

## **Law Nr. 205/2004 on the protection of animals - modified by Law. 9 / 2008**

### Chapter I - General dispositions

#### Article 1

(1) This Law regulates the necessary measures to ensure the living conditions and welfare of the animals with or without owner.

(2) Managing canine population without owner on Romanian territory is regulated by special law.

#### Article 2

In this law, the holder of animals means the owner, the person who holds any valid title, as well as any physical or juridical person in whose care the animal is located.

#### Article 3

Holders of animals are required to ensure the application of the rules and veterinary zoohygiene on shelter, feeding, care, reproduction, exploitation, protection and welfare of animals.

#### Article 4

Holders of animals are bound to have a behavior free of brutality against them, to ensure the basic conditions necessary for the purpose for which they are raised, not abandon them and / or drive them away.

#### Article 5

(1) Holders of animals are required to ensure that, depending on the ethologic needs, species, breed, sex, age and type of production, the following:

- a) a properly shelter;
- b) sufficient food and water;
- c) the possibility of enough movement;
- d) care and attention;
- e) medical assistance.

(2) The owners of animals are prohibited from applying ill-treatment, such as: striking, torturing and other such cruelties.

#### Article 6

(1) For the purposes of this law, by bad treatment we understand brutal means behaviour, abuse in the use of animals, subjecting animals to unnecessary effort and restricting conditions provided by Article 5. (1).

(2) For the purposes of this law, cruelty toward animals means:

- a) killing an animal with intent;

- b) shooting practice on domestic or captive animals;
- c) organizing fights between animals or with animals;
- d) the use of live animals for training animals or to control the aggressiveness;
- e) the use of animals for exhibitions, shows, advertising, film making and similar purposes, if these activities cause them suffering physical and mental, or diseases and wounds;
- f) loss and / or chase an animal whose existence depends on human care;
- g) administration of substances intended for the stimulation of the natural abilities of animals during sports competitions, in the form of doping;
- h) hearting and mistreatment of animals;
- i) surgery for modifying the look of an animal or other purposes besides treatments, such as codotomy, cutting ears, cutting the vocal cords, cutting the claws, cutting the beak and teeth;
- j) inducing physical and mental suffering by any means;
- k) separating offspring of the mother until the age of at least eight weeks of life;
- l) to capture the animals by means other than those stipulated by law;
- m) the use of weapons with tranquilization in situations other than for the immobilization of animals.

#### Article 6.1.

The abandonment consists in sending an animal from the human care and property rights, on the public domain, without food, shelter and medical treatment.

#### Article 7

The animals used for experimental purposes are subject to specific rules of protection without cause them unnecessary suffering.

#### Article 7.1.

It is forbidden to euthanasiate dogs, cats and other animals, except animals with incurable diseases observed by the veterinarian.

#### Article 8

(1) National Authority Sanitary Veterinary and Food Safety is the national authority for the protection of animals.

(2) Conditions for detaining, sheltering and maintenance of animals shall be determined by order of the president of the National Sanitary Veterinary Authority and Food Safety.

### Chapter II - Conditions for holding animals

#### Article 9

(1) Holders of animals can have wild animals, according to the law, only if authorized by the direction of veterinary and food safety for the county, Bucharest City.

(2) Conditions for holding wild animals are determined by order of the Minister of

Agriculture, forests and rural development, at the proposal of National Authority for Sanitary Veterinary and Food Safety.

(3) Holders of animals can have wild animals on a determined period of time to physical recovery and care for animals that are deadlocked in survival, in agreement with the National Sanitary Veterinary Authority and Food Safety.

#### Article 10

(1) Holders of animals are bound to care and treat the sick or wounded animal.

(2) Sanitary Veterinary Authority can provide cutting or killing by case, a sick or wounded animal to relieve form the suffering physical and mental unnecessary conditions established by order of the president of the National Sanitary Veterinary Authority and Food Safety.

(3) The provisions of paragraphs. (1) and (2) does not apply to animals used for scientific or other experimental purposes.

#### Article 11

Holders of animals that select an animal for breeding are bound to respect the characteristics of anatomical, physiological and behavioral and breed the species in question, so that can not compromise the performance, health and welfare descendents.

#### Article 12

The person who contributes to train an animal has the obligation to use means that will not cause physical or psychological traumas, and to use methods that do not adversely affect the health or animal welfare.

Chapter III - Conditions on the sale of animals, transport animals and their use for commercial advertising, shows, exhibitions, competitions and similar events

#### Article 13

The National Sanitary Veterinary Authority and Food Safety, from considerations of animal protection or conservation of species of animals existing in the territory of the country, may impose certain conditions and restrict or prohibit the import, export, transit and trade in animals, taking into account the regulations.

#### Article 14

(1) carriers are required to carry animals in proper conditions, depending on the species, physiologic status, sex, age, family production, to avoid hearting or physical exhaustion and / or mental them.

(2) conditions on the transport of animals shall be determined by order of the president of the National Sanitary Veterinary Authority and Food Safety.

#### Article 15

Animals can be used for commercial advertising, shows, exhibitions, competitions or other similar events only if:

- a) the organizer ensure the conditions provided by art. 5;
- b) the health and welfare of animals are not put in danger.

#### Article 16

(1) During competitions or on other occasions it is forbidden to administer substances to the animals or to be subjected to methods for increasing or decreasing the natural level of performance.

(2) the Commission of organizing competitions and / arbitration and will include a representative of organizations to protect animals.

### Chapter IV - surgical interventions

#### Article 17

(1) Animals are subjected to surgical interventions only when is justified.

(2) The surgical intervention is performed under local anesthesia or, as appropriate, general anesthesia, only by veterinarians.

(21) The surgical intervention is performed in authorized spaces, except in situations where intervention is necessary on the spot.

(3) The medical labor that can cause animal suffering should be made by the veterinarian.

#### Article 18

The exception from the provisions of Article 17. (2), in case of animals used for scientific purposes or for other experimental surgery or other treatments may be performed by other people who have the necessary qualifications.

### Chapter V - Slaughter and killing

#### Article 19

Pets will not be subjected to unnecessary suffering in case of slaughter or killing.

#### Article 20

Slaughtering and killing will be performed in compliance with the legal provisions in force.

## Article 21

The provisions of Article. 20 does not apply to animals which, due to accidents or illness, must be slaughtered or killed immediately.

## Chapter VI - The use of animals in scientific purposes or other experimental purposes

### Article 22

Animals can be used for scientific research, diagnosis of diseases, production of medicines or biological products, when the objective of the activity can not be achieved through other methods, which do not involve using animals.

## Chapter VII - Sanctions

### Article 23

(1) It is considered to be contravention the following facts:

- a) non-compliance with the provisions of Article 12;
- b) non-compliance with the provisions of Article 5. (1);
- c) subjecting an animal to ill-treatment;
- d) non-compliance with the provisions of art. Article 26. (3);
- e) subjecting an animal to cruelties.

(11) It is considered to be a crime to do the following facts:

- a) holding and trading of wild animals by individuals and legal entities unauthorized, except zoo;
- b) use of animals for begging, in order to obtain undue advantages;
- c) the facts provided by art. 6;
- d) organizing fights between animals or with animals;
- e) the use of live animals for training animals or to control the aggressiveness.

(2) Contraventions referred to in paragraph. (1) shall be sanctioned as follows:

- a) from point. a), with fine from 800 to 1,000 lei lei;
- b) from point. b)-e), with fine of 1,000 lei to 1,500 lei.

(3) Crimes stipulated in paragraphs. (11) are sanctioned as follows:

- a) from point. a), prison from 1 month to 1 year or criminal fine from 500 lei to 10,000 lei and confiscation of the animals;
- b) from point. b), with prison from 3 months to 1 year or criminal fine from 500 to 6,000 lei and confiscation of the animals;
- c) from point. c), with prison from 6 months to 3 years or with penal fine from 1,000 lei to 10,000 lei and confiscation of the animals;
- d) from point. d), with prison from 3 months to 1 year or criminal fine from 1,000 to 2,000 lei and confiscation of the animals;

e) from point. e), with prison from 3 months to 1 year or criminal fine from 500 to 2,000 lei and confiscation of animals.

#### Article 24

If it repeats twice the facts provided by art. Article 23. (1) point. a) and b) the owner of the animals, besides the contravention fine measure it will also applies confiscation of animals. In this case, all animals will be hosted in shelters operating near the local councils, for adoption or for selling, under the provisions of the law.

#### Article 241

If it discovers a crime, the court can ban the owner to hold animals for a period of 5 years.

#### Article 25

(1) The application contravention and sanctions will be transferred to certain people decided, by the National Health Authority for Veterinary and Food Safety and the Ministry of Administration and Interior.

(2) The accused can pay on the moment, no later than 48 hours from the date of concluding minutes, or from the date of communication, half of the minimum fine provided at art. Article 23. (2), the control staff can make the mention about this possibility in the minutes.

(3) Contravention provided at art. 23 are applicable provisions of Government Ordinance no. 2 / 2001 on the legal regime of contravention, approved with amendments and completions by Law no. 180/2002, with subsequent modifications.

### Chapter VIII - Final provisions

#### Article 26

(1) National Authority Sanitary Veterinary and Food Safety, the Ministry of Interior and Administrative Reform are the bodies empowered, in collaboration with representatives of organizations to protect animals, to monitor the implementation of this law.

(2) For the fulfillment of the provisions of this law, the persons in powered, according to the attribution service in the National Health Authority for Veterinary and Food Safety and the Ministry of Administration and Interior have access to buildings, shelters and other places where animals are held, and the right to request any information and necessary documents checks and take samples for analysis and research laboratory.

(3) In case when the place where the animals are held is at home or residence of livestock owners, the persons can access provided at paragraph (2) in this region in agreement with the owner. In the absence of agreement, the owner of livestock has the obligation to prove compliance with the provisions of art. 5.

Article 26.1.

The rules for the application of this law are approved within 60 days by order of the joint Interior minister and administrative reform and the president of National Authority for Sanitary Veterinary and Food Safety, in consultation with representatives of organizations to protect animals.

Article 27

Orders provided at Article 8. (2), Article 9. (2), Article 10. (2) and Article 14. (2) shall be issued within 6 months from the date when this law is published in the Official Gazette of Romania, Part I.

Article 27.1.

(1) Romanian Radio and Television promotes programs to protect animals.

(2) Ministry of Education, Research and Youth, within hours of civic education, promote actions to protect animals.

Article 28

This law comes into force from 10 days of its publication in the Official Gazette of Romania, Part I.