

Questionnaire

Country: **Spain**
The Country is: **Spain, EU Member State**
Author of the Questionnaire: **Vier Pfofen EPO, Teresa Giménez-Candela and Carlos A. Contreras (Universitat Autònoma de Barcelona), Floriane Millet**
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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)?		Spain has about 20 millions of companion animal, and 22% of them are dogs, so about 5,147,980 dogs.
Does the country have a specific animal welfare legislation?		Spain doesn't have a national animal welfare law. Each one of the Autonomous communities have their own animal protection law., But the level of protection is different in each case. So, in general, Animal welfare in Spain is regulated and policed by each one of the Autonomous communities.
Which other laws and ordinances refer to animal welfare?		See above.
Are there any specific regulations concerning dogs/cats within the law?		Yes, each of the communities have specific regulations
Is there a list of banned or dangerous animals?	Real Decreto 287/2002 Ley 50/1999	Yes the list of dangerous dogs is: a) Pit Bull Terrier. b) Staffordshire Bull Terrier. c) American Staffordshire Terrier. d) Rottweiler. e) Dogo Argentino. f) Fila Brasileiro. g) Tosa Inu. h) Akita Inu. Each communities can add other dog to this list.

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II. GOVERNANCE

BASIC ETHICAL CONCEPT IN THE POLITICAL SYSTEM

What is the basic ethical concept in your political system concerning animal welfare?		Spain doesn't have a national animal welfare law. Each one of the Autonomous communities have their own animal protection law., But the level of protection is different in each case.
Is the animal welfare act based on animal welfare as the principle value of the legislation?		There is no national animal welfare act in Spain.
Do animals have a right to life?		It depends on the Autonomous communities's animal welfare law.
Which reasonable causes have to be met for an official permission to kill a healthy animal?		It depends on the Autonomous communities's animal welfare law.

CONSTITUTION

Is animal welfare part of the constitution?		No. There is nothing directly specified in the Spanish Constitution about animal welfare, so the national and regional legislation and local ordinances for the protection of animals are based in the art. CE 45.2 that commands to the public authorities "to ensure the rational use of all natural resources in order to protect and improve the quality of life and preserving and restoring the environment ...".
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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

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Are there any official animal welfare bodies in the government? (e. g. Ombudsman, Commissioner)		No.
Which ministry/ministries is/are responsible for animal welfare?		The Ministry of Environment, Agriculture and Fisheries
<i>ANIMAL WELFARE IN AUTHORITIES</i>		
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?		It depends on the Autonomous communities.
<i>ANIMAL WELFARE STRATEGY, BIRTH CONTROL AND SCHOOL PROGRAMMES</i>		
Does the country have a national animal welfare strategy?		No.
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?	Ley 12/ 2006 de 2006, de medidas en materia de medio ambiente y de modificación de las Leyes 3/ 1988 y 22/2003, relativas a la protección de los animales de la Ley 12/ 1985, de espacios naturales, de la Ley 9/1995, del acceso motorizado al medio natural, Ley 4/ 2004, relativa al proceso de adecuación de las actividades de incidencia ambiental.	It depends on the Autonomous communities. For Catalonia, for instance, an abandoned animal, before being put for adoption, must be sterilized. An animal subject to commercialization must be sterilized as well.
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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”?	Catalonia Article 2.2 of the Law 2/2008 on Animal Protection	The only Act, that includes a definition of animals as “sentient beings” is the Catalan Law 2/2008 on Animal Protection. However, a proposition to include a negative definition of animals, as « not things », in the Spanish Civil Code was discussed in February 2017 in the Congress.
Are animals defined as goods (object/chattel)?	Spanish Civil Code artículos 333/335, Catalonian Civil Code. Book V, artículo 2 (ley 5/2006)	They are considered as movable and immovable goods in the National Civil Code. In the Catalonian Civil Code, animals are not considered objects and are under the special protection of the law. They are governed by general rules related to property only when their nature allows it.

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<p>Does the law include definitions of companion animals, abandoned animals and/or stray animals?</p>	<p>Ley 4/2016, de 22 de julio, de Protección de los Animales de Compañía de la Comunidad de Madrid</p>	<p>Yes, however the definition varies between the different autonomous communities.</p> <p>For instance, the Animal Protection Law of Madrid provides that companion animals are animals that live with persons in their housing, for pleasure, education or social purposes. An abandoned animal is according to that law an identified animal that wanders without having being claimed by its owner. A stray animal is described as an animal lacking an owner and wandering without control and purpose.</p>
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ETHICAL CONSIDERATION OF DOGS IN THE LEGISLATION

<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>Yes animals are seen as goods and can be seized, except in Catalunya.</p>
<p>Is winning of a bet or any other gain from an action which causes pain and/or suffering of an animal punishable?</p>	<p>Artículo 337 Penal Code,</p>	<p>Yes, any act that causes unjustified suffering to an animal is punishable by law.</p>
<p>May an animal be obtained as a prize?</p>		<p>No, it is forbidden in every autonomous communities.</p>

IDENTIFICATION AND REGISTRATION

<p>Is identification and registration of animals mandatory and where are they registered and what is registered? What about costs?</p>		<p>The identification and registration of dogs is mandatory in every autonomous communities. The costs are for the owner.</p>
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BREEDING

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<p>Are there any clauses on breeders and is there a national register for breeders?</p>		<p>Yes there are. In each one of the autonomous communities's legislation, there are special clauses on breeding establishments selling dogs. Normally they have to: a) Be enrolled in the registry of animal compounds. b) Keep a log book, and make it available to the competent authority, which must include details on the origin, identification and destination of the animals. c) Selling animals wormed, with no apparent symptoms of mental or physical conditions and without suffering. d) Have a veterinary service itself or an outside veterinary advice, to be contained in the record book. e) Keep animals in a suitable location. These animals should be housed, fed and watered properly. f) Providing, on sales of animals, a document which should state the identification of the species, the animal identification number, if applicable.</p>
<p>Does the law prescribe the minimum care obligations for animals at breeders?</p>		<p>The law prescribes some obligations. In the autonomous communities's legislations, the persons owning and possessing animals are usually obligated to: 1. Identify the animal. 2. Register the animal in the central Census. 3. Have the health card and provide all vaccines and treatments that are mandatory. 4. If it is considered potentially dangerous dog also need a licensed for his tenure. All this without prejudice to the obligations to keep them in good sanitary conditions, welfare and safety, according to the characteristics of each species. The person who owns an animal must pay the basic veterinary care.</p>
<p>Is breeding of defects punishable?</p>		<p>It depends on the autonomous communities's legislation</p>
<p>Does the law provide for limitations on animals mutilations? (e. g. tail docking, ear cropping, devocalization, declawing, obligation to use anaesthesia.)</p>		<p>Yes, it does. The limitations are established in the autonomous communities' legislation.</p>

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Which reasonable causes have to be met for an official permission to kill a healthy animal by a breeder?		It depends on the autonomous communities's legislation
TRANSPORT, TRAVEL, SELL OF DOGS (TRADE)		
Is withholding of food and/or water from the animal(s) during a long transport punishable?	Ley 32/2007, decreto legislativo Catalunya 2/2008	In the national law the provision is large and provides that the transport has to take place without injuries or suffering. Some autonomous communities's legislation are more specific, as the Catalanian ones that provides that animals should be watered during transport, and should be provided with adequate food at appropriate intervals.
Must a companion animal be quarantined upon arriving in your country?	Reglamento (CE) n° 998/2003	There is no quarantine mandatory, only the Eu Pet Passport Scheme.
Is it allowed to sell dogs/cats at a pet shop?	Ley 4/2016, de 22 de julio, de Protección de los Animales de Compañía de la Comunidad de Madrid	It depends on the Autonomous communities's legislation. The region of Madrid adopted in 2014 (came into force in 2016) a new Animal Protection Law that provides that the selling of cats and dogs must be done through catalogue and not a physical presence, although the government has the right to allow the presence of those animals if the facilities provide adequate conditions of space and health.

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Is there a ban on markets, shows, exhibitions or other events where one can buy an animal?	Ley 4/2016, de 22 de julio, de Protección de los Animales de Compañía de la Comunidad de Madrid	It depends on the Autonomous communities. As said before, the new Animal Protection Law of Madrid forbids the physical presence of cats and dogs in pet shops in they don't meet the conditions required. This law prohibits their exhibitions and submits to the authorization of the local community their use in contests, films, shows, ect...
Is there an age-limit for children to buy an animal?	Catalonia Article 4 of the Law 2/2008	In all the Autonomous Communities It is forbidden by law, to sell an animal to a incapacitated person without the permission of those who have their custody or guardianship. Concerning the age, in some communities, like in Catalonia, the selling is permitted to minor over 16, and in some regions the selling requires the permission of the parents/tutors/guardians.

KEEPING AND LIMITS OF KEEPING

Does the law prescribe the minimum care obligations for animals at keepers?		In general, in the Autonomous legislation of each community, Persons owning and possessing animals are obligated to: 1. Identify the animal. 2. Register the animal in the central Census. 3. Have the health card and provide all vaccines and treatments that are mandatory. 4.If it is considered potentially dangerous dog also need a licensed for his tenure. All this without prejudice to the obligations to keep them in good sanitary conditions, welfare and safety, according to the characteristics of each species. The person who owns an animal must pay the basic veterinary care.
Is there a special regulation which rules keeping of companion animals?		Yes, each of the communities have specific regulations. The companion animals Law of Catalonia, contains articles for duties of persons owning and possessing animals, prohibitions, transport of animals, medical and behavioral treatments, abandonment and collection centers, general registration and municipal census; Identification; inspection and

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		surveillance, and violations and penalties.
Is there a list of banned or dangerous animals?	Real Decreto 287/2002 Ley 50/1999	Yes the list of dangerous dogs is: a) Pit Bull Terrier. b) Staffordshire Bull Terrier. c) American Staffordshire Terrier. d) Rottweiler. e) Dogo Argentino. f) Fila Brasileiro. g) Tosa Inu. h) Akita Inu. Each communities can add other dog to this list.
May a landlord forbid a renter to keep an animal?		No, it would be a violation of the right to property. The only things that can prohibit the possession of animals are a legal sentence or a privation of liberties through a judicial order.
May neighbours file complain against an owner, e. g. if he/she does not inhibit his/her animal from (ceaseless) noises?	Ley 7/1985	Yes. This would be a matter of municipal jurisdiction under the Law 7/1985. Each municipal government has ordinances regulating noise and discomfort produced in their territory. For example, Cerdanyola City Council Ordinance, which regulates the improvement of environmental sound quality, along with the sounds of local leisure activities, and with the traffic noises and actions in public spaces, also regulates (art. 28) that people should try from 22 am to 8 hours, not to leave in the terraces, galleries, balconies and other open space, animals that with their sounds, cause discomfort in the rest of the neighbors. Normally, In case of constantly barking of a dog at night, a neighbor can reports this, and has to prove that these are constant barking and that occurs at night. He may try to present the other neighbors as witnesses and the measurement of these barking. A judge can force the dog owner, to take appropriate measures to prevent such nuisances, as well to pay the damages that the neighbors can prove and quantify.
Which reasonable causes have to be met for an official permission to kill a healthy animal by a private person?		Depends on the Autonomous region's animal welfare law.

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Is a private owner obliged to pay tax for his/her companion animal?		No. There's no special regulation on this matter.
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)?		It depends on the Autonomous region's animal welfare 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?	Decreto Legislativo 2/2008, complementing the Ley de protección de los animales. Ley 4/2016 de Protección de los Animales de Compañía de la Comunidad de Madrid	Each one of the Autonomous Communities, and private shelters determine their own policies regarding euthanasia and adoption of companion animals. However, in Catalunya the slaughter of animals in shelters is prohibited. Since 2016, the community of Madrid also prohibits it.
ABUSE OF ANIMALS		
Does the law address cruelty to animals? If so, does it provide for sanctions?		The national law doesn't, however the autonomous communities each address the way they deem adapted cruelty towards animals.

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Does the law ban organized fights of animals?	Decreto Legislativo 2/2008, complementing the Ley de protección de los animales, artículo 6	National Penal Code, after the reform of 2015, abrogated the articles on animal fights. It is now depending on the autonomous communities's legislation. The Catalanian legislation prohibits them, with the exception of corridas.
Is sexual abuse of animals punishable?	Artículo 337, Penal Code	The National Penal Code prohibits the sexual exploitation of animal, punished by between 3 months and 1 year of jail time, the prohibition to pursue a professional activity involving animals or to own animals for a period of time between 1 year and a day and 3 years.
Is maltreatment and/or suffering of animals perceived as a criminal offense? If so, what sanctions are foreseen?	Artículo 337, Penal Code	The National Penal Code prohibits mistreatments on animals, considers them as misdemeanor, and punishes it by a period of jail time of 3 months to 1 year, by the prohibition to pursue a professional activity involving animals or to own animals for a period of time between 1 year and a day and 3 years.

UN-OWEND ANIMALS, SHELTERS, ABANDONED ANIMALS

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<p>Are there regulations on lost/found animals?</p>	<p>Ley de protección de los animales. Ley 4/2016 de Protección de los Animales de Compañía de la Comunidad de Madrid, artículo 4</p>	<p>Yes, it depends on the autonomous communities's legislation. The law in Madrid's community provides that when an animal is lost its owner has to declare it to the Companion Animal Identification Register of the community.</p>
<p>Who is owner of an abandoned animal?</p>		<p>They don't an owner, but they are the responsibly of the shelter</p>
<p>May a private person establish an animal shelter?</p>		<p>Yes, they can in each of the autonomous communities, if the meet the requirements set by the administration to establish an animal shelter, which in all cases must be registered and be by nature a non- profit association.</p>

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<p>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?</p>	<p>Decreto Legislativo 2/2008, complementing the Ley de protección de los animales. Ley 4/2016 de Protección de los Animales de Compañía de la Comunidad de Madrid</p>	<p>Each one of the Autonomous Communities, and private shelters determine their own policies regarding euthanasia and adoption of companion animals. However, in Catalunya the slaughter of animals in shelters is prohibited. Since 2016, the community of Madrid also prohibits it.</p>
<p>Is local community financing activities of collecting of abandoned and lost animals?</p>		<p>Yes it is their responsibilities.</p>
<p>Must a finder of a stray and/or abandoned animal report the finding to a competent authority?</p>	<p>Ley 4/2016 de Protección de los Animales de Compañía de la Comunidad de Madrid, artículo 29</p>	<p>It depends on the Autonomous communities's legislation. The legislation of Madrid's community provides that not recovering a lost animal consists in a serious infringement.</p>

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Are there possibilities to adopt an abandoned animal?	Ley 4/ 2016 de Protección de los Animales de Com- pañía de la Comu- nidad de Madrid, artículo 21	Abandoned animals are put for adoption the clearance from a veterinarian. The Madrid's community legislation provides that the adoption has to be free, or just the same amount of money that cost the sterilization and veterinary cares.
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Are there legal or administrative measures which provide birth control of stray animals?	Ley 12/ 2006 de 2006, de medidas en materia de medio ambiente y de modificación de las Leyes 3/ 1988 y 22/2003, relativas a la protección de los animales de la Ley 12/ 1985, de espacios naturales, de la Ley 9/1995, del acceso motorizado al medio natural, Ley 4/ 2004, relativa al proceso de adecuación de las actividades de incidencia ambiental.	It depends on the Autonomous communities. For Catalonia, for instance, an abandoned animal, before being put for adoption, must be sterilized. An animal subject to commercialization must be sterilized as well.
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VETERINARIANS

<p>Is negligence (of a vet or a veterinary assistant) punishable?</p>	<p>Artículos 1101 and 1902, Civil Code, artículos 337 and 632, Penal Code</p>	<p>No, but Veterinarians, like doctors, can incur in a malpractice. Therefore, is possible to require them liability. The misconduct or malpractice can result from errors in diagnosis, poor drug therapy, immunotherapy, or surgery, prevention and disease control, etc. that can cause damage, sometimes irreversible or fatal to the animal. The owner / keeper of the dog is entitled to claim in court, since there is a veterinarian's professional civil responsibility, and is protected by law. Civil liability (Articles 1101 and 1902 of the Civil Code) implies a duty or obligation to compensate those who have been harmed or injured by a negligent act or omission. This type of liability differs from criminal liability arising from crime, as reflected in our Penal Code (Articles 337 and 632). The claim by the owner of the animal that has suffered damage must prove that it occurred during the veterinarian intervention. Therefore, the jurisprudence of the Courts, in veterinary civil liability, requires the claimant to prove the following requirements: 1. The production of the damage and its quantification. 2. Negligent act or omission of the performance of the veterinarian (for example, a veterinarian who provided an excessive amount of anesthesia to the dog.) 3. The existence of a causal link between the damage and / or injury suffered and the negligence of the veterinarian (for example, the dog had not died, if the veterinarian would not put a doubled amount of the necessary anesthesia.)</p>
<p>Does the law provide for limitations on animals mutilations? (e. g. tail docking, ear cropping, devocalization, declawing, obligation to use anaesthesia.)</p>		<p>It depends on the autonomous communities's legislation.</p>
<p>Which reasonable causes have to be met for an official permission to kill a healthy animal by a veterinarian?</p>		<p>It depends on the autonomous communities's legislation. In Madrid's and Catalonia's legislation a veterinarian cannot kill a healthy animal.</p>

POLICY OF BIRTH CONTROL FOR OWNED AND UN-OWNED ANIMALS

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<p>Are there legal or administrative measures which provide birth control of animals?</p>	<p>Ley 12/ 2006 de 2006, de medidas en materia de medio ambiente y de modificación de las Leyes 3/ 1988 y 22/2003, relativas a la protección de los animales de la Ley 12/ 1985, de espacios naturales, de la Ley 9/1995, del acceso motorizado al medio natural, Ley 4/ 2004, relativa al proceso de adecuación de las actividades de incidencia ambiental.</p>	<p>It depends on the Autonomous communities. For Catalonia, for instance, an abandoned animal, before being put for adoption, must be sterilized. An animal subject to commercialization must be sterilized as well.</p>
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IV. ENFORCEMENT

List of case studies and / or relevant court decisions.	Sentencia 72/2016, de 30 de marzo, del Juzgado de lo Penal núm. 3 de Santander	The Criminal Court of Santander, on March 30th 2016, sentenced to 8 months of jail-time and 2 years of prohibition to pursue a professional activity involving animals, a man that had killed a dog named « Blas » by kicking him repeatedly.
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V. PRACTICAL INFORMATION

List of veterinary organisations in your country.		There are for instance the Asociación Española de Veterinarios Clínicos, the Asociación Nacional de Especialistas en Medicina Bovina, the Asociación del Cuerpo Nacional Veterinario.
List of animal welfare organisations in your country.		They are many, here some examples, just to name a few : El Refugio, ADDA (Asociación para la Defensa de los Derechos de los Animales), Seprona (Servicio de Protección de la Naturaleza), Abrazo Animal, SPAP (Sociedad Protectora de Animales y Plantas) en Madrid.
What about travelling with dogs?		Traveling in plane, train or bus with a dog is complicated, and each companies has the right to refuse animals in their transport, therefore you have to look before at their policies about pets. The same applies for traveling in metro (underground) where each city has its own legislation. In many cases you may need to put a muzzle to your dog. Regarding traveling in car, your dog just be secured or in a box, or severe injuries are possible.
What about dogs in hotels?		It is left at the discretion of the hotel, if animals are allowed an extra fees may be asked though.