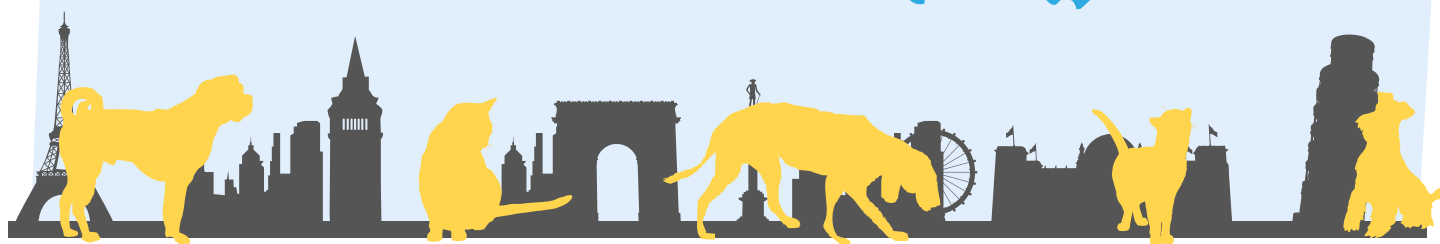


Spain



In Spain, the protection of companion animals falls under the regional governments of the Autonomous Communities (AC). There are 17 Autonomous Communities¹⁰, and each of them has its own animal welfare law. Although these laws are not identical, they are based on common principles and thus very similar. The laws are often completed with orders or decrees covering one topic in more detail, such as identification and registration.

As it would be too long to present a detailed analysis of the 17 sets of legislation, this summary gives an overview of the main provisions and the different options adopted in the AC for the topics of interest.



¹⁰ Andalucía, Aragón, Asturias, Baleares, Canarias, Cantabria, Castilla y León, Castilla la Mancha, Cataluña, Extremadura, Galicia, La Rioja, Madrid, Murcia, Navarra, País Vasco, Valencia

Identification and Registration

Dogs

In all autonomous communities, dogs must be permanently identified with a microchip. In all ACs, dogs must be identified within three months after birth, except in Navarra and País Vasco, where owners have four months and one month respectively to identify their dog. When buying a dog which is not yet identified, new owners generally have one month to identify and register them. In Aragón however, they only have 10 days, and in Asturias, Baleares and Cataluña, dogs must be identified before being sold or exchanged for free. In Cantabria, Galicia and La Rioja, the law does not specify additional time to identify dogs which are newly acquired by their owner, so dogs must also be identified before being sold.

In all ACs, dogs must be registered in a central database of the autonomous community. Registration is generally done at the same time as identification or very shortly afterwards. All these databases are members of Europetnet, thus linked to an EU database.

Cats

In seven autonomous communities (Andalucía, Asturias, Canarias, Cantabria, Cataluña, La Rioja, and Madrid), it is compulsory to identify cats with a microchip (except in Cantabria: with a microchip or a tattoo), and to register them in the central database of companion animals.

For those autonomous communities where it is not an obligation to identify and register cats, owners can decide to do it if they wish and cats can then be registered in the central database of companion animals of the autonomous community where the owner lives.



Regulation of dog and cat breeders

Breeding establishments must be licensed according to a Spanish National Decree on authorisation and registration of animal establishments, breeders need to be authorised and registered in the official register of animal establishments and reference centres. Every autonomous community has created a register, which is managed by the Ministry of agriculture of the AC. To be authorised and registered, establishments must comply with sanitary requirements, and with the related animal welfare measures as provided for in their regional animal welfare Law.

To be registered, establishments must apply by providing:

- Contact details.
- A map of the interior, situation and access to the establishment.

- A report prepared by an authorised veterinarian describing the sanitary requirements.

After authorisation and initiation of the activities of the establishment, the competent authority must check the establishment through a visit to the premises, to verify compliance. Once compliance has been checked, the establishment is registered in the official register.

The laws of the autonomous communities include specific provisions for breeders of companion animals in general, but no specific requirements for dog or cat breeders.

The competent authorities must keep records of authorised and registered establishments (including breeders and traders). They must ensure that the general requirements of the animal welfare law are complied with. These requirements are specified in the AC laws and generally include the following

provisions, which transpose at regional level the national animal health law, going further in some AC:

- Establishments must ensure good hygienic and sanitary conditions and rooms which are adapted to the physiological conditions of the animals they house.
- Establishments must ensure that they can rely on suitable veterinary services which are responsible for the health and welfare of the animals
- When they sell animals, establishments must provide all the legal documentation, including veterinary certificates
- Animal owners must treat them humanely, and keep them in good health and hygienic conditions, in line with the specificities of the animal species
- Establishments must keep records of the animals bred and sold, in line with the legislation, which generally includes at least data on the origin, identification and destination of the animals.

There are no specific provisions preventing the breeding of dogs and/or cats which have genetic problems such as inherited diseases or exaggerated conformations, except in the legislation of Cataluña. Law 22/2003 on the protection of animals includes the obligation, for animal establishments, to sell animals with no visible signs of psychological or physical pathologies and which do not suffer, themselves or their progenies, from inherited diseases which can be diagnosed.

There are no guidelines or codes of practice which breeders must adhere to.

There are generally no training or educational obligations for owners or staff of breeding/trading establishments. Cataluña is the only autonomous community which imposes training requirements for people taking care of animals in breeder/trader establishments. They must follow an officially recognised course and obtain a certificate of competence recognized by the authorities but without examination.

Regulation of dog and cat traders

Cat and dog traders must be authorised and registered, using the same procedure as for cat and dog breeders (see above).

There are no provisions concerning the sale of cats and dogs on the internet except in the law of Cataluña, which imposes, for any transaction with animals through publications or other media, to include in the advertisement the registration number of the trader or breeding establishment.

Cats and dogs can be sold in pet shops and at markets, as long as these are authorised and registered animal establishments. In Cataluña, cats and dogs cannot be exposed in the pet shop shelves to attract clients. In Cantabria and Extremadura the animals cannot be exposed in the window of the pet shop but they can be kept in the shop. There are no such provisions in the other AC laws.

In most regional laws, there are provisions related to itinerant sales of animals. However, only Cataluña specifically prohibits the sale in the street or in itinerant shops.

The law of Cataluña prohibits separating young animals from their mother, to be sold as companion animals, before the weaning age recommended for each species. In Andalucía, mammals cannot be separated from their mother before 40 days after birth. In Asturias, cats and dogs cannot be sold before they are 8 weeks old, or 6 weeks if they go directly from the breeder to the home of the buyer. There is no mention in the other laws of a minimum age at which cats and dogs can be sold.

In most AC laws, there is a minimum age at which someone can buy an animal without the consent of their parent or legal representative. This age varies from 14 years to 18 years. Some laws only specify that animals cannot be sold to minors.

AC laws also include general provisions on the transport of companion animals, which make reference to EU Regulation 1/2005 on the protection of animals during transport. For example one of the laws provides for animals to have enough space to be able to stand or lay down. The means of transport or boxes must protect the animals from extreme weather conditions. Animals must receive water and food at adequate intervals as provided for by the law. When loading and unloading animals, proper equipment must be used to avoid damage or suffering of the animals.

Surgical mutilations

In general, the laws of the Autonomous Communities prohibit surgical mutilation if the aim is aesthetic. However many laws allow surgical mutilations as an exception when it is "to give animals the usual aspect of the breed". This is specifically allowed in 9 ACs out of 17. Only one AC (Cataluña) specifically prohibits devocalisation and declawing, while Asturias does not mention mutilations at all.



Links to legislation

Decreto 1119/1975, de 24 de abril, sobre autorización y registro de núcleos zoológicos, establecimientos para la práctica de la equitación, centros para el fomento y cuidado de animales de compañía y similares (Decree on authorisation and register of animal establishments):

<http://www.boe.es/boe/dias/1975/05/29/pdfs/A11416-11417.pdf>

Orden de 28 de julio de 1980 por la que se dan normas sobre núcleos zoológicos, establecimientos para la equitación, centros para el fomento y cuidado de animales de compañía y similares (Order fixing rules for animal establishments):

<http://www.boe.es/boe/dias/1980/09/11/pdfs/A20396-20397.pdf>

Links to national and autonomous communities laws:

<http://www.derechoanimal.info/esp/basededatos/index>