

## Questionnaire

**Country:** Austria  
**The Country is:** EU Member State  
**Author of the Questionnaire:** Vier Pfoten, European Policy Office and Dr. Regina Binder  
**Note:** –

Question	Article	Note
<b>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)?	–	Virtually no stray problem.
Does the country have a specific animal welfare legislation?	–	Animal Welfare Act (comprises all species)
Which other laws and ordinances refer to animal welfare?	–	Animal Welfare Ordinances regulating special issues of animal welfare Law on animal experimentation and ordinances (comprise all species of vertebrate animals and include special regulations on the experimental use of companion animals)
Are there any specific regulations concerning dogs/cats within the law?	AWA: Part 1, section 1 of the “2. Tierhaltungs- VO”	<ul style="list-style-type: none"> <li>- defect breeds</li> <li>- ban of amputations without medical reasons (e.g. tail docking)</li> <li>- ban of animal (dog) fights</li> <li>- companion animals in pet shops</li> <li>- mandatory identification &amp; registration</li> <li>- compulsory notification of breeding</li> </ul>
<b>GOVERNANCE</b>		
<b><i>BASIC ETHICAL CONCEPT IN THE POLITICAL SYSTEM</i></b>		
What is the basic ethical concept in your political system concerning animal welfare?	§ 1, 2 AWA	The aim of the law is to protect the life and welfare of animals gained by the special responsibility humans have towards animals as fellow creatures. Everybody has to support to reach this aim in his/her possibilities.

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Is the animal welfare act based on animal welfare as the principle value of the legislation?	§ 1 AWA	Symbolic programme of the AWA with little practical relevance.
Do animals have a right to life?	§ 6 (1) AWA	Yes.
Which reasonable causes have to be met for an official permission to kill a healthy animal?	§ 6	Without a reasonable cause it is not allowed to kill a healthy animal. Cats and dogs cannot be killed for nutrition purposes. Only a vet is allowed to kill an animal. Exception for farm animals, educational purposes and reasonable causes in case of danger.
<b>CONSTITUTION</b>		
Is animal welfare part of the constitution?	–	No.
<b>ANIMAL WELFARE IN PARLIAMENT</b>		
Is there an animal welfare committee in the parliament?	–	– (is not known)
<b>ANIMAL WELFARE IN GOVERNMENT</b>		
Are there any official animal welfare bodies in the government? (e. g. Ombudsman, Commissioner)	§ 41a AWA: Tierschutzkommission § 42 AWA: Tierschutzrat § 42a AWA: Vollzugsbeirat	In 2005 the „Tierschutzrat“ was installed by the AWA; because it launched numerous recommendations to improve (legal) animal welfare, the body was re-organized in 2008. As it continued to advise the Minister of Health in an welfare-friendly way, in a recent amendment of the AWA the Tierschutzrat was completely sidelined; the amendment introduce to additive bodies – the “Tierschutzkommission” and the “Vollzugsbeirat” so that it will be impossible for these structures to function.
Which ministry/ministries is/are responsible for animal welfare?	–	Ministry of Health
<b>ANIMAL WELFARE IN AUTHORITIES</b>		
How is the status of competent authorities for animal welfare legislation and are they linked to (and which) ministry?	–	Enforcement is on country level, not on a federal level.

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

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?	–	Yes. Biannual.
Are there legal or administrative measures which provide birth control of animals?	–	No.
Are there (mandatory) school programmes on animal welfare?	§ 2 AWA	Federal state, countries and communities are basically obliged to foster animal welfare considering their financial possibilities.  An educational program (“Tierschutz macht Schule”) was installed and has been co-financed by the federal state (Ministry of Health).

### ***DOGS/CATS IN LEGISLATION***

#### ***DEFINITIONS***

Does the law or another enactment include a definition of animals as “sentient beings”?	§ 1 AWA	Yes.
Are animals defined as goods (object/chattel)?	§ 285a ABGB	Animals are not objects but they are legally treated like objects as long as there is now special clause for animals.
Does the law include definitions of companion animals, abandoned animals and/or stray animals?	§ 4 Z 3 AWA	Not domesticated species are defined as “wild animal” even if it is kept in captivity. No definition for stray animals.

### ***ETHICAL CONSIDERATION 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?	§ 250 Abs. 1 Z 4 Exekutionsordnung § 250 Abs. 1 Z 4 Exekutionsordnung	Pets who are not designated to be sold are exempt from confiscation up to a value of 750 €. Rather no due to different rules in the AWA.
Is winning of a bet or any other gain from an action which causes pain and/or suffering of an animal punishable?	§ 5 AWA	Indirectly (because such actions are special cases of animal cruelty).
May an animal be obtained as a prize?	–	Rather not because of different rules in the AWA.
<b>IDENTIFICATION AND REGISTRATION</b>		
Is identification and registration of animals mandatory and where are they registered and what is registered? What about costs?	§ 24 a AWA	Compulsory chipping & registration since 30 June 2008 (resp. 31 Dec 2009).
<b>BREEDING</b>		
Are there any clauses on breeders and is there a national register for breeders?	§ 5 Abs. 2 Z 1 AWA § 31 Abs. 4 AWA	§ 5 Abs. 2 AWA: defect breeds. special case of animal cruelty; it is forbidden to breed animals with foreseeable clinical symptoms which causing specific handicaps in the offspring. transitional period up to 1.1.2018. § 5 Abs. 2 Z 1 AWA also prohibits to buy, to sell, to import and to exhibit animals with hereditary defects.
Does the law proscribe the minimum care obligations for animals at breeders?	§§ 13 ff. AWA; 1. und 2. Tierhaltungsverordnung	Yes.
Is breeding of defects punishable?	§ 5 AWA	Yes.

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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.)	§ 7 AWA	Amputations without medical reason are basically forbidden (with numerous exemptions in the case of farm animals). Explicitly prohibited are: - tail docking (including hunting dogs!) - ear docking - devocalisation - removal of teeth and claws - beak docking.
Which reasonable causes have to be met for an official permission to kill a healthy animal by a breeder?	§ 6 AWA	Without a reasonable cause it is not allowed to kill a healthy animal. Cats and dogs cannot be killed for nutrition purposes. Only a vet is allowed to kill an animal. Exception for farm animals, educational purposes and reasonable causes in case of danger.
<b><i>TRANSPORT, TRAVEL, SELL OF CATS (TRADE)</i></b>		
Is withholding of food and/or water from the animal(s) during a long transport punishable?	§ 11 AWA	Acc. to § 11 AWA Art. 3 and Annex I Chapter I, II and III of VO (EG) 1/2005 and the “Tiertransportgesetz 2007” also apply to the private transport of animals <a href="http://www.vetmeduni.ac.at/tierschutzrecht/infoservice/tiertransportrecht/">http://www.vetmeduni.ac.at/tierschutzrecht/infoservice/tiertransportrecht/</a>
Must a companion animal be quarantined upon arriving in your country?	–	Basically not. <a href="http://www.bmg.gv.at/cms/site/attachments/4/2/8/CH0923/CMS1098110923401/reiseverkehr-innerhalb-eu-mai-10.pdf">http://www.bmg.gv.at/cms/site/attachments/4/2/8/CH0923/CMS1098110923401/reiseverkehr-innerhalb-eu-mai-10.pdf</a>
Is it allowed to sell dogs/cats at a pet shop?	§ 31 Abs. 5 AWA	No.
Is there a ban on markets, shows, exhibitions or other events where one can buy an animal?	§ 8a AWA	It’s forbidden to sell animal in public places.
Is there an age-limit for children to buy an animal?	§ 12 Abs. 3 AWA	In order to buy an animal children under the age of 14 need a consent of a person having parental authority.

### ***KEEPING AND LIMITS OF KEEPING***

## Questionnaire

Does the law proscribe the minimum care obligations for animals at keepers?	§§ 13 ff. AWA; 1. und 2. Tierhaltungs- verordnung	Yes.
Is there a special regulation which rules keeping of companion animals?	§ 2 AWA	Leaflet produced by Ministry of Health <a href="http://www.bmg.gv.at/cms/site/standard.html?channel=CH0805&amp;doc=CMS1252915667544">http://www.bmg.gv.at/cms/site/standard.html?channel=CH0805&amp;doc=CMS1252915667544</a>
May a landlord forbid a renter to keep an animal?	–	Yes. Depends on the definition of animals as goods.
May neighbours file complain against an owner, e. g. if he/she does not inhibit his/her animal from (ceaseless) noises?	§ 364 ABGB	Yes, according to general civil law.
Which reasonable causes have to be met for an official permission to kill a healthy animal by a private person?	§ 6 AWA	Without a reasonable cause it is not allowed to kill a healthy animal. Cats and dogs cannot be killed for nutrition purposes. Only a vet is allowed to kill an animal. Exception for farm animals, educational purposes and reasonable causes in case of danger.
Is a private owner obliged to pay tax for his/her companion animal?	–	Not for cats.
<b>KILLING</b>		
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)?	§ 6 AWA	Without a reasonable cause it is not allowed to kill a healthy animal. Cats and dogs cannot be killed for nutrition purposes. Only a vet is allowed to kill an animal. Exception for farm animals, educational purposes and reasonable causes in case of danger.
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?	§ 29 AWA	Yes, they can.

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### **ABUSE OF ANIMALS**

Does the law address cruelty to animals? If so, does it provide for sanctions?	§ 5 AWA § 38 AWA	Fines are never ever applied to full extent.
Is sexual abuse of animals punishable?	–	Not directly mentioned. But if the animal is harmed by this action, it is punishable. Sexual satisfaction is no reasonable cause.
Is maltreatment and/or suffering of animals perceived as a criminal offense? If so, what sanctions are foreseen?	§ 222 StGB	Criminal law applies if an animal is brutally maltreated, and in some specifically defined cases (e.g. abandonment). The wanton killing of a vertebrate animal can also be pursued under the criminal law.

### **UN-OWEND ANIMALS, SHELTERS, ABANDONED ANIMALS**

Are there regulations on lost/found animals?	§ 30 AWA	The competent authority has to return the animal to the pet keeper; if this isn't possible it has to arrange for the animals to be handed to appropriate persons or institutions (most likely to shelters).  If an obviously lost or abandoned pet animal is found the authority is obliged to make a public announcement; one month after the announcement the animal may be transferred into the property of another person.
Who is owner of an abandoned animal?	§ 30 AWA	Competent authority.
May a private person establish an animal shelter?	§ 29 AWA	A shelter may be established by a private person but it is necessary to apply for an authorization.
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?	§ 29 AWA	Yes, they can.
Is local community financing activities of collecting of abandoned and lost animals?	§ 29 AWA	Depends on contract.

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Must a finder of a stray and/or abandoned animal report the finding to a competent authority?	§ 42a Sicherheitspolizeigesetz	Yes. Just like any other found object.
Are there possibilities to adopt an abandoned animal?	§ 29 AWA	Yes, of course.
Are there legal or administrative measures which provide birth control of stray animals?	–	Not on federal level but a few municipalities do have programmes to control stray cats populations by neutering programmes.
<b>VETERINARIANS</b>		
Is negligence (of a vet or a veterinary assistant) punishable?	–	General rules of civil law (compensation for medical malpractice); disciplinary law.
Does the law provide for limitations on animals mutilations? (e. g. tail docking, ear cropping, devocalization, declawing, obligation to use anaesthesia.)	§ 7 AWA	Amputations without medical reason are basically forbidden (with numerous exemptions in the case of farm animals). Explicitly prohibited are: <ul style="list-style-type: none"> <li>- tail docking (including hunting dogs!)</li> <li>- ear docking</li> <li>- devocalisation</li> <li>- removal of teeth and claws</li> <li>- beak docking.</li> </ul>
Which reasonable causes have to be met for an official permission to kill a healthy animal by a veterinarian?	§ 6 AWA	Without a reasonable cause it is not allowed to kill a healthy animal. Cats and dogs cannot be killed for nutrition purposes. Only a vet is allowed to kill an animal. Exception for farm animals, educational purposes and reasonable causes in case of danger.
<b>POLICY OF BIRTH CONTROL FOR OWNED AND UN-OWNED ANIMALS</b>		
Are there legal or administrative measures which provide birth control of animals?	–	No.

### ENFORCEMENT



## Questionnaire

List of case studies and / or relevant court decisions.	–	– (is not known)
<b>PRACTICAL INFORMATION</b>		
List of veterinary organisations in your country.	–	University of Veterinary Medicine Vienna ( <a href="http://www.vu-wien.ac.at/">http://www.vu-wien.ac.at/</a> ).
List of animal welfare organisations in your country.	–	

*(29<sup>th</sup> May 2013)*