

## Questionnaire

**Country:****The Country is:****France, EU Member State****Author of the Questionnaire:****Floriane Millet****Note:**

Question	Article	Note
<b>I. DATA AND DOCUMENTS</b>		
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)?		Almost 63 millions of domestic animals live in France, one home out of two owns a companion animals. 20% of them are cats, therefore about 12 millions. Each year, about 100,000 animals are abandoned in France, only during the summer of 2015 1624 cats were abandoned
Does the country have a specific animal welfare legislation?		No specific legislation
Which other laws and ordinances refer to animal welfare?		The Civil Code, the Penal Code, the Rural Code
Are there any specific regulations concerning dogs/cats within the law?		They are all contained in those Codes
Is there a list of banned or dangerous animals?		Not concerning cats
<b>II. GOVERNANCE</b>		
<b><i>BASIC ETHICAL CONCEPT IN THE POLITICAL SYSTEM</i></b>		

Questionnaire

What is the basic ethical concept in your political system concerning animal welfare?	Article L214-1, Rural Code Article 515-14, Civil Code	Animals are sentient beings that need to be kept under conditions suitable for their biological needs. The 2015 reform of the Civil Code acknowledge animals as sentient beings as well in its article 515-14
Is the animal welfare act based on animal welfare as the principle value of the legislation?		There is no animal welfare act.
Do animals have a right to life?	Art. R 653-1 of Penal Code	There is no absolute right to life, it depends on the type of animal and who is ending its life. Domestic animals are however protected under penal laws and a stranger or the owner cannot kill or neglect his/her animal.
Which reasonable causes have to be met for an official permission to kill a healthy animal?	Article L. 211- 25; Article L. 211- 26, Rural Code	Several reasons can be put forward to kill a healthy animals. In the case of a abandoned animal in a shelter for more than 8 days and never claimed, the shelter can decide to put the animal down. If the shelter is in a region known to have cases of rabies the animal is automatically put down after the period of 8 days if it not claimed, and immediately at its arrival at the shelter if it is not identified.

**CONSTITUTION**

Is animal welfare part of the constitution?		No.
---	--	-----

**ANIMAL WELFARE IN PARLIAMENT**

Is there an animal welfare committee in the parliament?		No, however a temporary one can be created when a vote of a law regarding animal welfare is planned.
---	--	--

Questionnaire

**ANIMAL WELFARE IN GOVERNMENT**

Are there any official animal welfare bodies in the government? (e. g. Ombudsman, Commissioner)		A political party called « Le Parti Animaliste » was created and launched in 2016.
Which ministry/ministries is/are responsible for animal welfare?		The Ministry of Agriculture.

**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?		No defined competent authorities.
---	--	-----------------------------------

**ANIMAL WELFARE STRATEGY, BIRTH CONTROL AND SCHOOL PROGRAMMES**

Does the country have a national animal welfare strategy?		Yes, created for the first time in 2016, for the period between 2016-2020.
Is there an obligation for the government to do and publish an annual or biannual animal welfare report?	Ref. Ares(2015)494070 7 - 09/11/2015	France has an obligation to publish a report on animal welfare in slaughter and transport thought the European Commission
Are there legal or administrative measures which provide birth control of animals?		Not for companion cats, but since 2015 Mayors have the obligation to conduct Trap-Neuter-Release operations on stray cats to sterilize them and try to stabilize the population.
Are there (mandatory) school programmes on animal welfare?		No

Questionnaire

**III. DOGS/CATS IN LEGISLATION**

***DEFINITIONS***

<p>Does the law or another enactment include a definition of animals as “sentient beings”?</p>	<p>Article L214-1, Rural Code Article 515-14, Civil Code</p>	<p>The Rural Code provides that animals are sentient beings that need to be kept under conditions suitable for their biological needs. The 2015 Civil Code’s reform acknowledges animals as sentient beings as well in its article 515-14.</p>
<p>Are animals defined as goods (object/chattel)?</p>	<p>Article 524, Civil Code</p>	<p>The Civil Code, after the reform, says in its article 515-14 that animals are submitted to the 524 that animals placed on operating funds are only « submitted » to the immovable property by destination’s regime.</p>
<p>Does the law include definitions of companion animals, abandoned animals and/or stray animals?</p>	<p>Article L-214-6, L-211-23 and L-211-25 Rural Code</p>	<p>Yes, a companion animal is presented by the rural code as an animal owned by men for pleasure. A stray cat is a cat in a wandering state, non identified, found at more than 200m away from housing or 1000m away from its owner house if it is identified. A dog or cat identified and brought back to a shelter is considered abandoned if it has not been claimed after a period of 8 days.</p>

***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>Article R112-3 Execu- -tion Civil Proce- -dure Code</p>	<p>Animals are considered an exempt asset and therefore can't be used to pay off a debt or be confiscated. In some rare cases a judge can use an animal with a expert on animal behavior to help solve murder cases, or gather more evidences, in the eventually that the animal was present during the commission of the crime. However, it is already a very extremely rare situation and cats have never been used so far.</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>Article 521-1, R653-1, Penal Code</p>	<p>Yes, causing pain to an animal is punishable. Any act of recklessness, negligence, clumsiness that causes suffering or even death to an animal is also punishable according to the Penal Code</p>
<p>May an animal be obtained as a prize?</p>	<p>Article L214-4, Rural Code</p>	<p>The attribution of alive animals in fairs or contests is forbidden. However, the attribution of farm animals in agricultural related events is allowed.</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>Article L212-10, D212-63, D212-66, Rural Code</p>	<p>The identification is mandatory for cats older than 7 months. The identification must be made by the personal habilitated by the Ministry of Agriculture. Animals as well as informations on their owners are registered on a national file. The cost are for the owner.</p>
--	--	---

**BREEDING**

Questionnaire

<p>Are there any clauses on breeders and is there a national register for breeders?</p>	<p>ordonnance n° 2015-1243, 7 octobre 2015 relative au commerce et à la protection des animaux de compagnie</p>	<p>Someone that is selling a litter for the first time has to register. A declaration needs to be done at the Chamber of Agriculture in order to obtain a SIREN number. The selling in « self-service » is forbidden.</p>
<p>Does the law proscribe the minimum care obligations for animals at breeders?</p>	<p>L215-11, L214-1, Rural Code</p>	<p>There is no minimum care obligation, however, perpetrating or letting someone perpetrate mistreatments is prohibited and punished. There is also an obligation to keep the animal in conditions compatible with the biological needs of its species.</p>
<p>Is breeding of defects punishable?</p>		<p>The breeding is not, while the selling can be, regarding of which defects.</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>Décret 2004-416 Mai 2004, article 10</p>	<p>Yes, they are prohibited.</p>

Questionnaire

Which reasonable causes have to be met for an official permission to kill a healthy animal by a breeder?	Article 521-1, Penal Code	There are none, breeders fall upon the penal law.
<b>TRANSPORT, TRAVEL, SELL OF DOGS (TRADE)</b>		
Is withholding of food and/or water from the animal(s) during a long transport punishable?	R653-1, Penal Code	Whether is was voluntary or due to an omission, is it punishable if the animal suffered from it.
Must a companion animal be quarantined upon arriving in your country?		No.
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?	Order of 1982 regarding breeding, boarding and detention of animal, consolidated in 2017, Chapter II	No, it is only forbidden to exhibit animals for prolonged exposure to sun, heat, cold or with inappropriate ventilation or light. They must also but at a reasonable distance from humans so they are not troubled by their presence.

Questionnaire

Is there an age-limit for children to buy an animal?	R214-20, Rural Code	A minor under 16 cannot buy a domestic animal without the permission of the person having authority on him/her
<b>KEEPING AND LIMITS OF KEEPING</b>		
Does the law prescribe the minimum care obligations for animals at keepers?	L214-1, Rural Code	It is not called « minimum care obligation » but obligation to keep the animal in conditions compatible with the biological needs of its species
Is there a special regulation which rules keeping of companion animals?	Order of 1982 re- gar -ding breeding boarding and deten- -tion of animal, consoli- -dated in 2017, Chapter II	Yes, the food must be varied enough to keep them in good health, fresh water must always be at their disposal, they must not be kept in unreasonable small area.
Is there a list of banned or dangerous animals?		No.
May a landlord forbid a renter to keep an animal?	Law 2012- 387article 96.	For a seasonal renting the landlord can forbid the detention of an animal. In a regular contract, the landlord cannot forbid it, unless it is a dog listed as dangerous, in that case the landlord has to put a special clause in the renting contract.

Questionnaire

<p>May neighbours file complain against an owner, e. g. if he/she dies not inhibit his/her animal from (ceaseless) noises?</p>	<p>R1334-31Public Health Code, R623-2, Penal Code</p>	<p>Yes they can, if the noises is disturbing the tranquility of the neighborhood. Cats cannot make as mush sound as dogs, however the meowing of a cat in heat can be really loud as well and disturb the neighbors, especially in apartments buildings.</p>
<p>Which reasonable causes have to be met for an official permission to kill a healthy animal by a private person?</p>		<p>None, it is not permitted for a private person.</p>
<p>Is a private owner obliged to pay tax for his/her companion animal?</p>		<p>There is no tax on companion animals.</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>No specific provision in the law.</p>
<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>Article L. 211- 25; Article L. 211- 26, Rural Code</p>	<p>Theoretically they can, although in the case of an abandoned animal being in a shelter for more than 8 days and never claimed, the shelter can decide to put the animal down. If the shelter is in a region known to have cases of rabies the animal is automatically put down after the period of 8 days if it not claimed, and immediately at its arrival at the shelter if it is not identified.</p>

**ABUSE OF ANIMALS**

Questionnaire

Does the law address cruelty to animals? If so, does it provide for sanctions?	Article 521-1 Penal Code	It does, it is seen as a misdemeanor and is punishable by 2 years of jail time and a 30 000€ fine.
Does the law ban organized fights of animals?	Article 521-1, Penal Code	It does, however it provides exceptions for bullfighting and cockfighting in some regions where it is considered an interrupted local tradition
Is sexual abuse of animals punishable?	Article 521-1 Penal Code, L215-6, Rural Code	Yes it is, by 2 years of jail time and a 30000 € fine
Is mistreatment and/or suffering of animals perceived as a criminal offense? If so, what sanctions are foreseen?	Articles R653-1 to R655 Penal Code	They are seen as infractions. If the death is caused willingly the sanction is a fine of maximum 1500€, when the injuries or death are due to recklessness or an omission the sanction is a fine of maximum 450€.
<b><i>UN-OWEND ANIMALS, SHELTERS, ABANDONED ANIMALS</i></b>		
Are there regulations on lost/found animals?	L211-25, L211-26, Rural Code	Yes there are, they concern mainly the identification of the dog, whether it is vaccinated against rabies, if not even if the owner is found the animal cannot be returned. If the animal is not vaccinated and the owner is not found the animal is automatically put down after the period of 8 days. The owner must pay the fees of the identification.

Questionnaire

Who is owner of an abandoned animal?	L211-25, Rural Code	An animal is considered abandoned after a period of 8 days in a shelter where its owner becomes automatically the owner of the shelter it is in.
May a private person establish an animal shelter?	L214-6, Rural Code	Yes, but it is strictly framed by the law : one of the owner must have a certificate of capacity related to animal welfare delivered by the administration, and the shelter has to be authorized by local authorities.
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?	Article L. 211- 25; Article L. 211- 26, Rural Code	Theoretically they can, although in the case of an abandoned animal being in a shelter for more than 8 days and never claimed, the shelter can decide to put the animal down. If the shelter is in a region known to have cases of rabies the animal is automatically put down after the period of 8 days if it not claimed, and immediately at its arrival at the shelter if it is not identified.
Is local community financing activities of collecting of abandoned and lost animals?	L211-21,L211-22, Rural Code, L2212-1, L2212-2, Code of local co- llectivities	The Mayor is in charged of preventing animals in wandering state in his municipality, and must have them taken to a shelter.
Must a finder of a stray and/or abandoned animal report the finding to a competent authority?		The law does not strictly provide it, but the person should indeed contact the local municipal or a veterinarian when finding a stray animal.
Are there possibilities to adopt an abandoned animal?	L211-25, Rural Code	Yes, after a veterinarian gave his agreement, the animal can be transferred to a shelter that can put the animal for adoption.

Questionnaire

Are there legal or administrative measures which provide birth control of stray animals?		Not for companion cats, but since 2015 Mayors have the obligation to conduct Trap-Neuter-Release operations on stray cats to sterilize them and try to stabilize the population.
--	--	--

**VETERINARIANS**

Is negligence (of a vet or a veterinary assistant) punishable?	Article R653-1, Penal Code	Yes it is, it falls within the scope of penal law. It is also punishable professionally by the Council of Veterinarians.
--	----------------------------	--

Does the law provide for limitations on animals mutilations? (e. g. tail docking, ear cropping, devocalization, declawing, obligation to use anaesthesia.)	Décret 2004-41611 mai 2004, article 10	Yes, they are prohibited.
--	--	---------------------------

Which reasonable causes have to be met for an official permission to kill a healthy animal by a veterinarian?		None, the veterinarian has full authority to decide whether the killing was necessary.
---	--	--

**POLICY OF BIRTH CONTROL FOR OWNED AND UN-OWNED ANIMALS**

Are there legal or administrative measures which provide birth control of animals?		Not for companion cats, but since 2015 Mayors have the obligation to conduct Trap-Neuter-Release operations on stray cats to sterilize them and try to stabilize the population.
--	--	--

**IV. ENFORCEMENT**

## Questionnaire

List of case studies and / or relevant court decisions.		Criminal Court of Marseilles, Feb.3rd 2014 : Cruelty acts, punishable by a maximum of 2 years of jail time and a 30000€ fine, as provided by the article 521-1 of the Penal Code, are not usually not punished at their fullest. However, in 2014, a man that threw a cat against a wall was sentenced to a year of jail time, demonstrating that the judges are showing less and less mercy against cruelty towards animals.
<b>V. PRACTICAL INFORMATION</b>		
List of veterinary organisations in your country.		There is only one : the official order of the veterinarians
List of animal welfare organisations in your country.		The most active and present are 30 Millions d'Amis, the SPA, the Brigitte Bardot Foundation and L214.
What about travelling with cats?		If you are traveling in your car, your car should be secured in a box. Regarding the public transport, each city has its own regulation, know however that you will need to put your cat in a box.
What about cats in hotels?		It is left at the discretion of the hotel, if animals are allowed an extra fees may be asked though.