

Questionnaire

Country: Hungary
The Country is: EU Member State
Author of the Questionnaire: Vier Pforten, DR. ANDRÁS KOVALCSUK
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)?	–	In Hungary did not make any adequate regulations in regard to register of dogs. Number of dogs is approximate 2 million by careful estimate. Accurate estimations are not available.
Does the country have a specific animal welfare legislation?	–	The main regulation is the Act XXVIII. of 1998 On the protection of animals of the Republic of Hungary
Which other laws and ordinances refer to animal welfare?	–	Not mentioned.
Are there any specific regulations concerning dogs/cats within the law?	–	Not mentioned.
Is there a list of banned or dangerous animals?	–	35/1997. (II. 26.) government decree on authorization of keeping dangerous dogs or dogs qualified as dangerous. 8/1999. (VIII. 13.) KöM-FVM-NKÖM-BM joint decree on authorization of the keeping of dangerous animals
II. GOVERNANCE		
<i>BASIC ETHICAL CONCEPT IN THE POLITICAL SYSTEM</i>		
What is the basic ethical concept in your political system concerning animal welfare?	–	Ethics of responsibility in Veterinary Act.
Is the animal welfare act based on animal welfare as the principle value of the legislation?	–	Yes.
Do animals have a right to life?	–	Not known.

Questionnaire

Which reasonable causes have to be met for an official permission to kill a healthy animal?	§§ 11, 12	Animals must not be killed unless it is justified by acceptable reasons or conditions. Acceptable reasons are the following: especially food production, fur production, population control, incurable disease, injury, risk of infection, pest control, prevention of an otherwise unavoidable attack, and scientific research. Animals can only be killed after stunning, with the exceptions listed in paragraph (2). (2) The obligation of stunning does not apply to invertebrate animals, to poultry and rabbits killed for home consumption, and in cases where killing of the animal is necessary due to an emergency situation. However, in these cases it must be ensured as well that the killing of the animal is done with skill, rapidly, and with the least suffering. (3) Separate provisions apply to the methods of killing of animals where previous stunning is not obligatory if the procedure causes immediate and total loss of consciousness and anaesthesia, or death.
CONSTITUTION		
Is animal welfare part of the constitution?	–	No.
ANIMAL WELFARE IN PARLIAMENT		
Is there an animal welfare committee in the parliament?	–	The successor of Ministry of Environmental and Water Conservancy and the Ministry of Agriculture and Regional Development: Ministry of Rural Development.
ANIMAL WELFARE IN GOVERNMENT		
Are there any official animal welfare bodies in the government? (e. g. Ombudsman, Commissioner)	–	334/2006. (XII. 23.) government decree on appointing animal defense authority.
Which ministry/ministries is/are responsible for animal welfare?	–	Ministry of Rural Development Vidékfejlesztési Minisztérium
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?	–	Not known.
ANIMAL WELFARE STRATEGY, BIRTH CONTROL AND SCHOOL PROGRAMMES		

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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?	–	Only for farm animals.
Are there legal or administrative measures which provide birth control of animals?	–	No.
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”?	Act XXVIII. of 1998	The parliament – being aware of the fact that animals feel, suffer and can be pleased - pronounces that it’s the moral obligation of everybody to honour and insure their good keeping. The parliament admits the particular value which the animal kingdom means to humanity.
Are animals defined as goods (object/chattel)?	–	There’s no definition given, but civil law takes them as moveable/personal property.
Does the law include definitions of companion animals, abandoned animals and/or stray animals?	Act XXVIII. of 1998	Yes.

ETHICAL CONSIDERATION OF DOGS IN THE LEGISLATION

Questionnaire

<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>Civil Code</p>	<p>Section 94 (1) All things that can be possessed can be objects of ownership. (2) Unless otherwise provided by law, the provisions pertaining to ownership shall properly apply to money and securities as well as to natural resources that can be utilized in the same way as things.</p> <p>Section 112 (1) An owner has the right to surrender the possession, use or usufruct of a thing to another person, to use it as security or encumber it in another way, and, furthermore, to transfer or abandon ownership. (2) The ownership of real property may not be abandoned.</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>Act IV of 1978. on Criminal Code</p>	<p>Organization of unlawful animal fight. Section 266/A. Who organizes or bets an animal fight with vertebrates commits felony and has to be sentenced to imprisonment of up to 3 years. (2) Who keeps, breeds, trains, shapes or markets vertebrates for the purpose of animal fight, commits misdemeanor and can be sentenced to imprisonment of up to 2 years.</p>
<p>May an animal be obtained as a prize?</p>	<p>–</p>	<p>The CC and the Act on Protection of the Animals do not exclude it.</p>
<p>IDENTIFICATION AND REGISTRATION</p>		
<p>Is identification and registration of animals mandatory and where are they registered and what is registered? What about costs?</p>	<p>41/2010. (II. 26.)</p>	<p>(2) Dogs can only be marketed in case the animal has an adequate microchip under his skin.</p>
<p>BREEDING</p>		
<p>Are there any clauses on breeders and is there a national register for breeders?</p>	<p>Act XXVIII of 1998. on defending and consideration of animals</p>	<p>The general regulations of keeping animal. Keeping and consideration of fat stock. Keeping and multiplying dangerous animals.</p>

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Does the law proscribe the minimum care obligations for animals at breeders?	Act XXVIII. of 1998	The general regulations of keeping animals: 4. § (1) The animal's owner has to act according to the care of a good owner. He has to cater physiological necessities and appropriate life conditions of the animal. (2) He has to ensure detached keeping of those animals which cause danger to each other (3) The animal's owner has to care for the supervision of the animal's demands at least once a day. 5. § (1) The animal's owner need to take care of its appropriate and safe placement, professional attendance and prevention of its escape. (2) The animal, which is kept on bound or diminished in moving, need to be ensured with the opportunity of undisturbed relaxation and injury immuned movement. (3) Animals, which are kept open air, need to be so placed, to be protected against the blast of weather and any other harmful effects to health.
Is breeding of defects punishable?	–	No.
Does the law provide for limitations on animals mutilations? (e. g. tail docking, ear cropping, de-vocalization, declawing, obligation to use anaesthesia.)	Act XXVIII. of 1998	27. § (3) Every experiment has to be planned so that it can avoid unnecessary suffering, permanent distress and everlasting damage.
Which reasonable causes have to be met for an official permission to kill a healthy animal by a breeder?	§§ 11, 12	Animals must not be killed unless it is justified by acceptable reasons or conditions. Acceptable reasons are the following: especially food production, fur production, population control, incurable disease, injury, risk of infection, pest control, prevention of an otherwise unavoidable attack, and scientific research. Animals can only be killed after stunning, with the exceptions listed in paragraph (2). (2) The obligation of stunning does not apply to invertebrate animals, to poultry and rabbits killed for home consumption, and in cases where killing of the animal is necessary due to an emergency situation. However, in these cases it must be ensured as well that the killing of the animal is done with skill, rapidly, and with the least suffering. (3) Separate provisions apply to the methods of killing of animals where previous stunning is not obligatory if the procedure causes immediate and total loss of consciousness and anaesthesia, or death.

TRANSPORT, TRAVEL, SELL OF DOGS (TRADE)

Questionnaire

Is withholding of food and/or water from the animal(s) during a long transport punishable?	Act XXVIII. of 1998	The animal's needs have to be fulfilled by the supplier, and has to take attention to its behaviour.
Must a companion animal be quarantined upon arriving in your country?	164/2008. (XII. 20.)	Special regulation.
Is it allowed to sell dogs/cats at a pet shop?	–	Not mentioned in law.
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?	Act IV of 1959 On the Civil Code	Yes, they have to be 18 years or older.

KEEPING AND LIMITS OF KEEPING

Does the law proscribe the minimum care obligations for animals at keepers?	Act XXVIII. of 1998	The general regulations of keeping animals: 4. § (1) The animal's owner has to act according to the care of a good owner. He has to cater physiological necessities and appropriate life conditions of the animal. (2) He has to ensure detached keeping of those animals which cause danger to each other (3) The animal's owner has to care for the supervision of the animal's demands at least once a day. 5. § (1) The animal's owner need to take care of its appropriate and safe placement, professional attendance and prevention of its escape. (2) The animal, which is kept on bound or diminished in moving, need to be ensured with the opportunity of undisturbed relaxation and injury immuned movement. (3) Animals, which are kept open air, need to be so placed, to be protected against the blast of weather and any other harmful effects to health.
Is there a special regulation which rules keeping of companion animals?	–	No.
Is there a list of banned or dangerous animals?	–	35/1997. (II. 26.) government decree on authorization of keeping dangerous dogs or dogs qualified as dangerous. 8/1999. (VIII. 13.) KöM-FVM-NKÖM-BM joint decree on authorization of the keeping of dangerous animals
May a landlord forbid a renter to keep an animal?	–	Not mentioned.

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<p>May neighbours file complain against an owner, e. g. if he/she does not inhibit his/her animal from (ceaseless) noises?</p>	<p>CC. + 218/1999 (XII. 28)</p>	<p>One has to pay a fine of HUF 30.000,- in case he causes unjustified noise or any other ways disturbs tranquillity. Instant fine can also be imposed.</p>
<p>Which reasonable causes have to be met for an official permission to kill a healthy animal by a private person?</p>	<p>§§ 11, 12</p>	<p>Animals must not be killed unless it is justified by acceptable reasons or conditions. Acceptable reasons are the following: especially food production, fur production, population control, incurable disease, injury, risk of infection, pest control, prevention of an otherwise unavoidable attack, and scientific research. Animals can only be killed after stunning, with the exceptions listed in paragraph (2). (2) The obligation of stunning does not apply to invertebrate animals, to poultry and rabbits killed for home consumption, and in cases where killing of the animal is necessary due to an emergency situation. However, in these cases it must be ensured as well that the killing of the animal is done with skill, rapidly, and with the least suffering. (3) Separate provisions apply to the methods of killing of animals where previous stunning is not obligatory if the procedure causes immediate and total loss of consciousness and anaesthesia, or death.</p>
<p>Is a private owner obliged to pay tax for his/her companion animal?</p>	<p>–</p>	<p>No.</p>

KILLING

<p>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)?</p>	<p>§§ 11, 12</p>	<p>Animals must not be killed unless it is justified by acceptable reasons or conditions. Acceptable reasons are the following: especially food production, fur production, population control, incurable disease, injury, risk of infection, pest control, prevention of an otherwise unavoidable attack, and scientific research. Animals can only be killed after stunning, with the exceptions listed in paragraph (2). (2) The obligation of stunning does not apply to invertebrate animals, to poultry and rabbits killed for home consumption, and in cases where killing of the animal is necessary due to an emergency situation. However, in these cases it must be ensured as well that the killing of the animal is done with skill, rapidly, and with the least suffering. (3) Separate provisions apply to the methods of killing of animals where previous stunning is not obligatory if the procedure causes immediate and total loss of consciousness and anaesthesia, or death.</p>
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Questionnaire

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?	Act XXVIII. of 1998	48/A. § (3) It's the local government's task to rope the stray animals on its urbanized area. In case its owner does not show up within 15 days, the animal becomes the property of the state. In case the state cannot accommodate the animal, the animal's life can be extinguished. In case the owner shows up he has to take the animal back and to reimburse the costs and expenses. In case he does not fulfill its obligations the animal can be confiscated. In some cases the animal's life can be extinguished.
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ABUSE OF ANIMALS

Does the law address cruelty to animals? If so, does it provide for sanctions?	Act XXVIII. of 1998	Yes.
Does the law ban organized fights of animals?	Act XXVIII. of 1998	24/B. § (1) It is forbidden to organize or keep struggle or fight between animals, which can cause injury or death to the animals. Furthermore it is forbidden to organize betting to animal fights or contribution or participation in either of them. (2) It is forbidden a) to keep, breed, train, supply or deliver or market animals to other person for the purpose of animal fights.
Is sexual abuse of animals punishable?	–	Not mentioned in law.
Is maltreatment and/or suffering of animals perceived as a criminal offense? If so, what sanctions are foreseen?	Act IV. of 1978. On the Criminal Code	266 / B. § (1) to one who unduly hurt by A) vertebrate or vertebrate animals use a treatment that is suited to its irreversible damage or destruction caused by B) livestock as a domesticated mammal or animal that is kept around dangerous animal drives away, leaving or exposes a minor offense, and up to two years imprisonment, community service or a fine punishable.

UN-OWNED ANIMALS, SHELTERS, ABANDONED ANIMALS

Questionnaire

Are there regulations on lost/found animals?	CC	<p>Section 127 If a thing has no owner, anybody may acquire ownership by taking possession thereof. Acquisition of Ownership of Game and Fish</p> <p>Section 129 (1) A person who finds a thing presumably owned by somebody else and claims ownership thereof shall acquire ownership, if a) he has done everything prescribed by law in order to return the thing to its owner, and b) the owner has not come forward to take possession of the thing within one year of the day on which it was found. (2) Finders shall not acquire ownership of objects found in offices, companies, or other buildings or rooms open to the public or on the vehicles of a public transportation company. In such a case, the office or company shall be entitled to sell the thing after keeping it for three months; the owner shall be entitled to demand that the thing or its purchase price be delivered within a year of the day on which it was found.</p> <p>Section 130 If a thing that has been found is of substantial value and its finder does not acquire ownership thereof, he shall be entitled to a reasonable finder's fee on condition that he has done everything prescribed by law to have the thing returned to its owner.</p> <p>Section 131 If the owner of a thing that has been found does not come forward within the period of one year, and the finder does not acquire ownership thereof, ownership or the purchase price received for the sale of the thing may be claimed by the state.</p>
Who is owner of an abandoned animal?	Act XXVIII. of 1998	<p>48/A. § (3) It's the local government's task to rope the stray animals on its urbanized area. In case its owner does not show up within 15 days, the animal becomes the property of the state. In case the state cannot accommodate the animal, the animal's life can be extinguished. In case the owner shows up he has to take the animal back and to reimburse the costs and expenses. In case he does not fulfill its obligations the animal can be confiscated. In some cases the animal's life can be extinguished.</p>
May a private person establish an animal shelter?	-	Not known.

Questionnaire

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?	Act XXVIII. of 1998	48/A. § (3) It's the local government's task to rope the stray animals on its urbanized area. In case its owner does not show up within 15 days, the animal becomes the property of the state. In case the state cannot accommodate the animal, the animal's life can be extinguished. In case the owner shows up he has to take the animal back and to reimburse the costs and expenses. In case he does not fulfill its obligations the animal can be confiscated. In some cases the animal's life can be extinguished.
Is local community financing activities of collecting of abandoned and lost animals?	Act XXVIII. of 1998	VII. Chapter: The financial coverage of tasks regarding animal defense
Must a finder of a stray and/or abandoned animal report the finding to a competent authority?	Act XXVIII. of 1998	Not mentioned.
Are there possibilities to adopt an abandoned animal?	Act XXVIII. of 1998	Not mentioned.
Are there legal or administrative measures which provide birth control of stray animals?	–	No.
VETERINARIANS		
Is negligence (of a vet or a veterinary assistant) punishable?	Act IV. of 1978. On the Criminal Code	Not mentioned.
Does the law provide for limitations on animals mutilations? (e. g. tail docking, ear cropping, devalization, declawing, obligation to use anaesthesia.)	Act XXVIII. of 1998	27. § (3) Every experiment has to be planned so that it can avoid unnecessary suffering, permanent distress and everlasting damage.

Questionnaire

Which reasonable causes have to be met for an official permission to kill a healthy animal by a veterinarian?	§§ 11, 12	Animals must not be killed unless it is justified by acceptable reasons or conditions. Acceptable reasons are the following: especially food production, fur production, population control, incurable disease, injury, risk of infection, pest control, prevention of an otherwise unavoidable attack, and scientific research. Animals can only be killed after stunning, with the exceptions listed in paragraph (2). (2) The obligation of stunning does not apply to invertebrate animals, to poultry and rabbits killed for home consumption, and in cases where killing of the animal is necessary due to an emergency situation. However, in these cases it must be ensured as well that the killing of the animal is done with skill, rapidly, and with the least suffering. (3) Separate provisions apply to the methods of killing of animals where previous stunning is not obligatory if the procedure causes immediate and total loss of consciousness and anaesthesia, or death.
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POLICY OF BIRTH CONTROL FOR OWNED AND UN-OWNED ANIMALS

Are there legal or administrative measures which provide birth control of animals?	–	No.
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IV. ENFORCEMENT

List of case studies and / or relevant court decisions.	–	Not known.
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V. PRACTICAL INFORMATION

List of veterinary organisations in your country.	–	Hungarian Veterinarian Chamber
List of animal welfare organisations in your country.	–	See attached.
What about travelling with dogs?	–	Not known.
What about dogs in hotels?	–	Not known.

(27th May 2013)