



ANIMAL PROTECTION and STRAY DOGS MANAGEMENT Romanian LAWS

■ Content - the main points

up to 2001 - no law concerning animal protection or stray dog management (even though Romania signed the Universal Declaration of Animal Rights)

2001 - Government Urgent Resolution no. 155/2001 regarding the management of stray dogs

- The stray dogs will be captured and taken into shelters, set up by the local councils, where they will be kept up to 7 days;
- the sheltering conditions and humane treatment methods are stipulated (very good and civilized ones)
- aggressive, chronically or incurably ill animals will be put to sleep through euthanasia as soon as they arrive in shelters;
- The dogs can be adopted (after sterilization, antirabies vaccination, deparasiting and identification with a collar and name tag) or claimed within 7 days;
- If the dogs have not been adopted or claimed within 7 days they will be killed through euthanasia
- Definition of euthanasia - *for the first time in an official document it was stipulated what euthanasia meant and who and when it was permitted* -: euthanasia is an act of mercy, done only by qualified veterinarians using painless and rapid methods.
- The bodies of euthanased animals or dead bodies collected in the street will be cremated and it is forbidden to use them for obtaining leather, fats, meat, protein, flour and any other products.
- Collecting, sheltering, vaccination, deparasiting, sterilization, rehoming and euthanasia will take place with the participation of representatives of animal protection organizations if these organizations request to be present.
- It is forbidden to participate or organize dog fighting or inflict any pain or suffering upon dogs.
- The sanitary veterinary inspectors are in charge of applying the punishments (a fine) for the violation of this Resolution.

2002 - the Government Urgent Resolution no. 55/2002 approved by Law 60/2003 concerning dangerous or aggressive dogs

Organizing dog fights, training dogs for fights, participating in these fights are punishable with prison.

Dangerous dogs (fighting and attack dogs and other dangerous breeds mentioned in the law) will be obligatorily sterilized and identified by tattoo or microchip.

2004 - Law no. 205/2004 concerning animals' protection

- The law provides the necessary measures for ensuring the conditions of life and welfare for animals with or without owner.
- It mentions: The control of the stray dog population in the territory of Romania is covered by specific legislation
- Animals' owners (*defined by the law as the person that has any available title, also the physical or juridical person that cares for the animal*) have the obligation to provide for the animals proper shelter, enough food and water, enough space to move, care and attention.
- Animal owners are forbidden to treat animals badly or cruelly, for example to beat, torture or otherwise cause pain or distress to an animal
- National Sanitary Veterinary (and for Food Safety Authority and Ministry of Administration and Internal Affairs) enforce the present law and they are in charge of applying the punishments (violation of the law is considered a contravention)

2004 - The Governmental Decision 955/ 22 July 2004 - Framework regulation for organizing and carrying out public services in areas of public and private local interest.

The public service must:

- establish norms for transport, care and extermination of stray dogs
- assures the dogs' protection according the European norms for animal protection
- collect stray dogs which citizens complain about in writing
- care, vaccinate, deparasite, sterilize and register the dogs;
- rehome the animals for a fee or hand them over to animal welfare organizations free of charge
- return the dogs to the place from where they were collected, if there is a request from the community or local group who confirm in writing that they assume responsibility for the protection of the treated dogs.

According to European norms the dogs are considered to be community animals, therefore it is forbidden to kill the dogs other than in specialized institutions, to capture or mistreat dogs and to organize dog fights.

2008 - Law no. 9/15.01.2008 modifying and completing Law 205/2004 concerning animals' protection

- It is prohibited to euthanase dogs, cats or other animals except animals with incurable illnesses or injuries as ascertained by a veterinary doctor)
- cruelty to animals (killing, abandoning, mistreating and torturing, surgical operations for the purpose of modifying the appearance of a pet animal or for other non-curative purposes, imposing physical or psychological suffering in any way, shooting either domestic or wild animals) are criminal offences punishable by fines or imprisonment.

■ Flaws of legislation in stray animal management

1. attempting to manage or control the stray dog population by incarceration and/or killing for over 10 years has proved cruel, expensive and futile. Despite massive killing and despite spending enormous sums of money to exterminate dogs, the result is no change in the overall population of unsupervised and unwanted dogs; dog populations in Romania remain at the carrying capacity of the areas.
- the policy of some animal welfare organizations in sheltering or hoarding dogs is equally futile; it means keeping these dogs alive at considerable expense in usually inhumane conditions but has no medium term effect on the dog population on the streets

The streets are as crowded with dogs as ever before. Our experience has shown that removing dogs only reduces dog population density for a very short period.

The few municipalities that have implemented Neuter & Return programmes (by accepting the help of NGOs financed mainly from abroad) had positive results, diminished only by the dumping of dogs by other municipalities and/or the transfer of dogs by animal lovers to "safe areas".

2. the law has no restrictions on breeding - thus, despite lack of education, ignorance and poverty, any citizen is permitted to breed in the backyards as many litters as possible and to abandon unsold puppies in the streets.
3. The indifference and passivity of the ANSVSA (the National Sanitary Veterinary and Food Safety Authority) which is responsible for monitoring and implementing these laws, demonstrate the need for a specialised institution or authority dedicated to the implementation and monitoring of this legislation.
4. The right of local animal welfare organizations to supervise and implement the legislation in animal welfare is not clearly stated in the legislation and thus not easily enforceable through the Courts.

■ Recommendations for improvement

1. In 2007 a legislative project for modification and completion of Government Urgent Resolution no. 155/2001 regarding the stray dog management program was proposed.

At the end of 2007 it was adopted unanimously by the Senate of the Romanian Parliament but since then it has been stalled at the Chamber of Deputies within the Committee for Public Administration, Territorial Planning and Ecological Balance.

The main points of the legislative proposal (developed by the initiator, in collaboration with representatives of Romanian animal welfare organizations, ANSVSA and the College of Veterinarians of Romania) are: **sterilization, vaccination, identification** (by clip or microchipping), and registration in the national data base of strays (dogs, cats) and their return to their territory;

- accommodation of unreturnable animals in shelters until they are claimed or rehomed;
- sterilization, identification (by microchipping) and registering of pets (excluding pedigree animals);
- accommodating abandoned or confiscated animals (e.g. horses and donkeys) including building county public shelters

Therefore the delay in debating the proposed law is causing municipal shelters to be overcrowded and is resulting in animals being born and dying on the streets, since nature limits the overall dog population to the carrying capacity of the area. Although every municipality can start a Neuter & Return programme on its own initiative or on the basis of Governmental Decision 955/ 2004, municipalities do not in practice do this, because of ignorance, short-termism and lack of finance. They prefer to do nothing or to kill dogs unofficially in response to complaints, or to stuff dogs into municipal holding facilities where the dogs die from starvation or disease. In order to maintain deniability municipalities sometimes use sub-contractors to poison or collect and dump dogs.

2. It is necessary to establish **an authority or institution to apply and enforce the legislation** and to remove from office public officials to allow it to be violated by their employees or contractors. At present the national authority governing animal protection responsible for implementing and monitoring the animal welfare legislation is the National Sanitary Veterinary and Food Safety Authority. Often, through laziness or ignorance, local ANSV officials impede animal protection and obstruct the actions of animal welfare organizations. Sometimes its officials connive in or cover up atrocities committed by responsible authorities with regard to the management of stray dogs. Most ANSV officials prefer a quiet life and eschew difficult work.
3. **The right of local animal welfare organizations** to supervise officially the application of animal protection legislation must be **enshrined clearly** in the legislation. The wording of the current legislation can be interpreted as making this right optional and subject to the wishes of the local municipality.
4. EU funding must be provided to finance Neuter & Return programmes implemented wherever possible by experienced NGOs or private sector companies under the supervision of animal welfare NGOs. The cost of Neuter & Return is approximately Euro 1,- per citizen in the first year, Euro 0,75 in year 2, Euro 0,60 in year 3 gradually diminishing to almost zero. Therefore a national N & R programme will cost approx. Euros 60 million in the first 3 years. Municipalities cannot possibly finance this out of local budgets.

5. A fallacy is that the problem is stray (i.e. feral) dogs. Feral dogs produce relatively few puppies which survive to breeding age. The most reproductively successful dogs have owners or carers. In Romania 99% of owned or semi-owned dogs sleep outside homes and are free to copulate. Therefore inadequately supervised dogs, including factory, petrol station, restaurant, hospital dogs, are the source of the problem. **School and public education** in Responsible Pet Ownership is therefore an indispensable part of Neuter & Return.
6. Public sector employees lack the motivation, education and credibility to implement **Neuter & Return programmes**. These **must be public-private partnerships**. Finance, purchasing, public relations, advertising and collation of complaints and statistics should be done by the responsible public authority. Implementation on the ground, including door-to-door canvassing, collection of dogs for free neutering, resolution of complaints, free rabies vaccination, rehoming and school education must be carried out by organised NGOs or private sector companies under NGO supervision.
7. **Other necessary improvements** for protection of animals are required in the areas of :
 - Animals used for scientific purposes
 - Circuses (use of wild animals should be prohibited)
 - Zoos (provision of appropriate enclosures and conditions; prohibition of some species of animals other than in appropriate sanctuaries; prohibition of breeding for financial gain).
 - prohibiting the farming of animals for fur.