

## Questionnaire

**Country:** The Netherlands  
**The Country is:** EU Member State  
**Author of the Questionnaire:** Vier Pfoeten EPO, Drs. E. (Noor) Evertsen Dier&Recht, editor ROAR  
**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)?	–	Not known.
Does the country have a specific animal welfare legislation?	–	Yes.
Which other laws and ordinances refer to animal welfare?	–	– (is not known)
Are there any specific regulations concerning dogs/cats within the law?	–	<i>Gezondheids- en welzijnswet voor dieren (1992)</i> , Animal Health and Welfare Act, hereafter: AHWA (there is also an older act, <i>Wet op de dierenbescherming</i> (Animal Protection Act from 1961, APA), which is still relevant) / yes ( <i>Honden- en kattenbesluit 1999</i> , Decree on Dogs and Cats 1999, hereafter DDC99; <i>Besluit inzake het houden van een waak- of heemhond (1962)</i> ).
<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?	Art. 1.3 AHWA	Animals have an intrinsic value to recognise their dignity of animals being sentient beings.
Is the animal welfare act based on animal welfare as the principle value of the legislation?	–	No.
Do animals have a right to life?	Art. 1.4 AHWA	Yes.
Which reasonable causes have to be met for an official permission to kill a healthy animal?	–	Killing is not allowed excepted for food supply or if it is inevitably.

### ***CONSTITUTION***

## Questionnaire

Is animal welfare part of the constitution?	–	The Greens (Groen Links) have proposed to change article 21 of the Constitution, which now covers governmental care for the environment, to include animal welfare, but nothing has been heard about that for a while (Kamerstukken II, 31 009)
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### **ANIMAL WELFARE IN PARLIAMENT**

Is there an animal welfare committee in the parliament?	–	There is a political party called Partij voor de Dieren (Party for the Animals), which has found following in other countries; the ‘vaste commissie voor LNV’ is a group of dedicated and expert members of Parliament who debate animal issues – for or against (more) animal welfare, as the case might be – they represent all parties.
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### **ANIMAL WELFARE IN GOVERNMENT**

Are there any official animal welfare bodies in the government? (e. g. Ombudsman, Commissioner)	–	– (is not known)
Which ministry/ministries is/are responsible for animal welfare?	–	Ministerie van Landbouw, Natuur en Voedselkwaliteit

### **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)
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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?	–	No.
Are there legal or administrative measures which provide birth control of animals?	–	– (is not known)
Are there (mandatory) school programmes on animal welfare?	–	No, but e.g. an NGO like <i>Koningin Sophia-Vereeniging tot Bescherming van Dieren</i> (Queen Sophia association for the protection of animals) gives information in schools; more than 100 volunteers with specially trained dogs teach young children how to treat dogs, thereby preventing the occurrence of dog bites and preventing fear of dogs. The lessons promote more understanding of and more respect for dogs and other animals. <a href="http://www.sophia-vereeniging.nl/">www.sophia-vereeniging.nl/</a>

### **III. DOGS/CATS IN LEGISLATION**

## Questionnaire

### **DEFINITIONS**

Does the law or another enactment include a definition of animals as “sentient beings”?	–	In the <i>Wet dieren</i> (AA) animals are acknowledged to be sentient beings, but no definition of this concept is given.
Are animals defined as goods (object/chattel)?	Art. 5:8 (3) BW; Art. 5:19 (1) BW	Animals are not mentioned too often in the Civil Code (Burgerlijk Wetboek, BW), but from the place of the articles quoted (rights of ownership of goods) it can be inferred that animals are indeed considered to be ‘goods’ (cf. art. 350 Sr in Section 2 b)).
Does the law include definitions of companion animals, abandoned animals and/or stray animals?	–	The VWA (competent authority) uses the EU definitions, as in e.g. Regulation (EC) 998/2003.

### **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?	–	Depending on exclusivity of the breed, probably!
Is winning of a bet or any other gain from an action which causes pain and/or suffering of an animal punishable?	–	– (is not known)
May an animal be obtained as a prize?	Art. 57 AHWA	Prohibition to put up animals as prizes (or gifts) for matches, raffles, bets etc.

### **IDENTIFICATION AND REGISTRATION**

Is identification and registration of animals mandatory and where are they registered and what is registered? What about costs?	–	The situation at the moment is not quite clear. The DDC99 originally obliged managers of a commercial establishment or shelter to register and identify (chip or tattoo) their charges, but later they were exempted from these requirements ( <i>Vrijstellingsregeling dierenwelzijn</i> artt. 4 and 5). But a register has to be kept in the establishment or shelter for the vaccination documents for all the animals kept or ‘passing through’ – and these documents must be traceable to an individual animal. This can be realized by chipping, but also ‘by reproducing the number of the document on the dog’s collar’. These numbers are not in any other way ‘official’, every establishment or shelter can use its own system. So in that sense identification and registration is mandatory. And of course, all the EU rules on the movement of pets apply to Dutch dogs, but they prescribe identification and a passport.
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### **BREEDING**

Are there any clauses on breeders and is there a national register for breeders?	(DDC99)	The DDC99 does not prohibit breeding (probably) suffering from hereditary diseases; it does not prohibit private persons to let their dogs have nests, sell the pups etc. – the Ministry of LNV is currently investigating the resulting problems.
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Does the law proscribe the minimum care obligations for animals at breeders?	(art. 37 AHWA)	Yes.
Is breeding of defects punishable?	Art. 1 AHWA	Yes.
Does the law provide for limitations on animals mutilations? (e. g. tail docking, ear cropping, devocalization, declawing, obligation to use anaesthesia.)	Art. 40 AHWA	Article 40 formulates the basic principles on mutilations, this is a complex system.
Which reasonable causes have to be met for an official permission to kill a healthy animal by a breeder?	–	Killing is not allowed excepted for food supply or if it is inevitably.
<b>TRANSPORT, TRAVEL, SELL OF CATS (TRADE)</b>		
Is withholding of food and/or water from the animal(s) during a long transport punishable?	Art. 59 AHWA	This also regards Chapter V of Annex I to the Regulation (EC) 1/2005.
Must a companion animal be quarantined upon arriving in your country?	–	– (is not known)
Is it allowed to sell dogs/cats at a pet shop?	–	It is allowed, but she cannot give us any clear laws at the moment as they are all changing. However, there's only few (maybe 5-10) that actually sell puppies and it is generally frowned upon.
Is there a ban on markets, shows, exhibitions or other events where one can buy an animal?	–	– (is not known)
Is there an age-limit for children to buy an animal?	–	Not in any law concerning animals; this is supposed to change when the AA enters into force. Deirdre quotes extensively from the general law on acquisitions by minors (BW).
<b>KEEPING AND LIMITS OF KEEPING</b>		
Does the law proscribe the minimum care obligations for animals at keepers?	Art. 37 AHWA	As regards dogs, minimum care obligations are prescribed in the DDC99, but these are not addressed to private persons/holders.
Is there a special regulation which rules keeping of companion animals?	–	Yes. There is an institution called <i>Landelijk InformatieCentrum Gezelschapsdieren</i> (National Center for Information on Companion Animals; LICG) which issues brochures etc., <a href="http://www.ligc.nl">www.ligc.nl</a>
May a landlord forbid a renter to keep an animal?	–	– (is not known)

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May neighbours file complain against an owner, e. g. if he/she dies not inhibit his/her animal from (ceaseless) noises?	APV	Sorry, we had no time to go into this – all kinds of nuisance are regulated at the municipal level.
Which reasonable causes have to be met for an official permission to kill a healthy animal by a private person?	–	Killing of animals is not allowed excepted for food supply or if there is an inevitable reason.
<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)?	–	Killing of animals is not allowed excepted for food supply or if there is an inevitable reason.
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?	–	Yes. They can, some animals have to stay in shelters for a long time – against the wishes of the shelter – f.i., when the owner is expected to come and retrieve the animal at some time in the future. This has to do with problems of ownership.
<b>ABUSE OF ANIMALS</b>		
Does the law address cruelty to animals? If so, does it provide for sanctions?	36 (1) and (2) AHWA; sanctions in 121 (1) and 122 (1) AHWA	In case law art. 350 of the Penal Code is often used against maltreatment; section 1 punishes a person who intentionally and unlawfully destroys, damages, renders useless or ‘looses’ any property that wholly or partly belongs to another (with imprisonment not exceeding 2 years or a fine of the fourth category). In section 2 the same punishment is applied to cases where the property happens to be an animal.
Is sexual abuse of animals punishable?	–	– (is not known)
Is maltreatment and/or suffering of animals perceived as a criminal offense? If so, what sanctions are foreseen?	Yes, art. 121 (1) AHWA	Art. 122 AHWA punishes this offence with imprisonment of up to 3 years or a fine of the fourth category (at this moment with a maximum of 19.000 Euro).
<b>UN-OWEND ANIMALS, SHELTERS, ABANDONED ANIMALS</b>		
Are there regulations on lost/found animals?	Art. 5:5 (1) BW; 5:8 (3) BW	These articles were obviously written some time ago – when animals were still ‘destroyed’ (afgemaakt) – now we would probably say ‘euthanized’.... ‘put to sleep’ is another popular expression.

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Who is owner of an abandoned animal?	Art. 5:6 (1) BW; art. 5:8 BW	It is not to be expected that abandoned animals will be reclaimed, but in actual practice it is often not quite clear if an animal has really been abandoned (e.g., if the owner has been imprisoned for a while and did not formally give his animal(s) into the care of friends, family or neighbours. Shelters generally try to get the legal ownership as soon as possible, but sometimes they just have to wait.
May a private person establish an animal shelter?	Art. 4 (2) sub a, DDC99	A legal person may register a commercial establishment, but they are mentioned explicitly (rechtspersoon), so private persons are implied in this article.
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?	–	Yes. They can, some animals have to stay in shelters for a long time – against the wishes of the shelter – f.i., when the owner is expected to come and retrieve the animal at some time in the future. This has to do with problems of ownership.
Is local community financing activities of collecting of abandoned and lost animals?	Art. 5:8 BW	There is usually an agreement between the local community and a shelter on the financing of these activities, including or not including special fees for animals who have to be kept for more than two weeks (the official period during which the municipality is responsible); ‘animal ambulances’ may also be involved.
Must a finder of a stray and/or abandoned animal report the finding to a competent authority?	Art. 5:5 (19 and (2) BW	Yes.
Are there possibilities to adopt an abandoned animal?	–	It is even stimulated – better take in an abandoned dog (cat, rabbit, ...) than to buy a puppy!
Are there legal or administrative measures which provide birth control of stray animals?	–	– (is not known)
<b>VETERINARIANS</b>		
Is negligence (of a vet or a veterinary assistant) punishable?	–	Imprisonment is not among the measures enumerated in art. 16
Does the law provide for limitations on animals mutilations? (e. g. tail docking, ear cropping, devocalization, declawing, obligation to use anaesthesia.)	Art. 40 AHWA	Article 40 formulates the basic principles on mutilations, this is a complex system – but the only mutilation of dogs allowed (apart from spaying or neutering) is the removal of dewclaws.
Which reasonable causes have to be met for an official permission to kill a healthy animal by a veterinarian?	–	Killing of animals is not allowed excepted for food supply or if there is an inevitable reason.

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

## Questionnaire

Are there legal or administrative measures which provide birth control of animals?	–	– (is not known)
<b>IV. ENFORCEMENT</b>		
List of case studies and / or relevant court decisions.	–	– (is not known)
<b>V. PRACTICAL INFORMATION</b>		
List of veterinary organisations in your country.	–	Koninklijke Nederlandse Maatschappij voor Diergeneeskunde (Royal Veterinary Association of the Netherlands) .
List of animal welfare organisations in your country.	–	

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