

Questionnaire

Country: Belgium
The Country is: EU Member State
Author of the Questionnaire: Vier Pfofen EPO, Wendy De Pelsmaeker, Administrative Assistant, service Animal Welfare.
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)?	–	Not known.
Does the country have a specific animal welfare legislation?	–	Law of August 14th 1986 on the protection and welfare of animals.
Are there any specific regulations concerning dogs/cats within the law?	–	Not for cats.
II. GOVERNANCE		
<i>BASIC ETHICAL CONCEPT IN THE POLITICAL SYSTEM</i>		
What is the basic ethical concept in your political system concerning animal welfare?	–	– (is not known)
Is the animal welfare act based on animal welfare as the principle value of the legislation?	–	No.
Do animals have a right to life?	–	Not really. With the exception of the killing possibilities implemented by the law, it's prohibited to kill an animal or to act in a way leading to the death of an animal.
Which reasonable causes have to be met for an official permission to kill a healthy animal?	Art 15 and 16 of the animal welfare act	No provision is related to the reason of the killing. Hunt, fishing and eradication of invasive alien species is mentioned but are not the only reasons to kill animals.

CONSTITUTION

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Is animal welfare part of the constitution?	–	No.
ANIMAL WELFARE IN PARLIAMENT		
Is there an animal welfare committee in the parliament?	–	No.
ANIMAL WELFARE IN GOVERNMENT		
Are there any official animal welfare bodies in the government? (e. g. Ombudsman, Commissioner)	–	No.
Which ministry/ministries is/are responsible for animal welfare?	–	FOD Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu There is an animal welfare section of the Public Federal Service for Health
ANIMAL WELFARE IN AUTHORITIES		
How is the status of competent authorities for animal welfare legislation and are they linked to (and which) ministry?	–	The animal welfare section of the Public Federal Service for Health is linked to the Belgium ministry of Health
ANIMAL WELFARE STRATEGY, BIRTH CONTROL AND SCHOOL PROGRAMMES		
Does the country have a national animal welfare strategy?	–	No. Only for the reduction of cats.
Is there an obligation for the government to do and publish an annual or biannual animal welfare report?	–	An activity report is published each year by the health SPF, but this is not concerning only animal welfare
Are there legal or administrative measures which provide birth control of animals?	–	Yes, but only for cats.
Are there (mandatory) school programmes on animal welfare?	–	No.

III. DOGS/CATS IN LEGISLATION

DEFINITIONS

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Does the law or another enactment include a definition of animals as “sentient beings”?	–	No. But they are considered as such by all specific legislation
Are animals defined as goods (object/chattel)?	–	Yes, there is indeed a guarantee when you buy a dog or there may be referred to the law of the Consumer.
Does the law include definitions of companion animals, abandoned animals and/or stray animals?	Art 3	Art. 3bis. § 1. It is not allowed to detain animals which do not belong to species or categories mentioned on a list that is defined by the King. This list does not make any exception to the legislation on the protection of endangered animal species.
<i>ETHICAL CONSIDERATION IN THE LEGISLATION</i>		
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?	Art 2 § 1 AR 28/05/2004	Yes. The person in charge of a dog shall have it identified and registered before the age of four months.
Is winning of a bet or any other gain from an action which causes pain and/or suffering of an animal punishable?	Art. 35. Art. 36.	Yes.
May an animal be obtained as a prize?	Art. 36.	No.
<i>IDENTIFICATION AND REGISTRATION</i>		
Is identification and registration of animals mandatory and where are they registered and what is registered? What about costs?	–	Yes for dogs but not known for cats.
<i>BREEDING</i>		
Are there any clauses on breeders and is there a national register for breeders?	–	Royal Decree of 27th April 2007 on the conditions for approval of establishments for animals and the conditions for the marketing of animals
Does the law proscribe the minimum care obligations for animals at breeders?	Art. 4.	Yes.
Is breeding of defects punishable?	–	– (is not known)

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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 17	Art. 17bis. § 1. It is not allowed to perform one or several interventions on vertebrate animals, during which one or several sensitive parts of the body are removed or damaged.
Which reasonable causes have to be met for an official permission to kill a healthy animal by a breeder?	–	– (is not known)
<i>TRANSPORT, TRAVEL, SELL OF CATS (TRADE)</i>		
Is withholding of food and/or water from the animal(s) during a long transport punishable?	Art. 18, Art. 4	Art. 18 § 4) RD 09/07/1999 on the protection of animals during transport and the terms of approval of transporters, traders, staging and collection centres, Art. 4. § 1. RD 14/08/1986 on the protection and welfare of animals For the transported animal species as concerned in Article 1, §1, points 1) 2) and 3), this person shall demonstrate that measures have been taken to meet their needs in food and drink during the trip, even if the trip schedule is modified or if the trip is interrupted because of unpredictable circumstances.
Must a companion animal be quarantined upon arriving in your country?	–	No.
Is it allowed to sell dogs/cats at a pet shop?	–	– (is not known)
Is there a ban on markets, shows, exhibitions or other events where one can buy an animal?	Art. 12	Art. 12. It is not allowed to trade cats and dogs on the public highway as well as on market places, in fairs, shows and exhibitions and on other similar occasions or at the purchaser's home, except in this last case when the initiative comes from the purchaser.
Is there an age-limit for children to buy an animal?	Art. 11.	Art. 11. It is not allowed to hand over an animal to people under 16 years of age, for an amount of money or for free, without explicit permission from the persons having parental authority or tutorial rights on those people.
<i>KEEPING AND LIMITS OF KEEPING</i>		
Does the law proscribe the minimum care obligations for animals at keepers?	Art. 4.	Yes.

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Is there a special regulation which rules keeping of companion animals?	Art. 4.	Yes.
May a landlord forbid a renter to keep an animal?	–	No.
May neighbours file complain against an owner, e. g. if he/she dies not inhibit his/her animal from (ceaseless) noises?	–	Yes.
Which reasonable causes have to be met for an official permission to kill a healthy animal by a private person?	–	No list of reasons but the law mentions hunt and fishing. Other killings have to be performed by a vet
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)?	–	No list of reasons but the law mentions hunt and fishing. Stunning is mandatory
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?	–	This is not foreseen in the Animal Welfare Act.

ABUSE OF ANIMALS

Does the law address cruelty to animals? If so, does it provide for sanctions?	Art. 1	Yes.
Is sexual abuse of animals punishable?	–	Only trade of zoophile tapes is illegal
Is maltreatment and/or suffering of animals perceived as a criminal offense? If so, what sanctions are foreseen?	Art. 35, 36	Yes.

UN-OWNED ANIMALS, SHELTERS, ABANDONED ANIMALS

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Are there regulations on lost/found animals?	Art. 9 RD BE	Any person who captures a roaming, lost or abandoned animal, is obliged to entrust this within the four days to the communal administration of the place where he has collected the animal or that of his hometown.
Who is owner of an abandoned animal?	Art. 9	The owner is the one that appears on the registration certificate (if the animal is registered).
May a private person establish an animal shelter?	Art. 5	Yes if you have an authorisation.
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?	–	This is not foreseen in the Animal Welfare Act.
Is local community financing activities of collecting of abandoned and lost animals?	–	The owner of a wandering, lost or abandoned animal, the cost of the recording, the care and supervision compensate, even if he reclaims the animal. The costs are recovered by the municipality or by the designated shelter itself (art. 9, § 2, 4th paragraph). The owner of the animal is therefore responsible for all costs incurred as a result of the reception of his dog (search for identity, care, shelter, possible identification and registration).
Must a finder of a stray and/or abandoned animal report the finding to a competent authority?	Art 9	Yes.
Are there possibilities to adopt an abandoned animal?	RD of 27/04/2007, Art. 21	Yes.
Are there legal or administrative measures which provide birth control of stray animals?	–	Only for cats.

VETERINARIANS

Is negligence (of a vet or a veterinary assistant) punishable?	–	Yes.
Does the law provide for limitations on animals mutilations? (e. g. tail docking, ear cropping, devocalization, declawing, obligation to use anaesthesia.)	Art. 17	Art. 17bis. § 1. It is not allowed to perform one or several interventions on vertebrate animals, during which one or several sensitive parts of the body are removed or damaged.

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Which reasonable causes have to be met for an official permission to kill a healthy animal by a veterinarian?	–	No list. Killing has to be done by a vet.
<i>POLICY OF BIRTH CONTROL FOR OWNED AND UN-OWNED ANIMALS</i>		
Are there legal or administrative measures which provide birth control of animals?	–	Only for cats.
IV. ENFORCEMENT		
List of case studies and / or relevant court decisions.	–	– (is not known)
V. PRACTICAL INFORMATION		
List of veterinary organisations in your country.	–	1) Universiteit van Luik 2) Universiteit van Gent
List of animal welfare organisations in your country.	–	Gaïa, Animaux en Péril, La croix bleue

(29th May 2013)