

Questionnaire

Country: Portugal
The Country is: EU Member State
Author of the Questionnaire: Vier Pfofen EPO, Maria Pinto Teixeira, lawyer and president of “Animais de Rua”
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)?	–	There are no official numbers of stray population in Portugal. NGOs and municipal veterinarians estimate there are almost a million stray and feral dogs and cats in the country.
Does the country have a specific animal welfare legislation?	–	Yes.
Which other laws and ordinances refer to animal welfare?	–	Yes, there are specific and recent laws for the protection of companion animals.
Are there any specific regulations concerning dogs/cats within the law?	–	The law includes specific regulations on dogs.
II. GOVERNANCE		
<i>BASIC ETHICAL CONCEPT IN THE POLITICAL SYSTEM</i>		
What is the basic ethical concept in your political system concerning animal welfare?	Art. 1 (1, 2) AWA	1 – All unjustified violence against animals is forbidden, being considered as such the acts which consist in, unnecessarily, inflict death, cruel and prolonged suffering or severe lesions to an animal. 2 – The animals that have diseases, are wounded or in danger should, whenever it is possible, be helped.

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Is the animal welfare act based on animal welfare as the principle value of the legislation?	Art. 2º Código Deontológico Médico- Veterinário	Veterinarians have the duty to exercise their activity with adequate scientific and technical knowledge, respect for animal life, health and welfare, the conservation, improvement and management of animal patrimony, including wild animals and the safeguard of public health and the protection of the environment. The veterinarian must meet the requisites defined by the Veterinary Association (Ordem dos Médicos Veterinários). His actions aim animal health and welfare the conservation, improvement and management of animal patrimony, including wild animals and the safeguard of public health and the protection of the environment.
Do animals have a right to life?	–	Not generally. Strays can be killed.
Which reasonable causes have to be met for an official permission to kill a healthy animal?	Art. 1, 4 and 5 AWA	All unjustified violence against animals is forbidden, being considered as such the acts which consist in, unnecessarily, inflict death, cruel and prolonged suffering or severe lesions to an animal. In the cities in which the number of stray animals constitutes a problem, municipalities may reduce its number, provided that they do it according to methods that do not cause evitable pain or suffering. The vertebrates that exhibit wounds apparently provoked by actions that are contrary to animal protection legislation can be prohibited of entering in national territory as well as in commercial circuits whenever the survival of those animals is only possible with a considerable amount of suffering therefore implied; in this case the animals should be euthanised.
CONSTITUTION		
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.

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Which ministry/ministries is/are responsible for animal welfare?	–	Ministério da Agricultura, do Desenvolvimento Rural e das Pescas.
ANIMAL WELFARE IN AUTHORITIES		
How is the status of competent authorities for animal welfare legislation and are they linked to (and which) ministry?	–	– (is not known)
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?	–	No.
Are there legal or administrative measures which provide birth control of animals?	Art. 21º DL 315/2003 de 17 Dezembro	The municipalities, whenever necessary and under the supervision of the municipal veterinarian, can encourage and promote birth control of companion animals, namely stray dogs and cats. Birth control must be done by contraceptive methods that cause minimum suffering the animals.
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”?	–	No.

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Are animals defined as goods (object/chattel)?	Art. 204º Civil Code (Código Civil – from now on, CC)	Animals are considered objects/goods (movable property, as opposed to immovable property) on Portuguese Civil Law.
Does the law include definitions of companion animals, abandoned animals and/or stray animals?	Art. 2º a) DL 315/2003 de 17 Dezembro	Companion animal is any animal that is in possession, or destined to be in possession of Man, in particular in his home, for his entertainment and company.
<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?	–	Yes, as movable property they can be considered assets.
Is winning of a bet or any other gain from an action which causes pain and/or suffering of an animal punishable?	Art. 1º/1 and 3 e) and f) Lei 19/2002 de 31 de Julho;	Violence (inflicting unnecessary death, suffering or injuries) against animals is forbidden. Animals that are sick, injured or at risk must be assisted whenever possible. It is forbidden to use animals for education and entertainment activities, training, filming, publicity or other activities, of they result in pain or suffering for the animals. These conducts are punishable by fines. Promoting or participating in dog fights is a crime punishable with imprisonment up to a year or a fine.
May an animal be obtained as a prize?	–	Yes, animals are considered objects by Portuguese law, and there is no law specifically forbidding their acquisition as prizes.
<i>IDENTIFICATION AND REGISTRATION</i>		
Is identification and registration of animals mandatory and where are they registered and what is registered? What about costs?	–	Not for cats. Dogs yes.

BREEDING

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Are there any clauses on breeders and is there a national register for breeders?	Chapter II and III DL 315/2003, de 17 de Dezembro DL 14/2003, de 17 de Dezembro	Chapter II establishes general rules for the possession, lodging, handling, surgical intervention, trapping and killing of companion animals. Chapter III defines specific rules for lodgings for reproduction, breeding, maintaining and selling of companion animals. Defines rules for commerce of companion animals.
Does the law proscribe the minimum care obligations for animals at breeders?	Chapter II of DL 315/2003 de 17 de Dezembro Lei 19/2002 de 31 de Julho	This chapter establishes general rules for the possession, lodging, handling, surgical intervention, trapping and killing of companion animals. This law forbids cruelty to animals in general, and some specific forms of violence in particular.
Is breeding of defects punishable?	–	Not mentioned in AWA.
Does the law provide for limitations on animals mutilations? (e. g. tail docking, ear cropping, devocalization, declawing, obligation to use anaesthesia.)	Decreto nº 13/93 Convenção Europeia para a Protecção dos Animais de Companhia	Portugal adopted the European Convention for the Protection of Pet Animals, with reservation regarding tail docking.

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Which reasonable causes have to be met for an official permission to kill a healthy animal by a breeder?	Art. 1, 4 and 5 AWA	All unjustified violence against animals is forbidden, being considered as such the acts which consist in, unnecessarily, inflict death, cruel and prolonged suffering or severe lesions to an animal. In the cities in which the number of stray animals constitutes a problem, municipalities may reduce its number, provided that they do it according to methods that do not cause evitable pain or suffering. The vertebrates that exhibit wounds apparently provoked by actions that are contrary to animal protection legislation can be prohibited of entering in national territory as well as in commercial circuits whenever the survival of those animals is only possible with a considerable amount of suffering therefore implied; in this case the animals should be euthanised.
TRANSPORT, TRAVEL, SELL OF CATS (TRADE)		
Is withholding of food and/or water from the animal(s) during a long transport punishable?	Art. 10º/1 DL 315/2003 de 17 Dezembro	Companion animal transportation must be done in adequate vehicles and containers appropriate to the number and species of the animals, namely in terms of space, ventilation, temperature, security and water supply.
Must a companion animal be quarantined upon arriving in your country?	Art. 6º DL 314/2002, de 17 de Dezembro	The Eu Pet Passport Scheme operates in Portugal.
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?	Chapter III of DL 315/2003 de 17 Dezembro	This chapter regulates lodgings for reproduction, breeding, maintaining and selling of companion animals.
Is there an age-limit for children to buy an animal?	Art. 122º and 123º Código Civil	A person who is less than 18 years old is a minor. A minor lacks the legal capacity of exercising rights.

KEEPING AND LIMITS OF KEEPING

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Does the law proscribe the minimum care obligations for animals at keepers?	Chapter II of DL 315/2003 de 17 Dezembro	This chapter establishes general rules for the possession, lodging, handling, surgical intervention, trapping and killing of companion animals.
Is there a special regulation which rules keeping of companion animals?	–	Yes.
May a landlord forbid a renter to keep an animal?	–	– (is not known)
May neighbours file complain against an owner, e. g. if he/she does not inhibit his/her animal from (ceaseless) noises?	Art. 483º CC Art. 3º/3 f) and 10º DL 292/2000, de 14 de Novembro	The person who violates the civil liberties/rights of another person is obliged to compensate all the damage resultant from the violation. People who are bothered by dog barking, that is considered by law a —neighbor noise (—ruído de vizinhança) may file a complaint against the dog owner.
Which reasonable causes have to be met for an official permission to kill a healthy animal by a private person?	Art. 1, 4 and 5 AWA	All unjustified violence against animals is forbidden, being considered as such the acts which consist in, unnecessarily, inflict death, cruel and prolonged suffering or severe lesions to an animal. In the cities in which the number of stray animals constitutes a problem, municipalities may reduce its number, provided that they do it according to methods that do not cause evitable pain or suffering. The vertebrates that exhibit wounds apparently provoked by actions that are contrary to animal protection legislation can be prohibited of entering in national territory as well as in commercial circuits whenever the survival of those animals is only possible with a considerable amount of suffering therefore implied; in this case the animals should be euthanised.
Is a private owner obliged to pay tax for his/her companion animal?	Art. 6º Portaria nº 421/2004 de 24 de Abril	The tax is defined and charged by the —Junta de Freguesia where the animal is registered.

KILLING

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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)?	Art. 1, 4 and 5 AWA	All unjustified violence against animals is forbidden, being considered as such the acts which consist in, unnecessarily, inflict death, cruel and prolonged suffering or severe lesions to an animal. In the cities in which the number of stray animals constitutes a problem, municipalities may reduce its number, provided that they do it according to methods that do not cause evitable pain or suffering. The vertebrates that exhibit wounds apparently provoked by actions that are contrary to animal protection legislation can be prohibited of entering in national territory as well as in commercial circuits whenever the survival of those animals is only possible with a considerable amount of suffering therefore implied; in this case the animals should be euthanised.
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?	Art. 19º DL 315/2003, de 17 de Dezembro	Private shelters define their own policies regarding euthanasia and adoption of companion animals.
ABUSE OF ANIMALS		
Does the law address cruelty to animals? If so, does it provide for sanctions?	Lei 19/2002 DL 315/2003 DL 315/2009	This law does not provide sanctions for conducts that go against it. This law does provide sanctions for cruelty to animals, on the article 68º. This law provides sanctions for dog fighting, on article 31º.
Is sexual abuse of animals punishable?	Art. 1 AWA	Yes.
Is maltreatment and/or suffering of animals perceived as a criminal offense? If so, what sanctions are foreseen?	Art. 68º, 69º DL 315/2003 de 17 Dezembro; Art. 31º DL 315/2009, de 29 de Outubro;	Maltreatment of animals is against the law. It is a —contra-ordenação , which is a less severe category, punishable only by fines and not imprisonment, that is applied to conducts that are against the law but are not considered as offensive to public order. The sanctions are: for individual offenders, a fine between €25 and €3740. If the offender is a legal person, the maximum amount of the fine is €44890. As accessory sanctions, the animals and other objects can be confiscated, loss of licenses and authorization to work in some professions, closing of businesses, prohibition of participating in markets. Only promoting or participating in dog fights is a crime punishable with imprisonment up to a year or a fine.

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UN-OWEND ANIMALS, SHELTERS, ABANDONED ANIMALS

Are there regulations on lost/found animals?	Art. 1318º CC	Animals (and other movable property) that were never owned or were abandoned, lost or hidden by their owner, can be acquired by occupancy, with the restrictions of the following articles.
Who is owner of an abandoned animal?	Art. 19º DL 315/2003 de 17 Dezembro	It is the responsibility of the municipalities to collect, trap and kill stray or abandoned dogs, especially when there are concerns of public health, people's and other animal's security and peace, and property security. These animals can then be delivered back to their owners, who are penalized with a fine, if the abandonment is proven, and are responsible to pay for all the expenses of sheltering the dog at the municipal pound. In case the owner is not found, the dog remains under the responsibility of the municipality, who can then determine whether the animal is to be killed or given to other person or animal protection NGO.
May a private person establish an animal shelter?	Art. 2º p) DL 315/2003, de 17 de Dezembro	Yes.
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?	Art. 19º DL 315/2003, de 17 de Dezembro	Private shelters define their own policies regarding euthanasia and adoption of companion animals.
Is local community financing activities of collecting of abandoned and lost animals?	–	Each municipality (—Câmara Municipal – City Council) is obliged to maintain a kennel and cattery. Municipalities are responsible to trap, collect and dispose of companion animals whenever necessary for reasons of public health, security and tranquility of people and other animals and security of property. After the animals are collected, the municipality can deliver them back to their owners if they exist, kill them in a humane way or give them out for adoption or to animal protection organizations.

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Must a finder of a stray and/or abandoned animal report the finding to a competent authority?	Art. 1318º CC Art. 1323º CC	Animals (and other movable property) that were never owned or were abandoned, lost or hidden by their owner, can be acquired by occupancy, with the restrictions of the following articles. The person who finds an animal or other movable property and knows to whom it belongs, must return it to the owner, or let him know of the finding. If the person doesn't know who the owner is, must announce the finding in the most convenient way, according to the value of the good, the local possibilities and the local custom, or notify the authorities. The finder acquires ownership over the property if it is not claimed by the owner in one year. If the owner claims it, must compensate the finder of all expenses.
Are there possibilities to adopt an abandoned animal?	–	Yes.
Are there legal or administrative measures which provide birth control of stray animals?	Art. 21º DL 315/2003 de 17 Dezembro	The municipalities, whenever necessary and under the supervision of the municipal veterinarian, can encourage and promote birth control of companion animals, namely stray dogs and cats. Birth control must be done by contraceptive methods that cause minimum suffering the animals.
VETERINARIANS		
Is negligence (of a vet or a veterinary assistant) punishable?	Art. 68º/3 DL 315/2003 de 17 Dezembro	No. As said above, these actions are —contra-ordenações , punishable with a fine between 500€ and 3740€. If the offender is a veterinarian, there can also be disciplinary sanctions, defined by the —Ordem dos Veterinários .
Does the law provide for limitations on animals mutilations? (e. g. tail docking, ear cropping, devocalization, declawing, obligation to use anaesthesia.)	Decreto nº 13/93	Portugal adopted the European Convention for the Protection of Pet Animals, with reservation regarding tail docking.

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Which reasonable causes have to be met for an official permission to kill a healthy animal by a veterinarian?	Art. 1, 4 and 5 AWA	All unjustified violence against animals is forbidden, being considered as such the acts which consist in, unnecessarily, inflict death, cruel and prolonged suffering or severe lesions to an animal. In the cities in which the number of stray animals constitutes a problem, municipalities may reduce its number, provided that they do it according to methods that do not cause evitable pain or suffering. The vertebrates that exhibit wounds apparently provoked by actions that are contrary to animal protection legislation can be prohibited of entering in national territory as well as in commercial circuits whenever the survival of those animals is only possible with a considerable amount of suffering therefore implied; in this case the animals should be euthanised.
POLICY OF BIRTH CONTROL FOR OWNED AND UN-OWNED ANIMALS		
Are there legal or administrative measures which provide birth control of animals?	Art. 21º DL 315/2003 de 17 Dezembro	The municipalities, whenever necessary and under the supervision of the municipal veterinarian, can encourage and promote birth control of companion animals, namely stray dogs and cats. Birth control must be done by contraceptive methods that cause minimum suffering the animals.
IV. ENFORCEMENT		
List of case studies and / or relevant court decisions.	–	– (is not known)
V. PRACTICAL INFORMATION		
List of veterinary organisations in your country.	–	– (is not known)
List of animal welfare organisations in your country.	–	Animais de Rua; Amigos dos gatos do Algarve (AGA); SOS Algarve Animals

(29th May 2013)