

Questionnaire

Country: Italy
The Country is: EU Member State
Author of the Questionnaire: Greta Inglis
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)?		The Antivivisection League (LAV) estimates that there are approximately 600,000 stray dogs in Italy ¹ .
Does the country have a specific animal welfare legislation?		Yes. Law 189/2004 modified the criminal code in Italy. This now includes <i>Titolo IX-Bis</i> which penalises cruelty towards animals and mistreatment. Law n. 281/1991 prohibits the euthanasia of stray or free-roaming dogs, unless they are suffering from an incurable, terminal illness or pose a danger to the public.
Which other laws and ordinances refer to animal welfare?		There is an ordinance (n.165 of the 16 th July 2016) which prohibits the use of poisoned bait and meatballs. Law 201/2010 prohibits the trafficking of puppies which is now sanctioned with a fine and imprisonment for between 3 months and a year ² . The highway code now also makes it an obligation to stop in cases where an animal has been hit by a car and is injured.
Are there any specific regulations concerning dogs/cats within the law?		See above.
Is there a list of banned or dangerous animals?		No, but there is a list of potentially dangerous dogs. The ordinance on public safety from dog attacks was extended in 2016, running through until September 2017.
II. GOVERNANCE		
<i>BASIC ETHICAL CONCEPT IN THE POLITICAL SYSTEM</i>		

¹ LAV, [no date]. *Allo Sbaraglio o Reclusi a Vita*, available online at: <http://www.lav.it/cosa-facciamo/cani-e-gatti/allo-sbaraglio-o-reclusi-a-vita>, last accessed on 03.07.2017.

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<p>What is the basic ethical concept in your political system concerning animal welfare?</p>		<p>Under the Civil Code Art. 812 animals are considered moveable goods. The law states: 'Sono beni immobili il suolo, le sorgenti, I corsi d'acqua, gli alberi [...] sono reputati immobili i mulini, i bagni [...] Sono bene mobili tutti gli altri beni'. The law therefore states that all that is naturally or artificially connected to the ground is unmoveable, while all else is moveable property (for example, a car or an animal). In 2015, Art 77 modified Art 514 on civil procedure with regards to property, with two new subsections that state that animals cannot be distrained as a an asset. This applies to an animal used for companionship that is not used for commercial, financial or food production purposes, and animals used for therapy or assistance. Prior to this addition, animals could be used to dissolve a debt an owner had been unable to pay.</p>
<p>Is the animal welfare act based on animal welfare as the principle value of the legislation?</p>		<p>There is no specific animal welfare act in Italy.</p>
<p>Do animals have a right to life?</p>		<p>Not all animals have an absolute right to life, but dogs and cats do under law 281/1991. The euthanasia of a healthy animal is prohibited.</p>
<p>Which reasonable causes have to be met for an official permission to kill a healthy animal?</p>		<p>This is not permitted unless the animal poses a danger to the public (in the case of dogs).</p>
<p>CONSTITUTION</p>		
<p>Is animal welfare part of the constitution?</p>		<p>Animal welfare is not explicitly considered in the constitution.</p>
<p>ANIMAL WELFARE IN PARLIAMENT</p>		
<p>Is there an animal welfare committee in the parliament?</p>		<p>Not known.</p>
<p>ANIMAL WELFARE IN GOVERNMENT</p>		
<p>Are there any official animal welfare bodies in the government? (e. g. Ombudsman, Commissioner)</p>		<p>Not known.</p>

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Which ministry/ministries is/are responsible for animal welfare?		The Italian Ministry of Health and local health units for the implementation of the law.
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ANIMAL WELFARE IN AUTHORITIES

How is the status of competent authorities for animal welfare legislation and are they/is it linked to a ministry and which ministry is it?		The police is the body to be called in the case of animal mistreatment. The Local Health Units (LHU – ASL) are responsible for the management of issues such as the capture, neuter and vaccination of stray dogs and cats.
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ANIMAL WELFARE STRATEGY, BIRTH CONTROL AND SCHOOL PROGRAMMES

Does the country have a national animal welfare strategy?		Not known.
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Is there an obligation for the government to do and publish an annual or biannual animal welfare report?		No.
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Are there legal or administrative measures which provide birth control of animals?	Art 2.1- Art 2.8 -	Yes, under law 281/1991. Stray dog and cat population management is carried out through birth control, according to scientific findings, and at the veterinary services of the local health unit. Free roaming cats are captured by the local health unit, sterilised and then released back to the area of capture.
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Are there (mandatory) school programmes on animal welfare?	Art 3 paragraph 3.4, letter A	No, although law 281/1991 does state that in implementing this legislation, each region should make provisions for the creation of education programmes in schools.
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III. DOGS/CATS IN LEGISLATION

DEFINITIONS

Does the law or another enactment include a definition of animals as “sentient beings”?	Art 13	This is not defined. However, the criminal code does penalise ‘delitti contro il sentimento per gli animali’. Under the Treaty on the Functioning of the European Union (consolidated 2008), Italy must take into consideration the needs of animals with regards to animal welfare concerns, as sentient beings.
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<p>Are animals defined as goods (object/chattel)?</p>	<p>Art 812</p>	<p>Under the Civil Code Art. 812 animals are considered moveable goods. The law states: 'Sono beni immobili il suolo, le sorgenti, I corsi d'acqua, gli alberi [...] sono reputati immobili i mulini, i bagni [...] Sono bene mobili tutti gli altri beni'. The law therefore states that all that is naturally or artificially connected to the ground is unmoveable, while all else is moveable property (for example, a car or an animal). In 2015, Art 77 modified Art 514 on civil procedure with regards to property, with two new subsections that state that animals cannot be distrained as a an asset. This applies to an animal used for companionship that is not used for commercial, financial or food production purposes, and animals used for therapy or assistance. Prior to this addition, animals could be used to dissolve a debt an owner had been unable to pay.</p>
<p>Does the law include definitions of companion animals, abandoned animals and/or stray animals?</p>		<p>Law n.281, on companion animals and stray dog prevention, makes the distinction between free-roaming dogs (vaganti) and stray dogs (<i>randagi</i>). While no official definition is provided, the legislation distinguishes between free-roaming dogs that can be returned to their owners, or if not claimed will be rehomed, and stray dogs. There is also the mention of feral dogs.</p>
<p>ETHICAL CONSIDERATION OF DOGS IN THE LEGISLATION</p>		
<p>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?</p>		<p>As of 2015, animals cannot be treated like an asset, in cases such as insolvency. See above for more information.</p>

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Is winning of a bet or any other gain from an action which causes pain and/or suffering of an animal punishable?

Art 544
quarter

The criminal code prohibits the use of animals in fighting and for competition that causes suffering.

Organising and promoting shows or exhibitions that cause suffering or pain to the animal is punishable with between four months and two years imprisonment and a fine of between 3,000 and 15,000 euros.

‘Salvo che il fatto costituisca più grave reato, chiunque organizza o promuove spettacoli o manifestazioni che comportino sevizie o strazio per gli animali è punito con la reclusione da quattro mesi a due anni e con la multa da 3.000 a 15.000 euro. La pena è aumentata da un terzo alla metà se i fatti di cui al primo comma sono commessi in relazione all'esercizio di scommesse clandestine o al fine di trarne profitto per sé od altri ovvero se ne deriva la morte dell'animale’.

Art 544
quinquies

He who organises a fight between animals or promotes or is in charge of unauthorised fights or competitions between animals that endanger physical integrity, can be fined up to 50,000 to 160,000 euros and imprisoned for between one and three years.

‘Divieto di combattimento tra animali: chiunque promuove, organizza o dirige combattimenti o competizioni non autorizzate tra animali che possono mettere in pericolo l'integrità fisica è punito con la reclusione da uno a tre anni e con la multa da 50.000 a 160.000 euro.

La pena e' aumentata da un terzo alla metà:

- 1) se le predette attività sono compiute in concorso con minorenni o da persone armate;
- 2) se le predette attività sono promosse utilizzando videoriproduzioni o materiale di qualsiasi tipo contenente scene o immagini dei combattimenti o delle competizioni;
- 3) se il colpevole cura la ripresa o la registrazione in qualsiasi forma dei combattimenti o delle competizioni’.

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May an animal be obtained as a prize?		Not known.
IDENTIFICATION AND REGISTRATION		
Is identification and registration of animals mandatory and where are they registered and what is registered? What about costs?		Identification and registration on the national registry is a requirement for all dogs in Italy, however the amount of time an owner has to register their dog may vary depending on each individual regional law.

BREEDING

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<p>Are there any clauses on breeders and is there a national register for breeders?</p>	<p>Presidential Councils of Ministers 28.02.2002 (U.J. n° 52 04.03.2003) Art. 3), par. 1</p>	<p>The regions and the autonomous provinces of Trento and Bolzano stipulate that any person that breeds companion animals, must bear in mind the physiological and behavioural characteristics of the animal, so as not to compromise the health and welfare of the future offspring or the mother. The regions also required that the owner or person responsible for the dogs, ensure they are registered with the relevant registry within thirty days of birth or ownership.</p>
	<p>Ordinance of the Ministry of Health 6.8.2008 (UJ 20.8 2008, n. 194) Art. 2</p>	<p>The sale of dogs under the age of two months is prohibited, in addition to any dog that has not been identified and registered in accordance with this ordinance.</p>
	<p>Ordinance of the Ministry of Health 03.03.2009 (UJ 23.3.2009 n. 68) Art. 2, par.1,</p>	<p>It is forbidden by law to selectively breed or cross dogs with the aim of enhancing an aggressive temperament.</p>
<p>Does the law proscribe the minimum care obligations for animals at breeders?</p>		<p>Yes there is a national register with the <i>Ente Nazionale Cinofilia Italiana (ENCI)</i>: http://www.enci.it/allevatori/registro-allevatori</p>
<p>Is breeding of defects punishable?</p>		<p>Not known.</p>

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Does the law provide for limitations on animals mutilations? (e. g. tail docking, ear cropping, devocalization, declawing, obligation to use anaesthesia.)

Art 10,
paragraph
1
(European
Convention
on the
Protection
of Pets)

An ordinance of 2008 used to prohibit surgery that would change the morphology of a dog, without curative needs, with the exception of tail docking where this was recognised as breed standard. In 2011, when the The European Convention on the Protection of Pets (1) came in to force in Italy, following the Italian Law of ratification no. 201/2010, full execution of the Convention was required in all respects, as state law. This included prohibitions (Art. 10 paragraph 1) on surgical operations to modify appearance for non-healing purposes, including tail cutting, ear cutting, cutting of the vocal cords and the removal of nails and teeth.

Morphological interventions for breed standards were also prohibited with no exceptions.

Any violations of this Article constitute a criminal offense under Article 544-ter on animal mistreatment in the Italian criminal code.

Exceptions to such prohibitions shall be authorized only:

(A) if a veterinarian considers a non-healing action necessary for veterinary medicine purposes or in the interests of a given animal;

B) to prevent reproduction³.

Note- Tail docking, under the exceptions stipulated above, is to be carried out exclusively by the veterinarian (in the first week of life, when the animal is sedated and under local anesthesia) 'in some breeds of stable dogs, and carry and seek as Annex 1 Table 1 susceptible to being exposed to health problems in adulthood in order to reduce the risk of tail injuries, which can hardly be treated with conservative treatments'⁴.

³ C.I.E.B, 2014. *Guideline for the application of Article 10 of the European Convention on the Protection of Pets*

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Which reasonable causes have to be met for an official permission to kill a healthy animal by a breeder?		This is not possible.
TRANSPORT, TRAVEL, SELL OF DOGS (TRADE)		
Is withholding of food and/or water from the animal(s) during a long transport punishable?	Art 544-ter Art 727	It is punishable according to the Italian criminal code under Art. 544-ter on the mistreatment of animals, by treating them in a way that causes damage to their health. Article 727 of the criminal code on abandonment which punishes those that abandon an animal and also those that keep an animal in conditions that are incompatible with their nature and produces suffering.
Must a companion animal be quarantined upon arriving in your country?		No, not if the animal is travelling with the required health checks and documentation, dependent on the country of origin.
Is it allowed to sell dogs/cats at a pet shop?		Yes.
Is there a ban on markets, shows, exhibitions or other events where one can buy an animal?		No.
Is there an age-limit for children to buy an animal?		The purchase or gift of an animal to somebody under the age of 16 is only allowed with explicit permission from the parents.
KEEPING AND LIMITS OF KEEPING		
Does the law proscribe the minimum care obligations for animals at keepers?		See above on the animal welfare legislation in Italy.
Is there a special regulation which rules keeping of companion animals?		Not known.
Is there a list of banned or dangerous animals?		No, but there is a list of potentially dangerous dogs. The ordinance on public safety from dog attacks was extended in 2016, running through until September 2017.

In accordance with the Deontological Code of the Veterinarian, available online at: <http://www.epagneulbreton.net/taglio-delle-code>, last accessed on 04.07.2017.

⁴ Ibid.

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May a landlord forbid a renter to keep an animal?		No. According to Article 16 of law 220/12 (GU n. 293 of the 17th December 2012), which integrates Article 1138 in to the civil code, regulations regarding pets in condominiums prohibit landlords from banning the keeping of companion animals ⁵ .
May neighbours file complain against an owner, e. g. if he/she dies not inhibit his/her animal from (ceaseless) noises?		Yes. Behaviour that causes the destruction, breakdown or deterioration of moveable or immoveable goods are sanctionable (Art 635 and art 639 of the criminal code) ⁶ .
Which reasonable causes have to be met for an official permission to kill a healthy animal by a private person?		The animal must be suffering from an incurable, terminal illness or be of proven danger to the public.
Is a private owner obliged to pay tax for his/her companion animal?		No.

KILLING

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)?		This depends on the purpose the animal will be used for.
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?		Yes, they can be kept for an indefinite amount of time.

ABUSE OF ANIMALS

Does the law address cruelty to animals? If so, does it provide for sanctions?	Art 544-ter	Yes. Law 189/2004 modified the criminal code in Italy. This now includes Titolo IX-Bis which penalises cruelty towards animals and mistreatment. As per Article 544-ter the mistreatment of an animal is punishable with three months to a year imprisonment or a fine of between 3,000 and 15,000 euros. This is also applicable when the animal's health is compromised. The sanctions are increased by half again if the action of cruelty and mistreatment results in the death of the animal.
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⁵ LAV, [no date]. *Animali in Condominio*, available online at: <http://www.lav.it/cosa-facciamo/cani-e-gatti/animali-in-condominio>, last accessed on 05.07.2017.

⁶ Ibid.

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Does the law ban organized fights of animals?	Art 544-quinquies	Yes. He who organises a fight between animals or promotes or is in charge of unauthorised fights or competitions between animals that endanger physical integrity, can be fined up to 50,000 to 160,000 euros and imprisoned for between one and three years.
Is sexual abuse of animals punishable?		This is not explicitly stated but it is punishable under Article 544 of the criminal code. Jurisprudence demonstrates this has been the case previously. For example, in 2014 the criminal tribunal sentence n. 7035/2014 for the mistreatment and death of an animal following behaviour of a sexual nature ⁷ .
Is maltreatment and/or suffering of animals perceived as a criminal offense? If so, what sanctions are foreseen?		Yes. Law 189/2004 modified the criminal code in Italy. This now includes Titolo IX-Bis which penalises cruelty towards animals and mistreatment. As per Article 544-ter the mistreatment of an animal is punishable with three months to a year imprisonment or a fine of between 3,000 and 15,000 euros. This is also applicable when the animal's health is compromised. The sanctions are increased by half again if the action of cruelty and mistreatment results in the death of the animal.
UN-OWEND ANIMALS, SHELTERS, ABANDONED ANIMALS		
Are there regulations on lost/found animals?		Yes, law n. 281 (1991) on the care of companion animals and management of stray animal populations regulates lost and found animals.
Who is owner of an abandoned animal?		This is specified in each regional law, however national framework law n. 281 states that the local health units (ASL) are responsible for the capture and sterilisation of strays.
May a private person establish an animal shelter?		Yes but this may depend on the regional and provincial law.
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?		Yes, they can be kept indefinitely.
Is local community financing activities of collecting of abandoned and lost animals?		Not known. This is likely to depend on the region.
Must a finder of a stray and/or abandoned animal report the finding to a competent authority?		Yes.

⁷ OIPA, 2016. *Giurisprudenza*, available online at: <http://www.guardiezoofile.info/giurisprudenza/>, last accessed on 05.07.2017.

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Are there possibilities to adopt an abandoned animal?		Yes, many shelters and pounds have dogs and cats for adoption.
Are there legal or administrative measures which provide birth control of stray animals?		Yes, see above on the birth control programmes of stray dogs and cats.
VETERINARIANS		
Is negligence (of a vet or a veterinary assistant) punishable?		Not known.
Does the law provide for limitations on animals mutilations? (e. g. tail docking, ear cropping, devocalization, declawing, obligation to use anaesthesia.)		Yes, see above on the regulation for tail docking, ear cropping and cutting of the vocal cords.
Which reasonable causes have to be met for an official permission to kill a healthy animal by a veterinarian?		The animal must have been proven to pose a danger to the public.
POLICY OF BIRTH CONTROL FOR OWNED AND UN-OWNED ANIMALS		
Are there legal or administrative measures which provide birth control of animals?		Yes, see above on the birth control programmes of stray dogs and cats.
IV. ENFORCEMENT		
List of case studies and / or relevant court decisions.		http://www.guardiezoofile.info/giurisprudenza/ http://www.ambientediritto.it/home/categorie/maltrattamento-animali
V. PRACTICAL INFORMATION		
List of veterinary organisations in your country.		https://www.struttureveterinarie.it/
List of animal welfare organisations in your country.		http://gaiaitalia.it/sito2002/NEWS/NewsStories/028F2AC384.html
What about travelling with dogs?		http://www.salute.gov.it/portale/temi/p2_5.jsp?area=cani&menu=viaggiare
What about dogs in hotels?		http://www.vacanzeanimali.it/

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References:

C.I.E.B, 2014. Guideline for the application of Article 10 of the European Convention on the Protection of Pets In accordance with the Deontological Code of the Veterinarian, available online at: <http://www.epagneulbreton.net/taglio-delle-code>, last accessed on 04.07.2017.

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