

Questionnaire

Country: Belgium
The Country is: EU Member State
Author of the Questionnaire: Vier Pfofen EPO, Wendy De Pelsmaeker, Administrative Assistant, service Animal Welfare.
Note: –

Question	Article	Note
I. DATA AND DOCUMENTS		
What is the number of companion animals and/or stray animals in your country? Do you have any other data (e. g. rate of companion animals per inhabitant)?	–	Our country counted 1.167.000 dogs in 2008 One of five families has a at least one dog. Wallonië has proportionately more dogs than the two other regions <i>(Source: Federal public service Economy – statistics)</i>
Does the country have a specific animal welfare legislation?	–	Law of August 14th 1986 on the protection and welfare of animals.

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Which other laws and ordinances refer to animal welfare?

Arrêté royal du 16 juillet 2009 fixant la liste des mammifères non détenus à des fins de production qui peuvent être détenus. Arrêté royal du 27 avril 2007 portant les conditions d'agrément des établissements pour animaux et portant les conditions de commercialisation des animaux fixe les conditions d'agrément pour les établissements commerciaux pour animaux (dernière modification le 15/11/2010). Arrêté ministériel du 5 février 1998 relatif à l'identification et l'enregistrement des chiens. Arrêté ministériel du 18 juin 1998 portant agrément des associations pratiquant le tatouage des chiens. Arrêté royal du 28 mai 2004 relatif à l'identification et l'enregistrement des chiens. Arrêté ministériel du 8 juin 2004 portant désignation de l'association chargée de la gestion du registre central d'identification des chiens. Arrêté royal du 16 juin 2005 relatif à l'identification et à l'encodage des chevaux dans une banque de données centrale. Arrêté ministériel du 29 septembre 1992 relatif aux conditions de police sanitaire régissant les mouvements, l'importation et les échanges d'équidés. Arrêté royal du 8 août 1997 relatif à l'identification, l'enregistrement et aux modalités d'application de l'épidémiologie-surveillance des bovins. Arrêté royal du 15 Février 1995 relatif à l'identification des porcs. Arrêté royal du 30 AVRIL 1999 relatif aux conditions de police sanitaire régissant les échanges intracommunautaires de bovins et de porcins. Arrêté ministériel du 9 FEVRIER 1996 portant des mesures de police sanitaire lors de l'importation d'animaux des espèces bovine, porcine, ovine et caprine, de viandes fraîches et de produits à base de viande en provenance de pays tiers. Arrêté ministériel du 29 SEPTEMBRE 1992 fixant les règles de police sanitaire pour l'importation et les échanges d'ovins et de caprins. Arrêté ministériel du 21 DECEMBRE 1992 relatif aux conditions de police sanitaire régissant les échanges intracommunautaires et les importations en provenance des pays tiers de volailles et d'oeufs à couver. Arrêté royal du 3 juin 2007 relatif à l'identification et à l'enregistrement des ovins, des caprins et des cervidés. Loi du 25 août 1885 portant révision de la législation en matière de vices rédhibitoires.

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Are there any specific regulations concerning dogs/cats within the law?	–	RD of 28/05/2004 on the identification and registration of dogs. MD of 18/06/1998 on the associations tattooing dogs MB of 8/06/2004 on the Association charged with the management of the central register for identification of dogs. RD of 12/03/1999 on the conditions for obtaining a derogation from the prohibition to use dogs as a pull animal.
Is there a list of banned or dangerous animals?	–	No, only municipalities have a list.

II. GOVERNANCE

BASIC ETHICAL CONCEPT IN THE POLITICAL SYSTEM

What is the basic ethical concept in your political system concerning animal welfare?	–	– (is not known)
Is the animal welfare act based on animal welfare as the principle value of the legislation?	–	No.
Do animals have a right to life?	–	Not really. With the exception of the killing possibilities implemented by the law, it's prohibited to kill an animal or to act in a way leading to the death of an animal.
Which reasonable causes have to be met for an official permission to kill a healthy animal?	Art 15 and 16 of the animal welfare act	No provision is related to the reason of the killing. Hunt, fishing and eradication of invasive alien species is mentioned but are not the only reasons to kill animals.

CONSTITUTION

Is animal welfare part of the constitution?	–	No.
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ANIMAL WELFARE IN PARLIAMENT

Is there an animal welfare committee in the parliament?	–	No.
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ANIMAL WELFARE IN GOVERNMENT

Are there any official animal welfare bodies in the government? (e. g. Ombudsman, Commissioner)	–	No.
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Which ministry/ministries is/are responsible for animal welfare?	–	FOD Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu There is an animal welfare section of the Public Federal Service for Health
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ANIMAL WELFARE IN AUTHORITIES

How is the status of competent authorities for animal welfare legislation and are they linked to (and which) ministry?	–	The animal welfare section of the Public Federal Service for Health is linked to the Belgium ministry of Health
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ANIMAL WELFARE STRATEGY, BIRTH CONTROL AND SCHOOL PROGRAMMES

Does the country have a national animal welfare strategy?	–	No. Only for the reduction of cats.
Is there an obligation for the government to do and publish an annual or biannual animal welfare report?	–	An activity report is published each year by the health SPF, but this is not concerning only animal welfare
Are there legal or administrative measures which provide birth control of animals?	–	Only for cats.
Are there (mandatory) school programmes on animal welfare?	–	No.

III. DOGS/CATS IN LEGISLATION

DEFINITIONS

Does the law or another enactment include a definition of animals as “sentient beings”?	–	No. But they are considered as such by all specific legislation
Are animals defined as goods (object/chattel)?	–	Yes, there is indeed a guarantee when you buy a dog or there may be referred to the law of the Consumer.
Does the law include definitions of companion animals, abandoned animals and/or stray animals?	Art 3	Art. 3bis. § 1. It is not allowed to detain animals which do not belong to species or categories mentioned on a list that is defined by the King. This list does not make any exception to the legislation on the protection of endangered animal species.

ETHICAL CONSIDERATION OF DOGS IN THE LEGISLATION

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Can an animal be treated like an asset (e. g. in insolvency, confiscation, divorce, separation)? May an animal be used as an evidence in a court procedure?	Art 2 § 1 AR 28/05/2004	Yes. The person in charge of a dog shall have it identified and registered before the age of four months.
Is winning of a bet or any other gain from an action which causes pain and/or suffering of an animal punishable?	Art. 35. Art. 36.	Yes.
May an animal be obtained as a prize?	Art. 36.	No.
IDENTIFICATION AND REGISTRATION		
Is identification and registration of animals mandatory and where are they registered and what is registered? What about costs?	–	Yes. Royal Decree of 28 May 2004 concerning the identification and registration of dogs.
BREEDING		
Are there any clauses on breeders and is there a national register for breeders?	–	Royal Decree of 27th April 2007 on the conditions for approval of establishments for animals and the conditions for the marketing of animals
Does the law proscribe the minimum care obligations for animals at breeders?	Art. 4.	Yes.
Is breeding of defects punishable?	–	– (is not known)
Does the law provide for limitations on animals mutilations? (e. g. tail docking, ear cropping, devocalization, declawing, obligation to use anaesthesia.)	Art 17	Art. 17bis. § 1. It is not allowed to perform one or several interventions on vertebrate animals, during which one or several sensitive parts of the body are removed or damaged.
Which reasonable causes have to be met for an official permission to kill a healthy animal by a breeder?	–	– (is not known)

TRANSPORT, TRAVEL, SELL OF DOGS (TRADE)

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Is withholding of food and/or water from the animal(s) during a long transport punishable?	Art. 18, Art. 4	Art. 18 § 4) RD 09/07/1999 on the protection of animals during transport and the terms of approval of transporters, traders, staging and collection centres, Art. 4. § 1. RD 14/08/1986 on the protection and welfare of animals For the transported animal species as concerned in Article 1, §1, points 1) 2) and 3), this person shall demonstrate that measures have been taken to meet their needs in food and drink during the trip, even if the trip schedule is modified or if the trip is interrupted because of unpredictable circumstances.
Must a companion animal be quarantined upon arriving in your country?	–	No.
Is it allowed to sell dogs/cats at a pet shop?	–	– (is not known)
Is there a ban on markets, shows, exhibitions or other events where one can buy an animal?	Art. 12	Art. 12. It is not allowed to trade cats and dogs on the public highway as well as on market places, in fairs, shows and exhibitions and on other similar occasions or at the purchaser's home, except in this last case when the initiative comes from the purchaser.
Is there an age-limit for children to buy an animal?	Art. 11.	Art. 11. It is not allowed to hand over an animal to people under 16 years of age, for an amount of money or for free, without explicit permission from the persons having parental authority or tutorial rights on those people.

KEEPING AND LIMITS OF KEEPING

Does the law proscribe the minimum care obligations for animals at keepers?	Art. 4.	Yes.
Is there a special regulation which rules keeping of companion animals?	Art. 4.	Yes.
Is there a list of banned or dangerous animals?	–	No, only municipalities have a list.
May a landlord forbid a renter to keep an animal?	–	No.
May neighbours file complain against an owner, e. g. if he/she does not inhibit his/her animal from (ceaseless) noises?	–	Yes.

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Which reasonable causes have to be met for an official permission to kill a healthy animal by a private person?	–	No list of reasons but the law mentions hunt and fishing. Other killings have to be performed by a vet
Is a private owner obliged to pay tax for his/her companion animal?	–	No.
<i>KILLING</i>		
Which reasonable causes have to be met for an official permission to kill a healthy animal (also to get products of animal origin, e. g. for animal testing purposes or food supply)?	–	No list of reasons but the law mentions hunt and fishing. Stunning is mandatory
Can animals be kept in shelters indefinitely? If not, is there specific time frame (for a vet) to kill an animal kept in a shelter?	–	This is not foreseen in the Animal Welfare Act.
<i>ABUSE OF ANIMALS</i>		
Does the law address cruelty to animals? If so, does it provide for sanctions?	Art. 1	Yes.
Does the law ban organized fights of animals?	Art. 35.	Yes.
Is sexual abuse of animals punishable?	–	Only trade of zoophile tapes is illegal
Is maltreatment and/or suffering of animals perceived as a criminal offense? If so, what sanctions are foreseen?	Art. 35, 36	Yes.
<i>UN-OWNED ANIMALS, SHELTERS, ABANDONED ANIMALS</i>		
Are there regulations on lost/found animals?	Art. 9 RD BE	Any person who captures a roaming, lost or abandoned animal, is obliged to entrust this within the four days to the communal administration of the place where he has collected the animal or that of his hometown.
Who is owner of an abandoned animal?	Art. 9	The owner of the dog is the one that appears on the registration certificate.
May a private person establish an animal shelter?	Art. 5	Yes if you have an authorisation.

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Can animals be kept in shelters indefinitely? If not, is there specific time frame (for a vet) to kill an animal kept in a shelter?	–	This is not foreseen in the Animal Welfare Act.
Is local community financing activities of collecting of abandoned and lost animals?	–	The owner of a wandering, lost or abandoned animal, the cost of the recording, the care and supervision compensate, even if he reclaims the animal. The costs are recovered by the municipality or by the designated shelter itself (art. 9, § 2, 4th paragraph). The owner of the animal is therefore responsible for all costs incurred as a result of the reception of his dog (search for identity, care, shelter, possible identification and registration).
Must a finder of a stray and/or abandoned animal report the finding to a competent authority?	Art 9	Yes.
Are there possibilities to adopt an abandoned animal?	RD of 27/04/2007, Art. 21	Yes.
Are there legal or administrative measures which provide birth control of stray animals?	–	Only for cats.
VETERINARIANS		
Is negligence (of a vet or a veterinary assistant) punishable?	–	Yes.
Does the law provide for limitations on animals mutilations? (e. g. tail docking, ear cropping, devocalization, declawing, obligation to use anaesthesia.)	Art. 17	Art. 17bis. § 1. It is not allowed to perform one or several interventions on vertebrate animals, during which one or several sensitive parts of the body are removed or damaged.
Which reasonable causes have to be met for an official permission to kill a healthy animal by a veterinarian?	–	No list. Killing has to be done by a vet.
POLICY OF BIRTH CONTROL FOR OWNED AND UN-OWNED ANIMALS		
Are there legal or administrative measures which provide birth control of animals?	–	Only for cats.

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IV. ENFORCEMENT

List of case studies and / or relevant court decisions.	–	– (is not known)
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V. PRACTICAL INFORMATION

List of veterinary organisations in your country.	–	1) Universiteit van Luik 2) Universiteit van Gent
List of animal welfare organisations in your country.	–	Gaïa, Animaux en Péril, la croix bleue
What about travelling with dogs?	–	Allowed in public transport / An extra ticket has to be bought for travelling with Belgian railways (not very expensive)
What about dogs in hotels?	–	Depends of the hotels, no general rules