

## Questionnaire

**Country:** Spain  
**The Country is:** EU Member State  
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**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)?	–	– (is not known)
Does the country have a specific animal welfare legislation?	–	Spain doesn't have a national animal welfare law. Each one of the Autonomous communities have their own animal protection law., But the level of protection is different in each case. So, in general, Animal welfare in Spain is regulated and policed by each one of the Autonomous communities.
Which other laws and ordinances refer to animal welfare?	–	See above.
Are there any specific regulations concerning dogs/cats within the law?	–	Law 50/1999 of 23 December develops the legal status of potentially dangerous animals. A
<b>II. 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?	–	Spain doesn't have a national animal welfare law. Each one of the Autonomous communities have their own animal protection law., But the level of protection is different in each case
Is the animal welfare act based on animal welfare as the principle value of the legislation?	–	– (is not known)
Do animals have a right to life?	–	Depends on the Autonomous region's animal welfare law.
Which reasonable causes have to be met for an official permission to kill a healthy animal?	–	Depends on the Autonomous region's animal welfare law.

## Questionnaire

### **CONSTITUTION**

Is animal welfare part of the constitution?	–	No. There is Nothing express in the Spanish Constitution about animal welfare, so the national and regional legislation and local ordinances for the protection of animals are based in the art. CE 45.2 that commands to the public authorities <i>"to ensure the rational use of all natural resources in order to protect and improve the quality of life and preserving and restoring the environment ..."</i>
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### **ANIMAL WELFARE IN PARLIAMENT**

Is there an animal welfare committee in the parliament?	–	No.
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### **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?	–	Ministerio de Medio Ambiente y Medio Rural y Marino ( <a href="http://www.marm.es/es/">http://www.marm.es/es/</a> )

### **ANIMAL WELFARE IN AUTHORITIES**

How is the status of competent authorities for animal welfare legislation and are they linked to (and which) ministry?	–	– (depends on region)
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### **ANIMAL WELFARE STRATEGY, BIRTH CONTROL AND SCHOOL PROGRAMMES**

Does the country have a national animal welfare strategy?	–	– (is not known)
Is there an obligation for the government to do and publish an annual or biannual animal welfare report?	–	– (is not known)
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**

## Questionnaire

### **DEFINITIONS**

Does the law or another enactment include a definition of animals as “sentient beings”?	Catalonia Article 2.2 of the Law 2/2008 on Animal Protection	The only Act, that includes a definition of animals as “ <i>sentient beings</i> ” is the Catalan Law 2/2008 on Animal Protection.
Are animals defined as goods (object/chattel)?	Article 333-335 of the Spanish Civil Code.	In the Civil Code of Catalonia (Book V, approved by Law 5 / 2006, dated May 10) animals are not considered objects and are under the special protection of the law. They are governed by general rules relating to property only when their nature allows it.
Does the law include definitions of companion animals, abandoned animals and/or stray animals?	–	Yes. But varies between the autonomous regions.

### **ETHICAL CONSIDERATION IN THE LEGISLATION**

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?	–	Not in Catalonia, but in the rest of the country yes, because as movable goods 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?	–	Only if is one the cases provided for in art. 337 or article 632 of the Spanish Penal Code, studied in the last question.
May an animal be obtained as a prize?	–	No. In all the Autonomous Communities It is forbidden by law, to donate an animal as a prize, reward, and gratuity or gift compensation.

### **IDENTIFICATION AND REGISTRATION**

Is identification and registration of animals mandatory and where are they registered and what is registered? What about costs?	–	Yes. The registration of cats is mandatory by law In several Autonomous Communities in Spain (Cataluña for Example).
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### **BREEDING**

## Questionnaire

<p>Are there any clauses on breeders and is there a national register for breeders?</p>	<p>–</p>	<p>Yes. In each one of the regional legislation, there are special clauses on Establishments selling animals dog-breeders. Normally they have to: a) Be enrolled in the registry of animal compounds. b) Keep a log book, and make it available to the competent authority, which must include details on the origin, identification and destination of the animals. c) Selling animals wormed, with no apparent symptoms of mental or physical conditions and without suffering. d) Have a veterinary service itself or an outside veterinary advice, to be contained in the record book. e) Keep animals in a suitable location. These animals should be housed, fed and watered properly. f) Providing, on sales of animals, a document which should state the identification of the species, the animal identification number, if applicable.</p>
<p>Does the law proscribe the minimum care obligations for animals at breeders?</p>	<p>–</p>	<p>In general, in the Autonomous legislation of each community, Persons owning and possessing animals are obligated to: 1. Identify the animal. 2. Register the animal in the central Census. 3. Have the health card and provide all vaccines and treatments that are mandatory. 4.If it is considered potentially dangerous dog also need a licensed for his tenure. All this without prejudice to the obligations to keep them in good sanitary conditions, welfare and safety, according to the characteristics of each species. The person who owns an animal must pay the basic veterinary care.</p>
<p>Is breeding of defects punishable?</p>	<p>–</p>	<p>Depends on the Autonomous region's animal welfare law.</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>–</p>	<p>Yes, The limitations are established in the autonomous communities' legislation.</p>
<p>Which reasonable causes have to be met for an official permission to kill a healthy animal by a breeder?</p>	<p>–</p>	<p>Depends on the Autonomous region's animal welfare law.</p>

### ***TRANSPORT, TRAVEL, SELL OF CATS (TRADE)***

Questionnaire

Is withholding of food and/or water from the animal(s) during a long transport punishable?	Art. Law 32/2007, Article 8: Decreto Legislativo 2/2008 Cataluña	At State level the Law 32/2007, regulates the care of animals on his exploitation, transport, experimentation and sacrifice. The Article 5. About Transportation of animals says that 1. The government will take the necessary measures so that transport of animals takes place without causing injury or unnecessary suffering, and to reduce to a minimum of travel time and attention the needs of animals during the transportation. But Is in some animal protection laws of the autonomous communities where some rules on the matter are set, as in Catalonia Law, which says: <i>“Animals should be watered during transport and should be adequate food at appropriate intervals as to establish by regulations.”</i>
Must a companion animal be quarantined upon arriving in your country?	Reglamento (CE) n° 998/2003	The Eu Pet Passport Scheme operates in Spain.
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?	–	There’s no specific prohibition in this sense.
Is there an age-limit for children to buy an animal?	Catalonia Article 4 of the Law 2/2008	In all the Autonomous Communities It is forbidden by law, to sell an animal to a minor or incapacitated person without the permission of those who have their parental authority, custody or guardianship. In some communities, like in Catalonia, the permission is necessary for those under 16 years old.
<b>KEEPING AND LIMITS OF KEEPING</b>		
Does the law proscribe the minimum care obligations for animals at keepers?	–	In general, in the Autonomous legislation of each community, Persons owning and possessing animals are obligated to: 1. Identify the animal. 2. Register the animal in the central Census. 3. Have the health card and provide all vaccines and treatments that are mandatory. 4.If it is considered potentially dangerous dog also need a licensed for his tenure. All this without prejudice to the obligations to keep them in good sanitary conditions, welfare and safety, according to the characteristics of each species. The person who owns an animal must pay the basic veterinary care.
Is there a special regulation which rules keeping of companion animals?	–	The companion animals Law of Catalonia, contains articles for duties of persons owning and possessing animals, prohibitions, transport of animals, medical and behavioral treatments, abandonment and collection centers, general registration and municipal census; Identification; inspection and surveillance, and violations and penalties.
May a landlord forbid a renter to keep an animal?	–	– (is not known)

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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>Ley 7/1985</p>	<p>Yes. This would be a matter of municipal jurisdiction under the Law 7/1985. Each municipal government has ordinances regulating noise and discomfort produced in their territory. For example, Cerdanyola City Council Ordinance, which regulates the improvement of environmental sound quality, along with the sounds of local leisure activities, and with the traffic noises and actions in public spaces, also regulates (art. 28) that people should try from 22 am to 8 hours, not to leave in the terraces, galleries, balconies and other open space, animals that with their sounds, cause discomfort in the rest of the neighbours. Normally, In case of constantly barking of a dog at night, a neighbour can reports this, and has to prove that these are constant barking and that occurs at night. He may try to present the other neighbours as witnesses and the measurement of these barking. A judge can force the dog owner, to take appropriate measures to prevent such nuisances, as well to pay the damages that the neighbour can prove and quantify.</p>
<p>Which reasonable causes have to be met for an official permission to kill a healthy animal by a private person?</p>	<p>–</p>	<p>Depends on the Autonomous region’s animal welfare law.</p>
<p><b>KILLING</b></p>		
<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>–</p>	<p>Depends on the Autonomous region’s animal welfare 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>–</p>	<p>Each one of the Autonomous Communities, and Private shelters define their own policies regarding euthanasia and adoption of companion animals. But for example, In Catalunya the slaughter of animals is prohibited.</p>
<p><b>ABUSE OF ANIMALS</b></p>		
<p>Does the law address cruelty to animals? If so, does it provide for sanctions?</p>	<p>–</p>	<p>Normally regional Laws proclaim that in general practices which cause suffering or physical or psychological harm to animals are forbidden, like in Catalonia, with their own sanctions.</p>
<p>Is sexual abuse of animals punishable?</p>	<p>–</p>	<p>– (is not known)</p>

## Questionnaire

Is maltreatment and/or suffering of animals perceived as a criminal offense? If so, what sanctions are foreseen?	Article 337 and Article 632 of the Spanish Penal Code.	Yes. maltreatment has a Penalty of three months to one year imprisonment and disqualification from one to three years for the exercise of profession, trade or business that has any relation with animals. Cruelty against animals is not described as a crime, but as a fault. And for those who cruelly mistreat animals without incurring the cases provided for in art. 337: Fine of 20 to 60 days or work for the benefit of the community from 20 to 30 days.
<b><i>UN-OWEND ANIMALS, SHELTERS, ABANDONED ANIMALS</i></b>		
Are there regulations on lost/found animals?	Article 610-615 of the Civil Code.	Companion Animals are governed by general rules relating to property. There are also special regulation for hunting, fishing and bees. (articles 612-613). In this sense, animals can be acquired by occupancy. The article 610 says that By occupancy you can acquire goods that can be appropriated by their own nature and that have no owner, as the animals that are object of hunting and fishing, the hidden treasures and the abandoned movables. According to the article 612 of the Spanish Civil Code, The owner of a swarm of bees is entitled to pursue it, on another's property, compensating the damage it caused. If there were a fence, you need the owner's consent to enter. When the owner has not pursued, or cease to pursue the swarm two consecutive days, the possessor may occupy the swarm or retain it. The owner of domesticated animals may also claim them within twenty days, counting from its occupation by another. After this term, belong to that have caught and preserved. According to the article 613, Pigeons, rabbits and fish, which pass to another farm belonging to another owner, will be owned by it, unless they have been attracted by some artifice or fraud. According to the article 615 of the Civil Code, The person who finds a movable good and knows to whom it belongs, must return it to the owner, or let him now of the finding. If the person doesn't know who the owner is, must announce the finding to the mayor. The finder acquires ownership over the property if it is not claimed by the owner in two years. If the owner claims it, must compensate the finder of all expenses.
Who is owner of an abandoned animal?	See answer above and also article 460 C.C.	The municipal government is responsible of the collection of abandoned animals. Who find an abandoned dog has to let know the discovery of the animal to the local authorities, so they can proceed to the identification and then they have to try to find the owner or take the dog to a center for abandoned or lost animals.
May a private person establish an animal shelter?	–	Yes, each of the autonomous communities, is set by administrative, the requirements to establish an animal shelter, which in all cases must be registered and are by nature non-profit associations.

## 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?	–	Each one of the Autonomous Communities, and Private shelters define their own policies regarding euthanasia and adoption of companion animals. But for example, In Catalunya the slaughter of animals is prohibited.
Is local community financing activities of collecting of abandoned and lost animals?	–	Is municipalities responsibility.
Must a finder of a stray and/or abandoned animal report the finding to a competent authority?	Art 610, 615 C.C.	Companion Animals are governed by general rules relating to property. There are also special regulation for hunting, fishing and bees. (articles 612-613). In this sense, animals can be acquired by occupancy. The article 610 says that By occupancy you can acquire goods that can be appropriated by their own nature and that have no owner, as the animals that are object of hunting and fishing, the hidden treasures and the abandoned movables. According to the article 615 of the Civil Code, The person who finds a movable good and knows to whom it belongs, must return it to the owner, or let him now of the finding. If the person doesn't know who the owner is, must announce the finding to the mayor. The finder acquires ownership over the property if it is not claimed by the owner in two years. 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?	–	No.

### **VETERINARIANS**



## Questionnaire

Is negligence (of a vet or a veterinary assistant) punishable?	–	No, but Veterinarians, like doctors, can incur in a malpractice. Therefore, is possible to require them liability. The misconduct or malpractice can result from errors in diagnosis, poor drug therapy, immunotherapy, or surgery, prevention and disease control, etc. that can cause damage, sometimes irreversible or fatal to the animal. The owner / keeper of the dog is entitled to claim in court, since there is a veterinarian's professional civil responsibility, and is protected by law. Civil liability (Articles 1101 and 1902 of the Civil Code) implies a duty or obligation to compensate those who have been harmed or injured by a negligent act or omission. This type of liability differs from criminal liability arising from crime, as reflected in our Penal Code (Articles 337 and 632). The claim by the owner of the animal that has suffered damage must prove that it occurred during the veterinarian intervention. Therefore, the jurisprudence of the Courts, in veterinary civil liability, requires the claimant to prove the following requirements: 1. The production of the damage and its quantification. 2. Negligent act or omission of the performance of the veterinarian (for example, a veterinarian who provided an excessive amount of anesthesia to the dog.) 3. The existence of a causal link between the damage and / or injury suffered and the negligence of the veterinarian (for example, the dog had not died, if the veterinarian would not put a doubled amount of the necessary anesthesia.)
Does the law provide for limitations on animals mutilations? (e. g. tail docking, ear cropping, devocalization, declawing, obligation to use anaesthesia.)	–	Yes, The limitations are established in the autonomous communities' legislation.
Which reasonable causes have to be met for an official permission to kill a healthy animal by a veterinarian?	–	– (is not known)
<b><i>POLICY OF BIRTH CONTROL FOR OWNED AND UN-OWNED ANIMALS</i></b>		
Are there legal or administrative measures which provide birth control of animals?	–	No.
<b>IV. ENFORCEMENT</b>		
List of case studies and / or relevant court decisions.	–	– (is not known)
<b>V. PRACTICAL INFORMATION</b>		

Questionnaire

List of veterinary organisations in your country.	–	– (is not known)
List of animal welfare organisations in your country.	–	FAADA – ANDA

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