

GWT -Gesellschaft für wissenschaftlichen Tierschutz mbH- commissioned an aiic conference interpreter\*) to produce an English translation of the "German Animal Welfare Act in the version published on 18th May, 2006 (Federal Law Gazette I pp. 1206, 1313), last amended by article 4 subsection 90 of the act of 7th August, 2013 (Federal Gazette I p. 3154)".

GWT, together with Charles River Research Models and Services Germany GmbH and TransMIT GmbH, project area laboratory animal science – hereinafter called Providers – assumed responsibility for the funding.

**Liability disclaimer of the conference interpreter, GWT mbH and the other Providers mentioned:**

**The conference interpreter made the translation to the best of his knowledge and ability and was not influenced by any third parties. He does not assume any guarantee beyond this assurance.**

**The Providers cannot warrant that the content of the translation made is correct, complete and up-to-date. In the event of any discrepancies, the German version shall have exclusive validity.**

**The translation of the German Animal Welfare Act is intended to provide guidance to the requirements of that Act for the benefit of non-German speakers. All statements should be seen in the context of the German-language Animal Welfare Act.**

**The translation merely serves as an indication and can thus in no way replace skilled individual advice from an attorney-at-law on the basis of the German version of the Animal Welfare Act.**

<sup>\*)</sup> The contact data of the aiic conference interpreter can be obtained from GWT.

Munich, 26.01.2015

# German Animal Welfare Act

German acronym TierSchG

Date of issue: 24.07.1972

Quotation in full:

"German Animal Welfare Act in the version published on 18th May, 2006 (Federal Law Gazette [BGBl. I pp. 1206, 1313], last amended by article 4 subsection 90 of the Act of 7th August, 2013 (BGBl. I p. 3154)"

**Version:** Revised by publication of 18.5.2006 I 1206, 1313;  
last amended by article 4, para. 90 Act of 7.8.2013 I 3154

## Footnote

- (+++ Text reference valid as of: 1.1.1987 +++)  
(+++ Provisos because of the Unification Treaty Annex I Chap. VI Subject area A Part III no. 14 no longer applicable pursuant to article 109 no. 2 a jj Act of 8.12.2010 I 1864 with effect from 15.12.2010 +++)  
(+++ Official references by the legislator to EC law:  
Implementation of  
EEC Dir. 628/91 (CELEX no: 31991L0628)  
EEC Dir. 630/91 (CELEX no: 31991L0630)  
EC Dir. 119/93 (CELEX no: 31993L0119)  
EEC Dir. 609/86 (CELEX no: 31986L0609)  
EEC Dir. 35/93 (CELEX no: 31993L0035) cf. Act of 25.5.1998 I 1094 +++)

## Part One Principles

### Section 1

Having regard to Man's responsibility for animals as fellow creatures, the purpose of this Act is to protect animal life and welfare. No one shall inflict pain, suffering or distress on an animal without reasonable cause.

## Part Two Keeping animals

### Section 2

Anyone who keeps, has charge of or is placed in charge of an animal

1. shall feed and care for the animal appropriately in accordance with its species and needs, and shall house it such that it can exhibit normal behaviour patterns,
2. shall not restrict the possibility for the animal to move in a manner appropriate to the species, such that it is caused pain or avoidable suffering or distress,
3. must possess the knowledge and skills needed for appropriate feeding, care and housing such that it can exhibit normal behaviour patterns.

### Section 2a

(1) The Federal Ministry of Food, Agriculture and Consumer Protection (Federal Ministry) is empowered to issue Statutory Orders with the consent of the Bundesrat (Federal Council), wherever necessary for the protection of animals, specifying in more detail the requirements concerning the keeping

of animals in accordance with Section 2, and in particular to adopt regulations with regard to requirements

1. concerning animals' freedom of movement or their need to be housed with other animals,
2. regarding rooms, cages, other containers and other facilities for housing animals, and also regarding the nature of tethering, feeding and drinking facilities,
3. concerning the lighting conditions and indoor climate of animal housing,
4. regarding the care, including the supervision, of animals; in this context, the Federal Ministry may also stipulate that records of the results of the supervision shall be drawn up, kept and presented to the competent authorities on request,
5. regarding the knowledge and skills needed by persons who keep, have charge of or are placed in charge of animals, and regarding the evidence of such knowledge and skills,
6. regarding safety precautions in the event of technical breakdowns or in the event of fire.

(1a) The Federal Ministry is empowered to issue Statutory Orders with the consent of the Bundesrat, wherever necessary for the protection of animals, specifying the requirements concerning the aims, means and methods employed in teaching, coaching or training animals.

(1b) The Federal Ministry is empowered to issue Statutory Orders with the consent of the Bundesrat, wherever necessary for the protection of animals and tagging is not already required under Section 11a subsection 3, adopting regulations on the tagging of animals, especially dogs and cats, and on the method of carrying out the tagging.

(2) The Federal Ministry is empowered, in agreement with the Federal Ministry of Transport, Building and Urban Development, to issue Statutory Orders with the consent of the Bundesrat, wherever necessary for the protection of animals, specifying how they may be transported. These may in particular involve

1. laying down requirements
  - a) concerning the fitness of animals for transport,
  - b) concerning means of transport for animals,
- 1a. prohibiting or restricting certain means of transport and methods of shipping for the transportation of certain animals, especially dispatch cash on delivery,
2. prescribing particular means of transport and methods of shipping for the transportation of certain animals,
3. stipulating that certain animals must be accompanied by an attendant during transportation,
- 3a. stipulating that persons carrying out or assisting in the transportation of animals must possess certain knowledge and skills and must furnish evidence thereof,
4. adopt regulations on loading, unloading, housing, feeding and tending to the animals,
5. as a prerequisite for carrying out the transportation of animals, prescribing certain certificates, declarations or notifications and laying down rules on how they are to be issued and preserved,
6. prescribing that someone who carries out the transportation of animals on a commercial basis shall require a permit from the competent authority or must be registered with the competent authority, and laying down rules governing the requirements and procedures for the grant of the permit and for registration,
7. prescribing that someone who intends to feed, tend to or house animals in an establishment or enterprise during the transportation shall require a permit from the competent authority, and laying down rules governing the requirements and procedures for the grant of the permit if this is necessary in order to implement a legislative measure of the European Community or the European Union.

(3) The agreement of the Federal Ministry of Education and Research shall be required for Statutory Orders

1. under subsection 1, whenever they lay down requirements concerning the keeping of animals intended for use in animal experiments or whose tissue or organs are intended to be used for scientific purposes,
2. under subsection 2 sentence 1, whenever they lay down rules governing the transportation of animals intended for use in animal experiments or whose tissue or organs are intended to be used for scientific purposes.

### Section 3

It is prohibited

1. to demand a performance of an animal, except in an emergency, of which it is obviously not capable because of its condition, or which obviously exceeds its strength,
- 1a. to demand a performance of an animal which has been subjected to an operation or treatment which conceal a physical condition that reduces its performance, when it is not capable of that performance because of its physical condition,
- 1b. in training or at sports competitions or similar events to subject an animal to measures which entail considerable pain, suffering or distress and which can influence an animal's performance, or to administer doping substances to an animal at sports competitions or similar events,
2. to buy or sell a frail, sick, aborted or old animal kept in the home or enterprise or otherwise in the care of a human being, when the continued survival of that animal involves incurable pain or suffering, for any other purpose than its immediate painless destruction; this shall not apply to the direct delivery of a sick animal to a person or establishment who or which has been granted a licence under Section 8 subsection 1 sentence 1 and, if it is a vertebrate, a permit wherever necessary under regulations issued on the basis of Section 9 subsection 3 numbers 1 and 2, for experiments on such animals,
3. to release or abandon an animal kept in the home or enterprise or otherwise in human care in order to dispose of it or to avoid one's responsibilities as the keeper or person responsible,
4. to release or settle in the wild an animal belonging to a wild species which has been bred or reared by man and which has not been taught how to find food in a manner appropriate to the species as is necessary for survival in the intended habitat, or which is not adapted to the climate; this shall not prejudice the regulations of hunting law and nature conservation law,
5. to coach or train an animal if that entails considerable pain, suffering or distress for the animal,
6. to raise an animal for a film recording, exhibition, advertising or similar event if that entails pain, suffering or distress for the animal,
7. to train an animal to be vicious towards another living animal or to test its viciousness,
8. to set an animal on another animal, except where this is required by the principles of the expert practice of hunting,
- 8a. to train or teach an animal to adopt such aggressive behaviour that that behaviour
  - a) leads to pain, suffering or distress for the animal itself or
  - b) in the context of any natural contact with members of the same species, leads to pain or avoidable suffering or distress for the animal itself or for the other member of the same species or
  - c) only allows it to be kept under conditions that lead to pain or avoidable suffering or distress for the animal itself,
9. to force-feed an animal, except where this is necessary for health reasons,
10. to offer an animal food that causes the animal considerable pain, suffering or distress,
11. to use a device which, by directly applying electric current, considerably restricts an animal's natural behaviour, especially its movement, or forces it to move and in the process causes the animal not inconsiderable pain, suffering or distress, except where this is permissible under regulations of federal or state law,

12. to offer an animal as a prize or reward in a competition, raffle, prize draw or similar event,
13. to exploit an animal for own's own sexual acts or to train it or make it available for sexual acts by third parties and in this way to force it to behave in a manner which is unnatural for its species.

Sentence 1 number 12 shall not apply if the animal is offered at an event described in sentence 1 number 12 where it can be expected that the participants in the event can, should they win, ensure that as future animal keepers they will comply with the requirements of Section 2.

## **Part Three**

### **Destruction animals**

#### **Section 4**

(1) A vertebrate may only be killed when pain has been effectively eliminated (stunning), when it is in a state in which it lacks consciousness and feeling or otherwise, wherever reasonable under the circumstances prevailing, only when pain is prevented. If the destruction of a vertebrate without stunning is permissible in the context of the practice of hunting in accordance with the principles of good huntsmanship or on the basis of other legal regulations, or if it is done in the context of permissible pest control measures, the destruction may only be carried out if no more than unavoidable pain is caused. A vertebrate may only be killed by a person who possesses the knowledge and skills necessary for that purpose.

(1a) Persons whose profession or trade means that they regularly kill vertebrates or stun them for the purpose of killing them shall furnish the competent authorities with evidence of their expertise. If in the context of an activity in accordance with sentence 1 poultry are killed or stunned for the purpose of being killed in the presence of a supervisor, not only the person who stuns or kills the animals, but also the supervisor shall furnish the evidence of expertise. If in the context of an activity in accordance with sentence 1 fish are killed or stunned for the purpose of being killed in the presence of a supervisor, it shall suffice for the supervisor to furnish the evidence of expertise. Sentences 1 to 3 shall not apply to the killing or stunning of vertebrates for the purpose of killing them if they are intended for use in animal experiments or their organs or tissue are intended to be used for scientific purposes.

(2) Section 4a shall apply to the slaughtering of a warm-blooded animal.

(3) Section 7a subsection 2 number 1 shall apply *mutatis mutandis* to the killing of vertebrates solely in order to use their organs or tissue for scientific purposes. Dogs, cats and primates may only be killed for scientific purposes if they have been bred either for such a purpose or for use in animal experiments. Notwithstanding sentence 2, the competent authority may authorise the killing of animals which have not been bred in accordance with sentence 2, provided this is compatible with the protection of the animals, if

1. no animals bred in accordance with sentence 2 are available with the characteristics required for the purpose concerned or
2. the scientific purposes concerned require the use of animals which have not been bred in accordance with sentence 2.

#### **Section 4a**

(1) A warm-blooded animal may only be slaughtered if, before blood begins to be drawn, it has been stunned for the purpose of slaughtering.

(2) Notwithstanding subsection 1, no stunning shall be required if

1. in the case of a forced slaughter, it is not possible under the given circumstances,
2. the authority concerned has granted a special licence for slaughtering without stunning (slaughtering according to Jewish rites); it may only grant the special licence in so far as it is necessary in order to comply with the needs of members of particular religious communities in the territory where this Act applies who are required by mandatory rules of their religious community to slaughter animals without stunning or are forbidden to eat the meat of animals not slaughtered without stunning or

3. this is specified as an exception by a Statutory Order under Section 4b number 3.

## **Section 4b**

The Federal Ministry is empowered to issue Statutory Orders with the consent of the Bundesrat, for the purposes of Sections 4 and 4a,

1.
  - a) in order to regulate the slaughtering of fish and other cold-blooded animals,
  - b) to regulate in more detail, prescribe, permit or prohibit particular methods of killing and stunning,
  - c) to regulate in more detail the conditions under which slaughtering for the purposes of Section 4a subsection 2 number 2 may be performed,
  - d) to issue more detailed regulations regarding the nature and scope of the knowledge and skills required for stunning or killing vertebrates and the procedures for furnishing evidence of such knowledge and skills,
  - e) to define non-commercial activities which require the acquisition of evidence of expertise in the killing of vertebrates,

in order to ensure that the animals are not caused more than unavoidable pain,
2. in order to regulate in more detail the slaughtering of animals in the context of the provisions of the European Convention of 10th May, 1979, for the Protection of Animals for Slaughter (BGBl. 1983 II p. 770),
3. to define exceptions to the stunning obligation for the slaughtering of poultry.

Statutory Orders pursuant to sentence 1 number 1 b and d shall require,

1. the agreement of the Federal Ministries of Economics and Technology and of the Environment, Nature Conservation and Reactor Safety if they involve stunning or killing by means of hazardous substances or mixtures for the purposes of the Chemicals Act or the associated requirements for the acquisition of evidence of expertise,
2. the agreement of the Federal Ministry for Education and Research if they involve stunning or killing animals intended for use in animal experiments or whose tissue or organs are intended to be used for scientific purposes or the associated requirements for the acquisition of evidence of expertise.

## **Part Four Procedures on animals**

### **Section 5**

(1) No procedure involving pain may be performed on a vertebrate without anaesthetisation. The anaesthetisation of warm-blooded vertebrates, amphibians and reptiles must be performed by a veterinary surgeon. This shall not apply if the anaesthetisation is performed solely by externally applying a veterinary medicament which has been approved in accordance with the regulations of veterinary pharmaceutical law in order to eliminate local pain and is suitable according to scientific knowledge and the state of the art for the purpose of performing the procedure concerned. Nor shall this apply to a procedure for the purposes of Section 6 subsection 1 sentence 2 number 2a if the anaesthetisation is performed without impairing the faculties of perception and sensitivity, except for the sensation of pain, with a veterinary medicament which has been approved in accordance with the regulations of veterinary pharmaceutical law for the elimination of pain during that procedure. For anaesthetisation with anaesthetisation cartridges, the competent authority may grant exceptions to sentence 2 provided reasonable grounds can be demonstrated. If anaesthetisation is not required under paragraphs 2, 3 and 4 number 1, every possible step shall be taken to reduce the animals' pain or suffering.

(2) Anaesthetisation shall not be required

1. if, as a rule, no anaesthetisation is administered for comparable procedures on human beings or the pain involved in the procedure is less significant than the impairment of the animal's well-being involved in anaesthetisation,
2. if anaesthetisation does not appear feasible in a particular case according to the judgment of a veterinary surgeon.

(3) Anaesthetisation shall likewise not be required

1. for castrating male cattle, sheep and goats under the age of four weeks, unless any deviation from the normal anatomical condition has been diagnosed,
- 1a. (deleted)
2. for polling or preventing the growth of horns in cattle less than six weeks old,
3. for docking the tails of piglets less than four days old and of lambs less than eight days old,
4. for docking the tails of lambs less than eight days old using elastic rings,
5. for clipping and grinding the eyeteeth of piglets less than eight days old, if this is necessary to protect the sow or the littermates,
6. for removing the claw-bearing final phalanx in male broilers intended for use as breeding cocks, during the first day of life,
7. for tagging
  - a) by means of an implanted electronic transponder,
  - b) mammals, except for pigs, sheep, goats and rabbits, by means of tattooing ears or thighs within the first two weeks of life,
  - c) pigs, sheep, goats and rabbits, by means of tattooing ears,
  - d) pigs by means of marking with impact dies and
  - e) farm animals by means of an eartag or wing tag.

(4) The Federal Ministry is empowered to issue Statutory Orders with the consent of the Bundesrat

1. to exclude further procedures from the anaesthetisation obligation, in addition to those specified in subsection 3, provided this is reconcilable with Section 1,
2. to prescribe, permit or prohibit procedures and methods for carrying out measures under subsection 3 and, on the basis of a Statutory Order in accordance with number 1, to prescribe, permit or prohibit particular measures if that is necessary in order to protect the animals.

## Section 6

(1) The complete or partial amputation of body parts or the complete or partial removal or destruction of organs or tissues of a vertebrate. The prohibition shall not apply if

1. the procedure in the specific case
  - a) is necessary from the point of view of a veterinary indication or
  - b) is indispensable for the intended use of the animal in the case of dogs to be trained for hunting and there are no veterinary concerns about it,
- 1a. tagging prescribed by regulations on the protection of species is performed,
- 1b. tagging is performed on horses by means of thigh branding,
2. it is a case covered by Section 5 subsection 3 numbers 1 or 7,
- 2a. male pigs less than eight days old are castrated,
3. it is a case covered by Section 5 subsection 3 numbers 2 to 6 and the procedure is indispensable in the specific case for the intended use of the animal for its own protection or the protection

of other animals,

4. the complete or partial removal of organs or tissues is necessary in order to transplant the organs or tissues for other than scientific purposes, to prepare cultures or to analyse isolated organs, tissues or cells,
5. if sterilisation is performed in order to prevent uncontrolled reproduction or - provided there are no veterinary concerns about it - for the further use or keeping of the animal.

Procedures under sentence 2 numbers 1 and 5 shall be performed by a veterinary surgeon; in the case of a procedure under sentence 2 number 2a, this shall also apply if a deviation from the normal anatomical condition has been diagnosed. Procedures under

1. sentence 2 numbers 1a, 1b, 2 and 3,
2. number 2a which do not have to be performed by a veterinary surgeon, and
3. subsection 3

may also be performed by another person who possesses the knowledge and skills necessary for that purpose. Following the castration of a pig more than seven days old, pain-killing drugs, including anaesthetics shall be administered to the animal.

(1a) For the procedures under subsection 1 sentence 2 number 4,

1. Section 7 subsection 1 sentence 2 number 1 and sentence 3, Section 7a subsection 2 numbers 1, 4 and 5 and Section 9 subsection 5 sentence 1, each also in combination with Section 9 subsection 6 sentence 1, and
2. regulations in Statutory Orders which have been issued on the basis of
  - a) Section 7 subsection 3 or
  - b) Section 9 subsections 1, 2 and 3 number 2, subsection 4 sentence 1 number 3 and sentence 2 and subsection 5 sentence 2, each also in combination with subsection 6 sentence 2,

where this is provided for in a Statutory Order issued by the Federal Ministry with the consent of the Bundesrat,

shall apply *mutatis mutandis*. The competent authority shall be notified of the procedures no later than two weeks before they begin. The period does not need to be observed if it is necessary to carry out the procedure immediately in an emergency; the notification shall be made subsequently without delay. The period specified in sentence 2 may be extended by the competent authority to as much as four weeks if necessary. The notification shall include the following details:

1. the purpose of the procedure,
2. the species and number of the animals intended for the procedure,
3. the nature and conduct of the procedure, including the anaesthetisation,
4. location, beginning and expected duration of the project,
5. name, address and expertise of the project director responsible and of his deputy, and also of the person carrying out the procedure and the persons who might possibly carry out the follow-up treatment,
6. the reasons for the procedure.

(2) The use of elastic rings for amputation or castration is prohibited; this shall not apply in the case of subsection 3 number 3 or of Section 5 subsection 3 number 4.

(3) Notwithstanding subsection 1 sentence 1, the competent authority may authorise

1. trimming the beaks of laying hens in the case of chicks less than ten days old,
2. trimming the beaks of productive poultry which are not covered by number 1,
3. docking the connective-tissue end parts of the tails of male calves less than three months old using elastic rings.

Authorisation may only be granted if credible evidence is furnished that the procedure is indispensa-



ble for the protection of the animals in view of the intended use. The authorisation shall be granted for a limited period and in the case of number 1 shall include provisions on the nature, scope and time of the procedure and the person carrying it out.

(4) The Federal Ministry is empowered to issue Statutory Orders with the consent of the Bundesrat, to order the permanent tagging of animals on which procedures which are not obviously recognisable have been carried out, if this is necessary for the protection of the animals.

(5) In the case of subsection 1 sentence 2 number 3, credible evidence that the procedure is indispensable for the intended use shall be furnished to the competent authority upon request.

(6) The Federal Ministry is empowered to issue Statutory Orders with the consent of the Bundesrat permitting anaesthetisation for procedures for the purposes of subsection 1 sentence 2 number 2a, notwithstanding Section 5 subsection 1 sentence 2, to be administered by certain other persons, provided this can be reconciled with the protection of the animals. In the Statutory Orders according to sentence 1, the requirements shall be specified under which those persons may perform the anaesthetisation; these may in particular

1. prescribe or prohibit procedures and methods, including the drugs and the equipment for administering the anaesthetisation, and the procedure according to sentence 1,
2. lay down that the person performing the anaesthetisation must possess the reliability required for that activity, and also the necessary knowledge and skills, and must furnish evidence of such knowledge and skills, and
3. issue more specific regulations concerning the nature and scope of the knowledge and skills required according to number 2, detail the requirements concerning the furnishing of evidence and upkeep of the necessary knowledge and skills and specify the procedures with regard to the furnishing of evidence.

## **Section 6a**

The regulations of this Part shall not apply to animal experiments under Section 7 subsection 2 sentence 1, also in combination with sentence 2.

# **Part Five Animal experiments**

## **Section 7**

(1) The regulations in this Part serve the protection of animals intended for use in animal experiments or whose tissue or organs are intended to be used for scientific purposes. For this purpose,

1. animal experiments shall be limited to the unavoidable minimum with regard to
  - a) the pain, suffering and distress to be caused to the animals,
  - b) the number of animals used,
  - c) the species-specific capacity of the animals used to suffer under the effects of the experiment,and
2. to keep, breed and care for the animals intended for use in animal experiments or whose tissue or organs are intended to be used for scientific purposes in such a way that they are only exposed to stress to the extent which is indispensable for the use for scientific purposes.

Animal experiments may only be planned and conducted by persons who possess the knowledge and skills necessary for that purpose. This shall not prejudice Section 1.

(2) Animal experiments for the purposes of this Act are procedures or treatments for experimental purposes

1. on animals if they might involve pain, suffering or distress for those animals,

2. on animals if they might result in animals being born or hatched which experience pain, suffering or distress, or
3. on the genetic make-up of animals if they might involve pain, suffering or distress for the animals with an altered genetic make-up or their carrier animals,

The following shall also be deemed to be animal experiments: procedures or treatments which do not serve experimental purposes, and

1. are performed in order to prepare, recover, store or replicate substances, products or organisms,
2. by which organs or tissue are completely or partially removed in order, for scientific purposes,
  - a) to transplant the organs or tissue,
  - b) to prepare cultures or
  - c) to analyse isolated organs, tissue or cells,
 or
3. which are performed for the purpose of basic, further or advanced training,

provided one of the conditions specified in sentence 1 numbers 1 to 3 applies. The killing of an animal shall not be deemed an animal experiment if it is done solely for the purpose of using its organs or tissue for scientific purposes.

(3) The Federal Ministry is empowered, in agreement with the Federal Ministry of Education and Research, to issue Statutory Orders with the consent of the Bundesrat specifying the precise details concerning the requirements under subsection 1 sentence 2 number 2.

## **Section 7a**

(1) Animal experiments may only be conducted if they are indispensable for one of the following purposes:

1. basic research,
2. other research with one of the following objectives:
  - a) preventing, identifying or treating diseases, suffering, physical injuries or physical complaints in human beings or animals,
  - b) identifying or influencing physiological conditions or functions in human beings or animals,
  - c) promoting animal welfare or improving the conditions under which farmed animals are kept,
3. protection of the environment in the interests of the health or well-being of human beings or animals,
4. development and production of, and testing the quality, efficacy or safety of drugs, foodstuffs, animal feed or other substances or products with one of the objectives mentioned in number 2 a) to c) or number 3,
5. testing substances or products for their efficacy against animal pests,
6. research in connection with the preservation of species,
7. basic, further or advanced training,
8. forensic investigations.

Animal experiments for the purpose of basic, further or advanced training according to sentence 1 number 7 may only be performed

1. at a university or college, another scientific establishment or hospital or
2. in the course of basic, further or advanced training for health or assistant health professions or auxiliary scientific professions.

(2) The decision as to whether an animal experiment is indispensable and the conduct of animal experiments shall take the following principles into consideration:

1. The respective state of scientific knowledge shall be taken as the basis.

2. It shall be examined whether the purpose pursued cannot be achieved by other methods or procedures.
3. Experiments on vertebrates or cephalopods may only be conducted if the pain, suffering or distress which the animals can be expected to experience are ethically acceptable in view of the purpose of the experiment.
4. Pain, suffering or distress may only be inflicted on the animals to the extent which is indispensable for the purpose pursued; in particular, they may not be inflicted in order to save work, time or expense.
5. Experiments on animals whose species-specific capacity for suffering under the effects of the experiment is more pronounced may only be conducted if animals whose capacity in this respect is less pronounced are not adequate for the purpose pursued.

(3) Animal experiments for the development or testing of weapons, ammunition and associated equipment are prohibited.

(4) Animal experiments for the development of tobacco products, detergents and cosmetics are prohibited in principle. The Federal Ministry is empowered to issue Statutory Orders with the consent of the Bundesrat to specify exceptions if this is necessary in order to

1. ward off specific health risks and the necessary new findings cannot be obtained in any other way, or
2. implement legal acts of the European Community or the European Union.

(5) An animal experiment shall be deemed to be completed when

1. no further observations are to be made for the animal experiment or,
2. where genetically modified, new animal lines are used,
  - a) no further observations need to be made on the progeny and
  - b) it is no longer expected that the progeny will experience pain or suffering or suffer lasting harm because of the modifications through biotechnology or genetic modification.

(6) The Federal Ministry is empowered, in agreement with the Federal Ministry of Education and Research, to issue Statutory Orders with the consent of the Bundesrat to extend

1. provisions of this Act or
2. Statutory Orders issued on the basis of this Act on the conduct, authorisation and notification of animal experiments

to experiments on animals in a stage of development before birth or hatching if this is necessary in order to protect those animals because of their capacity to experience pain or suffering or to suffer distress, and in order to implement legal acts of the European Union.

## Section 8

(1) Anyone wishing to conduct experiments on vertebrates or cephalopods shall require the experimental project to be authorised by the competent authority. The authorisation of an experimental project shall be granted if

1. it is shown, with scientific reasoning, that
  - a) the conditions of Section 7a subsections 1 and 2 numbers 1 to 3 are met,
  - b) the intended result is not sufficiently known despite full use having been made of the available sources of information or the verification of a sufficiently known result by means of a double or repeat experiment is indispensable,
2. the responsible director of the experimental project and his deputy possess the necessary technical aptitude and professional qualifications especially concerning the supervision of the animal experiments, and no facts are known that give rise to any doubts about their reliability,
3. the necessary premises, facilities and other material resources comply with the requirements laid down in a Statutory Order issued on the basis of Section 9 subsection 4 sentence 1 number 1,

4. the staffing and organisational requirements for conducting the animal experiments, including the activity of the animal welfare officer, are satisfied,
5. the way the animals are kept complies with the requirements of Section 2 and the requirements laid down in any Statutory Order issued on the basis of Section 2a subsection 1 numbers 1 to 4, also in combination with Section 11 subsection 3, or of Section 2a subsection 2 sentence 1 and their medical care is ensured,
6. it can be expected that the provisions of Section 7 subsection 1 sentence 2 number 1 and Section 7a subsection 2 number 4 and 5 will be observed,
7. it can be expected that
  - a) requirements concerning expertise,
  - b) regulations on analgesia and the anaesthetisation of animals,
  - c) regulations on the re-use of animals,
  - d) prohibitions and limitations on use,
  - e) regulations on the avoidance of pain, suffering and distress after the purpose of the animal experiment has been achieved,
  - f) regulations on preventing the death of an animal under the effect of the experiment or on the avoidance of pain and suffering in the event of the death of an animal and
  - g) regulations on procedures to be followed after the completion of the animal experiment, laid down in any Statutory Order issued on the basis of Section 2a subsection 1 number 5 or Section 4b sentence 1 number 1 b), in each case also in combination with Section 11 subsection 3, or Section 9 subsections 1 to 3 and 4 sentence 1 numbers 2 or 3 or sentence 2 will be complied with, and
8. it can be expected that records will be kept in accordance with Section 9 subsection 5 sentence 1 in combination with the requirements laid down in any Statutory Order issued on the basis of Section 9 subsection 5 sentence 2.

(2) If the authorisation is granted to a university, college or other establishment, the persons conducting the animal experiments must be employees of the establishment or entitled to use the establishment with the consent of the director responsible.

(3) The Federal Ministry is empowered, in agreement with the Federal Ministry of Education and Research, to issue Statutory Orders with the consent of the Bundesrat laying down regulations governing

1. the form and content of the application for the grant of authorisation under subsection 1 sentence 1 and the persons entitled to file applications,
2. the authorisation procedure, including its duration,
3. the content of the official authorisation,
4. the procedure to be followed in the event of subsequent changes in the essential facts underlying the authorisation, including the obligation to notify or authorise such changes,
5. the time limitation on authorisations or the extension of the period of validity of authorisations and
6. the reservation of the right to revoke authorisations.

(4) The Federal Ministry is empowered, in agreement with the Federal Ministry of Education and Research, to issue Statutory Orders with the consent of the Bundesrat specifying that animal experiments must undergo classification with regard to their severity in accordance with Article 15(1) of Directive 2010/63/EU of the European Parliament and of the Council of 22nd September, 2010, on the protection of animals used for scientific purposes (OJ L 276 of 20.10.2010, p. 33), and in so doing to regulate the method and content of the classification and the obligations incumbent on the applicant to assist in this connection wherever this is necessary in order to implement legal acts of the European Union.

(5) The Federal Ministry is empowered, in agreement with the Federal Ministry of Education and

Research, to issue Statutory Orders with the consent of the Bundesrat specifying that experimental projects may be subjected to a retrospective assessment by the competent authority, and laying down the procedure and content of the assessment and the obligations incumbent on the applicant to assist in this connection wherever this is necessary in order to improve the protection of the animals in animal experiments and to implement legal acts of the European Union.

(6) The Federal Ministry is empowered, in agreement with the Federal Ministry of Education and Research, to issue Statutory Orders with the consent of the Bundesrat stipulating that the competent authorities shall forward summaries of approved experimental projects for the purpose of publication containing details on

1. the objectives of the experimental project, including the benefit to be expected,
2. the number and species of the animals to be used and the pain, suffering and distress they can be expected to suffer, and
3. compliance with the requirements of Section 7 subsection 1 sentence 2 number 1 and Section 7a subsection 2 numbers 2, 4 and 5,

and specifying the form of the summaries and the procedures for publishing them, wherever this is necessary in order to improve the protection of the animals in animal experiments and to implement legal acts of the European Union. It may stipulate that the summaries shall be published by the Federal Institute for Risk Assessment.

## **Section 8a**

(1) Anyone wishing to conduct an experimental project in which vertebrates or cephalopods are to be used

1. which is concerned solely with animal experiments the conduct of which is expressly
  - a) prescribed by an Act or Statutory Order, by the pharmacopoeia or by a directly applicable legal act of the European Community or the European Union,
  - b) is laid down in a general administrative regulation issued by the Federal Government or a Federal Ministry or
  - c) is ordered by a court or public authority on the basis of an Act or Statutory Order or a directly applicable legal act of the European Community or the European Union or is required in a particular case as a condition for a decision by a public authority,
2. which is concerned solely with animal experiments which are performed on animals as vaccinations, blood sampling or other diagnostic measures in accordance with procedures that have already been tested and serve
  - a) the identification of diseases, suffering, physical injuries or physical complaints in human beings or animals or
  - b) testing sera, blood preparations, vaccines, antigens or test allergens in the context of approval procedures or batch tests
3. which is concerned solely with experiments under Section 7 subsection 2 sentence 2 numbers 1 or 2 which are performed in accordance with procedures that have already been tested
  - a) in order to prepare, recover, store or replicate substances, products or organisms or
  - b) for diagnostic purposesor
4. which is concerned solely with animal experiments which are performed for basic, further or advanced training in accordance with procedures that have already been tested,

shall notify the competent authority of the experimental project.

(2) Subsection 1 shall not apply to experimental projects

1. in which primates are used or
2. which are concerned with animal experiments which are to be classified as "severe" pursuant to Article 15(1) in combination with Annex VIII of Directive 2010/63/EU.

(3) Anyone wishing to conduct an experimental project in which decapods are to be used shall notify the competent authority of the experimental project.

(4) The Federal Ministry is empowered, in agreement with the Federal Ministry of Education and Research, to issue Statutory Orders with the consent of the Bundesrat specifying that the competent authority shall be notified of any experiments on invertebrates other than cephalopods and decapods wherever those animals possess a species-specific capacity, comparable to that of vertebrates, to suffer under the effects of the experiment, and this is necessary for their protection.

(5) The Federal Ministry is empowered, in agreement with the Federal Ministry of Education and Research, to issue Statutory Orders with the consent of the Bundesrat laying down regulations governing

1. the form and content of the notification under subsections 1 or 3,
2. the procedure for notification under subsections 1 or 3, including the time limits applicable for notification,
3. the time as of which or until which the conducting of notified experimental projects is permissible under subsections 1 or 3, and
4. the procedure to be followed in the event of subsequent changes in the facts communicated in the context of the notification under subsections 1 or 3.

## Section 9

(1) The Federal Ministry is empowered, in agreement with the Federal Ministry of Education and Research, to issue Statutory Orders with the consent of the Bundesrat laying more detailed regulations concerning the nature and scope of the knowledge and skills required under Section 7 subsection 1 sentence 3 by the persons planning or conducting animal experiments, especially the biological, veterinary, legal and ethical knowledge and the skills regarding the conduct of animal experiments, and to specify requirements regarding the evidence and upkeep of the necessary knowledge and skills; it may also be laid down in the Statutory Order that records of the steps taken for the purpose of keeping up the knowledge and skills must be made, kept and submitted to the competent authority upon request.

(2) The Federal Ministry is empowered, in agreement with the Federal Ministry of Education and Research, to issue Statutory Orders with the consent of the Bundesrat

1. prescribing the anaesthetisation of animals used in animal experiments, including the knowledge and skills necessary for that purpose, or the use of analgesic agents or procedures on those animals and
2. prohibiting or limiting the administration of agents which prevent or impair their ability to show pain.

(3) The Federal Ministry is empowered, in agreement with the Federal Ministry of Education and Research and, where nature conservation issues are involved, the Federal Ministry of the Environment, Nature Conservation and Reactor Safety, to issue Statutory Orders with the consent of the Bundesrat in order to implement legal acts of the European Union prohibiting or restricting experiments

1. on primates,
2. on animals of a particular origin,
3. which are particularly stressful,

and especially making them dependent on obtaining authorisation or satisfying further requirements going beyond Section 8 subsection 1 sentence 2 numbers 2 to 8.

(4) The Federal Ministry is empowered, in agreement with the Federal Ministry of Education and Research and, where nature conservation issues are involved, the Federal Ministry of the Environment, Nature Conservation and Reactor Safety, to issue Statutory Orders with the consent of the Bundesrat specifying requirements to be satisfied concerning

1. premises, equipment and items intended for conducting animal experiments,
2. the capture of animals taken from the wild for the purpose of their use in animal experiments,

including the subsequent treatment of the animals and the knowledge and skills required for that purpose and

3. the re-use of animals in animal experiments.

The Federal Ministry is further empowered, in agreement with the Federal Ministry of Education and Research and, where issues concerning the protection of species are involved, the Federal Ministry of the Environment, Nature Conservation and Reactor Safety, to issue Statutory Orders with the consent of the Bundesrat laying down the treatment of an animal used in an animal experiment after the completion of the animal experiment and

1. providing that the animal must be presented to a veterinary surgeon,
2. providing that, under certain conditions, the animal must be killed, and
3. specifying requirements concerning the continued keeping and medical care of the animal.

(5) Records shall be kept of the animal experiments. The Federal Ministry is empowered, in agreement with the Federal Ministry of Education and Research, to issue Statutory Orders with the consent of the Bundesrat detailing the nature and scope of the records according to sentence 1; in this context, it may stipulate that the records must be stored and submitted to the competent authority on request.

(6) The director of the experimental project or, if he is unavailable, his deputy shall ensure compliance with

1. the regulations
  - a) of Section 7 subsection 1 sentence 2 number 1, of Section 7a subsection 2 numbers 1, 4 and 5 and of Section 9 subsection 5 sentence 1 and
  - b) of Section 7 subsection 1 sentence 3 and
2. any regulations in Statutory Orders which have been issued on the basis of subsections 1 to 5.

The Federal Ministry is empowered, in agreement with the Federal Ministry of Education and Research, to issue Statutory Orders with the consent of the Bundesrat specifying the details of the obligation under sentence 1.

## **Part Six**

### **Animal welfare officer**

#### **Section 10**

(1) Establishments and enterprises in which vertebrates or cephalopods

1. which are intended to be used in animal experiments, or
2. whose organs or tissue are intended to be used for scientific purposes

are kept or used shall have animal welfare officers and, if so stipulated in a Statutory Order which has been issued by the Federal Ministry in agreement with the Federal Ministry of Education and Research with the consent of the Bundesrat, further persons who are obliged to pay particular attention to the protection of the animals. Sentence 1 shall also apply to establishments and enterprises in which the animals mentioned there are bred or kept for the purpose of being supplied to third parties. Establishments and enterprises

1. in which vertebrates according to Section 4 subsection 3 are killed for scientific purposes or
2. in which procedures under Section 6 subsection 1 sentence 2 number 4 are carried out

must likewise have animal welfare officers in accordance with sentence 1.

(2) The animal welfare officers and the further persons shall carry out their duties especially by advising the establishment or enterprise for which they work and the persons employed there, and by providing opinions. The Federal Ministry is empowered, in agreement with the Federal Ministry of Education and Research, to issue Statutory Orders with the consent of the Bundesrat specifying the details of the animal welfare officer and other persons and in the process to issue regulations governing

1. the procedure for their appointment,
2. their expertise,
3. their duties and obligations, especially with regard to ensuring an expert and animal-welfare-oriented keeping, killing and use of the animals, and
4. internal measures and precautions by the company in order to ensure that the duties and obligations mentioned in number 3 are carried out effectively.

In this connection, the Federal Ministry may

1. lay down that the animal welfare officer and further persons shall collaborate in the context of advisory councils,
2. specify in more detail the duties and composition, including the chairing, of the advisory councils according to number 1 and
3. stipulate that records of the activities of the advisory councils under number 1 be made, kept and submitted to the competent authority on request.

## **Part Seven**

### **Breeding and keeping animals, trade in animals**

#### **Section 11**

(1) Anyone wishing

1. to breed vertebrates or cephalopods
  - a) which are intended to be used in animal experiments, or
  - b) whose organs or tissue are intended to be used for scientific purposes,or to keep those animals, also for the purpose of supplying them to third parties,
2. to breed or keep vertebrates for the purposes mentioned in Section 6 subsection 1 sentence 2 number 4,
3. to keep animals in an animal home or similar establishment,
4. to keep animals in a zoological garden or other establishment in which animals are kept and put on display,
5. to introduce or import into Germany vertebrates which are not farm or working animals, for the purpose of supplying them in return for payment or some other consideration or to procure the supplying of such animals which are to be or have been introduced or imported into Germany in return for payment or some other consideration,
6. to train dogs for third parties as guard dogs or to run establishments for this purpose,
7. to hold animal exchanges for the purpose of exchanging or selling animals by third parties or,
8. commercially, except in the cases of number 1,
  - a) to breed or keep vertebrates, except for farm animals and game kept in paddocks,
  - b) to trade in vertebrates,
  - c) to maintain a riding or driving establishment,
  - d) to put animals on display or to provide them for such purposes,
  - e) to fight vertebrates as pests or
  - f) to train dogs for third parties or to instruct the training of the dogs by the owner

shall require a permit from the competent authority. A permit under sentence 1 number 4 or under sentence 1 number 8 d) to place animals on display in changing locations may only be granted if the animals do not belong to a species which it is prohibited by a Statutory Order under subsection 4 to place on display in changing locations.



(2) The Federal Ministry is empowered to issue Statutory Orders with the consent of the Bundesrat in cases of subsection 1 sentence 1 in order to specify

1. details concerning the form and content of the application for the grant of the permit under subsection 1 sentence 1,
2. the conditions and procedure for the grant of the permit,
3. the content of the permit, in the case of subsection 1 sentence 1 number 1 only if this is necessary in order to implement legal acts of the European Union, and
4. the procedure to be followed in the event of subsequent changes in the essential facts underlying the grant of the permit, including the obligation to notify or authorise such changes,

Statutory Orders under sentence 1 shall require the agreement of the Federal Ministry of Education and Research whenever they relate to breeding or keeping animals under subsection 1 sentence 1 numbers 1 or 2.

(3) Statutory Orders under Section 2a subsection 1 or Section 4b may, if this is necessary in order to implement legal acts of the European Union, go beyond the requirements mentioned there and lay down requirements concerning the keeping of animals under subsection 1 sentence 1 number 1 or the killing of animals under subsection 1 sentence 1 number 1, especially

1. requirements relating to internal procedures for the purpose of preventing, detecting and eliminating defects,
2. measures for the purpose of acclimatising and training such animals with a view to keeping and using them and
3. requirements relating to the acquisition and maintenance of the knowledge and skills needed for looking after, caring for and killing; it may also be stipulated in this context that records of the measures adopted for the purpose of acquiring and keeping up the knowledge and skills must be made, kept and submitted to the competent authority on request.

(4) The Federal Ministry is empowered to issue Statutory Orders with the consent of the Bundesrat restricting or prohibiting the placing of animals from wild species on display in changing locations if the animals from the species concerned can only be kept in changing locations under considerable pain, suffering or distress or can only be transported to the changing locations under considerable pain, suffering or distress. A Statutory Order under sentence 1

1. may only be issued if the considerable pain, suffering or distress referred to in sentence 1 cannot be effectively countered by means of other arrangements, especially by specifying requirements concerning the keeping or transport of the animals,
2. must provide that animals which are already kept at the time when the Statutory Order is issued shall only be covered if there is no possibility of reducing the considerable pain, suffering or distress among those animals to a reasonable level.

(5) The activity under subsection 1 sentence 1 may only begin to be carried out after the permit has been granted. The competent authority shall decide in writing on the application for the grant of a permit within a period of four months of receipt of the application. The period stated in sentence 2 may be extended by up to two months by the competent authority if this is justified by the scope and difficulty of examining whether the conditions for the permit are met. The applicant shall be informed of the extension of the deadline before the expiry of the period stated in sentence 2, giving reasons. In calculating the period, the times during which the applicant has failed to comply with the requirements laid down in a Statutory Order issued on the basis of subsection 2 sentence 1 number 1, despite being called upon to do so in a written communication from the authority, shall be disregarded. The competent authority shall prohibit anyone who does not have a permit from carrying out the activity.

(6) Anyone wishing to keep game in paddocks on a commercial basis shall notify the competent authority thereof four weeks before beginning the activity. The Federal Ministry is empowered to issue Statutory Orders with the consent of the Bundesrat laying down

1. the form and content of the notification,
2. the conditions under which the activity under sentence 1 can be prohibited, and
3. the procedure to be followed in the event of subsequent changes in the essential facts notified.

(7) The performance of the activity prohibited under subsection 5 sentence 6 or on the basis of a

Statutory Order under subsection 6 sentence 2 number 2 can also be prevented by the competent authority by closing the establishment or business premises.

(8) Anyone who keeps farm or working animals for gainful purposes shall ensure by means of internal checks that the requirements of Section 2 are complied with. In particular, for the purpose of assessing that the requirements of Section 2 are complied with, he shall register and evaluate appropriate features relating to the animals (animal welfare indicators).

## **Section 11a**

(1) Anyone who

1. performs an activity requiring a permit under Section 11 subsection 1 sentence 1 number 1 or
2. breeds or keeps vertebrates for the purposes mentioned in Section 6 subsection 1 sentence 2 number 4 or trades in such vertebrates

shall keep a record of the origin and whereabouts of the animals and, in the case of dogs, cats and primates, of how they are kept and used. This shall not apply if corresponding obligations to keep records exist on the basis of regulations under hunting law or nature conservation law.

(2) The Federal Ministry is empowered, in agreement with the Federal Ministry of Education and Research, to issue Statutory Orders with the consent of the Bundesrat laying down regulations governing the nature, form and scope of the records under subsection 1. It may stipulate that

1. the records must be made at a specific time,
2. the records must be stored and submitted to the competent authority on request,
3. the records or their content must be passed to third parties and
4. records based on other legal provisions shall be deemed records in accordance with sentence 1.

(3) Anyone who breeds dogs, cats or primates

1. which are intended for use in animal experiments or whose tissue or organs are intended to be used for scientific purposes, or
2. which are intended to be used for one of the purposes mentioned in Section 6 subsection 1 sentence 2 number 4

shall tag them for the purpose of establishing the identity of the animal concerned. This shall not prejudice other tagging obligations. The Federal Ministry is empowered, in agreement with the Federal Ministry of Education and Research, to issue Statutory Orders with the consent of the Bundesrat

1. laying down regulations on the nature and time of the tagging according to sentence 1 and in this context stipulating that this must be carried out under official supervision, and
2. stipulating that in the case of the acquisition of dogs, cats or primates for the purposes stated in sentence 1 numbers 1 or 2, the buyer is obliged to tag in accordance with sentence 1 and must furnish proof that they are animals bred for the purposes specified.

(4) Vertebrates other than horses, cattle, pigs, sheep, goats, chicken, pigeons, turkeys, ducks, geese and fish, with the exception of zebrafish, may be imported from third countries

1. for use in animal experiments,
2. for the purpose stated in Section 4 subsection 3 or
3. for the purposes stated in Section 6 subsection 1 sentence 2 number 4

only with the authorisation of the competent authority. The authorisation shall be granted if it is shown that they are animals which have been bred for one of the purposes stated in sentence 1 numbers 1 to 3. Otherwise, the authorisation can only be granted if

1. no animals bred in accordance with sentence 2 are available with the characteristics required for the purpose concerned or
2. the purpose concerned requires the use of animals which have not been bred in accordance

with sentence 2.

This shall not prejudice other import regulations.

(5) The Federal Ministry is empowered, in agreement with the Federal Ministry of Education and Research and, where issues concerning the protection of species are involved, the Federal Ministry of the Environment, Nature Conservation and Reactor Safety, to issue Statutory Orders with the consent of the Bundesrat in the case of animals which were intended for use in animal experiments or whose organs or tissue were intended to be used for scientific purposes but where these intended uses are no longer applicable, prohibiting or restricting the permanent housing of such animals outside an enterprise or establishment according to Section 10 subsection 1 sentences 1 or 2 or their release.

## **Section 11b**

(1) It is prohibited to breed or modify vertebrates by means of genetic engineering if, in the case of breeding, there is breeding knowledge or, in the case of modification, there is knowledge in the field of genetic engineering which gives rise to the expectation that as a consequence of the breeding or modification

1. in the case of re-breeding, the animals modified by genetic engineering themselves or their progeny will for genetic reasons lack body parts or organs for use appropriate to the species or are unfit or altered and as a result pain, suffering or distress occur or
2. in the progeny
  - a) hereditary behavioural disorders involving suffering occur,
  - b) any natural contact with members of the same species, leads to pain or avoidable suffering or distress for the animal itself or for another member of the same species or
  - c) keeping is only possible with pain or avoidable suffering or leads to distress.

(2) The competent authority can order the sterilisation of vertebrates if there is breeding knowledge or knowledge relating to modifications by genetic engineering which gives rise to the expectation that their progeny will exhibit disorders or alterations for the purposes of subsection 1.

(3) Subsections 1 and 2 shall not apply to vertebrates modified by breeding or genetic engineering which are necessary for scientific purposes.

(4) The Federal Ministry is empowered to issue Statutory Orders with the consent of the Bundesrat

1. defining in more detail the hereditary changes and behavioural disorders under subsection 1,
2. prohibiting or restricting breeding with vertebrates of particular species, breeds and lines if this breeding can lead to violations of subsection 1.

## **Section 11c**

Without the consent of the parents or guardians, vertebrates may not be handed over to children or juveniles under the age of 16.

# **Part Eight**

## **Prohibition on movement, transport and keeping**

### **Section 12**

(1) Vertebrates in which distress can be observed which can be assumed to have been caused by actions contrary to animal welfare may not be kept or placed on display, wherever this is provided for by Statutory Orders under subsection 2 numbers 4 or 5.

(2) The Federal Ministry is empowered to issue Statutory Orders with the consent of the Bundesrat, wherever necessary for the protection the animals,

1. making the introduction into Germany of animals or products of animal origin from a state that

does not belong to the European Union (import) dependent on compliance with minimum requirements concerning the keeping or killing of animals and on a corresponding certificate, and laying down its content, form, issuance and safe-keeping,

2. making the import of certain animals dependent on a permit,
3. prohibiting the movement of certain animals from Germany to another state,
4. prohibiting the movement of vertebrates in Germany or the keeping of vertebrates, especially the placing of vertebrates on display, in Germany if amputations have been performed on the animals in contravention of the requirements of animal welfare or if the animals exhibit hereditary physical defects, behavioural disorders or increased aggression within the meaning of Section 11b subsection 1 numbers 1 or 2 a) or if an element under Section 11b subsection 1 number 2 b) or c) is present,
5. prohibiting the keeping of vertebrates in which distress can be observed which can be assumed to have been caused by actions contrary to animal welfare, if the survival of the animals is only possible with suffering,
6. laying down that animals or products of animal origin may only be imported or exported via specific customs posts with associated monitoring offices which the Federal Office for Consumer Protection and Food Safety in agreement with the Federal Ministry of Finance has published in the Federal Gazette (Bundesanzeiger); the Federal Ministry of Finance can transfer the granting of consent to authorities at an intermediate level within its portfolio.

No Statutory Order under sentence 1 numbers 1 to 5 can be issued if it is contrary to Union law or obligations under international law.

## **Part Nine**

### **Sundry provisions for the protection of animals**

#### **Section 13**

(1) It is prohibited to use devices or substances to trap, keep out or scare off vertebrates if it entails the risk of avoidable pain, suffering or distress for vertebrates; this shall not apply to the use of devices or substances which are permitted on the basis of other legal provisions. This shall not prejudice regulations of hunting law, nature conservation law, phytosanitary legislation and animal health regulations.

(2) The Federal Ministry is empowered to issue Statutory Orders with the consent of the Bundesrat enjoining measures for the protection of game which protect the game from avoidable pain or distress caused by agricultural or forestry work.

(3) The Federal Ministry is empowered, in agreement with the Federal Ministry of Economics and Technology and the Federal Ministry of the Environment, Nature Conservation and Reactor Safety, to issue Statutory Orders with the consent of the Bundesrat, wherever necessary for the protection of animals, prohibiting or restricting the keeping of animals of wild species, the trade in such animals and their import or export from Germany to a state which does not belong to the European Union (export), or to make such actions dependent on obtaining a permit. As a condition for obtaining a permit, it can in particular be required that the applicant possesses the reliability and specialist knowledge needed for the activity concerned and furnishes evidence that it has been ensured that the animals will be fed, cared for and housed in accordance with the requirements of Section 2. The Statutory Order may further stipulate the requirements concerning the furnishing of evidence of the necessary reliability and specialist knowledge and skills required under sentence 2 and specify the procedure with regard to the furnishing of evidence.

#### **Section 13a**

(1) In order to improve animal welfare, the Federal Ministry is empowered to issue Statutory Orders with the consent of the Bundesrat laying down requirements for voluntary examination procedures to show that standard housing systems produced in series and stable and barn equipment for keeping farm or working animals and stunning devices and facilities used in slaughtering go beyond the re-

quirements of this Act and the minimum requirements laid down in the Statutory Orders issued on the basis of this Act. In doing so, it shall in particular lay down criteria, procedures and the scope of the voluntary examination procedures and the requirements concerning the expertise of the examiners working in the context of such examination procedures.

(2) The Federal Ministry is empowered to issue Statutory Orders with the consent of the Bundesrat, in order to promote keeping in accordance with the requirements or animal welfare, making the marketing and use of stable and barn equipment produced in series for keeping farm or working animals dependent on approval or homologation. A Statutory Order under sentence 1 may lay down

1. the detailed conditions for the approval or homologation and their withdrawal, revocation or suspension, their publication and the approval procedure, especially the nature, content and scope of the documents to be submitted or evidence to be furnished,
2. the limited period of validity of the approval or homologation,
3. the consequences of any rescission of or time limit on an approval or homologation with regard to the further marketing or further use of stable and barn equipment placed in circulation,
4. the labelling of the stable and barn equipment and the attachment of operating instructions and their minimum content for the purpose of the proper and expert use of the stable and barn equipment,
5. requirements concerning the proper and expert use of the stable and barn equipment,
6. the recognition and co-operation of establishments under public or private law in the granting of approval or homologation, including the procedure to be followed,
7. the recognition of stable and barn equipment produced in series which has undergone a procedure corresponding to approval or homologation in another member state, Turkey or an EFTA state which has signed the EEA Convention.

In the case of an arrangement under sentence 2 number 7, the recognition may in particular be made dependent on an obligation for the properties of the stable and barn equipment produced in series to be equivalent to the requirements of a Statutory Order under sentence 2 numbers 1 to 4.

(3) Responsibility for the grant of approvals or homologations shall lie with the Federal Office of Agriculture and Food. The Statutory Order under subsection 2 sentence 1 shall specify the procedure for the co-operation between the authority with competence under sentence 1 and the authorities of the Länder with competence for supervision.

(4) The Federal Ministry is empowered to issue Statutory Orders, which shall not require the consent of the Bundesrat, transferring some or all of the tasks and powers of the authority with competence under subsection 3 to a legal entity under private law. The transfer of tasks shall only be permissible if the legal entity offers the necessary guarantee that the tasks will be performed in accordance with this Act. A legal entity shall be deemed to offer the necessary guarantee if

1. the persons who exercise the management and representation of the legal entity under the law, or according to the statutes or the memorandum of association, are reliable and technically qualified,
2. it has the equipment and organisation needed for the performance of its duties.

The technical qualifications for the purposes of sentence 3 number 1 shall be deemed sufficient in particular if the persons have successfully completed vocational training in the field of agricultural science – specialising in animal production, veterinary medicine or biology – specialising in zoology. By Statutory Order under sentence 1, the Federal Ministry can reserve the right to approve the statutes or the memorandum of association and any amendments thereto.

(5) The Federal Ministry is empowered to issue Statutory Orders with the consent of the Bundesrat, wherever necessary for the protection of animals, making the marketing and use of stunning devices or stunning facilities produced in series and used in slaughtering dependent on the devices or facilities being approved or corresponding to homologation, and laying down the detailed requirements for the grant of approval or homologation and the approval procedure. The Statutory Order under sentence 1 may in particular specify in more detail the nature, content and scope of the documentation to be submitted or the evidence to be furnished.

(6) Subsections 1 and 5 shall not apply to marketing for the purpose of introducing into another member state or exporting to a third country.

## Section 13b

The governments of the Länder are empowered to issue Statutory Orders for the protection of feral cats in certain areas where

1. considerable pain, suffering or distress found in those cats is attributable to the large number of those animals in the area concerned and
2. a reduction in the number of those cats within the area concerned can reduce their pain, suffering or distress.

In the Statutory Order, the areas shall be delimited and the measures required in order to reduce the number of feral cats shall be defined. In particular, the Statutory Order may

1. prohibit or limit the uncontrolled free movement of cats in the area concerned if they are still capable of reproducing, and
2. order the tagging and registration of the cats kept there which might be able to roam freely and in an uncontrolled way.

A regulation under sentence 3 number 1 shall only be permissible if other measures, especially ones relating directly to the feral cats, are not sufficient. The governments of the Länder may issue Statutory Orders transferring their power to other authorities.

## Part Ten Implementation of the Act

### Section 14

(1) The Federal Ministry of Finance and the customs offices under its control shall co-operate in monitoring the import and export of animals. The authorities mentioned can

1. stop animals and their means of transport, containers, loading and packaging equipment during importation for monitoring,
2. notify the the competent authorities of any suspicion of contraventions of prohibitions and restrictions under this Act or the Statutory Orders issued under this Act which arise in the course of clearance,
3. in cases covered by number 2, order that the animals be presented to the competent authority at the expense and risk of the party with power of disposition.

(2) The Federal Ministry of Finance is empowered, in agreement with the Federal Ministry, to issue Statutory Orders without the consent of the Bundesrat specifying the details of the procedure under subsection 1. In particular, it may lay down obligations to notify, report, provide information and render assistance, and to tolerate the examination of business papers and other documents and to tolerate inspections.

### Section 15

(1) The implementation of this Act and the Statutory Orders issued on the basis of this Act shall, without prejudice to Section 13a subsection 3, also in combination with a Statutory Order under subsection 4 of that Section, be incumbent on the authorities with competence under the laws of the respective Länder. The authorities with competence under the laws of the respective Länder shall each appoint one or more committees to support the competent authorities in

1. deciding on the authorisation of experimental projects and
2. assessing changes notified concerning authorised experimental projects, whenever this is provided for in a Statutory Order under subsection 4.

(2) In the course of implementing this Act or the Statutory Orders issued on the basis of this Act, the competent authorities shall involve the veterinary surgeon in civil service as an expert.

(3) In the sphere of the German armed forces, the implementation of this Act and the Statutory Orders

issued on the basis of this Act shall lie with the competent departments of the armed forces. The Federal Ministry of Defence shall appoint a committee to support the competent departments in

1. deciding on the authorisation of experimental projects and
2. assessing changes notified concerning authorised experimental projects, whenever this is provided for in a Statutory Order under subsection 4.

(4) The Federal Ministry is empowered, in agreement with the Federal Ministry of Education and Research, to issue Statutory Orders with the consent of the Bundesrat specifying the precise details concerning the committees under subsection 1 sentence 2 and subsection 3 sentence 2 with respect to

1. its composition, including the expertise of the members,
2. the procedure for appointing the members and
3. the delivery of expert opinions by the committees on applications for the authorisation of experimental projects and changes notified concerning authorised experimental projects, and the procedures to be followed in such cases.

Statutory Orders specifying the precise details concerning the committee under subsection 3 sentence 2 shall further require the agreement of the Federal Ministry of Defence.

(5) The Federal Ministry is empowered, in agreement with the Federal Ministry of Education and Research, to issue Statutory Orders with the consent of the Bundesrat providing that the competent authorities must

1. in cases of fundamental importance or
2. in cases in which this is necessary in order to implement Articles 43 or 55 of Directive 2010/63/EU,

send the Federal Ministry, the Federal Office for Consumer Protection and Food Safety or the Federal Institute for Risk Assessment details of decisions by the competent authorities on the authorisation of experimental projects or on experimental projects authorised by the competent authorities, and in that context specify the precise details concerning the form and content and the procedure for sending the information. Personal data must not be sent. Nothing in this shall prejudice the regulations for the protection of intellectual property rights and the protection of trade and business secrets.

## **Section 15a**

The Federal Institute for Risk Assessment shall perceive the tasks under Article 49 of Directive 2010/63/EU. The Federal Ministry is empowered, in agreement with the Federal Ministry of Education and Research, to issue Statutory Orders with the consent of the Bundesrat specifying more details on the tasks under Article 49 of Directive 2010/63/EU, including the authority of the Federal Institute for Risk Assessment to communicate with the competent authorities of other Member States and the European Commission, if this is necessary in order to implement legal acts of the European Union.

## **Section 16**

(1) The supervision by the competent authority shall apply to

1. establishments and enterprises keeping farm or working animals, including horses,
2. establishments in which animals are slaughtered,
3. establishments in which
  - a) animal experiments are carried out,
  - b) vertebrates are used for the purposes mentioned in Section 6 subsection 1 sentence 2 number 4 or
  - c) vertebrates are killed for scientific purposes,
4. establishments and enterprises under Section 11 subsection 1 sentence 1,
5. establishments and enterprises,

- a) which transport animals on a commercial basis,
  - b) in which animals fed, tended or housed during transport,
6. circus enterprises which are not operated on a commercial basis,
  7. establishments and enterprises keeping animals which require authorisation on the basis of a Statutory Order issued under Section 13 subsection 3,
  8. manufacturers, importers and distributors of stable and barn equipment or, in the case of stunning devices or stunning facilities used in slaughtering, if those persons have applied for approval or homologation.

Establishments and enterprises under sentence 1 number 3 and Section 11 subsection 1 sentence 1 numbers 1 and 2 shall be inspected regularly and to an appropriate extent, paying particular attention to possible risks. In establishments and enterprises under sentence 1 number 3, the inspection should take place at least every three years. In establishments and enterprises under sentence 1 number 3 and Section 11 subsection 1 sentence 1 numbers 1 and 2, in which primates are bred, kept or used, the inspection should take place every year. The records of the inspections and the results thereof shall be stored for at least five years from the time at which they are drawn up.

(1a) Anyone who, under Section 11 subsection 1 sentence 1 numbers 4 and 8 d) and Section 16 subsection 1 number 6, places animals on display in changing locations shall, report the change of location to the competent authority of the intended location no later than the time of leaving the existing location in accordance with sentence 2. The report shall state:

1. the species of the animals concerned,
2. the name of the person responsible for the activity,
3. the premises and establishments intended for the activity.

(2) Individuals and legal entities and associations of persons without legal capacity shall provide the competent authority upon request with the information needed for the implementation of the tasks assigned to the authority by this Act.

(3) Persons appointed by the competent authority and any experts of the European Commission and other Member States of the European Union (Member States) accompanying them may for the purpose of supervising the persons and establishments mentioned in subsection 1 and in the context of subsection 2

1. enter land, business premises, non-residential buildings and means of transport of the party under an obligation to provide information during business or operating hours, inspect them and make image recordings there for documentation purposes, with the exception of images of persons,
2. in order to avert acute risks to public safety and order, enter
  - a) the land, business premises, non-residential buildings and means of transport referred to in number 1 outside the times mentioned there,
  - b) living accommodation of the party under an obligation to provide information
 inspect them and make image recordings there for documentation purposes, with the exception of images of persons; the fundamental right to the inviolability of the home (Article 13 of the Basic Law) is restricted in this respect,
3. inspect business documents,
4. examine animals and take samples, especially blood, urea, faeces and feed samples,
5. carry out behavioural observations on animals, also by means of video or sound recordings.

The party under an obligation to provide information shall support the persons charged with the supervision, especially by designating the land, rooms, establishments and means of transport on request, opening rooms, containers and means of transport, providing assistance during the inspection and examination of the individual animals, unloading the animals from the means of transport and presenting the business documents. The persons charged with the supervision are entitled to make or request copies or photocopies of documents under sentence 1 number 3 or print-outs or copies of data carriers on which documents under sentence 1 number 3 are stored. The party under an obligation to provide information shall upon request present to the competent authority any animals kept in living



accommodation if there is an urgent suspicion that the animals are not being kept in a manner appropriate to the species or such that they can exhibit normal behaviour patterns and they are in this way being caused considerable pain, suffering or distress and if an inspection of the way the animals are kept in living accommodation is not permitted.

(4) The party under an obligation to provide information can refuse to answer any questions if the answer would expose the party himself or a relative as defined in Section 383 subsection 1 numbers 1 to 3 of the Code of Civil Procedure (ZPO) to the risk of criminal prosecution or proceedings under the law on administrative offences.

(4a) Anyone who

1. as the operator of a slaughtering facility or, as a person engaged in a trade, slaughters at least 50 cattle or horses on average per week or
2. provides workers who deliver or stun the animals for slaughter or drain them of blood,

shall designate to the competent authority a person responsible for compliance with the requirements under this Act and the Statutory Orders issued on the basis of this Act who has authority to issue instructions. Anyone who operates or manages an establishment or enterprise keeping animals, or an establishment or enterprise under subsection 1 numbers 1, 3, 5 or 6 can be obliged by the competent authority in a specific case to designate an expert person responsible for compliance with the requirements under this Act and the Statutory Orders based on it who has authority to issue instructions. This shall not apply to enterprises which are subject to the obligation to obtain a permit under Section 11 subsection 1.

(5) The Federal Ministry is empowered to issue Statutory Orders with the consent of the Bundesrat, wherever necessary for the protection the animals, laying down details of the supervision. It may in particular issue regulations governing

1. the implementation of examinations, including the taking of samples,
2. the steps to be taken if the transportation of animals does not comply with this Act or the Statutory Orders issued on the basis of this Act,
3. details of the obligations to tolerate, assist and present and
4. obligations to record and to store documents.

Statutory Orders under sentence 2 number 4 shall, whenever the rules relate to animals intended for use in animal experiments or whose tissue or organs are intended to be used for scientific purposes, require the agreement of the Federal Ministry of Education and Research.

(6) Personal data may only be collected or used if the collection or use is necessary in order to perform tasks which are incumbent on the body responsible under this Act or under a Statutory Order issued on the basis of this Act. The Federal Ministry is empowered to issue Statutory Orders with the consent of the Bundesrat, specifying the details of the collection and use of the data. The Federal Ministry is further empowered to issue Statutory Orders with the consent of the Bundesrat governing the creation and keeping of registers from which the competent authorities can automatically retrieve the personal data needed for the supervision of enterprises under Section 11 subsection 1 sentence 1 number 8 d) with changing locations. Only the following personal data may be stored in the registers:

1. data concerning the identity and contact details of the holder of the permit under Section 11 subsection 1 sentence 1 number 8 d) and the person responsible for the activity under subsection 1a sentence 2 number 2,
2. data concerning the identity and contact details of the enterprise under Section 16 subsection 1 number 4 in combination with Section 11 subsection 1 sentence 1 number 8 d) and of the proprietor of the enterprise,
3. the content of the permit under Section 11 subsection 1 sentence 1 number 8 d) and any ancillary provisions and the address of the granting authority,
4. results of the inspections carried out and the names of the persons performing the inspections,
5. enforceable orders and coercive administrative measures issued following the inspection, and a statement of the extent to which they have been complied with and
6. the unappealable refusal of an application for the grant, the withdrawal and revocation of a permit under Section 11 subsection 1 sentence 1 number 8 d).

As to the rest, nothing shall prejudice the Federal Data Protection Act and the data protection laws of the Länder.

(6a) The authorities with competence under the laws of the Länder for the inspection of foodstuffs, for veterinary drug supervision and for the collection of data on the transport of cattle under animal health regulations for the notification and registration of enterprises keeping cattle shall upon request send to the authority with competence for supervision under Section 15 subsection 1 sentence 1 the data needed by the latter in order for it to carry out its tasks. The data may be stored for a period of three years. The period shall begin as of the end of the year in which the data are sent. After the end of that period, the data shall be deleted. This shall not prejudice any periods of storage laid down by other legal provisions.

(7) If the competent authority has considerable doubts whether, when used for their intended purpose, any housing systems and stable and barn equipment produced in series and used for keeping farm animals, and stunning devices and facilities used in slaughtering comply with the requirements of this Act and the Statutory Orders issued on the basis of this Act, the manufacturer or supplier can be required, at his own expense, to furnish an expert opinion by an independent expert institution or person to be commissioned by mutual agreement, if he is unable to refer to the successful completion of a voluntary test in accordance with a Statutory Order issued under Section 13a subsection 1. Sentence 1 shall not apply if stable and barn equipment have received approval or homologation on the basis of a Statutory Order under Section 13a subsection 2 or stunning devices or stunning facilities have received approval or homologation on the basis of a Statutory Order under Section 13a subsection 5.

## Section 16a

(1) The competent authority shall issue the orders needed to eliminate any contraventions established and to prevent future contraventions. It may in particular

1. in a specific case order the measures needed in order to comply with the requirements of Section 2,
2. remove an animal which, in the expert opinion of the veterinary surgeon in civil service, has been seriously neglected because of a failure to comply with the requirements of Section 2 or displays serious behavioural disorders, from the keeper and place it in care at the keeper's expense until it can be ensured that the animal can be kept by the keeper in a manner that complies with the requirements of Section 2; if it is not possible to house the animal elsewhere, or if, after a deadline has been set by the competent authority, it cannot be ensured that the animal can be kept by the keeper in a manner that complies with the requirements of Section 2, the authority may sell the animal; the authority may have the animal killed painlessly at the keeper's expense if it is not possible to sell the animal for legal or factual reasons or, according to the judgment of the veterinary surgeon in civil service the animal can only survive with considerable pain, suffering or distress which cannot be remedied,
3. prohibit any person who repeatedly or grossly contravenes the regulations of Section 2, an order under number 1 or a Statutory Order under Section 2a and has as a result caused considerable or lasting pain or suffering or considerable distress to the animals kept or cared for by him, from keeping or caring for animals of a particular or any species or make it dependent on obtaining appropriate evidence of expertise if facts justify the presumption that he will continue to commit such contraventions; on application, he shall be permitted to keep or care for animals again if the reason for the presumption of further contraventions no longer applies,
4. order the discontinuation of animal experiments which are being conducted without the necessary authorisation or contrary to a prohibition under animal welfare law.

(2) The competent authority shall prohibit the conduct of an experimental project that must be notified under Section 8a subsections 1 or 3 or because of a Statutory Order under Section 8a subsection 4 or the implementation of a change to an experimental project that must be notified because of a Statutory Order under Section 8 subsection 3 number 4 or Section 8a subsection 5 number 4 if it cannot be ensured that the regulations of this Act and of the Statutory Orders issued on the basis of this Act applicable to the implementation of animal experiments will be complied with and that defect has not been remedied within a period laid down by the competent authority.

(3) The competent authority shall issue the necessary orders ensuring that

1. the order to discontinue animal experiments, the prohibition of the implementation of experi-

mental projects or the revocation or withdrawal of the authorisation for an experimental project do not have any negative effects on the well-being of the animals which are being or are to be used in the animal experiments or experimental projects, and

2. the prohibition of the performance of an activity under Section 11 subsection 1 sentence 1 number 1 or the withdrawal or revocation of a permit under Section 11 subsection 1 sentence 1 number 1 do not have any negative effects on the well-being of the animals which are being kept in the enterprises or establishments used for the activity concerned.

## **Section 16b**

(1) The Federal Ministry shall appoint an animal welfare committee to support it on questions of animal welfare. Before issuing Statutory Orders and general administrative regulations under this Act, the Federal Ministry shall hear the animal welfare committee.

(2) The Federal Ministry is empowered to issue Statutory Orders without the consent of the Bundesrat, specifying the details of the composition, appointment of members, tasks and management of the animal welfare committee.

## **Section 16c**

The Federal Ministry is empowered to issue Statutory Orders with the consent of the Bundesrat, with regard to persons, establishments and enterprises which conduct animal experiments on vertebrates or cephalopods or which use vertebrates under Section 4 subsection 3, and establishments and enterprises in which vertebrates or cephalopods are bred or kept for the purpose of supplying to third parties for the purposes mentioned,

1. to place them under an obligation to report to the competent authority at specified, regular intervals, providing details on
  - a) the species, origin and number of animals used and
  - b) the purpose and nature of the experiments or other uses, including the severity under article 15 subsection 1 of Directive 2010/63/EUand
2. to lay down the procedures for producing and transmitting reports.

## **Section 16d**

The Federal Ministry shall, with the consent of the Bundesrat, issue the general administrative regulations needed to implement this Act and the Statutory Orders issued on the basis of this Act.

## **Section 16e**

The Federal Government shall report to the German Bundestag (Parliament) every four years on the state of development of animal welfare.

## **Section 16f**

(1) The competent authorities

1. shall provide information to the competent authority of another Member State following a reasoned request and shall send the documents needed to enable it to supervise compliance with animal welfare regulations,
2. shall examine the facts notified by the requesting authority and inform it of the result of the examination.

(2) The competent authorities shall provide the competent authority of another Member State with information, enclosing the necessary documents, needed for supervision in that Member State,

especially in the case of contraventions or suspected contraventions of animal welfare regulations.

(3) The competent authorities may, if this is necessary for the protection of the animals or is prescribed by legal acts of the European Community or the European Union, pass data which they have obtained in the course of supervision to the competent authorities of other Länder and other Member States, the Federal Ministry, the Federal Office for Consumer Protection and Food Safety and the Commission the European Community or the European Union.

## **Section 16g**

(1) Responsibility for communicating with the competent authorities of other Member States and the European Commission shall lie with the Federal Ministry. It may delegate this power by Statutory Order without the consent of the Bundesrat to the Federal Office for Consumer Protection and Food Safety and by Statutory Order with the consent of the Bundesrat to the competent supreme Land authorities. In addition, it may in a particular case, in agreement with the competent supreme Land authority, delegate the power to the latter. The supreme Land authorities may delegate the power under sentences 2 and 3 to other authorities.

(2) Notwithstanding subsection 1 sentence 1, responsibility for communicating with the competent authorities of other Member States and the European Commission in the case of Article 47 subsection 5 of Directive 2010/63/EU shall lie with the Federal Institute for Risk Assessment unless the Federal Ministry reserves the right to itself in a particular case.

## **Section 16h**

Sections 16f and 16g shall apply *mutatis mutandis* to states which are contracting states to the Agreement on the European Economic Area - without being Member States.

## **Section 16i**

(1) If there is a dispute between the competent authority and the party with power of disposition over a measure adopted by the competent authority which relates to the implementation of animal transports from other Member States, the two parties may agree to have the dispute settled by the arbitral award of an expert. The dispute shall be presented to an expert listed in a register drawn up by the European Commission within one month after the announcement of the measure. The expert shall render the expert opinion within 72 hours.

(2) The arbitration agreement and the arbitration procedure shall be governed accordingly by the regulations of Sections 1025 to 1065 of the Code of Civil Procedure. The court for the purposes of Section 1062 of the Code of Civil Procedure shall be the competent administrative court, the court for the purposes of Section 1065 of the Code of Civil Procedure shall be the competent higher administrative court. Notwithstanding Section 1059 subsection 3 sentence 1 of the Code of Civil Procedure, a petition for reversal of the arbitration award must be filed with the court within one month.

## **Section 16j**

Administrative proceedings under this Act can be dealt with in the Länder via a unitary agency.

# **Part Eleven**

## **Penal provisions and provisions regarding fines**

### **Section 17**

Imprisonment of up to three years or a fine shall be imposed on anyone who

1. kills a vertebrate without reasonable cause or
2. causes a vertebrate

- a) considerable pain or suffering out of cruelty or
- b) lasting or repeated considerable pain or suffering.

## Section 18

(1) An administrative offence shall be deemed to be committed by any person who through intent or negligence

- 1. causes considerable pain, suffering or distress to a vertebrate which he is keeping, caring for or has been placed in charge of, without reasonable cause,
- 2. (deleted)
- 3. contravenes a Statutory Order issued
  - a) under Section 2a or Section 9 subsections 2, 3, 4 or 6 sentence 2, in each case in combination with Section 6 subsection 1a sentence 1 number 2, or
  - b) under Sections 4b, 5 subsection 4, Section 6 subsection 4, Section 8a subsections 4 or 5 numbers 1, 2, 3 or number 4, Section 9 subsections 1 and 5 sentence 2, also in combination with Section 6 subsection 1a sentence 1 number 2 or Section 9 subsection 6 sentence 2, Section 10 subsection 2 sentences 2 or 3, Section 11 subsection 3, Section 11a subsections 2, 3 sentence 2 or subsection 5, Section 11b subsection 5 number 2, Section 12 subsection 2, Section 13 subsections 2 or 3, Sections 13a, 14 subsection 2, Section 16 subsection 5 sentence 1 or Section 16c

if that Order refers to this provision regarding fines for a particular offence,

- 4. contravenes a prohibition under Section 3 sentence 1,
- 5. kills a vertebrate contrary to Section 4 subsection 1,
- 5a. kills a dog, cat or primate contrary to Section 4 subsection 3 sentence 2,
- 6. butchers a warm-blooded animal contrary to Section 4a subsection 1,
- 7. carries out a procedure without anaesthetisation or, without being a veterinary surgeon, contrary to Section 5 subsection 1 sentence 1, performs an anaesthetisation contrary to Section 5 subsection 1 sentence 2,
- 8. contravenes a prohibition under Section 6 subsection 1 sentence 1 or carries out a procedure contrary to Section 6 subsection 1 sentence 3,
- 9. contrary to Section 6 subsection 1 sentence 5 in combination with Section 9 subsection 3 sentence 1, does not ensure that the regulations of Section 9 subsection 1 sentences 1 or 3 or subsection 2 numbers 4 or 8 are complied with,
- 9a. contrary to Section 6 subsection 1 sentences 6, 7, 8 or 9, does not notify a procedure, or does not do so correctly, or not completely or not in good time,
- 10. uses elastic rings contrary to Section 6 subsection 2,
- 11. carries out animal experiments contrary to Section 7a subsections 3 or 4 sentence 1,
- 12. carries out experiments on vertebrates without the authorisation required under Section 8 subsection 1 sentence 1,
- 13. (deleted)
- 14. (deleted)
- 15. (deleted)
- 16. (deleted)
- 17. contrary to Section 9 subsection 6 sentence 1 number 1, does not ensure that the regulation of Section 7 subsection 1 sentence 3 is complied with,
- 18. (deleted)
- 19. (deleted)

20. performs an activity without the permit required under Section 11 subsection 1 sentence 1 or fails to comply with an enforceable condition connected with such a permit,
- 20a. contravenes an enforceable order under Section 11 subsection 5 sentence 6 or Section 16a subsection 1 sentence 2 numbers 1, 3 or number 4 or subsections 2 or 3,
- 20b. contrary to Section 11 subsection 6 sentence 1 in combination with a Statutory Order under Section 11 subsection 6 sentence 2 number 1, does not provide a notification, or does not do so correctly, or not completely or not in good time,
21. (deleted)
- 21a. imports a vertebrate contrary to Section 11a subsection 4 sentence 1,
22. breeds or alters vertebrates using biotechnology or genetic engineering contrary to Section 11b subsection 1,
23. hands over a vertebrate to children or juveniles under the age of 16 contrary to Section 11c
24. (deleted)
25. uses an apparatus or substance contrary to Section 13 subsection 1 sentence 1,
- 25a. contrary to Section 16 subsection 1a sentence 1, does not provide a notification, or does not do so correctly, or not completely or not in good time,
26. contrary to Section 16 subsection 2, does not provide information, or does not do so correctly, or not completely, or contravenes an obligation to tolerate or assist under Section 16 subsection 3 sentence 2, also in combination with a Statutory Order under Section 16 subsection 5 sentence 2 number 3, or
27. (deleted).

(2) An administrative offence shall also be deemed to be committed by any person who, apart from the cases covered by subsection 1 number 1, causes considerable pain, suffering or distress to an animal without reasonable cause,

(3) An administrative offence shall also be deemed to be committed by any person who through intent or negligence

1. contravenes a directly applicable regulation in legal acts of the European Community or the European Union which corresponds in terms of its content to a
  - a) requirement or prohibition referred to in subsection 1 numbers 4 to 9, 11, 12, 17, 22 and 25 if a Statutory Order under Section 18a number 1 refers to this provision regarding fines for a particular offence,
  - b) requirement or prohibition referred to in subsection 1 numbers 9a, 10, 20a, 21a, 23 and 25a if a Statutory Order under Section 18a number 2 refers to this provision regarding fines for a particular offence, or
2. contravenes a directly applicable regulation in legal acts of the European Community or the European Union which corresponds in terms of its content to a regulation for which power is granted by
  - a) a regulation specified in subsection 1 number 3 a) if a Statutory Order under Section 18a number 1 refers to this provision regarding fines for a particular offence,
  - b) regulations specified in subsection 2 number 3 b) if a Statutory Order under Section 18a number 2 refers to this provision regarding fines for a particular offence,

(4) In the cases of subsection 1 numbers 1, 2, 3 a), numbers 4 to 9, 11, 12, 17, 20, 22 and 25, of subsection 2 and of subsection 3 number 1 a) and number 2 a), the offence can also be punished by a fine of up to twenty-five thousand euros, and in the other cases by a fine of up to five thousand euros.

## Section 18a

The Federal Ministry is empowered to issue Statutory Orders without the consent of the Bundesrat, wherever necessary in order to implement the legal acts of the European Community or the European

Union, to define elements that may be punished as offences under

1. Section 18 subsection 3 number 1 a) or number 2 a) or
2. Section 18 subsection 3 number 1 b) or number 2 b).

## **Section 19**

(1) Animals to which

1. a criminal offence under Sections 17, 20 subsection 3 or Section 20a subsection 3 or
2. an offence under Section 18 subsection 1 numbers 1, 2 or 3 - if the offence concerns a Statutory Order under Sections 2a, 5 subsection 4, Section 7 subsection 3, Section 9 subsections 1 to 3, 4 sentence 2 or subsection 6 sentence 2, Section 11b subsection 4 number 2 or Section 12 subsection 2 numbers 4 or 5 -, numbers 4, 8, 9, 12, 17, 21a, 22, 22a or 23

relates can be confiscated.

(2) In addition, animals can be confiscated to which an offence

1. under Section 18 subsection 3 number 1 relates if the offence concerns a directly applicable regulation in legal acts of the European Community or the European Union which corresponds in terms of its content to a requirement or prohibition laid down in Section 18 subsection 1 numbers 4, 8, 9, 12, 17, 21a, 22 or 23,
2. under Section 18 subsection 3 number 2 relates if the offence concerns a directly applicable regulation in legal acts of the European Community or the European Union which corresponds in terms of its content to a Statutory Order under Sections 2a, 5 subsection 4, Section 9 subsections 1 to 4 or subsection 6 sentence 2, Section 11b subsection 4 number 2 or Section 12 subsection 2 numbers 4 or 5.

## **Section 20**

(1) If someone is found guilty of an unlawful act under Section 17 or is only found not guilty because he is proven to lack criminal capacity or a lack of criminal capacity cannot be ruled out, the court can prohibit him from keeping or caring for and from trading in or otherwise being involved on a professional basis with animals of any or a specific species for a period of one year to five years or for ever if there is a risk that he will continue to commit an unlawful act under Section 17.

(2) The prohibition shall take effect when the judgment or order imposing punishment becomes final. The time during which the culprit is held in custody shall not be counted towards the period of the prohibition. If, following the order imposing the prohibition, grounds arise for assuming that there is no longer any risk of the culprit's committing unlawful acts under Section 17, the court can lift the prohibition if it has existed for at least six months.

(3) Anyone who contravenes a prohibition under subsection 1, shall be punished by imprisonment of up to one year or a fine.

## **Section 20a**

(1) If there are urgent grounds for assuming that a prohibition under Section 20 will be imposed, the judge can issue an order provisionally prohibiting the accused from keeping or caring for and from trading in or otherwise being involved on a professional basis with animals of any or a specific species.

(2) The provisional prohibition under subsection 1 shall be lifted if the grounds for ordering it no longer apply or if the court does not order a prohibition under Section 20 in the judgment or order imposing punishment.

(3) Anyone who contravenes a prohibition under subsection 1, shall be punished by imprisonment of up to one year or a fine.

## Part Twelve

### Transitional and final provisions

#### Section 21

(1) Notwithstanding Section 5 subsection 1 sentence 1, until the end of 31st December, 2018, anaesthetisation shall not be required for the castration of male pigs less than eight days old, provided no deviation from the normal anatomical condition has been diagnosed. The Federal Government shall report to the German Bundestag no later than 31st December, 2016, on the state of development of alternative procedures and methods for castrating piglets without anaesthetisation.

(1a) Notwithstanding Section 5 subsection 1 sentence 1, until the end of 31st December, 2018, anaesthetisation shall not be required for the tagging of horses by thigh branding.

(2) With the exception of those regulations which grant powers to issue Statutory Orders, and of Section 11 subsection 5, Sections 3, 4, 6 to 11a, 15 to 16a and 17 to 19 shall only be applied as of 1st January, 2013. Until that time, Sections 3, 4, 6 to 11a, 15 to 16a and 17 to 19 shall continue to be applied in the version applicable until 13th July, 2013.

(3) In the case of animal experiments under Section 7 subsection 2 sentence 1, also in combination with sentence 2,

1. whose authorisation was applied for before 13th July, 2013, according to the regulations of this Act in the version applicable until 13th July, 2013, complying with the requirements of its Section 8 subsection 2, or
2. whose implementation was notified before 13th July, 2013, according to the regulations of this Act in the version applicable until 13th July, 2013, and was not objected to by the competent authority,

notwithstanding Sections 6 to 10, the regulations of this Act shall continue to be applied until 1st January, 2018, in the version applicable until 13th July, 2013.

(4) The permit under Section 11 subsection 1 sentence 1 numbers 1 and 2 shall be deemed to have been issued provisionally to a person

1. who on 12th July, 2013, is already carrying out an activity requiring a permit for the purposes of the above-mentioned regulations and
2. who, wherever it is an activity requiring a permit under this Act in the version applicable until 13th July, 2013, has been granted such a permit before 13th July, 2013.

The provisional permit shall expire

1. if the grant of a final permit has not been applied for by 1st January, 2014, or
2. in the case of an application's having been filed in time, when the decision on the application has become incontestable.

(4a) Section 11 subsection 1 sentence 1 number 5 shall be applied as of 1st August, 2014.

(4b) Section 11 subsection 1 number 8 f) shall be applied as of 1st August, 2014.

(5) Until a Statutory Order is issued under Section 11 subsections 2 or 6 sentence 2, Section 11 subsection 1 sentences 2 and 3, subsections 2, 2a, 5 and 6 in the version applicable until 13th July, 2013, shall continue to be applied with the proviso that

1. also anyone who holds animal exchanges must satisfy the requirements of Section 11 subsection 2 number 1 in the above-mentioned version as of 1st August, 2014, and
2. anyone who deals in vertebrates, except for farm or working animals, on a commercial basis shall ensure, as of 1st August, 2014, that when a vertebrate of a particular species is handed over to the future keeper of the animal for the first time, written information must be handed over with the animal on the most important needs of the animal, especially with regard to feeding and tending to it appropriately, housing it such that it can exhibit normal behaviour patterns, and allowing it movement appropriate to the species; this shall not apply when it is handed over to the holder of a permit under Section 11 subsection 1 sentence 1 number 3 b) in the version referred to above.



Until a Statutory Order is issued under Section 11 subsection 2 sentence 1 number 1, the decisive criterion in the context of Section 11 subsection 5 sentence 5 shall be whether the applicant has satisfied the requirements of Section 11 subsection 1 sentences 2 and 3 in the version applicable until 13th July, 2013.

(6) Section 11 subsection 8 shall be applied as of 1st February, 2014.

### **Section 21a**

Statutory Orders under this Act can also be issued in order to implement legal acts of the European Community or the European Union in the field of animal welfare.

### **Section 21b**

The Federal Ministry is empowered to issue Statutory Orders with the consent of the Bundesrat, to amend references to regulations in legal acts of the European Community or the European Union in this Act or in Statutory Orders issued on the basis of this Act, wherever this is necessary to adapt them to amendments to these regulations.

### **Section 21c**

(1) The authority with competence under Section 13a subsection 3, also in combination with a Statutory Order under subsection 4, shall levy fees and expenses for any public services under this Act or Statutory Orders issued on the basis of this Act if they are individually attributable.

(2) The Federal Ministry is empowered to issue Statutory Orders, which shall not require the consent of the Bundesrat, defining the situations to which charges apply and laying down fixed fees or scales of fees. The rates of fees shall be set in such a way that the personnel and material costs connected with the public services which are individually attributable are covered. When determining the amount of the fee, the cost of the assistance provided by inspection facilities shall also be taken into account. The expenses to be reimbursed may be fixed in a manner that deviates from the Federal Fees Act.

### **Section 21d**

Notwithstanding Section 2 subsection 1, of the Law on Proclamations and Announcements, Statutory Orders under this Act may be proclaimed in the Federal Gazette (Bundesanzeiger).

### **Section 22**

(Entry into force)