in Table 2⁸ apply.

VI. The Minister in charge of animal protection is empowered to adopt regulation containing detailed provisions on:

- a. the minimum qualification and tests to undergo for licences to transport animals,
- b. the procedure to undergo,
- c. the scope and validity of the various licences,
- d. the revoking and withdrawal or limitation of licences issued,
- e. the training of drivers and of other personnel involved in the transport of animals or employed by assembly centres, and
- f. requirements for and certification of means of transport by water, road or rail and of containers.

VII. Both the transporter and the owner of the animals are responsible for the fulfilment of obligations in accordance with the previous Subsections of this Section.

VIII. Stop-over hubs and recipients of animals, and their staff, are obliged to check the documentation related to each incoming transport and the state of the animals on

Instead of delegating, legislators might wish to adopt detailed technical provisions themselves.

Table 2 provides the possibility to legislate in more detail, but not as detailed as in a dedicated technical annex.

Verification obligations of stop-over hubs and of the recipients, combined with the obligation to report to the Competent Authority, can create an incentive for

<p>arrival. They must report to the Competent Authority casualties, cases of agony, cases of evident suffering and any observed infringements.</p>	<p>compliance.</p>
<p>28. Accommodation</p>	
<p>I. Owners and keepers must ensure that the materials used for the construction of animal housings, sheds and the equipment in animal housing or sheds with which the animals come into contact may not be harmful to the animals nor adversely affect their health, and must be easy to clean and, where necessary, be disinfected.</p> <p>II. Owners and keepers must ensure that the housing, sheds and enclosures for animals and the equipment therein are constructed so that:</p> <ol style="list-style-type: none"> a. there are no sharp corners, edges or protrusions or other sharp parts which are likely to cause injury to animals, b. the animals are protected from inclement weather and climatic conditions, predators and other threats to their health and welfare, c. the chemical composition of materials and liquids is appropriate, d. the animals have access to enough oxygen, e. the animals have the possibility to deposit their faeces in a different area than the one where they stay or where they receive feed and water, f. the animals can lay down to rest comfortably, g. the animals have the opportunity to carry out normal, non-harmful social behaviours and to move and perform in accordance with their species-specific needs and behaviours, h. the animals have access to a natural substrate, and i. the animals have the possibility to withdraw from permanent public viewing. <p>III. Owners and keepers must ensure that animals which are temporarily or permanently kept outside housing have an appropriately large area of land or water and</p>	<p>Please find further inspiration for provisions in Part II A. I. 1. of this article on regulating animal welfare.</p>

<p>access to sheds or natural protection places fulfilling the conditions of Subsection II.</p> <p>IV. Owners and keepers must ensure that areas where animals are kept are equipped with enrichment structures and items accessible to all animals, providing a stimulating environment, and reducing frustration of animals.</p> <p>V. The Minister in charge of animal protection is empowered to adopt regulation containing detailed provisions on:</p> <ul style="list-style-type: none"> a. the minimum and maximum size of housings and sheds, subject to the species and the numbers of animals accommodated together, b. the materials forbidden or mandatory to be used for accommodation, c. the minimum size of land or water area that needs to be accessible to animals, subject to the species and the numbers of animals accommodated together, d. the characteristics of that land or water area, subject to the species, e. the appropriateness of accommodation outside housings, subject to the species, f. the equipment mandatory or forbidden to be used for accommodation for the species. <p>OR</p> <p>The provisions of Annexes ... apply with regard to the accommodation of the following species: ...</p> <p>AND/OR</p> <p>VI. The obligations set out in Table 3⁹ apply.</p>	<p>Instead of delegating, legislators might wish to adopt detailed technical provisions themselves.</p> <p>Table 3 provides the possibility to legislate in more detail, but not as detailed as in a dedicated technical annex.</p>
<p>29. Animal movements</p>	
<p>I. Owners and keepers must ensure that the movement of animals is not restricted in such a way as to cause unnecessary suffering, pain, injury or fear. Any restriction must still permit movement and performance in accordance with the animals' species-specific needs and behaviours. This applies in particular to tethering and chaining.</p>	

⁹ Displayed after the two-column section of this Model Law.

<p>II. Owners and keepers must ensure that animals can meet other animals of their species and have space appropriate to their physiological and ethological needs, and in line with good practices and scientific knowledge.</p> <p>III. Owners and keepers must ensure that animals have at least ... hours per day off the tether or outside their pens so that they can move freely in accordance with their physiological and ethological needs, and in line with good practices and scientific knowledge. The Minister in charge of animal protection is empowered to adopt regulation mandating more hours off the tether or outside the pens for certain species.</p> <p>IV. Subsections I to III do not apply where the health or well-being of the animal in question or of other animals require a limitation of its movements.</p>	<p>Minimum hours off the tether should certainly vary from one species to the other. Hence, differentiation needs to be inserted in this text or by empowered regulation.</p>
<p>30. Feed and water</p>	
<p>I. Owners and keepers must ensure that the type, quality and quantity of feed provided to animals is appropriate to the species, and for the age and physiological needs of the precise animals.</p> <p>II. Owners and keepers must ensure that animals have access to sufficient quantities of drinking water of suitable quality according to their needs.</p> <p>III. Owners and keepers must ensure that animals are offered feed and water in a manner that is appropriate to their species, condition and age.</p> <p>IV. Owners and keepers must ensure that the space where animals receive feed and water, and the feeding and watering equipment are kept clean. Facilities must be equipped in such a way that animals can take food and water in a manner appropriate to their species, condition and age.</p> <p>V. Owners and keepers must ensure that hormones, feed additives and pharmaceuticals are only added to food and water when authorised by specific regulation.</p> <p>VI. The Minister in charge of animal protection is empowered to adopt regulation containing detailed provisions on:</p> <p>a. the minimum and maximum quantity</p>	

<p>of each type of feed to be provided per day and per species,</p> <p>b. the minimum and maximum quantity of nutrients and fibres to be contained in feed in total and its various types,</p> <p>c. the minimum and maximum quantity of hormones, feed additives and pharmaceuticals that may be added to feed or water, the latter only where animals are unavoidably threatened by contagion,</p> <p>d. hygiene and temperature requirements of the feed and water,</p> <p>e. further characteristics of the feed,</p> <p>f. the conditions for storage of feed and water.</p> <p>OR The provisions of Annexes ... apply with regard to feed and water for the following species: ...</p> <p>AND/OR VI. The obligations set out in Table 4¹⁰ apply.</p>	
<p>31. Veterinary care</p>	
<p>I. Owners and keepers must ensure that sick, injured or exhausted animals and animals [particularly suffering] during birthing obtain veterinary care.</p> <p>II. Owners and keepers must ensure that veterinary care is provided or organised in a timely manner. To that end, they must establish a periodic surveillance identifying animals in need of veterinary care early on.</p> <p>III. Where the owner and keeper cannot be determined or where veterinary care is not provided in a timely manner, the Competent Authority, the district authority or the local authority [and any other person] may organise the veterinary care and request reimbursement of costs from the owner and keeper.</p> <p>IV. Where necessary to avoid the spreading of infectious diseases, owners and keepers must hold sick animals separately from healthy ones, subject to what is at risk, with the exception of very young animals that still need the proximity of the parent(s).</p> <p>V. The use of pharmaceuticals and in particular antibiotics has to be limited to</p>	<p>Please be aware of the fact that the enforcement of these provisions is not easy, wherefore we code the entire Section in yellow.</p>

<p>what is strictly necessary [and subject to prescription by a veterinarian]. The use of last resort antibiotics is forbidden.</p> <p>VI. The following procedures may only be executed by a veterinarian or an animal health professional [recognised under ... (cite the respective act)]:</p> <ol style="list-style-type: none"> a. surgical procedures on or injections of animals; b. other treatment for the purpose of preventing, detecting, alleviating or curing illness or injury in an animal, if the treatment can cause suffering that is not insignificant; or c. treatment under general anaesthesia or under local anaesthesia given by injection. <p>This Subsection does not apply to urgent measures taken in order to save the animal's life or alleviate its suffering.</p>	
<p>32. Surgical procedures and injections</p>	
<p>I. It is prohibited to conduct surgical procedures on animals or to give injections to animals except in cases where they are necessary for veterinary medical reasons.</p> <p>II. The first Subsection does not apply to surgical procedures performed or injections given in connection with an activity that has been approved by an ethical committee on animal experiments.</p> <p>III. Surgical procedures must be performed under anaesthesia.</p> <p>IV. The Minister in charge of animal protection may adopt detailed regulation on:</p> <ol style="list-style-type: none"> a. the modalities of surgical procedures on and injections of animals, b. the substances that may be injected for non veterinary medical purposes, and c. exemptions from the first and third Subsections. 	
<p>33. Breeding of animals</p>	
<p>I. Natural breeding or artificial breeding and reproduction methods, including through methods of bio or gene technology, are prohibited when it is expected that through</p>	<p>As "inhumane breeding practices" only show up in this Section, we have not defined the expression in the "Definitions" Section 6, but here.</p>

the breeding or due to the breeding aim, either the parent animal, the offspring itself and/or their descendants will be imposed/burdened for a significant period of time or permanently with either pain, suffering or damage or behavioural disorders (including disruption to their species-specific behaviours) or if their physical functions are impaired or disturbed/affected (inhumane breeding practices). This is particularly the case where:

- a. an animal will have any body parts or organs incapacitated, indisposed, altered or missing,
- b. the breeding selection leads to increased aggressiveness or fighting readiness, or,
- c. breeding methods and practices result in, or are likely to result in, birthing difficulties.

II. It is prohibited to pass on, sell, offer for sale, purchase, import or export any animal with features resulting from inhumane breeding practices, or likely to contribute to such inhumane breeding practices [unless such action purely and entirely aims at the protection of the so bred animal].

III. The Minister in charge of animal protection is empowered to adopt regulation on:

- a. restrictions and prohibitions on certain reproduction methods and breeding aims,
- b. restrictions and prohibitions on the breeding or production of certain species or breeds of animal and animals with certain characteristics,
- c. the maximum number of litters per year and minimum recuperation periods,
- d. the minimum age of animals to be bred,
- e. the minimum period during which the offspring has to remain with the parents and with other animals of its group,
- f. the minimum contact with humans to be ensured prior to handing over the animal to other persons,
- g. requirements, standards and welfare codes to be respected,
- h. minimum qualifications of persons undertaking breeding,

We deem the exemption in square brackets to be necessary, though we have not found it in any existing animal protection law.

<ul style="list-style-type: none"> i. derogations for small scale professional breeders, and j. derogations for hobby breeders. 	
<p>34. Authorisation for and supervision of professional activities (“undertakings”) with animals</p>	
<p>I. The following activities require, when undertaken professionally and thereby constituting “undertakings”, a prior authorisation by the Competent Authority:</p> <ul style="list-style-type: none"> a. hosting (even temporarily), keeping (even temporarily) or breeding animals within the scope of economic activities, b. selling, renting out, brokering or otherwise making available animals, c. presenting animals to humans or in media, regardless of whether the animals have been hosted by the same person, d. animal psychological services, e. animal training services, f. sheltering animals in accordance with Chapter G, g. killing of animals h. ... (complement as appropriate) <p>An activity is presumed to be professional where it refers to more than ... (e.g. 10) animals of the same species ... (at the same time, over a period of ... months).</p> <p>II. The application for authorisation to the Competent Authority must include, as a minimum:</p> <ul style="list-style-type: none"> a. a detailed description of the content and the purpose of the undertaking; b. the person legally responsible for the undertaking (“responsible person”), her/his address and contact details; c. address and contact details of the premises in which the undertaking shall happen; d. numbers and species of animals kept and intended to be kept; e. details on enclosures and their dimensions, including photographs; f. details on employees and relevant training, skills and expertise, their respective addresses and contact details; g. name, address and contact details of a supervising veterinarian, and h. a full explanation of how the 	<p>The range of undertakings covered by this obligation should be determined taking account of the administrative capacities of the Competent Authority/Authorities. If the capacities are not sufficient, the relatively less problematic cases should be exempted or just be obliged to notify of certain information. An in-between solution consists in covering all undertakings by the authorisation procedure, but to establish an automatic authorisation (or fiction of an authorisation) after a certain period of time: <i>“Where the Competent Authority has not responded within ... months, the undertaking is deemed to be authorised.”</i></p>

provisions of this Act and, explicitly, the welfare needs of the animals will be met (“technical file”).

III. After the application, the responsible person **OR** person responsible for the undertaking must:

- a. keep available for inspection by the Competent Authority, at all reasonable times, evidence of the data referred to in the previous Subsection and of the care regime instituted to protect the welfare of the animals,
- b. inform the Competent Authority on any [substantial] changes with regard to the elements listed in the previous subsection [and in particular any change of address or premises],
- c. inform the Competent Authority on where they intend to rehome a specific animal which is no longer suitable for the activity in question and on the execution of the intention.

IV. The Competent Authority must assess the application [together with an expert committee]. If the Competent Authority has any doubts about the goodwill or ability of the responsible person or appropriateness of the premises to meet the welfare needs of the animals in its operations, it must deny the authorisation.

V. Authorisations may be limited in time or be subject to conditions.

VI. The Competent Authority may consult other jurisdictions, whether affected or not, prior to or after issuing authorisations. It must inform other jurisdictions which might possibly be affected by its authorisations.

VII. The Competent Authority may prolong authorisations in the same procedure applied for initial applications. [However, the Competent Authority may abstain from a new consultation of the expert committee if ... (no new facts / no new insights to be expected ...).]

VIII. The Competent Authority may revoke authorisations with effect from the beginning in the following cases:

- a. The operator knew of facts that would have hindered the authorisation from the beginning, but did not disclose facts in his application;
- b. The operator exerted pressure or used

If you skip “substantial”, there is no need for the second square bracket.

This empowerment is relevant to cover cases with international dimension.

To reduce the burden for the committee and the Competent Authority alike, we recommend this exemption.

illegal means to obtain the authorisation; or
c. The operator infringed the penal code in connection with the undertaking and the infringement is directly or indirectly linked to the risk of the undertaking or the authorisation procedure.

IX. Authorisations may be withdrawn with effect for the future in the following cases:

a. New scientific findings create the need to reassess the risks linked to the undertakings in question;

b. The Competent Authority comes to know of facts that would have hindered the Competent Authority to authorise the undertaking if the Competent Authority had known them prior to the authorisation; or

c. The undertaking has been lawfully authorised, but does not anymore fulfil all legal requirements at the time of withdrawing the decision [and remedying of deficiencies cannot be expected anytime soon].

X. The undertaking may not be conducted without prior authorisation or where the authorisation has been withdrawn or revoked. The Competent Authority must impede anyone not holding an authorisation from exercising the activity or conducting the undertaking.

XI. The Competent Authority may close premises, including offices, to prevent those persons who are not covered by an authorisation from the Competent Authority from exercising any undertaking requesting prior authorisation. In such cases, every effort must be made to find solutions for the relocation or disposal of any remaining animals which maximise the welfare potential of each individual animal. Careful consideration must also be paid to adopt optimum transitional periods for any prohibitions on certain activities, given the need to secure the welfare of any remaining animals.

XII. The Competent Authority must keep a register of persons, facilities and their corresponding activities authorised in accordance with this Section and publish it on its website.

AND/OR

Undertakings and their corresponding persons and facilities must be registered in the registers listed in Section 83 Subsections II and III.

35. Animal welfare rating of authorised undertakings

I. The Government **OR** Minister in charge of animal health is empowered to adopt detailed regulations setting out:

- a. different animal welfare classes for undertakings authorised in accordance with the previous section on an, in principle, open-ended scale that permits undertakings to compete and thereby continuously improve animal welfare,
- b. the formal conditions for the attribution of the animal welfare classes,
- c. the designation and supervisions of those private actors who are entitled to assess and rate the authorised undertakings,
- d. the conditions for the withdrawal of that designation,
- e. the assessments and periodic verifications, including unannounced inspections, to be performed by the entrusted actors,
- f. the access rights of the entrusted actors, the rejection of which by the undertaking must lead to the immediate attribution of the lowest class,
- g. the consequences of such a down-classification or any other down-classification for products which have obtained a product animal welfare rating in accordance with this Subsection, including mechanisms informing the clients of these undertakings,
- h. the annex module of the registration database referred to in Section 83 Subsection I in which rated undertakings, their animals and the animal products rated in accordance with this Subsection are to be registered,
- i. the obligations and access rights with regard to that database of annex module,
- j. ...

II. The animal welfare rating system must be set up step by step, starting with those

Animal welfare ratings constitute a powerful regulatory tool where populations or economic actors involved in the trade of animal products are sensitive to animal welfare.

Please check whether they can be introduced by delegated regulation or whether the basics need to be laid down in the main act. If the latter, please check whether it suffices to have just one sentence per topic in the sections and setting out the remainder in technical annexes.

<p>animals which form the highest stocks of animals held in captivity by authorised undertakings, thus top down in terms of numbers. Deviations from the order are allowed where another order would trigger more animal welfare benefit/increase, e.g. because certain clients are more responsive to ratings and thus create a particularly strong incentive for animal welfare improvement.</p> <p>III. The Government may set out differentiated marketing [and fiscal] incentives [and subsidies] for undertaking which belong to the ... (e.g. two) highest animal welfare classes or their animals.</p>	<p>A priority setting by numbers is not optimal in terms of animal welfare e.g. where the most frequently held animals are always well treated.</p> <p>In addition to the reputation advantage, professionals with top ratings should obtain other advantages to further incentivise above average animal protection and welfare.</p>
<p>36. Particular practices requesting prior authorisation</p>	
<p>I. The following activities require prior authorisation by the Competent Authority, regardless of whether they fall also under Section 34 [because of their professional character]:</p> <ol style="list-style-type: none"> a. the training, keeping or possession of wild animals, b. the use of live animals for rituals, c. the use of animals or parts thereof for transplantation of organs, tissues or liquids, d. the (in vivo) genetic modification of live animals, e. the (in vitro) genetic modification of eggs or sperm, f. the non-medical use of invasive or semi-invasive implants other than identification chips, g. the non-medical use of electrodes, h. the non-medical use of exo-skeletons, i. the non-medical exposure to radiation other than light and warmth, j. surgical operations other than those indicated by veterinary medical reasons, k. ... <p>II. The application for authorisation to the Competent Authority must include, as a minimum:</p> <ol style="list-style-type: none"> a. details of the type of activity and of the tools, measures and materials to 	<p>Certain activities should be subject to an authorisation regardless of whether conducted in a professional context or not. The part in square brackets is only explanatory, thus is, strictly speaking, not needed.</p>

<p>be used;</p> <ul style="list-style-type: none"> b. the person responsible for the activity; c. address and contact details of the premises and establishment; d. numbers and species of animals involved in the activity; e. identification of the animals involved; f. details on enclosures and their dimensions, including photographs; g. details on employees and relevant training, skills and expertise; h. name and contact details of a supervising veterinarian, if any, and i. a full explanation of how the provisions of this Act and, explicitly, the welfare needs of the animals will be met. <p>III. Section 34, Subsections III onwards apply.</p> <p>IV. The Minister in charge of animal protection is empowered to adopt regulation on generic exemptions to Subsection I.</p>	<p>The reference to the provisions for the prolonging, the revoking, the withdrawal and limitations avoids lengthy repetitions.</p>
<p>37. Acquisition, making available and trading of animals / Forbidden animals</p>	
<p>I. Undertakings requiring an authorisation in accordance with Section 34 may only acquire animals from:</p> <ul style="list-style-type: none"> a. breeders or traders authorised in accordance with this Act to breed or trade animals of the respective species, b. a private animal owner listed in accordance with Sections 43 and 83 Subsection I of this Act, or c. a legal or natural person authorised by the competent authority in another country to sell animals. <p>II. Minors may not acquire, obtain, sell or make available animals, and animals may not be acquired or obtained from or sold or made available to minors. However, minors may, for free, make available animals or hand-over ownership of animals to adults who are able and willing to provide appropriate care for the animals. Persons falling under Sections 34 or 36 may not accept minors as contracting partners and must verify the age of contracting partners who could, by their appearance, be minors.</p>	

III. Any natural or legal person professionally selling, renting out, otherwise making available or transferring the ownership of an animal to another person, and the staff of that person, must be formally qualified to care for animals, or possess the equivalent experience or knowledge on the keeping and care of animals.

IV. Any natural or legal person professionally selling, renting out, otherwise making available or transferring the ownership of an animal to another person must also, prior to concluding the respective contract, provide the other person with relevant information in writing and oral advice on how to safeguard and protect the animal's welfare, health and well-being. This must include, as appropriate, information on:

- a. how to keep, care for, and handle such animal,
- b. preventing unwanted breeding,
- c. vaccinations and other health requirements recommended for the animal,
- d. legal and factual requirements or restrictions on the keeping or breeding of such animals.

Evidence of compliance with this obligation must be retained, and made available for inspection by the Competent Authority on request, at reasonable times for a duration of ... (e.g. 3, 5, 10) years.

V. Any natural or legal person professionally trading, selling, renting out or otherwise making available animals must keep available for inspection by the Competent Authority, at reasonable times, evidence of:

- a. the numbers and species of all animals acquired, sold, rented out or otherwise made available,
- b. the identification of those animals,
- c. the origin and destination of those animals, including the data and identification numbers of the contracting partners,
- d. the care regime instituted to protect the welfare of the animals, including their health status and vaccination history.

However, this does not apply to the following animals: chicken or rabbits for production, fish, ...

<p>VI. The selling, renting out or other making available of animals still dependent on their mother, or which cannot independently feed, and of sick or injured animals is prohibited. Dogs, cats, tame ferrets, wild animals, ... and animals weighing more than ... (e.g. 10) kg may not be presented or displayed for sale in shops [or any other premises of enterprises using animals within their scope of their economic activities].</p> <p>VII. In the advertisement or presentation of chipped animals for the purpose of sale or change of ownership, the seller and the advertiser must publish the number of the animal's microchip, and the number of the animal's mother's microchip.</p> <p>VIII. It is prohibited to export, import, [possess,] buy or sell the following animals: ... and the animals listed in the Appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora ("CITES") [where that Convention prohibits the trade with the respective species, subspecies or varieties].</p> <p>IX. The Minister in charge of animal protection is empowered to adopt regulation on:</p> <ol style="list-style-type: none"> a. the minimum qualification and continuous training requirements applicable to staff of animal shops and wholesale facilities, b. the manner of keeping animals in shops and wholesale facilities and the methods to be applied to ensure the respect of the general conditions for keeping animals and in particular pets set out in this Act. c. the ban, limitations or modalities of transactions of certain wild animals or wildlife products, d. the application of CITES provisions, guidelines or restrictions. <p>The Minister may also adopt regulation specifying and interpreting obligations set out in this Section or modifying the list of exempted animals in Subsection V.</p>	<p>Please check whether such a (dynamic) reference is lawful in your country / jurisdiction. Maybe it is not at all lawful or only lawful where reference is made to a precise version.</p> <p><u>Attention:</u> Even together with Section 67, this Subsection does not suffice to fulfil all the obligations of the CITES Convention. See also this dedicated article of ours.</p>
<p>38. Training of animals</p>	
<p>I. Notwithstanding Sections 34, 36 and 43, the training of any animal for sports,</p>	

<p>performance, or exhibition has to be accomplished in compliance with this Act, as well as in a humane way, using only positive reinforcement and natural behavioural traits as opposed to negative reinforcement or punishment, and in such a manner that the animal is spared any avoidable pain, suffering, injury, fear or distress. The trainer may not use a live animal as lure or bait to train any animal, or to test its aggressiveness.</p> <p>II. The Minister in charge of animal protection is empowered to adopt regulation:</p> <ol style="list-style-type: none"> a. prohibiting or restricting the training of certain species of animals or the training of animals for certain types of sports, performances or exhibition, if this could impair the welfare of the animals; b. prohibiting or restricting the use of any substances or drugs to enhance an animal's performance or modify its behaviour or temperament for sports, performance or exhibition purposes; c. prohibiting or restricting the use of certain technical training devices, aids or tools which could impair the welfare of animals trained for sports, performance or exhibition; d. establishing Welfare Codes and standards on how to train certain animals. 	
<p>39. Obligations of persons responsible for authorised undertakings OR activities</p>	<p>To be decided: must the obligations also be applicable to the persons responsible for the activities (to be) authorised in accordance with Section 36? If not, this Section is better placed after Section 34 and should refer to "undertakings". If yes, please choose "activities" to keep the terminology consistent.</p>
<p>I. Persons responsible for authorised activities ("responsible persons") must inform all their staff on applicable obligations, sanctions and whistle-blowing protection set-out in this Act. [They must prove the fulfilment of this information obligation by sending to the Agency the signed declarations of the staff confirming this information.]</p> <p>II. Responsible persons must train their staff</p>	<p>From here onwards, we refer to "activities". Please change to "undertakings" if you chose not to cover activities falling under Section 36.</p>

<p>on all the legal obligations set-out in this Act.</p> <p>III. Responsible persons must attend the annual training and information session of the Competent Authority provided in accordance with Section 84 Subsection III Letter b.</p> <p>IV. Responsible persons must ensure that non-professional contracting parties to whom they convey animals are informed on their respective obligations with regard to animals.</p> <p>V. Responsible persons must refrain from cooperating with persons who commit infringements of obligations set out in this Act [other than the following minor obligations ... (list the least important obligations)]. They must verify that their cooperation partners are not blacklisted by an Competent Authority [namely] according to Section 69 Subsection II Letter w.</p> <p>VI. Responsible persons must alert the Competent Authority where they become aware of others infringing obligations set out in this Act [other than the following minor obligations ... (list the least important obligations or refer to the previous subsection)].</p> <p>VII. Where the persons responsible for authorised activities outsource tasks to contractors, the obligations set out in this Section also apply to the contractors, their responsible persons and their staff.</p>	
<p>Chapter E: Particular categories of animals kept in captivity</p>	
<p>Subchapter 1: Breeding and production animals</p>	
<p>40. Obligations regarding breeding and production animals</p>	
<p>I. Animals bred and used for production purposes may only be kept if their biological needs can be met in a way that does not</p>	

impede their physiological functions and species-specific behaviour.

II. The owners and the keepers must fulfil the obligations and requirements set out in Chapters A, B and D. In addition, they must:

- a. register with the Competent Authority in accordance with Section ... [and with the agricultural authority],
- b. label their registration number on their products and, where a marking is foreseen, also on the animals,
- c. keep records on the animals, their origin, their growing, their offspring, their accommodation, their abnormal behaviour, their illnesses and injuries and other incidents,
- d. ensure that the space, freedom of movement, land configuration, structure of buildings and animal quarters, microclimatic conditions, care and food as well as the possible contact between animals are - having regard to the species, age and degree of development, adaptation and domestication of the animals - appropriate to their physiological and ethological needs, in accordance with good manufacturing practices and scientific knowledge,
- e. ensure that a sufficient number of trained staff [or persons having equivalent experience or knowledge concerning the keeping and care of animals] are made available,
- f. inspect or have inspected the health and welfare of the animals on a regular basis, at least once a day, and keep records thereof,
- g. inspect all automated and mechanical equipment essential for maintaining the health of the animals regularly, or have the same inspected, at least once a day, and, where defects are discovered, either rectify them immediately, or install mandatorily to be hold backup equipment,
- h. admit at any time inspectors of the veterinary authority and of the authority for agriculture, and
- i. follow the instructions of these authorities.

As recordkeeping can hardly be done on an individual basis for unchipped animals kept in high numbers, please consider exemptions or an empowerment for exemptions (see below last Subsection).

<p>III. Veterinary inspectors must confirm the fulfilment of requirements from Subsections I and II Letters a to g and detailed regulation adopted pursuant to the following Subsection(s) during at least ... (e.g. bi-annual) inspections, and must forward the data on the conditions and manner of keeping of animals to the veterinary and agricultural authorities.</p> <p>IV. The Minister in charge of animal protection is empowered to adopt regulation containing detailed provisions on the manner of keeping animals bred and used for production in general. The Minister may also adopt regulation for certain species.</p> <p>V. The Minister in charge of animal protection is empowered to adopt regulation on:</p> <ol style="list-style-type: none"> a. manner of keeping the records in accordance with Subsection II Letters c and f, b. exemptions from or limitations of that record-keeping for certain species, c. the minimum qualifications requested from those persons who effectively take care of animals in accordance with Subsection II Letter e. 	<p>The following pieces of European Union legislation, as last amended, may serve as inspiration for more detailed provisions:</p> <ul style="list-style-type: none"> • Council Directive 1999/74/EC laying down minimum standards for the protection of laying hens; • Council Directive 2007/43/EC laying down minimum rules for the protection of chickens kept for meat production; • Council Directive 2008/120/EC laying down minimum standards for the protection of pigs; • Council Directive 2008/119/EC laying down minimum standards for the protection of calves. <p>Please note that several of these acts are currently under revision under the EU's "Farm to fork" strategy. We expect a further push towards animal protection.</p>
<p>Subchapter 2: Pets, sports and service animals</p>	
<p>41. Conditions for the keeping of pet, sports or service animals</p>	
<p>I. In addition to the requirements and obligations set out in Chapters A, B and D, the owners and keepers of pet, sports and service animals must ensure keeping conditions in line with their specific needs as pet, sports or service animals.</p> <p>II. <i>It is prohibited to keep, handle and move a pet, sports or service animal in a manner that poses a risk to the health and safety of other animals and people, in particular children.</i></p> <p><i>The owner and the keeper of the animal must ensure that the animal is not a danger to the environment, through adequate</i></p>	<p>Reminder: parts in italics are identical to or based on provisions of the Model Animal Welfare Act on worldanimal.net.</p>

<p><i>training and safety measures.</i> The owner is strictly liable for any damage caused by the pet, companion or service animal. The keeper is liable only where s/he was negligent.</p> <p>III. <i>It is prohibited to keep pets, sports or service animals constantly chained or tethered. It is prohibited to keep dogs and ... (list other animals needing a minimum space) constantly in a confined area without enabling their free movement outside that area, unless the area has a size of ... square metres.</i></p> <p>IV. <i>Keeping any species of wild animal as pet, sports and service animal is prohibited.</i></p> <p>V. The Minister in charge of animal protection may adopt regulation on how to keep and to train specific pet and service animals and on the safety measures to be taken in accordance with Subsection II.</p> <p>VI. The Minister may also adopt regulation on how to keep and train certain types of wild animals as sports or service animals and exempt them from the prohibition of Subsection IV provided that the animals' well-being can be preserved under the conditions that are set up in the respective regulation.</p>	<p>To name a few examples:</p> <ul style="list-style-type: none"> - Dolphins, falcons and other raptor birds are used for hunting. - Geese and dolphins are used as guardians.
<p>42. Control of reproduction of pets, sports or service animals</p>	
<p>I. The owners and keepers of pet, sports or service animals must ensure that the reproduction of their animals is under control.</p> <p>II. The owners and keepers must provide care for the offspring of their animals.</p> <p>III. Where the owners and keepers do not fulfil their obligation in accordance with the previous two Subsections, the Competent Authority, the district authority or the local authority may impose measures at the expense of the owner or keeper.</p> <p>IV. If a larger number of abandoned pets, sports or service animals that cannot be kept in shelters is ascertained within the territory of a district, the district authority may, under control of the Competent Authority, take or finance measures for the control of reproduction of the abandoned animals.</p>	<p>Please check whether you need this Subsection. See Section 61 which has a similar purpose.</p>

<p>43. Licence for high numbers of pets, sports or service animals</p>	<p>We use here the term “licence” instead of “authorisation” as requirements and procedure are lighter. But in essence, it is of course the same.</p>
<p>I. The person holding or intending to hold, as owner or keeper, more than ... (e.g. 5) dogs, cats or ... (list other animals) over the age of six months or ... (e.g. 20) animals in total must apply to the Competent Authority for a licence.</p> <p>II. The applicant must send photos of the facilities used or intended to be used for the hosting of the animals. S/he must demonstrate her/his knowledge with regard to the keeping of the respective animals by certificates or means of its choice. The Competent Authority must offer a written test as means to demonstrate competence.</p> <p>III. The Competent Authority must assess the application. It may send persons to the facilities of the applicant.</p> <p>IV. Persons holding or intending to hold, as owner or keeper, more than ... (e.g. 50) animals must instead undergo the authorisation procedure set out in Section 34.</p>	
<p>Subchapter 3: Professionally used presentation or entertainment animals</p>	
<p>44. Animals in zoos</p>	
<p>I. In addition to the requirements and obligations set out in Chapters A, B and D, the natural or legal person responsible for a zoo must ensure the following:</p> <ul style="list-style-type: none"> a. accommodation facilities which are of such a size and equipped in such a way as to meet the basic needs of each animal species and, in addition to housing facilities, outdoor exercise enclosures where necessary, b. possibilities for interaction with at least ... (e.g. 3) animals of the same species [or a species close enough to permit an active social life], c. the required daily amounts of 	

- adequate feed and water,
- d. at least ... (e.g. bi-monthly)
- veterinary health control, in addition to the for cause care to be provided,
- e. humane treatment of animals by staff members,
- f. protection of animals from visitors,
- g. protection of visitors from animals,
- h. trained staff to care for animals, and
- i. an animal care plan in the event of closure of the zoo.

II. The Minister in charge of animal protection may adopt regulation on:

- a. the manner of keeping animals in the zoo set out in letters a to g of the previous Subsection, and
- b. the training requirements for staff caring for animals in a zoo.

III. A natural or legal person responsible for a zoo may not commence operation without authorisation in accordance with Section 34. That authorisation must be preceded by the report on the fulfilment of the legal conditions, agreed upon by the expert committee referred to in Section 87.

IV. The Competent Authority must keep a register of zoos and publish it on its website. The Minister in charge of animal protection must publish a list of all zoos registered nationwide.

V. The natural or legal person responsible for a zoo must notify the Competent Authority [three months in advance] if it intends to close the zoo. It must submit a plan regarding the future disposal of the animals at the latest two months prior to the closure. The Competent Authority may oppose the plan within one month and may instruct the responsible person on how to process the animals.

VI. The Competent Authority may close a zoo or part thereof if the requirements set out in this Act are not met. Section 69 Subsection II Letter f and Subsection III apply. The Competent Authority must organise the interim care for the animals and bear the costs thereof until the definitive host of the animals has been identified.

VII. In the cases referred to in Subsection VI, the costs of the interim and the definitive care for the animals in accordance with Subsection VII must be borne by the person responsible for the zoo for a duration of up to ... (e.g. one year).

<p>45. Animals in circuses</p>	
<p>I. It is prohibited to keep animals in circuses and use them in circus performances. II. By way of derogation from Subsection I, the keeping and performance of domestic and domesticated animals in circuses and circus performances for the purpose of presentation of the species-specific behaviour, which is identical [or close to] to the behaviour of the animal in its natural environment, can be authorised. III. Section 44 applies by analogy.</p>	
<p>46. Animals used for other types of presentation or entertainment</p>	
<p>I. Only domestic animals and tamed wild animals may be kept to be used in film and television productions or to be presented in animal exhibitions, competitions, performances and for other presentation purposes or for entertainment not covered by the previous two Sections. Where more than ... (e.g. 10) animals are kept by the same natural or legal person, Section 34 applies, regardless of whether the animals are kept in a professional context or not. II. The animals referred to in Subsection I may only be used for the purposes referred to in Subsection I if their care can be secured in accordance with the ethological and biological needs of the respective species and subspecies of animal. The fulfilment of these conditions must be confirmed by a veterinarian OR veterinary inspector. III. Animals from zoos may, with the consent of the competent veterinary inspector, be transferred if they are to be used for educational purposes. IV. The request for the issuance of the confirmation or consent from Subsections II or III must be delivered to the competent veterinary inspector at least seven days before the use of the animals, and must contain information on: a. all the animals to be used (species, category and number), b. the manner in which the animals</p>	

<p>have been kept and used up to date,</p> <p>c. the purpose of the use of the animals,</p> <p>d. the conditions of keeping the animals during use, and</p> <p>e. the site of the filming, exhibition or competition, performance or other means of presentation of the animals will take place.</p> <p><i>V. The organising, promotion or advertising of any activity or event that is unlawful pursuant this Section is prohibited.</i></p>	
<p>Chapter F: Animal experiments and similar use of animals</p>	<p>The Regulatory Institute is not a political organisation, but an organisation which provides technical support to those drafting or influencing regulation. Hence, we do not take any view on whether animal experiments and similar use forms of animals should be permitted in the first place.</p>
<p>47. Requirements for and obligations of breeders, suppliers or users of experimental animals</p>	<p>It is also possible to place the first two Sections of this Chapter into a new, final Subchapter of the last Chapter, as these two Sections deal with the keeping of experimental animals.</p>
<p>I. In addition to the requirements set out in Chapters A, B and D, breeders, suppliers and users of experimental animals must:</p> <p>a. employ [under national labour law] a professional person responsible for the welfare of experimental animals who:</p> <ul style="list-style-type: none"> - is aware of the provisions of this Chapter and of the Chapters A, B and D, - may veto changes in the practices of the undertaking, and - is empowered to inform the Competent Authority independently, without any control by superiors and without the threat of sanctions; <p>b. where they keep also other animals, maintain and apply a system that permits the unequivocal identification of those animals that are bred, supplied or used for scientific purposes, by marking to the extent lawful if needed and in accordance with this Act;</p> <p>c. establish, maintain and apply a system that records all facts relevant</p>	<p>We recommend the term “employ under national labour law” to make sure that this person is permanently available and not just passing by from time to time. The part in square brackets makes crystal clear what is meant and avoids any ambiguity.</p>

<p>to the well-being of the animals;</p> <p>d. provide the Competent Authority generic and independent permanent access to its facilities, systems, internal management rules, documentation and datasets;</p> <p>e. proactively inform the Competent Authority on developments with high relevance for the well-being or the justification of the scientific research or experiment;</p> <p>f. proactively inform the Competent Authority on each important change in the structure or function of the facility in which the experimental animals are housed which could negatively impact animal welfare;</p> <p>g. ...</p> <p>II. The Minister in charge of animal protection may adopt regulation:</p> <ul style="list-style-type: none"> - on the manner of breeding, procurement and use of experimental animals, and - interpreting and fine tuning the provisions of this Section. 	
<p>48. Authorisations for breeders, suppliers or users of experimental animals</p>	
<p>I. Prior to commencing the activities of breeding, acquisition and use of experimental animals, breeders, suppliers and users must have successfully undergone the authorisation procedure set out in this Section.</p> <p>II. Prior to the application, breeders, suppliers and users must verify, with the help of a checklist or program established by the Competent Authority, whether they fulfil the requirements set out in this Act.</p> <p>III. The application for the issuance of the authorisation for breeders, suppliers or users of experimental animals must be linked to or combined with the authorisation foreseen in Section 34. The application must contain the elements listed in Section 34 Subsection II plus a technical file explaining how the obligations set out in this Act have been fulfilled.</p> <p>IV. The fulfilment of the requirements of this Act is assessed by a single national ethics committee (hereafter: the Committee) that</p>	

<p>assists and advises the Competent Authority/Authorities. The Competent Authority is OR is not bound by a positive opinion of the Committee. The Competent Authority is OR is not bound by a negative opinion of the Committee.</p> <p>V. Section 34 Subsections III onwards apply.</p> <p>VI. During and after the application procedure, the applicant must inform the Competent Authority on any important change in the structure or function of the facility in which the experimental animals are housed which could negatively impact animal welfare. The Competent Authority must take a discretionary decision on whether the modifications can be authorised in the same procedure or whether a new authorisation procedure is necessary.</p> <p>VII. The [Subcommittee of the] Animal Welfare Committee set up in Section 87 which is in charge of animal experiments serves as Committee within the meaning of Subsection IV.</p> <p>OR</p> <p>The Minister in charge of animal protection may adopt regulation on the selection of members and the functioning of the Committee referred to in Subsection IV. The Minister must follow the basic principles set out in Section 87 for the Animal Welfare Committee.</p>	<p>The reference to the provisions for the prolonging, the revoking, the withdrawal and limitations avoids lengthy repetitions.</p> <p>To use (a subcommittee) of the Animal Welfare Committee seems at first sight appealing, but there might be frictions and conflicts of interest between the two roles. Moreover, the rules of procedure might need to be different.</p>
<p>49. Conditions for animal use projects</p>	
<p>I. Use projects may be performed only for the purpose of:</p> <ul style="list-style-type: none"> a. basic research, b. [translational or] applied research with any of the following aims: <ul style="list-style-type: none"> i) the avoidance, prevention, diagnosis or treatment of disease, ill-health or other abnormality or their effects in humans, animals or plants, ii) the assessment, detection, regulation or modification of physiological conditions in humans, animals or plants, iii) the welfare of animals and the improvement of the production conditions for animals reared for 	<p>We refer to “use projects” because some cases covered by this Chapter are not experiments.</p> <p>We found the term “translational research” in some countries, but would prefer to have just two terms: “basic research” and “applied research”.</p> <p>We have in Subsection IV established a provision on the balancing of the utility of use projects with the negative effects on the animals. The more you are confident that such a balancing is the right ethical criterion and will effectively work for your jurisdiction, the more you might be generous regarding the conditions set out in Subsection I of this Section. The more you doubt that the balancing is the right path and will work, the</p>

- agricultural purposes,
- iv) human enhancement [increasing the likelihood of survival of mankind],
- v) increasing the adaptability of humans, animals or plants to climate change, massive volcano outbreaks and meteorites impacting the earth,

vi) ...

unless the [translational or] applied research aims at products listed in Letter c Subletters i to vii,

c. the development, manufacture or testing of the quality, effectiveness and safety of drugs, foodstuffs and feed and other substances or products where these serve the aims in Letter b, with the exception of (ingredients or combination of ingredients or parts of):

- i) tobacco or nicotine products,
- ii) alcohol products,
- iii) other legal drugs without medical purpose,
- iv) cosmetics,
- v) detergents,
- vi) weapons, ammunition or both their accompanying equipment and combat or military equipment, and
- vii) ... (other products to be listed where alternative test methods suffice by default or where the use of animals does not seem to be justified),

d. protection of the natural environment in the interest of the health or welfare of humans or animals,

e. research aimed at the preservation of the species,

f. higher education of medical and veterinary personnel, and

g. forensic inquires.

II. No experiments may be conducted for purposes listed in [Letters b to e of] Subsection I where there is sufficient evidence provided by other experiments. Doubling of experiments may only be undertaken for the purpose of ... (please select purposes of the previous Subsection) **OR** protection of public health, safety or the

more you should consider restrictive conditions in Subsection I of this Section.

Please decide whether duplication in basic research should be permitted. With the text in square brackets, you permit it. Duplication can detect errors and cheating. Evidently, cheating happens even more for applied research related to precise products. Here, there is a risk that the economically interested party occupies the

environment or where there are reasons to believe that an already conducted experiment is flawed.

III. No use project may be conducted where the animals are exposed to long-term suffering or long-term anxiety. Moreover, no use projects may be conducted where:

- a. alternative methods not involving animals are available [and do not provide so much less value that the use of animals is justified],
- b. alternative methods involving less animals are available [and do not provide so much less value that the use of more animals is justified],
- c. alternative methods which are less painful for the animals are available [and do not provide so much less value that the more painful method is justified], or
- d. alternative methods which shorten the suffering of the animals are available [and do not provide so much less value that the use of the method prolonging the suffering is justified].

In case of conflict between the criteria a to d, the criteria must be applied in the order of the letters.

OR

Criterion a must prevail on all other criteria. In case of conflict between the parameters b to d, the criteria must be applied in such a way that the overall suffering of animals is minimised, the overall suffering being determined by the factors: number of animals suffering x pain intensity x duration of suffering.

IV. No use project may be conducted where the public, non-monetary utility does not clearly prevail over the suffering and, where applicable, death of the animals.

V. A use project must be designed, planned and performed so that the following conditions are respected:

- a. within the framework of an approved project,
- b. in accordance with the 3R principles,
- c. in the premises of the user or other premises authorised by the Competent Authority,
- d. on laboratory animals bred for use in experiments, other than threatened species or ... (e.g. non-human

field with cheated research and nobody is thereafter authorised to counter the cheated research results because the repetition ban of Subsection II applies.

Here, we suggest a system for the check of the necessity of the animal use method. This system aims to minimise suffering.

As the criteria a to d might lead to diverging results, rules of conflict are needed.

This is the balancing provision referred to in the comment for Subsection I. Please contact us if you wish to further develop this formula.

primates), unless the Competent Authority exceptionally authorises the use of the other animals for prevailing reasons of health and safety such as non-availability of laboratory animals in the context of a pandemic,

- e. on animals in general or local anaesthesia, unless this is unacceptable with regard to the purpose of the experiment, but always with anaesthesia if using substances for the paralysis of muscles,
- f. with the use of analgesia or other appropriate method that will reduce suffering and anxiety of the animal as much as possible,
- g. with clear emergency procedures for the handling of unexpected situations and adverse effects,
- h. with clear endpoint criteria determining when an experiment should be terminated to minimise animal suffering,
- i. with measures ensuring the traceability of each individual animal for the entire duration of the use project and thereafter,
- j. with a detailed plan on what will happen to the animals after the use, namely in terms of rehabilitation and rehoming, in line with the obligation set out in Section 52 Subsection 1 Letter f,
- k. with precise criteria on when the animal should be killed, e.g. to reduce the agony,
- l. with a detailed plan on the postmortem use of animal tissue, whilst this postmortem use must be optimised in view of making further use projects superfluous,
- m. with protection against unintended spreading of modified genes;
- n. under weekly supervision of an accredited veterinarian **OR** of a veterinarian of the Competent Authority,
- o. accompanied, at the site of the experiment, by adequately educated and trained personnel caring for the experimental animals and their humane killing, and

<p>p. by appropriate devices and equipment that minimise suffering.</p> <p>VI. The Minister in charge of animal protection may adopt regulation specifying and interpreting the conditions set out in this Section.</p>	
<p>50. Authorisation procedure for animal use projects</p>	<p>At first sight, there is an overlap with the authorization in Section 48 that also covers users. But the authorisation of Section 48 relates to the keeping, whereas Section 50 relates to the actual use of animals.</p>
<p>I. An animal use project may be conducted only by a user holding an authorisation in accordance with the previous Section whose project was approved by the Competent Authority in accordance with this Section.</p> <p>II. The user must submit an application for approval of the project to the Competent Authority which must include:</p> <ol style="list-style-type: none"> a. all the data needed for an authorisation decision in accordance with Section 34 Subsection I, b. a detailed description of the use project, c. evidence for the likely fulfilment of the conditions set out in the previous Section, d. in case of experiments: a list of databases and other publicly available resources scrutinised to assess whether previous experiments already provided sufficient evidence for the respective research questions, e. the result of that scrutiny, and f. the signed opinion of the person responsible for animal welfare referred to in Section 51 Subsection I Letter f. <p>III. The Competent Authority must confirm the day of receipt of the application. It must decide on the application within ... (e.g. 3) months and must inform the applicant thereof.</p> <p>IV. If the application is incomprehensible, incomplete or disorderly, the Competent Authority may set a ... (e.g. 30) calendar days deadline for its correction. The time needed by the applicant for the correction may not be counted for the decision-making deadline of the previous Subsection. Where</p>	<p>We suggest here a decision-making deadline for the Competent Authority ...</p> <p>... and a correction deadline for the applicant ...</p> <p>... which prolongs the decision-making deadline.</p>

<p>the applicant misses its deadline, the application is deemed withdrawn.</p> <p>V. The Competent Authority must transmit the application to the Committee referred to in Section 48 Subsection IV. The Committee has ... days to render its opinion. The Competent Authority is OR is not bound by a positive opinion of the Committee. The Competent Authority is OR is not bound by a negative opinion of the Committee.</p> <p>VI. The Competent Authority, on [the binding] request of the Committee or by itself, may decide to publish an outline of the use project to give the general public the possibility to comment on the use project for a duration of ... (weeks / months). [The consultation period prolongs the decision-making period referred to in Subsection IV.]</p>	<p>Then there is a deadline for the Committee which has no effect on the decision-making deadline because the consultation of the Committee has been factored in already.</p> <p>It is to be decided whether the optional public consultation period should again prolong the decision-making deadline. On one hand, the Competent Authority can decide early-on on the public consultation so that it does not really cost time. On the other hand, the evaluation of the feedback takes some time. Hence we recommend prolonging it only for one or two weeks for the evaluation of the feedback.</p>
<p>51. Authorisation decision for animal use projects</p>	
<p>I. The decision on the authorisation of the use project must establish the following information:</p> <ol style="list-style-type: none"> a. name, seat and ID number of the user, b. number of the authorisation referred to in Section 34, c. name, surname, address, contact data and ID number of the the project leader and leader of the experiment, d. name, surname, address, contact data and ID number of the person responsible for implementation of the project, e. name, surname, address, contact data and ID number of the person responsible for animal welfare, f. name, surname, address, contact data and ID number of the appointed doctor of veterinary medicine, g. place of execution of the project, 	

<p>with the name, surname, address, contact data and ID number of the legal or natural person in whose premises the project is to be executed,</p> <p>h. special conditions under which the use project is permitted to be conducted, and</p> <p>i. duration of the project.</p> <p>II. The decision on authorisation of the project is issued for a limited time period with regard to the purpose of the project. The maximum authorisation period is ... years, renewable once for ... years under condition of a renewal application justifying the need for the prolongation.</p> <p>III. Section 34, Subsections III onwards apply.</p> <p>IV. During and after the application procedure, the applicant must inform the Competent Authority on any important change in the structure or function of the facility in which the experimental animals are housed which could negatively impact animal welfare. The Competent Authority must take a discretionary decision on whether the modifications can be authorised by an addendum [decision] in the same procedure or whether a new authorisation procedure is necessary.</p> <p>V. The Minister in charge of animal protection may adopt regulation:</p> <ol style="list-style-type: none"> a. specifying and interpreting the procedural rules set out in this Section, including on the involvement of the Committee, b. establishing rules on conditions to be set for certain type of uses, namely in view of optimising the respect of the 3R-principles, and c. establishing criteria for the acceptable duration and the prolongation thereof, establishing criteria for the acceptable duration, d. establishing rules on whether modifications of a project can be authorised by an addendum [decision] in the same procedure or whether a new authorisation procedure is necessary. 	<p>The reference to the provisions for the prolonging, the revoking, the withdrawal and limitations avoids lengthy repetitions.</p>
<p>52. User obligations</p>	

I. The user must:

- a. conduct the use project in accordance with the decision on project authorisation of the Competent Authority and the file submitted to the Competent Authority,
- b. the rules set out in Section ... Subsection V,
- c. permit the autonomous and responsible action of the person responsible for animal welfare and of the project leader who is responsible for execution of the project in accordance with the project authorisation and with the provisions of this Act,
- d. take account of the health condition and previous experiences of the animals, namely where the animals have previously been used in other use projects,
- e. prevent the death in the course of the use project where possible, and anticipate the death by killing where this is necessary to reduce the agony,
- f. ensure that upon completion of the use project, test animals are humanely treated, rehabilitated if possible, transferred to sanctuaries or other shelters and killed only if killing is necessary to reduce the agony or the suffering,
- g. register the use in the register set out in Section 83,
- h. submit an annual report on conducted use projects to the competent authority,
- i. inform the Competent Authority on changes of the use project or deterioration of the conditions of the animals,
- j. record these changes and deteriorations,
- k. record the the procedures used and treatments applied in the course of the use project,
- l. keep records on the use projects for a minimum of ... (e.g. five) years,
- m. publish a report on the use of animals during the use project and on the final sort of the animals, permitting the general public to

<p>assess the use project in terms of animal friendliness and number of animals involved, surviving, killed or dead for other reasons,</p> <p>n. publish the results of experiments in such a way that the scientific community has the best possible access to the results,</p> <p>o. assess the long-term effects of the animal use, namely with regard to lasting effects on health and well-being, and publish this assessment for the scientific community, and</p> <p>p. ... (please continue as appropriate).</p>	
<p>53. Qualification of persons working for use projects</p>	
<p>I. The design, planning and conception of projects may only be performed by persons with completed graduate university study or integrated undergraduate and graduate university study, who during the course of their higher education, have attained the necessary knowledge from the respective area of use of animals: doctors of veterinary medicine, medical doctors, doctors of dental medicine, masters of pharmacy, masters of medical biochemistry, masters of biology, biotechnologists, sanitary engineers and those with a degree in agriculture in the field of zoo-techniques. Where their curriculum did not include the respective area of use, the persons must have undergone supplementary, ... (e.g. 100) hours, university-level training courses covering the respective area of use. In addition, they must have undergone the training referred to in the following Section within the last three years.</p> <p>II. Only veterinarians fulfilling the requirements set out in Subsection I may produce biological preparations. Other persons fulfilling the requirements set out in Subsection I may only produce biological preparation used in experiments as part of projects on: ... (e.g. mouse, rat, guinea pig, golden hamster, Chinese hamster, Mongolian gerbil, and European rabbit).</p> <p>III. Only veterinarians fulfilling the requirements of Subsection I may perform</p>	<p>The qualification requirements in this Section are of course debatable and need to be adapted to the situation of the respective jurisdiction. They are meant as illustrations on how a qualification system can be designed so as to cover the different activities requiring different levels of qualification.</p>

<p>surgical procedures for the animal use. In derogation thereto:</p> <ul style="list-style-type: none"> a. medical doctors, doctors of dental medicine, masters of pharmacy, masters of medical biochemistry, masters of biology, biotechnologists, sanitary engineers and those with a degree in agriculture in the field of zoo-techniques may perform surgical procedures on animals in mild and irreversible experiments for: ... (e.g. mouse, rat, guinea pig, golden hamster, Chinese hamster, Mongolian gerbil, European rabbit, frog and zebrafish), and b. medical doctors may perform moderate and severe surgical procedures on ... (e.g. pigs and sheep). <p>The last sentence only applies where a veterinarian is part of the surgical team and supervises the procedures.</p> <p>IV. The Minister in charge of animal protection may adopt regulation specifying and interpreting the requirements and conditions referred to in this Section.</p>	
<p>54. Training of personnel involved in experiments</p>	
<ul style="list-style-type: none"> I. The personnel involved in experiments must be trained for the performance of experiments on animals, design of experiments and projects, animal care and killing of animals, in accordance with the tasks they perform. II. Only [legal] persons recognised and publicly registered by the Competent Authority as trainers qualified for the respective training may conduct the training referred to in Subsection I. III. The Competent Authority must withdraw the recognition as qualified trainer if the trainer: <ul style="list-style-type: none"> – lacks sufficient expertise for the implementation of training, – does not possess adequate premises and equipment for the implementation of training, or – does not implement at least one training programme per year OR within two consecutive years. 	

<p>IV. The Minister in charge of animal protection may adopt regulation specifying and interpreting the provisions of this Section. The Minister may also set out the conditions and the procedure for the recognition of trainers in accordance with Subsection II.</p>	
<p>55. Use of animals for educational purposes</p>	
<p>I. Animals may not be used for educational purposes where the animal has been killed for the use project or where the use project causes:</p> <ul style="list-style-type: none"> a. pain other than the pain caused by the one-off injection of liquids, b. suffering other than anxiety, c. injury, or d. the death of the animal. <p>II. The Minister in charge of animal protection and the Competent Authority may authorise [other] use projects for education purposes if they:</p> <ul style="list-style-type: none"> a. are strictly necessary for the training in accordance with Section 54 or for education purposes at the following institutions: ... (universities, ...), b. follow the 3R principles, c. are performed by persons qualified in the meaning of Section 54 Subsection II. <p>Strict necessity is given where satisfactory results cannot be achieved using other teaching aids (computer simulation, films, images, models, preparations, etc.) or using animals that have been killed for other reasons than the use project, whilst for each group of trainees or students only one animal may be used, and that the project is led by a person trained in accordance with Section 54.</p>	<p>On one hand, the use of live animals for training purposes can be deemed as less justified than the use of animals for scientific experiments. On the other hand, good education of persons dealing with animals is of high value, not least to reduce the suffering of animals during animal experiments.</p>
<p>56. Statistical records</p>	
<p>I. The Competent Authority keeps statistical records on the basis of received applications for authorisation of projects and annual reports of users.</p> <p>II. The collective statistical data on the</p>	

<p>number and species of animals used and the types of use projects are public, and published on the website of the Competent Authority.</p> <p>III. The Competent Authority publishes non-technical summaries of performed use projects OR experiments on its website, taking into account the protection of intellectual property and confidentiality of data.</p> <p>IV. The Minister in charge of animal protection may adopt regulation specifying the content and format of reports to be submitted by users and the manner of processing these reports by the Competent Authority.</p>	
<p>57. Ethics Committee</p>	
<p>I. The Minister in charge of animal protection may adopt regulation on the selection of members, the rules avoiding conflicts of interest, the rules of procedure and the functions of the [Ethics] Committee referred to in Section 48 Subsection IV. The Minister may also regulate on the fees to be borne by applicants in procedures where the Committee has to give an opinion, and on the reimbursement of its members.</p> <p>II. The Minister in charge of animal protection must select the members in their personal capacity, not as representatives of their respective organisations from which they are independent when executing their mandate as members. The membership of the Committee must include [at least] one third scientists with a minimum of ten years of scientific work experience in the area of use of animals, in the fields of veterinary medicine, human medicine, biology, pharmacy, biochemistry and agronomy, [at least] one fourth agents of the Competent Authority who are personally in charge of decisions in accordance with this Chapter, [at least] one fourth members of animal protection organisations referred to in Section 89 and at least two university professors specialised in ethics, including / excluding professors of religious faculties.</p> <p>III. The [Ethics] Committee must:</p> <ol style="list-style-type: none"> a. give opinions in the cases foreseen in this Act, 	

<ul style="list-style-type: none"> b. give opinions before any public [or private] research grant related to or implying animal use is given, c. exchange information on practices with peer organisations in other states, d. at the request of the Minister in charge of animal protection or of the Competent Authority, give opinions to proposed regulations in the area of protection of animals [used for scientific purposes], and e. draft an annual report of its work which it forwards to the Minister, by the end of March of the current year for the preceding year. 	
<p>58. Research grants</p>	
<p>Public [and private] research grants both for domestic and foreign use projects may only be given once the Competent Authority and the Committee have had the opportunity to raise concerns. The Competent Authority may prohibit the grant in cases where essential principles of this Act are not respected.</p>	
<p>59. Applicability to animals bred, kept and killed to obtain isolated organs, tissues, carcasses and biological preparations</p>	
<p>This Chapter applies by analogy also to cases where animals are bred, kept and finally killed to obtain body parts, isolated organs, tissues, carcasses and biological preparations for educational, scientific or other experimental purposes.</p>	
<p>Chapter G: Sheltering animals</p>	
<p>60. Establishment of shelters</p>	
<p>I. Each district must host at least one shelter, whether run by a natural or legal</p>	<p>Please check which administrative entity is appropriate. In the following, we sometimes</p>

person or by the district itself. To avoid the obligation of establishing a shelter, districts may subsidise qualified natural or legal persons ready to establish a shelter [or proportionately co-finance a shelter in an immediately neighbouring district, where that shelter can effectively serve as responsible shelter for the financing district].

II. Natural or legal persons wishing to establish a shelter, must apply for prior authorisation with the Competent Authority by submitting a detailed plan for the establishment of the shelter. On the basis of the plan, the Competent Authority must assess whether the requirements of this Act, namely with regard to the accommodation, feeding, staff and handling of animals, are likely to be fulfilled. If so, the applicant obtains a preliminary authorisation.

III. In the first ... (e.g. 3) months after establishment, the Competent Authority must inspect the shelter. Where the legal requirements of this Act are fulfilled, the applicant must obtain the definitive authorisation. Where only minor deficiencies are noted during the inspection, the Competent Authority must reinspect the applicant at an unannounced point in time in the next three months, at the earliest one month after the first inspection. After the second inspection, it must decide on the authorisation, weighing the consequences of either decision for the animals concerned now and in the future.

IV. The Competent Authority may also authorise shelters subject to certain conditions or limit the period of validity of the authorisation. It may revoke an authorisation if the authorisation had been obtained by illegal means and may withdraw the authorisation if the legal requirements are not anymore fulfilled. Section 34, Subsection III onwards apply.

V. The Competent Authority shall keep the register of shelters, and publish it on its website.

VI. All local self-government units are obliged to participate in the financing of the establishment and general operation of the shelters established in accordance with the previous Section [in proportion to the number of animals collected and transferred to the shelter].

VII. The Minister in charge of animal

refer to districts and sometimes to local self-government units, an even lower level of administration, set-up and controlled by the local community.

If there is no other shelter at a reachable distance, the Competent Authority might be more lenient than in situations where the district is already well covered by shelters.

We found this provision in the Croatian law which served as a major basis for this Model Law. To our knowledge, local self-government units are also in many other states responsible for stray animals. If so, they are discharged by shelters and thus should contribute to their financing.

<p>protection is empowered to adopt regulation on:</p> <ol style="list-style-type: none"> a. the manner of keeping animals in shelters, b. the qualifications of the staff collecting animals and responsible for their care in the shelter, c. the handling of animals, d. the operation of the shelters, e. the financing of shelters, f. the financial contributions of local self-government units to the establishment and general operation of shelters, and g. the content and manner of keeping the register of shelters. 	
<p>61. Collecting abandoned or lost animals and wild animals in need</p>	
<p>I. Local self-government units OR district administrations are responsible for collecting abandoned or lost animals and wild animals in need.</p> <p>II. The local self-government units OR district administrations may delegate by contract their collection task to one or several shelters, whilst staying primarily responsible for the collection of abandoned or lost animals.</p> <p>III. The manner of handling abandoned or lost animals is prescribed by general acts of the district or the representative bodies of the local self-government unit. General acts of the district prevail on the latter.</p> <p>IV. The district or the local self-government unit may[, with agreement of the Competent Authority,] prescribe permanent sterilisation as a compulsory measure for reproduction control. General acts of the district prevail on those of the local self-government unit.</p> <p>V. Local self-government units bear the costs for collecting, hosting and treating abandoned or lost animals and wild animals in need. They may recover the animal specific costs from the owner or the keeper of the animal or from the natural or legal person that caused the need for an intervention in accordance with this Chapter.</p>	<p>Subject to the size of the district and the capacities of the two levels of administration, one or the other is better.</p> <p>Here we suggest empowering two levels of administration, with decisions of the higher one superseding those of the lower, but both acting under supervision of an even higher administration.</p>

62. Minimum shelter activities

I. An animal shelter [financed by the district] must:

- a. receive reports of stray, abandoned or lost animals and maintain a hotline to that end,
- b. organise independently alone or in cooperation with local self-government units, for the collection and transport of stray, abandoned or lost animals to the shelter,
- c. provide accommodation for stray, abandoned or lost animals,
- d. provide accommodation for wild animals in need,
- e. [against payment of a fee] provide accommodation for pets and service animals that the owner cannot care for anymore,
- f. [against payment of a fee] provide accommodation for pets and service animals that the owner does not wish to care for anymore,
- g. provide accommodation for animals confiscated or taken in custody by an authority.

II. All animal shelters must:

- a. ensure that veterinary care is provided to animals,
- b. ensure the marking and registration of found unmarked dogs [and ...] within a period of ten days from the arrival to the shelter,
- c. where mandatory, ensure vaccination and permanent sterilisation, [unless the animal is marked and it is possible to locate the owner and return the animal,]
- d. make efforts to locate the owner of an abandoned or lost animal by advertising via widely accessible public communication means,
- e. keep records of animals collected, received, adopted or humanely killed,
- f. keep records of the persons from whom they receive and to whom they hand over animals,
- g. register the animals in the registers set out in Section 83.

<p>h. follow the instructions of the veterinary inspection service.</p>	
<p>63. Handling of animals in shelters</p>	
<p>I. If shelters hold an animal which previously was held in captivity, but then got lost or stray or was abandoned, they must verify at least once per week whether the animal has been declared missing by the previous owner in respective public registers OR the register set out in Section 83 Subsection III.</p> <p>II. Shelters must register the animals referred to in Subsection I with the respective public registers OR the register set out in Section 83 Subsection III as “possibly lost animal”. They gain ownership of the animals ... (e.g. 4, 6, 8) weeks after registering them and may not dispose of them earlier. However, shelters may, during this period, outsource the accommodation and care without providing any kind of right to the person taking care of the animal.</p> <p>III. <i>Shelters must only hand over animals to persons claiming to be the animal’s owner or keeper if there is adequate proof of ownership or right to keep, no liability for abandonment or any breach of animal welfare provisions, and payment has been made for any service charges and expenses incurred. [The owner is prohibited from requiring the animal to be euthanised to avoid such costs but instead has the option to transfer ownership to the shelter.]</i></p> <p>IV. Where no owner claims ownership of the animals, animals are kept in the shelters until a more appropriate solution for their accommodation and care has been identified. The Competent Authority may exempt shelters from this obligation where the shelter cannot, for security, capacity, hygienical, veterinary, other factual or financial reasons, house and take care of the animal. When deciding on the sort of the animal, the Competent Authority must optimise the overall wellbeing of all animals directly or indirectly impacted by its decision.</p>	<p>A relatively quick shift in ownership permits better care, e.g. by adoption in accordance with the following Section.</p> <p>Parts in italics are identical to or based on provisions of the Model Animal Welfare Act on worldanimal.net.</p>
<p>64. Adoption of animals from shelters</p>	

<p>I. Shelters must publicise their animals which can be adopted. Candidate hosts must declare their experience with animals, their qualification for the treatment of animals, and where and under which conditions the animal will be hosted. [Candidate hosts intending to host the animal abroad must notify contact data of the responsible foreign animal protection authority.]</p> <p>II. Shelters may select a new host at the earliest two weeks after the publication in accordance with Section 83 Subsection III [, unless the capacities of the shelter are overstretched and there is an urgency or an extremely qualified host has been identified before]. In case of equally good conditions for the animals, shelters must give preference to hosts accommodating the animal on the national territory.</p> <p>III. Every person adopting an animal from a shelter is required to register the animal in the respective register of animals within ... (e.g. 72) hours. Animals hosted abroad must be registered in the respective foreign register, if any. [In parallel, the shelter must inform the responsible foreign animal protection authority on the adoption of the animal.]</p> <p>IV. Every person adopting an animal from a shelter has the right to return the animal within ... (e.g. 3) months for free. With the expiry of that period, the host becomes the owner of the animal, unless the shelter and the host have agreed otherwise.</p> <p>V. During the period referred to in Subsection IV, the host must bear all costs for the animal [with the exception of the medical costs which must be borne by the shelter, unless the shelter and the host have agreed otherwise].</p> <p>[VI. After the expiry of the period referred to in Subsection IV, the shelter must OR may delete the entry of the animal in the relevant register as "possibly lost animal".]</p>	<p>The right to return ensures that animals that are not welcome at the end of the day are not killed, abandoned or ill-treated.</p> <p>The cost coverage by the shelter has the same function.</p>
<p>65. Wildlife rehabilitation centres</p>	
<p>I. The following provisions of this Chapter do not apply to shelters which belong to the category of wildlife rehabilitation centres: ...</p>	<p>E.g. the prohibition to use live animals for feed cannot always be respected when rehabilitating wild animals, we assume.</p>

<p>II. Wildlife rehabilitation centres must:</p> <ol style="list-style-type: none"> a. assess whether the animal is able to survive in the wild before releasing it, b. ... (please list further specific obligations). 	
<p>66. Sanctuaries</p>	
<p>I. The following provisions of this Chapter do not apply to shelters which belong to the category of sanctuaries: ...</p> <p>II. Sanctuaries must:</p> <ol style="list-style-type: none"> a. strive for living conditions as close as possible to the relevant species' natural habitat, to the extent that this ambition does not negatively impact the goal to save as many animals as possible, b. ... (please list further specific obligations). 	
<p>Chapter H: Rules on products derived from animals</p>	<p>We cannot establish a comprehensive regulation on all kinds of products derived from animals. The purpose is just to illustrate how provisions on such products can serve animal protection.</p>
<p>67. Ban of certain animal-based products</p>	
<p>I. It is prohibited to export, import, [possess,] buy or sell the following goods or to support in any form such actions:</p> <ol style="list-style-type: none"> a. horns, b. powders derived from horns, c. claws, d. teeth, e. organs, f. furs, g. skins, and h. skin products <p>of the following animals: ...</p> <p>and of animals listed in the Appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora ("CITES") [where that Convention prohibits the trade with the respective species, subspecies or varieties].</p>	<p>For further inspiration on this topic, see the Convention on International Trade in Endangered Species of Wild Fauna and Flora ("CITES") and in particular its Appendices. See also this dedicated article of ours.</p> <p><u>Attention:</u> Even together with Subsection VIII of Section 37, the suggested Section does not suffice to cover all the obligations of that Convention. Please consider enlarging the Section to cover all major obligations of the Convention or to create a distinct law or regulation to that end.</p> <p>Please check whether such a (dynamic) reference is lawful in your country / jurisdiction. Maybe it is not at all lawful or only lawful where reference is made to a</p>

<p>II. Exemptions from this prohibition can be provided[, under conditions set out in that Convention,] for particular economic actors or other natural or legal persons by the Competent Authority[, provided that it is guaranteed that the exemption does not create an incentive to kill any of the animals referred to in Subsection I].</p> <p>III. The Minister in charge of animal protection is empowered to adopt regulation:</p> <ol style="list-style-type: none"> a. amending, interpreting or specifying Subsection I, b. creating generic exemptions in accordance with Subsection II. <p>IV. The exemptions referred to in Subsections II or III may be limited in time or scope and may be subject to conditions, including verification procedures. The exemptions may be revoked at any time where they were issued in contravention of this Section or of regulation adopted pursuant to it. The exemptions may be withdrawn where the legal conditions for issuing the exemptions are not anymore fulfilled.</p>	<p>precise version.</p>
<p>68. Animal welfare rating of animal-based products</p>	
<p>I. The Government OR Minister in charge of animal protection is empowered to adopt regulation setting out:</p> <ol style="list-style-type: none"> a. a system parallel to the system established in Section 35, attributing animal welfare classes to undertakings not authorised in accordance with Section 34, because they are located outside the national territory, b. the assessment of animal welfare classes by private actors entitled to attribute animal welfare classes to undertakings outside the national territory, c. the particular conditions to be fulfilled by foreign undertakings that wish to export and sell products covered by letter a onto the national territory, 	<p>Animal welfare rating can be voluntary or (partly) mandatory (see Subsection III). Mandatory rating is more complicated, namely for undertakings operating from abroad.</p> <p>We distinguish between the rating of the undertakings and the rating of the products stemming from the undertakings. The rating of domestic undertakings has been dealt with in Section 35. Here, we still need to cover the rating of:</p> <ul style="list-style-type: none"> - foreign undertakings exporting products to the national territory, and - products both of foreign and domestic undertakings. <p>For domestic undertakings, the rating of the undertakings can be made on the fringe of routine inspections by veterinary inspectors. But for any state, the domestic veterinary inspectors would hardly have the capacity to rate foreign undertakings. Moreover, they are not qualified to verify whether products</p>

d. the designation, coordination and supervision of private actors who are entitled to attribute welfare classes to foreign undertakings and to rate both domestic and foreign products on the basis of the rating of the undertakings pursuant to Section 35 or this Section,

e. the conditions for the withdrawal of the designations and the consequences thereof for products which have obtained a product animal welfare rating in accordance with this Section,

f. the traceability measures to be applied to ensure that products indeed stem from the undertakings declared on their labelling,

g. the traceability verification tasks of the entrusted actors,

h. the assessments and periodic verifications, including unannounced inspections, to be performed by the entrusted actors who attributed animal welfare classes,

i. the access rights of the entrusted actors, the rejection of which by the undertaking must lead to the immediate attribution of the lowest class,

j. the consequences of such a down-classification or any other down-classification for the use of the product class on labels, packaging or in publicity, including mechanisms informing the distribution chain and the final users,

k. ...

II. The Government may set out differentiated marketing [and fiscal] incentives [and subsidies] for products which belong to the ... (e.g. two) highest animal welfare classes. When doing so, the Government must create a mechanism that incentivises an ever further improvement of animal welfare.

III. The labelling of animal welfare classes is mandatory for the following products:

a. dairy products with the exception of cheese,

b. meat and meat products with more

are indeed stemming from the rated undertakings. Hence, private actors need to be involved.

To avoid diverging views and interpretations, strong coordination and supervision is needed.

Where the designation of an entrusted actor is withdrawn, the classification should in principle still stand, unless the respective undertaking was involved in an infringement of this Act.

A down-classification triggers complex follow-up questions for the entire distribution chain that should be regulated.

Together with the suggested open-ended scale of animal well-being (see Section 35), this mechanism creates a spiral upwards

We assume that in many jurisdictions, a decision to render a certain rating and labelling mandatory cannot be decided upon by the government alone.

<p>than ... (e.g. 40%) meat, c. eggs, d. ...</p>	
<p>Chapter I: Enforcement by authorities</p>	<p>For further inspiration, please check The Victorian Prevention of Cruelty to Animals Act 1986 that impressed us in particular by detailed enforcement empowerments.</p>
<p>69. Empowerments of the competent authorities / authority</p>	<p>Subject to the choice of having one or several competent authorities, some formulations in this chapter need to be adapted. A single authority has advantages in terms of management and alignment of decision-making. Several authorities ensure more proximity. A compromise is one single authority with several local antennas or offices. Once decision makers are also located in the antennas or offices, there is again an increased issue of diverging decision making practices.</p>
<p>I. The Competent Authority may state with binding effect whether this Act has been fulfilled or violated by a person and may request certain remedies to be taken in the latter case.</p> <p>II. In addition, the Competent Authority has the following empowerments with regard to all persons dealing with animals or supporting these persons (hereafter: "supporting persons") in a way that has an effect on the animals:</p> <ul style="list-style-type: none"> a. requesting information related to the activities covered by this Act, and even where the informant is a third party or located in a third country or both; b. communicating warnings and recommendations on how to deal with animals and animal products to the population; c. requesting persons dealing with animals, their supporting persons, and media to communicate warnings and recommendations; d. blocking or removing content from internet websites recommending illegal treatment of animals or offering animals in contravention of this Act or advertising products which are illegal according to this 	<p>This is a short version of the Section below on "improvement notices" that some countries seem to appreciate as a regulatory technique. Hence please choose one or the other.</p> <p>As usual in our Model Laws, we suggest a rather extended list of empowerments. An extended list of empowerments helps to ensure compliance in virtually all situations, whilst limited empowerments are more likely to cover all situations.</p>

Act, and obliging service internet providers to cooperate to this end;

- e. interrupting or fully controlling telephone, media and internet services of continuously infringing persons or ordering respective service providers to do so;
- f. requesting to take certain steps in order to stop an infringement or to reduce the likelihood of further infringements, including, as a last resort, the winding up of the holding of animals;
- g. recovering from persons dealing with animals costs triggered by the investigation and enforcement;
- h. imposing administrative sanctions on infringing persons and supporting persons who do not respect the obligations and other provisions set out in this Act, with an upper limit of ... (e.g. twice) times the annual turn-over;
- i. imposing administrative sanctions on natural and legal persons who contributed to an infringement;
- j. enforcing financial obligations and financial sanctions or penalties via confiscation of property and assets;
- k. warning contractual partners of the infringing persons against the consequences of a continued cooperation;
- l. obliging contractual partners of infringing persons to stop, limit or modify their cooperation;
- m. obliging to display legal information on their website;
- n. obliging persons responsible for an infringement to inform contractual partners of the infringement and of the rights triggered by the infringement;
- o. compelling the attendance of witnesses, including third parties, to provide evidence under subpoena, when there are reasons to believe that there is evidence of infringement;
- p. creating financial or other incentives for persons to provide or confirm information;
- q. after taking reasonable steps to contact the occupier, entering areas,

- facilities, buildings, premises, other spaces and vehicles, vessels or planes where animals are or were kept, without a warrant or written consent from the occupier, (to check on the condition of animals at risk),
- r. inspecting, without notice, offices, other non-private areas, facilities, buildings, premises, other spaces and vehicles, vessels or planes[, and, with authorisation of a judge, also private ones,] from where activities covered by this Act are conducted or where objects or data can be found that relate to those activities;
 - s. taking copies of and analysing data and software used for the activities covered by this Act;
 - t. confiscating documents, data and software in offices, other non-private spaces and, with authorisation of a judge, also in private spaces;
 - u. confiscating property and assets of infringing persons and their supporting persons where they have [presumably] been acquainted via non-conforming activities;
 - v. requesting securities (as guarantee for the fulfilment of non-financial obligations);
 - w. publishing keeping a blacklist of natural and legal persons who committed or contributed to infringements;
 - x. disseminating information on infringements to authorities of other jurisdictions;
 - y. disseminating information on infringements to media, with or without data concerning natural or legal persons;
 - z. referring to individual cases of infringements in information campaigns for the general public or specific target groups;
 - aa. publishing evaluations of own compliance statistics, compliance reporting by regional authorities and third parties with data concerning natural or legal persons ("naming and shaming").

These two letters are a shorter alternative to the Section below on right to admission that some countries seem to appreciate as a regulatory technique. Hence, please choose one or the other.

Section 39(V) 2nd sentence only works where the list is public.

In larger states, it might be helpful to clarify to what extent others, in particular local authorities normally in charge of enforcement, can or must use empowerments of a central Competent Authority. Please check whether a particular interface is needed for police and customs authorities' empowerments.

- bb. publishing individual infringements with data concerning natural or legal persons ("naming and shaming");
- cc. obliging regional or local authorities to publish stated infringements of operators ("naming and shaming");
- dd. creating a label for those operators who, over a longer period, have not been reported to infringe the law;
- ee. creating a label for those actors who undergo a voluntary compliance verification program managed by the chambers of commerce or similar semi-public organisations or by conformity assessment bodies engaged by them (entrusted certification);
- ff. obliging actors to display information related to their compliance in publicity material and on the internet in a well-visible way;
- gg. informing the clients of non-compliant actors of their private law rights;
- hh. informing the clients of non-compliant actors of the applicable legal requirements and inviting them to verify compliance and to report;
- ii. excluding non-compliant actors from public tenders and grants;
- jj. extending the measures a to ii above to agents of the infringing person;
- kk. extending the measures a to jj to mother and sister companies of the infringing legal person and their agents;
- ll. extending the measures a to kk to commercial partners of the infringing person where these have contributed to the infringement; and
- mm. delegating these empowerments to other **OR** local authorities and requesting these authorities to use these empowerments in a certain way for specific matters.

III. Where the Competent Authority has decided to wind up the holding of animals in accordance with Subsection II Letter f, it must decide on whether to sell, to donate, to transfer the animal to the relatively best available facility or host or, as a last resort, to kill the animal.

<p>70. Enforcement of foreign authority or public law court decisions</p>	<p>Enforcement on the territory of another jurisdiction is often only possible where there is reciprocity of support, which requires that domestic enforcement empowerments may also be used in favour of a foreign jurisdiction.</p>
<p>The Competent Authority/Authorities may use the empowerments listed in Section 69 to enforce foreign public law administrative decisions, court rulings and interim measures, provided that the state requesting assistance is listed in Annex S and also provides enforcement assistance to the Competent Authority/Authorities and to domestic public law courts.</p>	<p>There can be mutual assistance between the two jurisdictions based on formal agreements under international public law or based on practical arrangements between administrations. The latter are more flexible and easier to negotiate, but are not legally binding. Nonetheless, they can be very useful if both sides voluntarily apply them as if they were binding. To do so, they must have, on both sides, the necessary (unilateral) empowerments. The technique consists in establishing unilateral empowerments to act for the other jurisdiction whilst de facto requesting mutuality. However, there is a risk in case of power discrepancy between two jurisdictions. Where there are other jurisdictions potentially so powerful to be able to oblige the domestic jurisdiction to act on their behalf without ensuring reciprocity, it might, subject to the case, be wise not to install empowerments for action on behalf of other jurisdictions. Otherwise, unilateral empowerment serves only the other jurisdiction which has power supremacy.</p> <p>We recommend setting up two conditions:</p> <ul style="list-style-type: none"> - a certain level of respect of rule of law and of human rights, which is reflected by the listing in Annex S, and - reciprocity.
<p>71. Right to admission</p>	
<p>I. Agents of the Competent Authority have the right to be admitted, to the extent needed for their control, to areas, facilities, buildings, premises, other spaces and vehicles, vessels or planes where it can be assumed that animals are kept or that are associated with the keeping of animals and to inspect the animals, conduct investigations and take samples there. II. Admission to dwellings may only take</p>	<p>In some countries, there is a particular constitutional protection of private spaces that might trigger the need for particular provisions on the access to these spaces. A simple empowerment to access these spaces, as integrated into the Section 69 Subsection II Letters q and r, might not suffice there.</p>

<p>place when it can be assumed that animals are or were being kept there and:</p> <ol style="list-style-type: none"> a. it can be assumed that the keeping of animals does not fulfil the provisions of this Act [or regulations or decisions issued pursuant to this Act], b. the purpose is to check whether deficiencies previously noted in the keeping of animals have been dealt with, or c. the purpose is to check or identify activities that require an authorisation or licence under this Act [or regulations issued pursuant to this Act]. <p>III. Agents of the Competent Authority, the district administration and the police have the right to be admitted to areas, facilities, buildings, premises, other spaces, vehicles and dwellings when this is needed in order to control that animal bans under Section 24 and bans in accordance with Section 25 are respected.</p> <p>IV. Where the agents of the Competent Authority, the district administration and the police are not admitted [to dwellings of persons] by the persons deciding on the access, they may request the local ... (ordinary or administrative) court to issue an order. The court must assess whether the intrusion into the dwelling is proportionate in the light of the seriousness of the alleged infringement and the proofs thereof.</p>	
<p>72. Improvement notices and rectification decisions</p>	<p>This Section is not needed where you deem Section 69 Subsection I to be sufficient.</p>
<p><i>I. In cases where the Competent Authority is of the opinion that a person is failing to comply with provisions of this Act, it may serve to the person a notice which:</i></p> <ol style="list-style-type: none"> <i>a. states the non-compliance,</i> <i>b. specifies the respects in which it considers the person is failing to comply with the provisions of this Act,</i> <i>c. stipulates the precise steps it considers need to be taken to rectify or remedy the defects and to comply with the provisions of this Act,</i> 	<p>Reminder: parts in italics are identical to or based on provisions of the Model Animal Welfare Act on worldanimal.net.</p>

<p><i>d. defines a period for the successful taking of those steps, and</i></p> <p><i>e. explains the advantages of giving suite to the improvement notice and the risks of authority measures in the opposite case.</i></p> <p><i>II. No proceedings for an offence specified in this improvement notice may be instituted against the addressee before the end of the period stipulated for the compliance or in case of full compliance with this improvement notice.</i></p> <p><i>III. Where the addressee fails to comply with the improvement notice or with this Act, the Competent Authority may decide rectification at the expense of the individual. In urgent cases a rectification decision may be taken without a preceding improvement notice in accordance with Subsection I.</i></p>	
<p>73. Charge for enforcement activities</p>	
<p>The Minister in charge of animal protection may issue regulations concerning the obligation to pay a charge for all types of enforcement measures foreseen in this Chapter and the calculation of these charges. The charges must only be levied against persons responsible for the animals in question or responsible for an infringement. The charges must be proportionate to the issue at state, the gravity of the infringement at state and must take into account whether the person was definitively responsible for an infringement.</p>	<p>In more and more jurisdictions and regulatory sectors, authorities are empowered to charge infringing persons for the enforcement activities. This strengthens the authority and sanctions the infringing persons and thereby creates an incentive for compliance.</p>
<p>Chapter J: Enforcement and enforcement support by private actors</p>	<p>Following the tradition of our Handbook and our other Model Laws, we strongly recommend using private actors for enforcement. Authorities become on average weaker over time, due to budget cuts and other tasks.</p>
<p>74. Duty to alert</p>	
<p><i>I. Anyone who has reasons to believe that any animal is exposed to mistreatment, cruelty or serious neglect with regard to environment, attention/supervision and care must as soon as possible alert the</i></p>	<p>Parts in italics are identical to or based on provisions of the Model Animal Welfare Act on worldanimal.net.</p>

<p><i>Competent Authority or the Police. [The duty to alert applies subject to the limitations of other legislation.] [The duty to alert is unconditional for veterinarians and para-veterinarians where they have any evidence or suspicions that this Act has not been complied with in any way, unless the deficiency is minor and is rectified immediately.]</i></p> <p><i>II. Anyone who becomes aware that a number of wild or stray animals are exposed to sickness, injury or other abnormal suffering must as soon as possible alert the Competent Authority or the Police.</i></p> <p><i>III. In addition, the Competent Authority must encourage citizens to report any animal welfare infringements for further investigation and action.</i></p> <p><i>IV. The Competent Authority is obliged to take action on each such alert or report: recording, verifying and investigating; and taking appropriate remedial action where necessary.</i></p>	
<p>75. Alert portal and infringement rating</p>	
<p><i>I. The Minister in charge of animal protection or the Competent Authority must provide an electronic interface for, if so desired, the anonymous deposit of information and documentation on infringements of this Act. It must evaluate this information and documentation. The interface must also permit an anonymous follow-up conversation with the alerting person.</i></p> <p><i>II. Any confirmed information on infringements must, regardless of its origin, be listed in a public infringement portal. That portal may contain a non-public section for confidential information and the authority's own investigation.</i></p> <p><i>III. The Minister in charge of animal protection and the Competent Authority may establish a rating of undertakings authorised in accordance with Sections 34, 36, 44, 45, 46, 48, or 51 reflecting the undertakings' relative frequency and the gravity of infringements. It may publish the ratings on the alert portal and by other means.</i></p> <p><i>IV. The Minister in charge of animal protection is empowered to [adopt</i></p>	

<p>regulation to] provide authorities of foreign states access to the non-public section of the portal, provided that these states apply the principle of reciprocity and are listed in Annex S.</p>	
<p>76. Whistleblower protection and confidentiality</p>	
<p>I. Employees, contractors or other persons working for persons owning or keeping animals are exempted from their confidentiality obligations under labour or contractual law and any other legal provisions or contracts obliging them to keep information confidential provided that they act as whistleblowers in good faith when disclosing information on possible infringement of legal obligations set-out in this Act. Good faith is to be assumed where the disclosing person assumes with [very] high likelihood the disclosed information to be correct whilst indicating an infringement of this Act.</p> <p>II. Statement of whistle-blowers must be recorded in the presence of ... (e.g. a judge) and can thereafter be used in all state procedures, including criminal and civil law procedures.</p> <p>III. The Competent Authority may compensate whistle-blowers for damage, advise them, and organise the change of identity with the help of the authorities ... (in charge of identity documentation).</p> <p>IV. If otherwise there would be a risk for the whistleblower, the Competent Authority must keep all information confidential, unless the sharing of information is explicitly foreseen in this Act or other acts. The Competent Authority [must] OR [may] keep information obtained from a whistle-blower confidential even where there is an obligation to share this information set-up by other acts. The Competent Authority [may] OR [may not] share information obtained from whistle-blowers with other jurisdictions [unless the whistle-blower agrees thereto].</p>	
<p>77. Accredited animal wellbeing verifiers</p>	

I. The Competent Authority [must] **OR** [may] accredit natural [or legal] persons as independent animal wellbeing verifiers (hereafter: verifiers).

Initially and every ... (e.g. third) year, accredited verifiers and new candidate verifiers have to undergo and successfully pass an anonymous examination of their qualification organised by the Competent Authority / the Ministry in charge of animal protection. The examination must be concluded by a rank attributed to each candidate.

[Candidate verifiers have no subjective right to be accredited.] **OR** [Verifiers must be accredited in accordance with their respective results and the inspection needs, with the relatively best verifiers being accredited first, unless they are not ready to cover the intended geographic area.]

II. The Competent Authority must **OR** may attribute to the accredited verifiers the responsibility for certain undertakings authorised in accordance with Sections 34, 36, 44, 45, 46, 48, or 51 or applying for such authorisation.

[The Competent Authority must assign a certain minimum and maximum frequency of regular unannounced inspections for each type and size of undertaking.]

OR

[The Competent Authority must attribute the undertakings and assign the frequency of regular inspections in such a way that no undertaking is spared out for more than ... (e.g. 3) years, whilst the risk of non-compliance of the respective type of undertaking and the number of animals held, treated or transported determine the frequency within the said... (e.g. 3)-year period.]

[Competent Authority must change responsibility for each undertaking at least every three years.]

II. On presentation of their accreditation letter and ID card, verifiers have free unannounced access to:

- facilities or land areas hosting or intended to host animals, including annexes storing materials used for the animals or waste of the animals or dead animals, and
- vehicles transporting animals or intended to transport vehicles, including facilities or land areas storing materials used for the

Enforcement by classic state's agents (here: by veterinary inspectors) can be regarded as ideal. However, many countries have difficulties in financing and recruiting a sufficient number of qualified staff so as to be effectively able to enforce legislation. A way out is to establish a system using the work force of either entrusted private verification bodies or individual persons. Here we suggest including individual persons so as to have a larger choice of candidates. Moreover, the entrustment of individuals (and not organisations) permits a better control of the persons' qualification.

This is a means to reduce the risk of corruption.

transport, where these facilities or vehicles are used or intended to be used for undertakings authorised in accordance with Sections 34, 36, 44, 45, 46, 48, or 51. Where the free access is refused, the local police must enforce the access, and the person legally responsible for the undertaking must be charged with the costs of the intervention of the police.

III. Verifiers must document the situation they find and samples of food, liquids and other easily removable materials made available to the animals and excrement or dropped-off body parts (hair, nails etc.) of the animals by body cameras, and/or handheld cameras. Verifiers must go through checklists established by the Competent Authority for the respective type of undertaking. They must interrogate the persons on the spot to:

- a. obtain information about the common practice of the undertaking,
- b. obtain explanation for detected non-conformities,
- c. assess possibilities for the improvement of the wellbeing of the animals,
- d. assess the qualification of the persons in charge of the animals,
- e. ...

During the interrogation, verifiers may **OR** may not use the cameras without consent of the interrogated person.

IV. Within two weeks after their inspection, verifiers must send a report to the Competent Authority and to the person legally responsible for the undertaking. This report must at least:

- describe the situation of the undertaking,
- list, describe and assess in terms of gravity the non-compliance encountered, and
- issue recommendations for improvement.

The person responsible for the undertaking may contradict or otherwise react to the report within ... (e.g. 4) weeks. The Competent Authority may take measures at any time, but must wait for the expiry of that deadline where there is no urgency in view of the animals' well-being. The Competent Authority must take measures immediately, including interim measures, where the

<p>health or survival of the animals is seriously threatened.</p> <p>V. Based on the report and possibly further investigation, the Competent Authority must assign to the verifier the task to inspect the non-compliant undertaking once or several times again in a certain time-range (“follow-up inspections”). Subsections III. and IV apply to those follow-up inspections.</p> <p>VI. The persons responsible for the inspected undertakings must bear the costs of initial inspections (prior authorisation) of regular inspections and of follow-up inspections at a rate determined by ... (e.g. ordinance/decreed) by the Ministry in charge of animal protection. They must pay the inspection fees directly to the verifiers. Where they fail to pay after the first reminder of the verifier, the Competent Authority must pay the verifier and recover the fee plus a supplement of ... (e.g. 20) % from the persons responsible for the inspected undertakings.</p>	
<p>78. Law-suits for injunction or compensation</p>	<p>Private enforcement by law-suits for injunction and compensation are a cornerstone for effective compliance assurance. Its importance increases as states fail more and more to enforce their laws by their own administrative means, given that ever more economic and societal aspects emerge and thus need to be regulated, whilst the personnel in charge of state enforcement is not proportionally increased.</p>
<p>I. Competitors of undertakings authorised in accordance with Sections 34, 36, 44, 45, 46, 48, or 51, animal protection organisations referred to in Section 89 [, associations recognised for defending the public interest] and legal guardians referred to in the following Section may sue by injunction persons infringing this Act for the cessation of an infringement, at the ... (court / tribunal).</p> <p>II. The injunction procedure may only be launched after first having requested the injunction in writing without success and giving a ... (e.g. two) weeks deadline. It is considered successful when the infringing person recognises in writing the right to injunction and effectively and definitively stops the infringement.</p>	<p>Injunction by competitors and public interest associations is a useful tool to increase compliance, in particular where authorities are weak. However, it works only to the extent that the judicial system is effective.</p> <p>An obligatory pre-trial procedure can be useful. It reduces the burden of courts. But it also can be an additional obstacle to those seeking injunction or compensation.</p>

<p>III. However, Subsection II does not apply in cases where a definitive or continued damage would be caused by respecting the waiting period of ... weeks.</p> <p>IV. Any successful injunction claim gives right to compensation for the actual damage or a minimum compensation of ... (e.g. 1/100) of the annual turn-over or income of the infringing person[, with a minimum of ... and a ceiling of ...].</p> <p>V. Natural or legal persons who have been damaged by an infringement of this Act may, regardless of a preceding injunction procedure, request compensation of their damage from the infringing person.</p>	<p>It should be possible to go against certain infringements immediately where the damage is done continuously or in an irreparable way.</p> <p>A curve according to which the compensation increases degressively (becoming more and more flat) might be regarded as more appropriate.</p>
<p>79. Legal guardians / custodians</p>	<p>Please choose one term amongst the two. We chose "guardian" in the following.</p>
<p>I. The Ministry in charge of animal protection, the Competent Authority and Courts may entrust a natural or legal person (hereafter: legal guardian) to defend the interests of one or several animals, including against the owner or keeper, in case of repeated or particularly grave violations of this Act.</p> <p>II. The legal guardian may OR must:</p> <ul style="list-style-type: none"> a. request from any person [or authority] dealing with an animal for which the guardian is responsible injunction and repair in case of violations of this Act, but may not request compensation, b. two weeks later send a reminder of the request under (a.) in case no response has been obtained, c. further two weeks later sue the violating person [or authority] at court in accordance with the previous Section, and d. inform authorities on presumed violations of this Act, and this even where such information is in conflict with confidentiality obligations of any kind. <p>III. The owner and the keeper must consult the legal guardian prior to making decisions on the killing or on medical interventions. They may not make respective decisions without the consent of the legal guardian.</p> <p>IV. Legal guardians have unannounced access once a week to the animals they are</p>	<p>Legal guardians can help to protect animals against owners or keepers or other persons repeatedly or gravely infringing this Act. The regulatory technique has so far been used for the protection of minors or other vulnerable persons.</p>

<p>in charge of and to the facilities where these animals are kept.</p>	
<p>Chapter K: Sanctions</p>	
<p>80. Sanctions and sanctioning side measures</p>	
<p>I. In case of deliberate infringement of the obligations set out in this Act, the Competent Authority or the Court may apply the following penal sanctions to the natural persons responsible for the infringement, regardless of whether they acted on their own behalf or as staff of the infringing natural or legal person or as contractors or staff of contractors:</p> <ul style="list-style-type: none"> a. for infringements of Sections ... from ... to ... years of imprisonment and/or a fine of up to triple their annual net salary or income. b. for infringements of Sections ... up to ... years of imprisonment or a fine of up to double their annual net salary or income. <p>[In case of repetition of the same type of infringement, the sanction must be doubled.]</p> <p>II. In case of unintentional non-compliance of obligations [or where the deliberate character of the infringement cannot be proven], the Competent Authority or the Court may apply the following penal sanctions to the natural persons responsible for the infringement, regardless of whether they are employees or freelancers of the infringing legal person or contractors or staff of contractors:</p> <ul style="list-style-type: none"> a. for infringements of Sections ... a fine of up to their annual net salary or income. b. for infringements of Sections ... up to ... years of imprisonment or a fine of up to 1/2 their annual net salary or income. <p>[In case of repetition of the same type of infringement, the sanction must be doubled.]</p> <p>III. In addition to or instead of the sanctions listed in Subsections I and II, the Competent Authority or the Court may impose the following collateral sanctions against the</p>	<p>There are evidently many ways to design a system of sanctions. Hence, the provisions should only be regarded as inspiration for the development of provisions fitting to the respective domestic penal practice. We recommend distinguishing between deliberate and unintentional infringements.</p> <p>We avoid here the term “negligent” which is often understood as implying the violation of a duty of care and therefore renders sanctioning more difficult. However, in some jurisdictions, it would not be appropriate to sideline this duty of care aspect.</p> <p>Only for deliberate infringements of the most important obligations, a minimum imprisonment sanction seems appropriate.</p>

infringing legal persons:

- a. fines of up to three times their annual budget or turn-over;
- b. exclusion from public tenders for up to ... years; and
- c. citation in the public list of law infringing / criminal [economic] actors for up to ... years.

IV. As a side measure to sanctions imposed under Subsections I, II and III, the Competent Authority or the Court may also:

- a. publish the names and further data permitting the identification of natural or legal persons who have deliberately infringed this Act;
- b. confiscate or destroy, as sanction and thus regardless of their illegal character, a proportionate amount of property or assets, and this in particular where fines are not paid;
- c. suspend the commercial licences and authorisations or licences according to this Act of the infringing persons;
- d. ban persons from similar professional or business activities;
- e. confiscate gains obtained on the illicit practice and oblige to compensate savings made due to it;
- f. confiscate capital or other value gains obtained with the help of the gains of the illicit action as such (indirect gains);
- g. exclude from grants and public tenders;
- h. impose adequate interest rates for all financial sanctions and obligations;
- i. impose adequate securities for all financial sanctions and obligations; compensate; and
- j. in case of particular grave or repetitive deliberate infringements close the facilities of the infringing persons.

V. Sanctions and the side measures set out in this section may be extended to parent or subsidiary companies or other legal or natural persons and the staff of all these persons if these legal or natural persons controlled the infringing person to such an extent that they were in reality responsible for the infringement.

Some legal persons are in reality controlled by another legal person. Some legal persons create companies as shields or shell companies without assets to pay for sanctions. This provision empowers the authorities to counter this situation.

<p>VI. The Competent Authority or the Court may oblige any natural or legal person to cooperate for purposes of enforcement of sanctions and collateral measures set out in this section, including with regard to the disclosure of confidential information, the hand-over of property or assets of all forms, the temporary closure of websites and the suspension of services supporting the economic activity of the infringing persons.</p>	<p>We have listed in Section 69 above a full range of empowerments serving the enforcement of obligations of this Act. However, these empowerments do not cover the enforcement of sanctions and their collateral measures. Hence, separate empowerments are needed in order to enforce the sanctions with the help of third persons.</p>
<p>81. Animal protection side measures</p>	<p>We recommend clearly distinguishing between penal side measures and animal protection side measures as the two follow distinct logics and mixing the logics leads to unacceptable results.</p>
<p><i>I. The Competent Authority or the Court authorities may prohibit a person sanctioned in accordance with the previous Section from having any contact or certain types of contact with animals in general or with a particular species of animal for a certain period of time or permanently if there is a substantial OR prevailing risk that this person will continue violating provisions of this Act.</i></p> <p><i>II. The same applies if a person is [likely to be] not capable of keeping, breeding, trading or working with animals.</i></p> <p><i>III. Animals which have been the object of the punishable acts may be confiscated by the Competent Authority or the Court and declared forfeited; in which case the provisions of Section 69 Subsection II Letter f and Subsection III apply accordingly.</i></p> <p><i>IV. Where, in accordance with Subsection II, a person is prohibited from keeping, breeding, trading or working with animals (or with a particular species of animal), then all animals (or all animals of this particular species) in his/her care may OR must be confiscated and declared forfeited; in which case the provisions of Section 69 Subsection II Letter f and Subsection III also apply accordingly.</i></p>	<p>Parts in italics are identical to or based on provisions of the Model Animal Welfare Act on worldanimal.net.</p>
<p>82. Obligation to launch criminal procedure</p>	

<p><i>The Competent Authority is obliged to file a criminal complaint to the responsible Court or to launch its own sanctioning procedure when a violation of the following provisions has been committed intentionally: ... (please list particularly grave violations).</i></p>	<p>Reminder: parts in italics are identical to or based on provisions of the Model Animal Welfare Act on worldanimal.net.</p>
<p>Chapter I: Organisational matters</p>	
<p>83. Public registers</p>	
<p>I. The Minister in charge of animal protection OR The Competent Authority must establish a register for undertakings professionally dealing with animals covered by Section 34 and for private persons falling under Section 43. The register must at least cover the following items:</p> <ul style="list-style-type: none"> a. identity, address(es) and contact data of the legal or natural person(s) owning the undertaking or facility, b. identity, address(es) and contact data of the legal representatives of the owner(s), c. identity, address(es) and contact data of the persons in charge of the undertaking of facility, d. contact means of the professional undertaking, e. start and end date of the professional undertaking, f. subject of the professional undertaking in key words, g. short description of the professional undertaking, h. date of submission to register, i. date and administrative code of authorisation, if any, j. technical file in accordance with Section 34 Subsection II Letter h (for professional undertakings only), k. the animal welfare rating attributed to the undertaking in accordance with Section 35, l. full scientific and technical documentation for undertakings falling under Chapter F. <p>[The parameters a. and e. to k. must be</p>	<p>Transparency creates an additional level of</p>

publicly accessible and researchable.]

II. The Minister in charge of animal protection / The Competent Authority must establish a register for animals held by undertakings professionally dealing with animals or by private persons falling under Section 34. The register must at least cover the following items:

- a. identity code generated in this register either previously or now for the respective animal,
- b. species and subspecies,
- c. gender,
- d. presumed or known date of birth,
- e. colour,
- f. height,
- g. length,
- h. width,
- i. other description of shape,
- j. weight,
- k. man-made markings,
- l. natural marks,
- m. particular characteristics,
- n. mother, described by identity code or description in accordance with letters b. to l.,
- o. sicknesses,
- p. vaccinations,
- q. link to currently holding professional undertakings or person registered in accordance with Subsection I.,
- r. link to previously holding professional undertakings or person registered in accordance with Subsection I and corresponding holding periods, and
- s. three colour photos covering different perspectives.

III. The Minister in charge of animal protection **OR** The Competent Authority must establish a register for lost or found animals which may be connected to or merged with the register established in accordance with Subsection II. For lost or found animals, the known data listed in Subsection II and the following information must be listed in the register:

- a. date the animal was reported missing,
- b. location where the animal was last seen,
- c. date the animal was found,
- d. location where the animal was found,

control by the general public.

<p>e. registration number in accordance with Subsection I or data on the shelter where the animal is housed (name, address, contact data, and authorisation number from the competent authority).</p> <p>f. date of adoption of the animal.</p> <p>All the information items, including those listed by reference to Subsection II, must be publicly accessible and researchable.</p>	
<p>84. General obligations of the Competent Authority/Authorities</p>	
<p>I. The Competent Authority must develop a compliance ensurance strategy aiming at the most effective use of its budget, its own agents and of private natural or legal persons that might assist in pursuing the goal of compliance. It must integrate therein measures aiming at better information of the general public and undertakings dealing with animals. When developing the strategy, the Competent Authority must take account of the likelihood of infringements, the gravity of infringements in terms of the goals set out in Section 1, the degree to which state measures will improve the situation of animals when compared to action taken by private actors and thus the added value of state versus private measures or no measures at all.</p> <p>II. The Competent Authority must investigate information regarding potential infringements of this Act.</p> <p>III. The Competent Authority must make available at least ... full-time equivalences for the investigation and authorisation of undertakings.</p> <p>III. The Competent Authority must:</p> <p>a. launch information campaigns to inform persons responsible for authorised undertakings and potential future responsible persons on the obligations set-out in this Act, and</p> <p>b. offer once a year, a training session for each category of authorised undertaking operating on its territory.</p>	<p>We noticed that quite some enforcement authorities operate without a clear compliance strategy, and legislators mostly miss the opportunity to call for a result-oriented and effective use of resources.</p> <p>Good information is a precondition for compliance and reduces the need for (state) enforcement.</p> <p>Here, we suggest a few parameters for the development of a result-oriented, effective compliance strategy.</p> <p>Such a legal obligation might help the authority defend its interests when it comes to the annual budgeting exercise. In many jurisdictions, mandatory tasks can be defended easier against budget cuts.</p> <p>A precise indication of minimum staffing for the actual tasks avoids a disproportionate administrative overhead and may protect the financial interests of the Agency.</p>

<p>IV. The Competent Authority must ensure by internal procedures that each staff member is independent and has no conflict of interest with the undertakings for which s/he is in charge. It must create incentives for the detection of corruption and a system effectively protecting whistle-blowers and witnesses. The Competent Authority must refuse all financial or other support from persons in charge of undertakings falling under this Act or from legal persons/entities which are mother, daughter or sister entities of such responsible persons. It must refuse instructions from others except from the Ministry in charge of animal protection. It must develop clear ethics policies and fair compensation for other public institutions assisting in the application of this Act.</p> <p>V. The Competent Authority must create internal and external incentives for the effective action of all public institutions involved in the application of this Act, including for the use of artificial intelligence and advanced technological means such as infrared scanners.</p> <p>VI. The Competent Authority must develop a dedicated action plan for the enforcement of this Act on the high seas, in free-trade or special investment zones and other areas with reduced authority activity.</p> <p>VII. The Competent Authority must participate in the peer evaluation program of Competent Authorities to be provided by the Minister in charge of animal protection at least bi-annually.</p>	<p>At least where there is only one Competent Authority, an international peer evaluation should be set up as well.</p>
<p>85. Cooperation of other public institutions</p>	
<p>I. Other authorities, universities and other public institutes must provide the Minister in charge of animal protection and the Competent Authority with administrative and scientific support.</p> <p>II. The Police Authority must provide the assistance needed to enable the Competent Authority to perform official control or enforce decisions under the Act or under regulations adopted pursuant to the Act. Assistance may only be requested if:</p> <ol style="list-style-type: none"> a. it can be feared on account of special circumstances that it will not 	

<p>be possible to perform the measure without resorting to the special powers of a police officer under ... (Police Act), or</p> <p>b. there are other exceptional reasons justifying the involvement of the police.</p> <p>III. The Military must provide the assistance needed to enable the Competent Authority to perform its tasks in the following situations, provided that their military tasks are not thereby disproportionately neglected:</p> <p>a. there is an animal pandemic that is at risk of spreading to humans,</p> <p>b. the natural balance is in a large area endangered by pest species,</p> <p>c.</p>	
<p>86. International cooperation</p>	
<p>I. The Government, the Competent Authority and other public administrations or institutions may not cooperate internationally where that cooperation would lead to a lower level of protection of animals, be it on the national territory or abroad. In particular, public administrations and institutions may not execute, favour or support exports of live animals to jurisdictions with a lower level of animal protection, that level being assessed both on the basis of the foreign law and its application. This Subsection applies OR does not apply to international trade agreements.</p> <p>II. The Competent Authority may, under control of the Minister in charge of animal protection, cooperate with its peers in partner jurisdictions and with international organisations. It may share with peers [and international organisations] information, including sensitive information, on undertakings and their responsible persons, regardless whether having residence or place of business on the domestic territory or not.</p> <p>Alt. 1 (short)</p> <p>III. The Competent Authority may also use the empowerments set out in Section 69 to pursue potential infringements of the law of</p>	<p>International cooperation can easily lead to a lowering of the level of protection for animals. Legislators should express to which extent they wish to tolerate such deterioration.</p> <p>International trade agreements are particularly prone to reducing the level of animal protection by the backdoor and also creating unfair competition for economic actors. But please check whether the legislator has the constitutional power to steer these agreements by this Act.</p> <p>Cooperation between states fails easily where there is no empowerment to share information. As sensitive</p>

partner jurisdictions where the law of the partner jurisdictions respects the principles of the rule of law and human rights.

Alt. 2 (long)

III. The Competent Authority may take the following measures with regard to international organisations and foreign national authorities, under the condition that the same measures of international cooperation are reciprocated:

- a. permitting international or foreign national officers to take part in operations of the Competent Authority,
- b. disclosing confidential information not covered by Subsection a,
- c. establishing joint expert committees and data exchange needed for that purpose,
- d. investigating or enforcing on the territory of the other jurisdiction,
- e. empowering foreign national authorities to carry out investigations on the territory of ... (State X) provided that human rights, the rule of law and domestic principles of legality will be respected by the foreign national authority,
- f. requesting foreign national authorities to enforce on their territory obligations under this Regulation, provided that human rights, the rule of law and domestic principles of legality will be respected by the requesting jurisdiction,
- g. enforcing in accordance with the previous Section or requesting local enforcement authorities to enforce foreign measures provided that human rights, the rule of law and basic principles of fairness have been respected by the requesting jurisdiction,
- h. permitting foreign national authorities to investigate their cases in ... (State X) provided that the rule of law and basic principles of fairness have been respected by the other jurisdiction,
- i. recognising foreign certificates or approvals testifying the professional qualification of actors, and
- j. making administrative agreements on

information is particularly delicate, we suggest here a separate empowerment, whilst this empowerment could of course also be embedded in the list of empowerments of Subsection II.

<p>cooperation with regard to all the above and collateral organisational aspects.</p>	
<p>87. Animal Welfare Committee</p>	
<p><i>I. The Minister in charge of animal protection must appoint an Animal Welfare Committee which must advise and assist the Minister and the Competent Authority on all animal welfare issues. The remit of the Committee must include in particular the following:</i></p> <ul style="list-style-type: none"> <i>a. assisting with the development of a national animal welfare policy and strategy; and the periodic review of such policy and strategy,</i> <i>b. providing recommendations and advice regarding animal welfare to public institutions; including new ethical, scientific and practical perspectives,</i> <i>c. providing suggestions and advice on the review of animal welfare legislation (primary as well as secondary), 'standards and guidance; and enforcement and execution procedures,</i> <i>d. assisting in drafting any regulations,, standards and guidelines with regard to the enforcement and execution of the subject Act,</i> <i>e. reviewing and assessing methods of capture, entrapment and killing of animals, in order to make recommendations on those which are deemed to be humane and in accordance with the provisions of this subject Act and should therefore be included in the permitted list; and those which do not meet this criteria and should therefore be prohibited,</i> <i>f. monitoring, reviewing and evaluating the enforcement and execution of the subject Act, and providing recommendations for any changes or enhancements necessary,</i> <i>g. providing recommendations and advice on future animal welfare research priorities,</i> <i>h. helping to develop animal welfare awareness education and</i> 	<p>Parts in italics are identical to or based on provisions of the Model Animal Welfare Act on worldanimal.net.</p>

campaigns for animal owners, keepers, users, and society, and

- i. advising on the use of funds intended for animal welfare education or awareness raising and similar programmes.

II. The Animal Welfare Committee must have a good balance of members from the fields of animal welfare, animal care, animal use, professionals and independent scientists (including veterinarians and animal behaviourists), as well as other professionals who could contribute positively to deliberations, including ethicists. Government employees may also be appointed, where animal welfare expertise and experience is present.

Appointments must be on a personal basis, and all representatives must be selected on the grounds of expertise and sympathy to animal welfare objectives. The committee must contain a high proportion of animal welfare experts and professionals, including representatives from leading (and/or specialist) animal welfare organisations. It must include expertise in all major categories of animal welfare.

III. Further rules on Committee membership must include:

- a. The membership is an unpaid honorary appointment, and each member must have an agreed deputy who may replace the member in the case of an absence;
- b. The Committee must appoint specialist sub-committees from amongst its members, covering each of the major categories of animal welfare issues.
- c. Sub-committees may invite non-officio members to contribute advice or opinions on specific issues under discussion including, but not limited to, species experts.
- d. In addition to including professional ethical expertise, ethical training must be given to all members of the Committee.

IV. The Competent Authority must agree on detailed operating procedures and rules for the Committee, which must include (but not be limited to) the following:

- a. the Committee's independence,
- b. procedures for the selection and

<p> <i>appointment of Committee members, including the duration of the time of office and re-election arrangements,</i> <i>c. procedures for voting and decision-making,</i> <i>d. procedures for agreeing the criteria and modus operandi for authorisations, including monitoring and reviews,</i> <i>e. full access to all relevant information and facilities necessary to fulfil its obligations and meet its responsibilities, with the exception of confidential information,</i> <i>f. reporting on minority views, to be appended to any report,</i> <i>g. availability of reports to the general public, and</i> <i>h. annual planning and reporting obligations of the Committee.</i> </p> <p> <i>V. The Sub-Committee for animal experimentation must be OR may not be the committee providing opinions on ethical and animal protection issues in relation to the use of animals for experimental and educational purposes in the meaning of Chapter F</i> </p> <p> <i>VI. The Minister in charge of animal protection and the Competent Authority must give full consideration to the views of the Committee before issuing any regulations or other acts of general applicability, standards and guidelines under this Act, but are not bound by it.</i> </p>	
<p>88. Animal Welfare Ombudsman</p>	
<p> <i>I. The Minister in charge of animal protection or the Competent Authority must appoint an Animal Welfare Ombudsman to act as an independent arbiter for the welfare of animals as well as their individual interests. The Ombudsman's remit will include the resolution of any complaints or conflicts concerning animal welfare matters and the correct application of this subject Act.</i> </p> <p> <i>II. The Animal Welfare Ombudsman must be appointed for a period of five years, whereby a multiple number of reappointments is possible. Only such</i> </p>	<p>Parts in italics are identical to or based on provisions of the Model Animal Welfare Act on worldanimal.net.</p>

<p>persons can be appointed who have completed appropriate professional studies and have undergone additional training in the field of animal welfare.</p> <p>III. The Animal Welfare Ombudsman must be supported by an office [and have out-stationed representatives in each state/province/district]. The Ombudsman's office must include animal welfare lawyers/advocates, qualified to assess and adjudicate on matters of animal welfare law, and to represent the interests of animals in court.</p> <p>IV. The Competent Authority and its agents, other authorities and their agents, persons entrusted with animal protection by virtue of this Act and the Animal Welfare Committee have an obligation to support the Animal Welfare Ombudsman in the exercising of his or her duties, including providing advice, assistance and access to records, statistics and data.</p> <p>V. The Animal Welfare Ombudsman and his or her staff must be granted full access to all files of the proceedings and any relevant information relating to cases within its jurisdiction.</p> <p>VI. The Animal Welfare Ombudsman must, where necessary, arrange for his or her legal staff to represent the individual interests of any animal as its legal agent in administrative or criminal proceedings; and assume the status of a party in any stage of the process according to the subject Act.</p> <p>VII. The Animal Welfare Ombudsman is independent and not bound by any instructions in exercising his or her duties.</p> <p>VIII. The Animal Welfare Ombudsman and his or her staff may not engage in any activities which are inconsistent with their sphere of duties, or may suggest that their position might not be impartial.</p>	
<p>89. Involvement of animal protection organisations</p>	
<p><i>I. For decisions of general applicability, the Minister in charge of animal protection and the Competent Authority/Authorities must consult in advance all registered domestic [or international], non-profit animal welfare or protection organisations that so</i></p>	<p>Parts in italics are identical to or based on provisions of the Model Animal Welfare Act on worldanimal.net.</p>

<p>requested. [Where the urgency does not permit an in advance consultation, the organisations must be informed on the decisions taken.]</p> <p>II. The Minister in charge of animal protection and the Competent Authority/Authorities may appoint any suitably skilled and experienced registered domestic [or international], non-profit animal welfare or protection organisations to assist in the enforcement of this Act.</p>	
<p>90. Appeals</p>	
<p>I. Penal sanctions and their side-measures adopted pursuant Chapter K can be appealed at the ordinary courts.</p> <p>II. Administrative decisions of the Competent Authority taken in accordance with this Act[, including decisions on administrative sanctions,] may be challenged within ... weeks/months in writing and by [authenticated] electronic mail at ... (higher administration, ministry or court).</p> <p>III. Administrative decisions of the ... (higher administration, ministry) [including those on remedies referred to in Subsection II] may be challenged within ... weeks/months at ... (one or several courts).</p> <p>IV. Decisions of a veterinarian [appointed under the ... (Official Veterinarian Act)] may be challenged within ... weeks/months at the Competent Authority.</p> <p>V. Decisions of the Ethics Committee referred to in Chapter F are legally attributed to the authority to which the committee renders its opinion.</p> <p>VI. The Government may adopt regulations rendering decisions adopted under this Act immediately applicable and executable even if they are appealed.</p> <p>OR</p> <p>The following decisions adopted under this Act are immediately applicable and executable even if they are appealed: </p>	<p>Such provisions are evidently not necessary where generic administrative law contains sufficient provisions.</p> <p>To permit specialisation, one single court might be preferable.</p> <p>Please check whether your Act integrates decisions of a veterinarian which are not automatically acts of the Competent Authority. If not, please delete this Subsection.</p> <p>An ethics committee is not a legal entity in most jurisdictions.</p>

Chapter J: Final provisions	
91. Adaptation to technical progress and closing of regulatory loopholes	
<p>I. The Government may adapt this Act to technical progress and may close regulatory loopholes, whilst respecting the principles set out in this Act.</p> <p>II. Adaptations of this Act to technical progress and closing loopholes may be revoked, suspended or limited by decision of a 1/2 OR 2/3 majority of the Parliament.</p>	<p>The fast evolving topic renders such an empowerment useful. Contrary to the empowerment for (executing) decrees or other subordinate legislation, below, the level of intervention is the level of the law itself.</p> <p>Nonetheless, Parliamentary control might need to be ascertained. Here, we present the technique: broad empowerment, but ex post control by the Parliament.</p>
92. Government decrees	
<p>a. The Government may issue decrees setting out details on the execution of the empowerments and on the management of this Act. [Where there is no urgency, it must give the Parliament one month notice prior to adoption and must take account of the reaction of the Parliament.]</p> <p>b. The decrees may / may not further restrain data protection law and the protection of confidential information.</p> <p>c. The decrees may / may not further limit other rights of legal and natural persons.</p> <p>d. The Parliament may revoke, suspend or modify the decrees adopted by the Government by ordinary majority decision.</p>	<p>Decrees, subordinate legislation or similar regulatory tools of the Government can complement the law appropriately. However, given the very sensitive character of the matter, it might also be deemed appropriate to give the Parliament the possibility to informally react to a decree project. This is also helpful where, as suggested below, the Parliament can formally revoke a decree. The informal reaction at an earlier stage can help to avoid a later conflict which would let the Parliament revoke the decree.</p> <p>As stated above, the rights-sensitive character of the matter might be regarded as justifying a tight control of the Government by the Parliament.</p>
93. Prescription	
<p>a. All rights and obligations contained in this Act are prescribed within ... (e.g. 3) years after the rights holder took note of the respective circumstances, and at the latest ... (e.g. 10) years after the circumstances occurred.</p> <p>b. Acts sanctioned in accordance with</p>	

<p>Chapter 7 are prescribed in ... years.</p>	
<p>94. Entry into force / application dates</p>	
<p>This Act enters into force as of ... It applies in its entirety as from ... However, Sections ... [Subsections ...] apply only as from ...</p>	<p>Split application dates can, e.g., be useful to give certain actors enough lead-time to implement technically complicated solutions necessary to fulfil certain obligations.</p>
<p>95. Repeal of previous animal protection law</p>	
<p>The following acts are repealed as from ... (date): - ... - ...</p>	<p>Many countries already have animal protection acts. If so, there is a need for repeal provisions.</p>
<p>96. Correlation old / new law</p>	
<p>Any legal reference to provisions of the acts repealed in accordance with the previous Subsection must be understood as a legal reference to this Act [in accordance with Table Z].</p>	<p>If an act is intended to be repealed, please check whether other acts refer to that act and ensure that the referring acts still work. The simplest way to ensure this is a reference table.</p>

Tables and Annexes

Table 1: Killing animals

	Species 1	Species 2	Species 3	Species 4
Allowed methods of killing and their respective minimum + maximum + recommended dose ¹¹	*	*	*	*
Allowed methods of killing and their respective modalities to be ensured	*	*	*	*
Allowed methods of killing and their respective minimum qualifications of decision-making, supervising and executing persons	*	*	*	*
Other animals may see or hear killing	y/n	y/n	y/n	y/n
Minimum relax time after transport, possibly correlating to duration of transport	... hours	... hours	... hours	... hours
Stunning mandatory	y/n	y/n	y/n	y/n
Allowed methods of stunning and their respective minimum + maximum + recommended dose, possibly correlating to the	*	*	*	*

¹¹ We recommend positive lists so as to avoid the popping up of new cruel ways of killing. Downside: need for adaptation in case of emergence of a milder form of killing.

weight				
Allowed methods of stunning and their respective minimum + maximum + recommended time lapse for the killing, possibly correlating to the dose or dose/weight ratio	*	*	*	*
Hygienic obligations prior to killing				
Hygienic obligations after killing				
Facilities may be used for killing of other species as well	y/n / only certain (to be specified)	y/n / only certain	y/n / only certain	y/n / only certain
Mandatory verification of dead prior to any further processing of the animal				
Other obligations	*	*	*	*

* = subject to the complexity of your considerations, a split of the row or of the cell or the creation of subtables might be necessary.

Consider also using one table per species in case of very detailed or complex provisions.

Horizontal table formatting is preferable to cover more species, but duplication of tables might still be necessary to cover all species to be covered.

In case of doubt, cover species top down in terms of relevance / frequency with special focus on animals held in captivity or otherwise under human care responsibility.

Ever more obligations and differentiations can be introduced, but render the act more difficult to be applied. Hence we favour, as usual, an upper medium level of granularity which is already way beyond the average of what jurisdictions regulate.

Other obligations can in particular be identified by going through the various "Schemes" at the end of the [Welfare of Animals at the Time of Killing, Regulations 2015](#) applicable in England/UK and the European Union Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing (click on "latest consolidated version" [here](#)).

Table 2: Transporting animals

	Species 1	Species 2	Species 3	Species 4
Applicability of this table as from X animals transported simultaneously	>5	>2	>10	1
Ground floor characteristics	Straw	Metal plates, permitting evacuation of excrements	Wood	Sand
Minimum surface space per animal, possibly correlating to duration of transport, to be counted for respective partitioning	*	*	*	*
Maximum weight of animals per square metres ¹²				
Minimum height, possibly correlating to duration of transport	*	*	*	*
Temperature range and recommended temperature				
Ventilation requirements	*	*	*	*
Partitioning for each animal ¹³	y/n	y/n	y/n	y/n
Minimum and maximum number of animals per partitioning ¹⁴				

¹² For some, namely small animals, the stress during transport also depends on the volume and weight of the animals. For young / small ones, a higher number can be transported without stress than older / grown-up ones.

¹³ Redundant if the following line is kept.

¹⁴ For some animals, being alone is stressful, for others, too high a number per partitioning might be stressful.

Access to food and water at the latest every ... (e.g. 6) hours of transport	... hours	... hours	... hours	... hours
Cleaning of faeces at the latest every ... (e.g. 6) hours of transport	... hours	... hours	... hours	... hours
Well-being inspection by a skilled person every ... (e.g. 3) hours of transport	... hours	... hours	... hours	... hours
Minimum walk around time after every ... (e.g. 12) hours of transport	... hours	... hours	... hours	... hours
Maximum overall duration of transport	... hours	... hours	... hours	... hours
Hygienic and sanitary obligations prior to transport				
Hygienic and sanitary obligations after transport				
Vehicle may be used for transport of other species as well	y/n / only certain (to be specified)	y/n / only certain	y/n / only certain	y/n / only certain
Other obligations	*	*	*	*

* = subject to the complexity of your considerations, a split of the row or of the cell or the creation of subtables might be necessary.

Consider also using one table per species in case of very detailed or complex provisions.

Horizontal table formatting is preferable to cover more species, but duplication of tables might still be necessary to cover all species to be covered.

In case of doubt, cover species top down in terms of relevance / frequency with special focus on animals held in captivity or otherwise under human care responsibility.

Ever more obligations and differentiations can be introduced, but render the act more difficult to be applied. Hence we favour, as usual, an upper medium level of granularity which is already way beyond the average of what jurisdictions regulate. Other obligations can in particular be identified by going through Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations (click on "latest consolidated version" [here](#)).

Table 3: Accommodation

	Species 1	Species 2	Species 3	Species 4
Appropriateness of accommodation outside housings	y/n	y/n	y/n	y/n
Materials forbidden for housings and sheds				
Materials permitted for housings and sheds				
Mandatory materials to be used for housings and sheds				
Mandatory materials to be used in equipment of housings and sheds				
Materials forbidden to be used in equipments of housings and sheds				
Mandatory equipments for housings or sheds	E.g. 3 cm sand covering the floor	E.g. brushes made of ... at the height of the bodies		
Forbidden equipments for housings or sheds				
Minimum housing and shed surface space				
Minimum housing and shed surface space per animal, possibly correlating to age, size or weight	*	*	*	*

Maximum weight of animals per square metres of housings or sheds ¹⁵				
Minimum height of housings or sheds, possibly correlating to age, size or weight	*	*	*	*
Temperature range and recommended temperature of housings and sheds				
Ventilation requirements	*	*	*	*
Partitioning for each animal in housings ¹⁶	y/n	y/n	y/n	y/n
Minimum and maximum number of animals per partitioning in housings ¹⁷				
Access to food and water at the latest every ... (e.g. 6) hours	... hours	... hours	... hours	... hours
Cleaning of faeces at the latest every ... (e.g. 48) hours	... hours	... hours	... hours	... hours
Well-being inspection by skilled persons every ... (e.g. 48) hours	... hours	... hours	... hours	... hours
Minimum land walk/swim/fly around time after every ... (e.g. 20)	... hours	... hours	... hours	... hours

¹⁵ For some, namely small animals, the stress during confinement also depends on the volume and weight of the animals. For young / small ones, a higher number can be confined without stress than older / grown-up ones.

¹⁶ Redundant if the following line is kept.

¹⁷ For some animals, being alone is stressful, for others, too high a number per partitioning might be stressful.

hours of confinement in housings or sheds				
Minimum total walk / swim / fly around area in square metres / yards	E.g. 100 m ²			
Minimum walk / swim / fly around area per animal in square metres / yards	E.g. 30 m ² / animal			
Minimum height / depth of walk / swim / fly around area				
Other hygienic and sanitary obligations				
Accommodation may be used for accommodation of other species as well	y/n / only certain (to be specified)	y/n / only certain	y/n / only certain	y/n / only certain
Sheds may be used for sheltering of other species as well	y/n / only certain (to be specified), under the following conditions ... *	y/n / only certain	y/n / only certain	y/n / only certain
Other obligations	*	*	*	*

* = subject to the complexity of your considerations, a split of the row or of the cell or the creation of subtables might be necessary.

Consider also using one table per species in case of very detailed or complex provisions.

Horizontal table formatting is preferable to cover more species, but duplication of tables might still be necessary to cover all species to be covered.

In case of doubt, cover species top down in terms of relevance / frequency with special focus on animals held in captivity or otherwise under human care responsibility.

Ever more obligations and differentiations can be introduced, but render the act more difficult to be applied. Hence we favour, as usual, an upper medium level of granularity which is already way beyond the average of what jurisdictions regulate.

Other obligations can in particular be identified by going through the sources cited in the introductory text of this Model Law.

Table 4: Feed and water

	Species 1	Species 2	Species 3	Species 4
Permanent access to water?	y/n	y/n	y/n	y/n
Minimum frequency of access to water	Every ... hours	Every ... hours	Every ... hours	Every ... hours
Minimum frequency of water change	Every ... days	Every ... days	Every ... days	Every ... days
Water only accessible to animals of the same species?	y/n	y/n	y/n	y/n
Permanent access to feed?	y/n	y/n	y/n	y/n
Minimum frequency of access to feed	Every ... hours	Every ... hours	Every ... hours	Every ... hours
Minimum frequency of feed change	Every ... days	Every ... days	Every ... days	Every ... days
Feed only accessible to animals of the same species?	y/n	y/n	y/n	y/n
Overeating protection needed?	y/n	y/n	y/n	y/n
Minimum feed quantity per type of feed / per day				
Minimum feed quantity per type of feed / per day				
Exceptionally authorised hormones (type, quantity per day)				
Exceptionally authorised other food additives except drugs (type, quantity per day)				

Annex S: States respecting human rights and the rule of law

State (official name)	Respect of human rights	Respect of rule of law principles	Equivalent animal protection + enforcement ¹⁸
...	y/n	y/n	y/n
	y/n	y/n	y/n
	y/n	y/n	y/n
	y/n	y/n	y/n
	y/n	y/n	y/n
	y/n	y/n	y/n
	y/n	y/n	y/n
	y/n	y/n	y/n
	y/n	y/n	y/n
	y/n	y/n	y/n

¹⁸ For some decisions according to this Act, an assessment of the animal protection level might be useful.