



PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT

KUVENDI I KOSOVËS
СКУПШТИНА КОСОВА
ASSEMBLY OF KOSOVO

Law No.02/L-10

LAW ON ANIMAL WELFARE

Kosovo Assembly,

Pursuant to UNMIK Regulation No. 2001/09 of May 15 2001 on Constitutional Framework of Provisional Self Governance in Kosovo, Chapter 9.1.26 (a) and 5.1 (n)

Hereby adopts the following:

LAW ON ANIMAL WELFARE

Chapter I
GENERAL PROVISIONS

Article 1
Subject

The present law regulates keeping, caring, housing, breeding, transportation and other issues related to animal welfare.

Article 2
Purpose

The purpose of the present law is establishment of legal base for animal welfare to ensure physiological and social needs of animals.

Article 3
Definitions

In this Law unless the context otherwise requires:

"**Animal welfare**" shall mean the totality of endeavors ensuring the physiological and social needs animals.

"**Ministry**" shall mean the Ministry of Agriculture, Forestry and Rural Development.

"**KVFS**" shall mean the Kosovo Veterinary and Food Services.

"**Chief Veterinary Officer**" shall mean the Chief Executive of the Kosovo Veterinary and Food Services.

“**Veterinarian**” shall mean a person who successfully completed formal education on veterinary medicine or surgery in a veterinary faculty formally recognized by the competent minister.

“**Animal welfare inspector**” shall mean the officer who is responsible for enforcement of provisions of the present law.

“**Competent person**” shall mean those individuals designated as such by the Minister for any purposes of this law.

"**Animal keeper**" shall mean a person who has custody of or takes care of an animal.

“Animal” shall mean all living animals, including and poultry, fish and bees, free-living larval and reproducing larval forms, but does not include foetal or embryonic forms.

“**Dangerous Animals**” - are animals that always pose a danger for humans and animals (i.e. wolf, bear, lion, snake, etc.).

“**Aggressive Animal**” - is an animal which in certain circumstances can become dangerous (i.e. if a dog is always kept chained and is physically mistreated, such a dog may become dangerous).

"**Animal ill-treatment**", shall mean causing the animal suffer, pain or distress, by any act or omission, which in its degree and in circumstances in which it is inflicted, is excessive or unnecessary.

"**Animal for experiment**" shall mean the use of any animal for experimental or other scientific purposes which may cause it pain, suffering distress or lasting harm, including any course of action intended, or liable.

"**Euthanasia**" shall mean painless killing in necessary cases for the purpose of preserving public health.

"**Animal market**" shall mean the licensed place for sale of animals.

"**Animal transportation**" shall mean movement of animals by road, rail, air or water means of transport.

"**Animal identification**" shall mean:

- a). marking the animal by any method for the purpose of distinguishing that animal or animals of that type from others; and
- b) affixing, applying to, or implanting in, that animal for the purpose of distinguishing that animal or animals of that type from others, ear tags, electronic identification device, or paint or any other thing.

"**Animal sanctuary**" shall mean a specially equipped place for the boarding of seized, stray, confiscated and ownerless animals, as well as animals which are in need of assistance.

"**Animal boarding facility**" shall mean a specially equipped place where owners of domestic-pet animals may leave them to be cared for, for a specified period of time.

“**Animal preserve**” shall mean the enclosed area where animals are bred and live in natural conditions and are in permanent care of human.

“**Wild game animal**” shall mean wild land mammals and wild birds for hunting.

“**Person**” shall mean natural and legal person;

Chapter II KEEPING AND CARING OF ANIMALS

Article 4 Keeping of animals

4.1. The conditions and manner in which species or categories of animals are kept shall include:

- a. the manner in which animals shall be tied,
- b. the manner in which animals shall be segregated according to age, sex, or species,
- c. the space which animals shall be allowed,
- d. matters relative to the hygiene and comfort of the animal, its housing and other measures to ensure the health of the animal,
- e. data for listing of the categories and the species of animals,
- f. conditions of housing of animals according to their specie,
- g. any other matter that may occur.

4.2. For the purpose of ensuring animal welfare, the Ministry shall issue a subsidiary act.

Article 5 Caring of animals

5.1. Any person who keeps any animal or looks after an animal shall be responsible for its security, health and welfare.

5.2. The Ministry shall issue a subsidiary act providing for the manner of caring, feeding, training and watering, and the qualifications of persons who shall be responsible for categories and species of animals.

Article 6 Breeding of animals

6.1. Breeding of animals, shall be conducted in accordance with rules on animal breeding including the method of breeding according to species and categories of animals, to be used for breeding purposes and to prohibit uncontrolled breeding.

6.2. To minimize stray and feral animal populations and animals unsuitable for breeding, compulsory sterilization of animals may be set.

6.3. Young of given animal species or categories shall not be separated from their parent until they have reached given age.

6.4. Any person involved in breeding of animals shall be responsible for preserving anatomical, physiological and behavioral characteristics of animals, which are likely to put at risk the health and welfare of either the offspring or the parents.

6.5. The Ministry shall issue subsidiary acts providing for issues from this article.

Chapter III INTERVENTIONS IN LIFE OF ANIMALS

Article 7 Animal surgical operations

7.1. Surgical operations for the purpose of modifying the appearance of an animal by which any part of the animal's body is removed or damaged, other than for a curative purpose, shall be prohibited.

7.2. Surgical operations shall be carried out by a veterinarian pursuant to provisions of the law in power.

7.3. Ministry shall issue an Administrative Instruction providing for the manner and cases in which surgical operations and embryo transplantation may be performed in animal species or categories of species.

Article 8 Killing of animals

8.1. Except in cases of emergency which visibly indicate extreme pain which may be conducive to death, only a veterinarian or another competent person shall be permitted to kill an animal of a domesticated breed or any wild animal which has been domesticated, except animals bred for the production of food.

8.2. In the case where it is necessary to kill an animal, this shall be done with the minimum of physical and mental suffering.

8.3. The person responsible for the killing shall make sure that the animal is dead before disposing the carcass.

8.4. The Ministry shall issue an Subsidiary Act providing for:

- a) cases in which it shall be permissible to kill animals, and the manner in which such killing may take place,
- b) person by whom the animal may be killed,
- c) facilities and equipment of slaughterhouses,
- d) stunning, provided that such methods shall bring animals into a state of unconsciousness which lasts until they are slaughtered,
- e) transport of injured or diseased animals for the purposes of slaughter, provided that such transport does not entail further suffering for the animals methods and early slaughter.

8.5. Provisions of paragraph 8.4 of this article do not apply for wild game animals.

Article 9 Animals for experiment

- 9.1. An animal experiment starts when an animal is first prepared for use and ends when experiment is concluded.
- 9.2. Pursuant to provisions of the present law, only persons who have been issued a license by the Ministry may carry out animal experiments.
- 9.3. The Ministry may suspend, modify or revoke the license issued pursuant to article 9.2 of the present Law.
- 9.4. The license referred to article 9.2 of the present Law shall be issued only when the experimental procedures are not in breach of ethical rules and standards which may be drawn by CVO and the Order of Veterinarians.
- 9.5. The license shall specify the required experimental procedure, including conditions and restrictions which may deem necessary.
- 9.6. The holder of a license, according to article 9.2 of the present Law, upon experiment shall be obliged to ensure that the animal suffers as little distress as possible without defeating the object of the experiment.
- 9.7. The license holder, according to article 9.2 of the present Law, shall keep records of animals for experiments as well as data during the course and after the animal experiment, and shall supply this information to the Ministry.
- 9.8. The Ministry shall issue an Administrative Instruction on use of animals for experiments.

Article 10 Aggressive Animals

- 10.1. Ministry shall prohibit importation, sale or breeding of aggressive animals which may present danger to safety, human health and health of other animals, in cases when is not specified otherwise by the law.
- 10.2. Aggressive animals shall not be kept in stock and may be killed or slaughtered where they present risk to human and animal health, if this is deemed by KVFS.

Chapter IV USE OF ANIMALS

Article 11 Use of Animals at Competitions

- 11.1. Organizing competitions which test the speed or strength of animals whereby animal may suffer pain, injury or death, is permitted only in cases when this is in compliance with legal provisions, subsidiary acts and under control of KVFS.
- 11.2. The Ministry shall issue a subsidiary act concerning the keeping of animals for the purposes of recreation, competition, sports, training, education, public display, shows, exhibitions, sale at markets and auctions or for other purposes and - to regulate the administration of substances which may be used on animals participating in competitions.

Article 12
Transport of Animals

12.1. Animals, may to be transported, whether locally from one place to another or abroad, unless:

- a) the animals are accompanied by a certificate issued by KVFS, certifying that the animals fit for transport; and
- b) the animals are marked with identification marks or documents indicated in the certificate; and
- c) under such conditions and restrictions, as KVFS deems fit to impose; and
- d) the transport is in accordance with prescribed legal provisions.

12.2. KVFS shall only issue a certificate according to article 12.1 (a) after having inspected the animal before loading.

12.3. The certificate will not be issued if the animal:

- a) is not properly provided with identification marks or accompanied by the documents in accordance with the present law,
- b) has given birth forty-eight hours prior to departure or verified that that the animals are likely to give birth during carriage,
- c) if verified that the animal is ill or injured or unfit for transport, taking into account the nature of the means of transport, manner or duration of journey or the circumstances under which transport is to take place; and
- d) verified that observance of the conditions laid down on transportation cannot be ensured during the transport.

12.4. KVFS may revoke a certificate issued if verifies that circumstances have occurred which, had they been known at the time the certificate was issued, the certificate would not have been issued.

12.5. During the transportation of animals, the transporter shall, at all times, carry all certificates and documents issued.

12.6. Animal which fall ill or is injured during transport shall receive first-aid treatment as soon as possible; they shall be given appropriate veterinary treatment and, if necessary, undergo emergency slaughter in a way which does not cause any unnecessary suffering.

12.7. The Ministry shall issue a subsidiary act concerning the manner and conditions in which transport of animals by road, by rail, by sea or by air shall be conducted.

Article 13
Welfare of Animals in Markets

13.1. No person may trade animals in contradiction with provisions of the present Law.

13.2. The Ministry shall issue a subsidiary act to preserve animal welfare in markets.

Article 14
Animal preserve and sanctuaries, and animal boarding facilities

14.1. Animal preserve, sanctuary and animal boarding facility could be run only after getting a license from KVFS.

14.2. The Ministry shall issue a subsidiary act on the manner of licensing and regulating animal preserve, sanctuaries and animal boarding facilities.

Chapter V
SUPERVISION

Article 15
Animal Welfare Officers

15.1. Animal Welfare Officers shall supervise enforcement of the present Law, appointed by the Ministry.

15.2. The Ministry shall issue a subsidiary Act to provide for duties and authorization of Animal Welfare Officers.

15.3. Except Animal Welfare Officers and KVFS, public security authorities are also authorized on animal welfare.

Article 16
Powers on Entry

16.1. For the purpose of enforcing the present Law, an animal welfare officer may at any time enter upon any property, land or building other than premises used wholly or mainly as a animal dwelling for the purposes of ascertaining offences under this Law.

16.2. In cases under article 16.1 of the present law, Animal Welfare Officer shall produce his identity before entering the property, land or building, and when deemed necessary, he may be accompanied with other persons.

16.3. Animal Welfare Officer may take for analysis a sample of any substance which he finds on the scene, which appears to him to be used as food for animal.

16.4. Animal Welfare Officer entering land or a building under article 16.1 may examine animals which he finds on the land or in the building and may conduct analyses and take samples from animals as he considers are required.

16.5. For the purpose of enforcing the present Law, a person owning or having custody of any animals is obliged to enable Animal Welfare Officer access to property, land or building.

Chapter VI
PUNITIVE MEASURES

Article 17

With a fine of 100 to 5.000 € for civil violation shall be punished a person if:

- a) Does not provide animal security, health and welfare (article 5.2);
- b) Conducts uncontrolled animal breeding in contradiction with Legal provisions (article 6.1);
- c) Separates young from their parents in contradiction with Legal provisions (article 6.3);
- d) Breeds animals with anatomical, physiological and behavior characteristics which are likely to put at risk the health and welfare of either the offspring or the parents (article 6.4);
- e) Conducts surgical operations for the purpose of modifying the appearance of an animal by which any part of the animal's body is removed or damaged (article 7.1);
- f) Kills animal or disposes carcass in contradiction with legal provisions (article 8.1 and 8.3);
- g) Conducts animal experiments without the license for conducting animal experiments and breaches ethical rules and standards (article 9.2 and 9.4);
- h) Does not keep records of animals for experiments as well as data during the course and after the experiment, and does not supply them to the Ministry (article 9.7);
- i) Imports, sells or breeds aggressive animals in contradiction with provisions of the present law (artic. 10.1);
- j) Organizes competitions to test the speed or strength of animals whereby animal may suffer pain, injury or death, or organizes them in contradiction with legal provisions (article 11.1);
- k) Uses substances at animals which participate in competitions, other than prescribed by the legal provisions (article 11.2);
- l) Transports animals for which does not possess certificate for their transportation, does not have identification mark, and is under conditions of restrictions imposed by KVFS (article 12.1);
- m) During the transportation of animals, the transporter does not carry all certificates and documents issued (article 12.5);
- n) Markets animals in contradiction with the legal provisions (art. 14);
- o) Opens or runs animal preserve, animal boarding facility, or animal sanctuary without the permission of KVFS according to article 14.1;
- p) Does not provide access to Animal Welfare Inspector in performing his duties (article 16.5).

Chapter VII
FINAL PROVISIONS

Article 18
Enforcement

- 18.1. The Ministry shall issue Subsidiary Acts for enforcement of the present Law.
- 18.2. Hunting or killing of any wild animal or pest shall be regulated with a special law.
- 18.3. The Ministry shall from time to time may prepare and publish codes of good practice containing recommendations with respect to the welfare of animals for agricultural purposes.

Article 19
Revenues

Revenues from fees and fines in accordance with the present Law shall be deposited in Kosovo Consolidated Budget.

Article 20
Applicable law

Upon entry into force of the present Law, provisions of other laws, which are in contradiction with the present law, shall be abrogated.

Article 21
Entry into force

The present law shall enter into force after adoption by the Assembly of Kosova on the date of its promulgation by the Special Representative of the Secretary-General.

Law No. 02/L-10
23 March 2005

President of the Assembly

Academic Nexhat Daci