

# Law on the Protection of Life, Safety and Welfare of Animals

## *Chapter 1: The General principles*

### *Article 1: Objective*

#### Text of the law

The purpose of this Act is to ensure the dignity, protection of life, safety and welfare of animals.

It is forbidden to anyone without the necessity to kill or kill an animal, to cause it or to cause it pain, suffering, anxiety, damage or injury.

Any active or passive abuse or cruelty to an animal is prohibited.

Any animal suffering, injured or in danger should be rescued as far as possible.

### *Article 2: Scope*

#### Text of the law

This Law applies to all vertebrate animals as well as to cephalopods without prejudice to existing legislation on hunting, fishing, pest control and the protection of nature and natural resources .

### *Article 3: Definitions*

#### Text of the law

For the purposes of this Law, the following terms mean:

1. "Competent authority": the administration of veterinary services;
2. "Animal": a non-human living being endowed with sensitivity in that it is equipped with a nervous system making it able to feel the pain;
3. "Animal welfare association" means an association whose aim is to promote the welfare of animals in distress and to defend the rights of animals;
4. "Competent authority": the member of the Government having Agriculture in his attributions, hereinafter referred to as "the Minister";
5. "Animal welfare": the state of comfort and physiological and psychological equilibrium of an animal characterized by a good state of health, a sufficient comfort, a good nutritional state, the possibility of expression of the natural behavior, a state of security and the absence of suffering such as pain, fear or distress;
6. "Commercialize animals" means placing on the market animals, offering them for sale, keeping them, acquiring them, transporting them, displaying them for sale, selling them, exchanging them, selling them free of charge or in a manner that is usual;

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7. "Dignity of the animal": the proper value of the animal, which must be respected by the people who take care of it. The dignity of the animal is impaired when the constraint imposed upon him can not be justified by overriding interests; there is a constraint, in particular when pain, aches or damage are caused to the animal, when it is put in a state of anxiety or depressed, when it undergoes interventions profoundly modifying its phenotype or its capacities, or when it is used excessively;
8. 'Commercial establishment for animals' means a commercial establishment where animals are kept for the main purpose of marketing them;
9. 'Animal exhibition' means an animal gathering organized for the purpose of comparing and judging the qualities of animals or presenting them for educational purposes and the main purpose of which is not to market them;
10. 'Animal or zoological garden' means any place accessible to the public where live animals are kept and displayed and the main purpose of which is not to market them;
11. 'Animal market' means a place where animal gatherings are held for the purpose of marketing them;
12. "Killing" means any intentionally applied process that causes the death of an animal;
13. "Artificial selection" means a process of crossing organisms for the purpose of perpetuating their anatomical, morphological or behavioral characteristics;
14. "Animal safety" means all circumstances designed to ensure the physical and psychological integrity of an animal.

## **Chapter 2: Keeping Animals**

### **Article 4: General**

#### **Text of the law**

- (1) Every person who owns an animal, who has custody of it or who takes care of it,
1. to provide the animal with food, watering and care appropriate to its species and to provide housing suitable for its physiological, ethological and ecological needs;
  2. to avoid restricting the natural needs of exercise and movement of an animal so that it does not result in pain, suffering, anxiety, damage or injury;
  3. to ensure that the lighting, temperature, humidity, ventilation, air circulation and other environmental conditions of animal housing are in accordance with the physiological and ethological requirements of the species;
  4. to adequately treat a sick or injured animal;
  5. not to practice unjustified acts that cause pain, suffering, distress, damage or injury to the animal;
  6. not to mistreat an animal or to exercise active or passive cruelty to an animal;

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7. not to cruelly kill an animal.

(2) A Grand-Ducal Regulation specifies the obligations of this article.

### ***Article 5: Specific conditions***

#### **Text of the law**

(1) Apart from the animals listed, any possession of animals is prohibited.

A grand-ducal regulation defines the list of authorized animals.

(2) The possession of animals other than those specified in the list is authorized:

1. in zoos;
2. in establishments using animals for scientific purposes;
3. (a) by persons, provided that they can prove that they owned or held the animal or animals before the entry into force of this Act. Any reproduction of these animals is prohibited.
4. (b) by persons authorized by the Minister.

In order to obtain an authorization from the Minister, the person must submit a written request to the competent administration including a file providing information on the animal, the exact grounds and conditions of detention planned as well as the professional qualifications and the personal skills of the owner or holder. The competent authority is responsible for the preparatory administrative work and verifications necessary for the establishment of the authorization.

The authorization lays down the special conditions for holding and identifying these animals.

A Grand-Ducal Regulation specifies the application of point 3.

The Minister may refuse to issue an authorization for reasons relating to the protection of animals, the conservation of species, public health and the protection of nature;

4. by animal shelters, provided that it is temporary accommodation for seized or confiscated animals, animals that are abandoned or collected and whose owner or keeper could not be identified;
5. by veterinarians authorized for the time of veterinary care;
6. in circuses for show purposes.

A grand-ducal regulation defines the list of authorized animals.

(3) An existing inventory of animals authorized by the Minister pursuant to paragraph 2 (3) (b) must be sent by the owner or keeper to the competent authority annually by January 1 and communicate any changes concerning detention.

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## ***Chapter 3: Notifications, Authorizations, and Approvals***

### ***Article 6***

#### **Text of the law**

(1) The following shall be notified to the competent authority:

1. a circus;
2. an exhibition of animals;
3. an animal market.

The notification must be made at least fifteen days before the start of the activity. It must contain a list of the animals that are held and specific information about the place, date and organizer of the activity.

(2) Without prejudice to other required authorizations, are subject to authorization by the Minister:

1. any activity for the purpose of marketing animals, with the exception of animal markets and agricultural activity;
2. a breeding of cats;
3. a breeding of dogs;
4. a commercial pet establishment, with the exception of the agricultural establishment;
5. an animal or zoological garden;
6. a pet pension;
7. an animal shelter
8. the use of animals for filming or similar purposes.

In order to obtain an authorization from the Minister, the person must submit a written request to the competent administration including the plans of the infrastructures and the equipments, a detailed description of the activity, a list of the personnel with a proof training on the conditions of keeping animals, a list of animals to be kept and a description of the conditions under which animals are kept. The competent authority is responsible for the preparatory administrative work and verifications necessary for the establishment of the authorization.

Authorization is granted if the requests comply with the law and sets the particular conditions of detention.

The procedures for obtaining authorization to detain are specified in a Grand-Ducal Regulation.

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(3) Animal protection associations whose statutes have been published in the Official Journal of the Grand Duchy of Luxembourg and have been carrying out statutory activities in the field of animal protection for at least three years may be subject to approval by the Minister. The same is true of foreign law associations endowed with legal personality that carry out their statutory activities in this field.

The associations thus approved may be called upon to take part in the action of public bodies whose object is the protection of animals.

In addition, these associations may exercise the rights of the civil party in respect of the facts constituting an offense within the meaning of this law and directly or indirectly prejudicing the collective interests they are intended to defend, even if they do not justify a material interest and that their interest to act is entirely covered by the social interest defended by the public prosecutor.

## ***Chapter 4: Breeding Animals by Artificial Selection***

### ***Article 7***

#### **Text of the law**

It is forbidden to breed vertebrate animals by artificial selection if this poses a risk to the health or welfare of animals or humans, such as:

1. (a) the presence of additional organs or parts of the body, or
2. (b) the absence of naturally occurring organs or body parts, or
3. (c) the presence of body forms that are not compatible with the welfare and health of the animal.

This provision does not apply to animals raised for scientific purposes.

## ***Chapter 5: Animal Transport***

### ***Article 8***

#### **Text of the law**

(1) The transport of animals must be organized in such a way as to guarantee the safety and welfare of the animals throughout the duration of the transport.

(2) Pursuant to Article 10 of Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432 /

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EEC and 93 / 119 / EC and Regulation (EC) No 1255/97, hereinafter 'Regulation (EC) No 1/2005', the Minister is responsible for issuing authorizations to animal transporters.

(3) In accordance with Article 11 of Regulation (EC) No 1/2005, the Minister is responsible for issuing authorizations to carriers of animals on long journeys.

(4) In accordance with Article 17 of Regulation (EC) No 1/2005, the competent authority is responsible for issuing the certificate of professional competence.

(5) In accordance with Article 18 of Regulation (EC) No 1/2005, the competent authority is responsible for issuing the certificate of approval for means of transport by road.

(6) A Grand-Ducal Regulation lays down the detailed rules for the application of this Article.

## ***Chapter 6: Slaughter and Killing of Animals***

### ***Article 9***

#### **Text of the law**

(1) The killing of an animal may only be performed after stunning. This provision does not apply to hunting, recreational fishing and pest control.

When killing an animal, unnecessary pain, distress or suffering should be avoided.

(2) A Grand-Ducal Regulation specifies the manner of application of this Article.

## ***Chapter 7: Animal Interventions and Prohibited Practices***

### ***Article 10: Interventions on animals***

#### **Text of the law**

(1) Any intervention on a vertebrate animal causing pain or suffering must be performed under anesthesia.

(2) Anesthesia must be performed by a veterinary surgeon.

(3) An exemption from the obligation to use a veterinary surgeon may be granted by the Minister, where the anesthesia is carried out by projectile or in the course of experiments or scientific studies on live animals.

Without prejudice to the legal and regulatory provisions concerning the practice of veterinary medicine, anesthesia is not required:

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1. where the veterinary surgeon considers that he is in the presence of a case where anesthesia is not indicated for medical reasons or impracticable;
2. when it comes to minor interventions.

(4) Minor procedures that can be performed without anesthesia are specified by Grand-Ducal Regulation.

### ***Article 11: Amputations***

#### **Text of the law**

(1) An animal may be amputated or partially amputated only on veterinary indications or for imperative zootechnical reasons.

(2) The possession and marketing of amputee animals in violation of this Act is prohibited.

(3) The imperative zootechnical motives for amputation or partial amputation of an animal are determined by Grand-Ducal Regulation.

### ***Article 12: Prohibited Practices***

#### **Text of the law**

It's forbidden:

1. offer or award animals for prizes, awards or donations in contests, sweepstakes, betting, or other similar circumstances;
2. to force an animal, except in the case of force majeure, to achieve performances that it is obviously unable to achieve because they normally exceed its strength or because the animal is in a state of weakness;
3. to let go or abandon, with the intention of discarding it, a tame animal whose existence depends on the care of the man;
4. to use an animal for exhibitions, for advertising, for filming, or for similar purposes, provided that the animal suffers pain, suffering, anxiety, damage or injury ;
5. to excite the aggression of an animal so that it attacks other animals or confront it with other live animals without prejudice to the rules of hunting;
6. forcing or force-feeding an animal unless his state of health requires it;
7. knowingly provide an animal with food or water that clearly causes considerable pain or damage, as well as administering substances to stimulate physical ability for sporting competitions;
8. to hunt;
9. to organize shooting competitions on live animals;
10. to practice sexual acts with an animal;

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11. to manufacture, market and use products derived from dogs or cats, except for products used for scientific or medical purposes;
12. raising an animal for the main use of the skin, fur, feathers or wool;
13. to eliminate animals for purely economic reasons;
14. to sell or dispose of dogs or cats for sale or free of charge in commercial establishments, on markets and on public roads;
15. not to rescue, as far as possible, a suffering, injured or endangered animal;
16. to kill or have an animal killed without necessity;
17. to cause or cause to cause, without necessity, pains, sufferings, anxieties, damages or injuries to an animal.

## *Chapter 8: Protection of Animals Used for Scientific Purposes*

### *Article 13*

#### **Text of the law**

(1) Animal experiments should be limited to what is strictly necessary. They can only be carried out if the objectives pursued can not be achieved by other methods.

Experiments that may cause animals pain, aches or damage, put them in a state of anxiety or significantly disturb their general condition should be limited to what is essential.

(2) Every breeder, supplier or user of animals used for scientific purposes shall apply to the Minister for approval. Approval may be granted for a limited period.

(3) All procedures concerning animals used for scientific purposes must be carried out in a user establishment.

(4) Every experimentation project is subject to prior authorization by the Minister and must be carried out in accordance with the authorization and under the most respectful conditions of the animal. The project may not be authorized by the Minister provided that the Minister having Health in his / her attributions has previously authorized the project that must meet the following criteria:

1. the project is justified from a scientific or educational point of view;
2. the objectives of the project justify the use of animals;
3. the project is designed to allow the conduct of procedures in the most respectful conditions of the animal and the environment.

(5) A Grand-Ducal Regulation lays down the detailed rules for the application of this Article.

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## ***Chapter 9: Control and Sanctions***

### ***Article 14: Emergency measures***

#### **Text of the law**

In the event of imminent danger to the dignity, protection of life, safety or welfare of an animal, the Director of the Veterinary Services Administration, after informing the Minister, is authorized to order urgency:

1. order any owner or keeper of an animal to withdraw from its custody or any of its activities in connection therewith;
2. order the closure of an establishment, premises, land, development and means of transport where animals are kept or used and the evacuation of animals kept or used;
3. order all necessary measures to stop the attacks on the dignity, the protection of life, the safety or the well-being of an animal.

The order is notified or delivered by hand to the owner or keeper. It is reasoned and it takes effect on the date of its notification.

In the event of withdrawal of the custody of an animal, it is entrusted to a natural or legal person who provides it with the appropriate care and housing or an association of animal protection.

Prescribed emergency orders have a limited validity period of forty-eight hours. They must be confirmed by a decision of the Minister, the owner or holder against whom the measures were taken, heard or called.

Within forty days of the notification, by registered letter, of the decision of confirmation, an application for reform is possible before the Administrative Court.

Expenses incurred as a result of this order, including childcare, processing fees, drug costs, transportation costs and veterinary fees are the responsibility of the owner or the keeper of the animal. The recovery of costs will be done as in the domain.

### ***Article 15: Search and finding of offenses***

#### **Text of the law**

(1) In addition to the members of the Grand Ducal Police, officials of the Customs and Excise Department from the rank of Senior Brigadier, the Director and officials of the career of the veterinary surgeon of the Veterinary Services Administration, and the Director, the Deputy Directors, the A1, A2, B1 staff members acting as Nature and Forest Officer, and D2 acting as the Lands Officer, the Administration of the nature and forests may be responsible for noting infringements of this Act and its regulations.

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(2) In the performance of their duties, these officials are qualified as judicial police officers. They may exercise these functions throughout the territory of the Grand Duchy of Luxembourg.

(3) The officials referred to in paragraph 1 must have undergone special vocational training in the investigation and detection of offenses as well as the criminal provisions of this Law. The program and duration of training as well as the methods of checking knowledge are specified by Grand-Ducal regulation.

Before taking up their duties, they take the following oath before the District Court of Luxembourg, sitting in civil matters: "I swear to perform my duties with integrity, accuracy and impartiality".

Article 458 of the Penal Code is applicable to them.

## **Article 16: Powers and Control Prerogatives**

### **Text of the law**

(1) The members of the Grand-Ducal Police and the officials referred to in Article 15, paragraph 1, may enter by day and by night the establishments, premises, grounds, installations and means of transport in which animals are kept or used. subject to this Act and the regulations made thereunder, in the case of indications of an offense under this Act and the regulations made thereunder.

They report their presence to the owner or holder concerned. In case of impossibility, it will be mentioned in the minutes.

(2) The provisions of paragraph 1 shall not apply to premises used for habitation.

However, and without prejudice to Article 33, paragraph 1, of the Code of Criminal Procedure, in case of serious indications that the origin of the offense is found in the premises intended for housing, it may be carried out a domiciliary visit between six and a half and twenty-four hours by two judicial police officers, members of the Grand Ducal Police or officials referred to in Article 15 (1), acting under a judge's warrant instruction.

(3) The members of the Grand-Ducal Police and the officials referred to in Article 15, paragraph 1, are entitled to:

1. request the disclosure of all records, records and documents relating to the protection and welfare of animals;
2. take samples of the animals for examination or analysis. Samples are taken against the issue of an acknowledgment of receipt. Part of the sample, sealed or sealed, is returned to the owner or keeper unless expressly waived;
3. document the non-conformities identified by the image;

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4. in the case of a contravention or offense, seize the animals, the dead bodies or the objects that were used to commit the offense or that were to be used to commit the offense, as well as the registers, writings and documents concerning them, liable to confiscation higher. The animals seized are entrusted to a natural or legal person who provides them with the appropriate care and housing or an association of animal welfare;
5. proceed, with the prior authorization of the State Prosecutor, to the euthanasia of the animals seized for which the maintenance of life causes unbearable suffering.

The seizure provided for in point 4 can only be maintained if it is validated within eight days, excluding Saturdays, Sundays and public holidays by order of the investigating judge.

The release of the seizure pronounced by order of the investigating judge can be requested in any case, namely:

1. a) in the district court council chamber during the investigation;
2. (b) the police judge, in the case of a contravention;
3. (c) to the correctional chamber of the district court where it is seized by the order for reference or by direct summons;
4. d) to the correctional chamber of the Court of Appeal if an appeal has been lodged or if an appeal has been lodged.

The application shall be lodged with the registry of the court which is to rule. It shall be decided as a matter of urgency and at the latest within three days of the filing, the public prosecutor and the accused or his defense counsel heard in their oral or duly summoned explanations.

In urgent cases, the investigating judge may order, within fourteen days of the seizure, without the release having been requested, the sale by mutual agreement or at the auction of the animals seized. Proceeds from the sale will be paid to the Consignment Fund and will be deducted from legal costs.

If the seizure is prolonged for more than three months, without the release having been requested, the investigating judge may order the sale by mutual agreement or at the auction of the animals seized. Proceeds from the sale will be paid to the Consignment Fund and will be deducted from legal costs.

(4) Every owner or keeper shall, at the request of the members of the Grand-Ducal Police and of the officials referred to in Article 15 (1), be required to facilitate the operations to which they are subject under this Law.

(5) Minutes of findings and operations are drawn up.

(6) Expenses occasioned by the measures taken under this section are included in the legal costs of which they follow the fate.

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## **Article 17: Penal sanctions**

### **Text of the law**

(1) The following contraventions are punishable by a fine of 25 euros to 1,000 euros:

1. any person who contravenes the provisions of Article 4 (1) (1):
2. (a) by not giving the animal food, watering and appropriate care appropriate to his species;
3. (b) failing to provide the animal with accommodation suited to its physiological, ethological and ecological needs;
4. any person who contravenes the provisions of Article 4 (1) (2) by restricting the natural needs of exercise and movement of an animal so that it results in pain, suffering, anxiety, damage or injury;
5. any person who contravenes the provisions of Article 4 (1) (3) by not equipping the animal's accommodation with lighting, temperature, humidity, ventilation, air circulation and other ambient conditions consistent with the physiological and ethological requirements of the species;
6. any person who contravenes the provisions of Article 4 (1) (4) by failing to adequately treat a sick or injured animal;
7. any person who contravenes Article 5 (1) (5) by doing unjustified acts against animals which cause them pain, suffering, distress, damage or injury;
8. any person who contravenes the provisions of Article 5 (1) and (2) by keeping unauthorized animals;
9. any person who contravenes the provisions of Article 6 (1) by failing to make the required notification;
10. any person who contravenes the provisions of Article 6 (2) by not having the authorization concerned;
11. any person who contravenes the provisions of Article 8 (2) and (3) by not having the relevant authorizations;
12. any person who contravenes the provisions of Article 8 (4) by not having the required certificate of professional competence;
13. any person who contravenes the provisions of Article 8 (5) by not having the certificate of approval for the intended means of transport by road;
14. any person who contravenes Article 12 (1) by offering or awarding animals as prizes, awards or donations in contests, sweepstakes, betting, or other similar circumstances;
15. any person who contravenes Article 13 (2) and (4) by not having the relevant authorizations or authorizations;
16. any person who contravenes Article 16 (3) (1) by not communicating all records, records and documents relating to the protection and welfare of animals to the persons referred to in Article 15 (1) 1;

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17. any person who contravenes Article 16 (3) (3) by refusing the documentation by the image of the non-conformity (s) found to the members of the Grand-Ducal Police and the officials referred to in Article 15, paragraph 1.

(2) The following offenses are punishable by imprisonment from eight days to three years and a fine of 251 euros to 200,000 euros or one of these penalties only:

1. any person who contravenes the provisions of Article 4 (1) (6) by mistreating an animal or by practicing active or passive cruelty to an animal;
2. any person who contravenes Article 7 (1) (7) by cruelly killing an animal;
3. any person who contravenes the provisions of Article 7 by breeding animals by artificial selection;
4. any person who contravenes the provisions of Article 8 (1) by not guaranteeing the safety and welfare of animals during the entire duration of the transport of animals;
5. any person who contravenes the provisions of section 9 by putting to death an animal without first stunning or causing unnecessary pain, distress or suffering to the animal at the time of killing;
6. any person who contravenes the provisions of Article 10 by performing painful procedures on animals without first performing anesthesia;
7. any person who contravenes the provisions of section 11 by carrying out prohibited amputations or by keeping or marketing amputees;
8. any person who contravenes section 12 (2) to (17) by practicing prohibited animal practices;
9. any person who contravenes the provisions of Article 13 (1) by carrying out experiments on animals which may cause animals pain, aches, damage, anxiety, disturbances of their condition general when the aim could have been achieved in another way;
10. anyone who keeps animals despite the legal prohibition to keep animals.

(3) The judge may order the confiscation of animals, devices and instruments that have been used or intended to commit the offense, as well as vehicles used to commit the offense.

(4) The judge may prohibit the keeping of animals from three months to fifteen years.

(5) In the event of a repeat offense within the two-year period, the penalties may be increased to twice the maximum.

## ***Article 18: Taxed warnings***

### **Text of the law**

In the event of contraventions provided for in article 17, paragraph 1, taxed warnings may be issued by officials of the Grand-Ducal Police authorized for that purpose by the Director General of the Grand Ducal Police and, in the exercise their functions in relation to the controls referred

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to in Article 15 (1) by the officials of the administrations concerned authorized for that purpose by the competent ministers.

The taxed warning is subject to the condition that the offender agrees to pay immediately to the prequalified officials the taxed notice due, or, where the taxed warning can not be perceived at the place of the offense, he must pay it within the time allotted to him by summons. In the same case, payment may be made in the office of the Grand Ducal Police or by payment to the postal or bank account indicated by the same summons.

The taxed warning is replaced by an ordinary report:

1. if the offender did not pay within the prescribed time;
2. if the offender declares that he or she does not want or can not pay the taxes.

The amount of the taxed warning and the methods of payment shall be fixed by Grand-Ducal regulation which shall also determine the manner of application of this article and which shall establish a catalog grouping the contraventions according to the amount of the taxed warnings to be collected.

The minimum amount of the taxed warning is 25 euros. The maximum amount of the taxed warning is 250 euros.

The payment of the taxed warning within forty-five days, from the date of the finding of the infringement, increased if necessary by the costs of recall, has the consequence to stop any prosecution for the facts to which relates the the taxed warning in question.

When the taxed warning has been paid after this period, it is refunded in the event of payment, and is charged against the fine imposed and any legal costs incurred in the event of conviction. In this case, the payment of the taxed warning does not prejudice the fate of a legal action.

## ***Article 19: Administrative Measures***

### **Text of the law**

(1) The Minister may, in the event of failure to comply with the conditions set out in the authorization provided for in Chapter 3,

1. give the owner or holder a period within which the latter must comply with the conditions set out in the authorization, which period may not exceed six months and;
2. in case of non-compliance with the deadline for compliance, suspend or withdraw the authorization, after a formal notice, or have the establishment closed down, in whole or in part, and affixed seals.

(2) The measures taken by the Minister under paragraph 1 are subject to appeal to the Administrative Tribunal. This appeal must be filed under pain of forfeiture within forty days of the notification of the decision.

(3) As soon as it has been established that the non-conformities which have been the subject of the measures provided for in paragraph 1 have been terminated, the latter shall be lifted.

## ***Chapter 10: Transitional and Repealing Provisions***

### ***Article 20***

#### **Text of the law**

(1) In application of Article 5 (2) (3) (a), for animals of non-mammalian species held before the entry into force of this Law, an application for authorization must be submitted within three months after the entry into force of this Act.

(2) In accordance with section 11, any amputee that is not in accordance with the requirements of section 11 before the coming into force of this Act may continue to be owned by the owner or keeper until the death of the animal.

### ***Article 21***

#### **Text of the law**

The law of March 15, 1983, which aims to ensure the protection of life and the welfare of animals, is repealed.