



Animal Law: Pathocentrism and Animal Rights on European Level

Andreas Briese

Institute for Animal Hygiene, Animal Welfare and Farm Animal Behaviour

23. April 2008

Introduction
Animal Welfare Principles in Europe
Animal Welfare: European Players
summary

Index

- ① Introduction
 - Ethics and Animal Welfare
- ② Animal Welfare Principles in Europe
 - Council of Europe (Europa-Rat)
 - EU-framework: Five Freedoms
- ③ Animal Welfare: European Players
 - European Union: EU Animal Law
- ④ summary



(GloFish® der US-Firma Yorktown)



(aus Tier CD, Stiftung Tier im Recht, CH)

Briese Ethics-in-Life-Science-2008.info 23. - 24. April 2008 Hannover

Introduction
Animal Welfare Principles in Europe
Animal Welfare: European Players
summary

Ethics and Animal Welfare



ethics & morality

- law
- tradition
- custom
- religion
- civil norm
- code of conduct
 - medicine & health care
 - lawyers
 - politicians

Briese Ethics-in-Life-Science-2008.info 23. - 24. April 2008 Hannover

Ethical understanding of the human – animal relationship leads to animal welfare. Therefore different understanding of the animals position or role in this relationship will result in different animal welfare legislation.

- (1) pain is an overall bad experience - to avoid pain is the main principle of life
→ living beings with pain reception should be protected from pain
- (2) promoting life is most important - everything is rather functional to this maxim
→ taking away life from an individual has to be avoided
- (3) anything and even ethical values are related to benefit of man
→ man has no obligations to animals
→ compassion with animals is a private matter

(1) pathocentric (2) biocentric (3) anthropocentric

capability	vertebrates				
	fish	amphibians	reptiles	bird	mammals
self consciousness	⊕	?	⊕	⊕	⊕
pain reception	⊖	⊕	⊕	⊕	⊕
anatomical structures	⊕	⊕	⊕	⊕	⊕
avoidance behaviour	⊕	⊕	⊕	⊕	⊕

capability	non-vertebrates			
	molluscs	crustaceans	insects	echinodermata
self consciousness	⊖*	⊖**	⊖	⊖
pain reception	⊖*	⊖**	⊖	⊖
anatomical structures	⊖*	⊖**	⊖	⊖
avoidance behaviour	⊖*	⊖**	⊖	⊖

* with the exception of class cephalopoda (i.e. octopus), who show avoidance behaviour and are very good learners.

** with the exception of class tetrapoda (in particular lobster), who show avoidance behaviour.



Austria / Österreich

Zielsetzung

§ 1. Ziel dieses Bundesgesetzes ist der Schutz des Lebens und des Wohlbefindens der Tiere aus der besonderen Verantwortung des Menschen für das Tier als Mitgeschöpf.

Verbot der Tierquälerei

§ 5. (1) Es ist verboten, einem Tier ungerechtfertig Schmerzen, Leiden oder Schäden zuzufügen oder es in schwere Angst zu versetzen.

(2) Gegen Abs. 1 verstößt insbesondere, wer

1. Züchtungen vornimmt, die für das Tier oder dessen Nachkommen mit starken Schmerzen, Leiden, Schäden oder mit schwerer Angst verbunden sind (Qualzüchtungen), oder Tiere mit Qualzuchtmerkmalen importiert, erwirbt oder weitergibt;
2. die Aggressivität und Kampfbereitschaft von Tieren durch einseitige Zuchtauswahl oder durch andere Maßnahmen erhöht;
3. a) Stachellohnbänder, Korallenhalsbänder oder elektrisierende oder chemische Dressurgeräte verwendet oder
- b) technische Geräte, Hilfsmittel oder Vorrichtungen verwendet, die darauf abzielen, das Verhalten eines Tieres durch Härte oder durch Strafeize zu beeinflussen;

...

Austria / Österreich

Verbot der Tötung

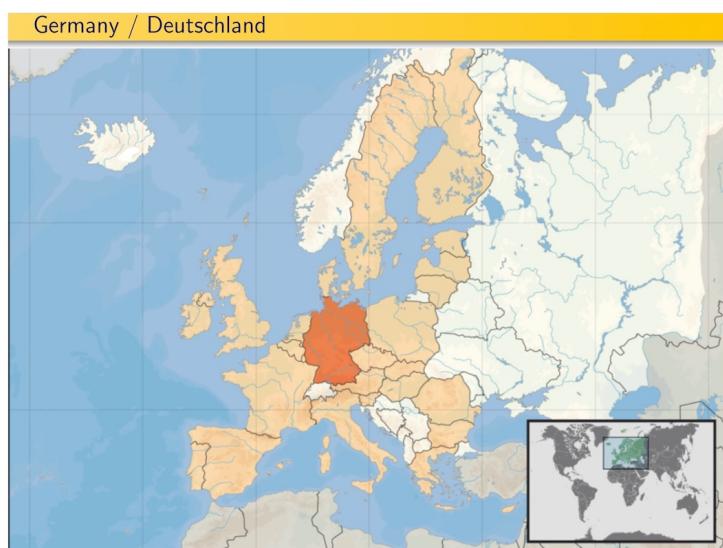
§ 6. (1) Es ist verboten, Tiere ohne vernünftigen Grund zu töten.

(2) Es ist verboten, Hunde oder Katzen zur Gewinnung von Nahrung oder anderen Produkten zu töten.

(3) Die Tötung von Tieren zum Zweck der Aus-, Fort- und Weiterbildung ist nur an wissenschaftlichen Einrichtungen und nur insoweit zulässig, als sie für den angestrebten Zweck unerlässlich ist und nicht durch alternative Methoden ersetzt werden kann.

(4) Unbeschadet der Verbote nach Abs. 1 und 2 darf das wissenschaftliche Töten von Wirbeltieren nur durch Tierärzte erfolgen. Dies gilt nicht

1. für die fachgerechte Tötung von landwirtschaftlichen Nutzieren und von Futtertieren (§ 32),
2. für die fachgerechte Tötung von Tieren im Rahmen der Aus-, Fort- und Weiterbildung gemäß Abs. 3,
3. für die fachgerechte Schädlingsbekämpfung,
4. in Fällen, in denen die rasche Tötung unbedingt erforderlich ist, um dem Tier nicht behebbare Qualen zu ersparen.



Germany / Deutschland

German constitution: Art. 20a: "... recognising the responsibility to protect natural resources [environment] to future generations and the animals ..."

German animal welfare act (1972; renewed 1986) basic principle:

Art. 1

The aim of this Act is to protect the lives and well-being of animals, based on the responsibility of human beings for their fellow creatures. No person may cause an animal pain, suffering or harm without good reason.

Switzerland / Schweiz

Switzerland / Schweiz

Swiss constitution: Art. 120: "... man and environment should be protected against misuse of biotechnology. ... state takes the *dignity of creature* and the safety of man, animal and environment into account and protects diversity of plants and animals ..."

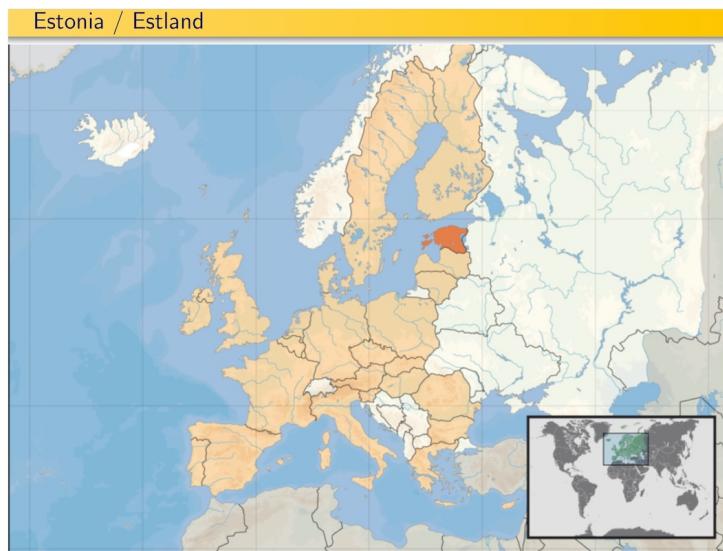
The Swiss animal welfare act (1977) sets basic principles in articles 1&2:

Art. 1

This law regulates any acting with animals; it aims to their protection and well being. The law applies to vertebrates. (...)

Art. 2

Animals should be handled in a way, that their needs are met in the best way possible. Anyone who deals with animals should, as far as the aim of husbandry will allow it, take care of the animals well-being. Nobody may unjustified cause an animal pain, suffering or harm or terrify an animal.



Estonia / Estland

Eesti Vabariigi loomakaitseeadus
Republic of Estonia Animal Protection Act

§ 1. Loomakaitseaduse ülesanne

Loomakaitseaduse ülesandeks on looduslikes ja tehistingimustes elavate loomade (imetajate, lindude, roomajate, kahepaiksete, kalade, putukate ja teiste elusolendite, välja arvatud mikroorganismid) kaitse inimese vägivalla eest.

§ 1. Purpose of Animal Protection Act

The purpose of the Animal Protection Act is to protect animals (mammals, birds, reptiles, amphibians, fish, insects and other living beings, except micro-organisms) living in natural or artificial conditions from human violence.

Estonia / Estland

§ 3. Prohibited act with respect to animals

(1) Acts which cause the killing of, injury to or suffering of animals are prohibited unless such acts arise from the need to treat an animal, a veterinary procedure or an unavoidable situation.

(2) Prohibited acts are:

- 1) killing an animal, except the cases set out in § 4 of this Act;
- 2) injuring an animal;
- 3) abandonment of an animal by its owner;
- 4) torturing an animal;
- 5) engagement of an animal in work beyond its capabilities;

§ 4. Permitted killing of animals

(1) Permitted killing of an animal is:

- 1) slaughter of a productive animal;
- 2) killing game while hunting;
- 3) killing caught fish;
- 4) emergency slaughter of an animal;
- 5) killing stray dogs and cats in the cases and pursuant to the procedure provided by local governments, if there are no other means for limiting their numbers;
- 6) extermination of noxious insects and rodents;
- 7) killing an animal in an emergency situation;
- 8) restriction of animal numbers for prevention of the spread of disease pursuant to the procedure specified by local governments.

(2) In killing an animal it is mandatory to choose a means of killing which causes the least amount of suffering possible.

(3) Killing an animal without the consent of its owner is permitted in the cases specified in clauses 4 (1) 4), 5) and 7) of this Act.



Latvia / Lettland

Legal OFFICE **FAOLEX** FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS **F&O**

fao home legal home faolex home links about faolex search other databases help

Animal Protection Law

The ethical obligation of humankind is to ensure the welfare and protection of all species of animals, because every unique being is in itself of value. A human being has a moral obligation to honour any creature, to treat animals with empathic understanding and to protect them. Without a substantiated reason no one is permitted to kill an animal, to cause it pain, create suffering or to otherwise harm it.

Section 4.

Cruel treatment of animals is prohibited, that is:

- 1) the killing of an animal, except in the cases provided for in this Law;
- 2) the mutilating, tormenting and torturing of an animal;
- 3) leaving an animal without care;
- 4) leaving an animal in a helpless situation;
- 5) annoying and baiting an animal, except in the cases when it is necessary for the training of a work animal;
- 6) the organisation of animal fights, the involvement of animals in such fights and support of such fights;
- 7) the use of animals for religious rituals, lotteries and giving animals as gifts at public events except for farm exhibitions;
- 8) the use of an animal as a target for training in shooting or in competitions;
- 9) the use of animals for the training of animals of other species, except for the training of hunting dogs;
- 10) the use of animals, making them exceed their natural capabilities;
- 11) the showing of animals in travelling menageries;
- 12) the offering and use of a female animal for the sexual satisfaction of a male animal without the intent of obtaining offspring; and
- 13) the carrying out of other such actions which cause or may cause mutilation or death, or create suffering for an animal, except in cases when such actions have been carried out for treatment, experimental or scientific purposes or in cases when the life or health of a human being is being threatened.

Latvia / Lettland

Legal OFFICE **FAOLEX** FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS **F&O**

fao home legal home faolex home links about faolex search other databases help

Section 4.

Cruel treatment of animals is prohibited, that is:

- 1) the killing of an animal, except in the cases provided for in this Law;
- 2) the mutilating, tormenting and torturing of an animal;
- 3) leaving an animal without care;
- 4) leaving an animal in a helpless situation;
- 5) annoying and baiting an animal, except in the cases when it is necessary for the training of a work animal;
- 6) the organisation of animal fights, the involvement of animals in such fights and support of such fights;
- 7) the use of animals for religious rituals, lotteries and giving animals as gifts at public events except for farm exhibitions;
- 8) the use of an animal as a target for training in shooting or in competitions;
- 9) the use of animals for the training of animals of other species, except for the training of hunting dogs;
- 10) the use of animals, making them exceed their natural capabilities;
- 11) the showing of animals in travelling menageries;
- 12) the offering and use of a female animal for the sexual satisfaction of a male animal without the intent of obtaining offspring; and
- 13) the carrying out of other such actions which cause or may cause mutilation or death, or create suffering for an animal, except in cases when such actions have been carried out for treatment, experimental or scientific purposes or in cases when the life or health of a human being is being threatened.

Latvia / Lettland

Legal OFFICE
FAOLEX

fao home legal home faolex home links
about faolex

arabic español français
search other databases help

Section 44.
It is prohibited to kill an animal. The prohibition does not apply to:
 1) the slaughter of animals kept for farming purposes;
 2) animal euthanasia;
 3) sports hunting;
 4) fishing;
 5) destruction of harmful rodents and insects;
 6) cases, when an animal directly threatens the health or life of human beings or other animals;
 7) cases, when a programme combating infectious diseases provides for the killing of an animal; and
 8) the killing of animals used for experimental and scientific purposes, if it is provided for in the objectives of the experiment.

Section 45.
An animal may be killed only with the permission of the animal owner (in the case of euthanasia – permission in writing), except in the cases provided for in Clauses 6 and 7 of Section 44 of this Law.

Section 46.
In the killing of an animal, a method shall be selected which causes the least suffering for the animal.

Latvia / Lettland

Section 47.
An animal kept for farming purposes may be killed if:
 1) it has been raised for the production of food of animal origin intended for the sustenance of human beings and for raw materials for manufacturing;
 2) the keeping of an animal has become economically disadvantageous due to its non-productivity;
 3) an animal is under threat of death due to a disease or a trauma; or
 4) it has been provided for in a programme combating infectious diseases.

Section 48.
In a case of final necessity, an animal kept for farming purposes may be slaughtered after stunning, as well as in a case when, due to disease or trauma, the death of an animal is possible.

Section 49.
Intentional killing of a pregnant animal kept for farming purposes is prohibited, except in cases prescribed by a practising veterinarian.

Section 50.
It is permitted to perform euthanasia of an animal, if:
 1) it has an incurable disease;
 2) during the ageing process, irreversible health changes have arisen;
 3) due to its aggressiveness, an animal has become dangerous to human beings or other animals;
 4) it has been provided for in a programme combating infectious diseases;
 5) it has been requested by the animal owner; or
 6) it is a stray or a confiscated animal and within a fourteen-day period it has not been possible to find the previous owner or a new owner.

Lithuania / Litauen

Lithuania / Litauen

ARTICLE 1. Purpose of the Law

1. The Republic of Lithuania Law on the Care, Keeping and Use of Animals, shall establish the general principles of behaviour of natural and legal persons towards domesticated, designated for economic purposes, decorative, laboratory, captive and wild animals, in order to protect them from suffering, cruel treatment and other negative pressures.
2. The Republic of Lithuania Law on Wildlife regulates protection and use of wild animals existing freely in their natural state on land, in water and soil.
3. In instances when international agreements ratified by the Seimas, shall stipulate other conditions of animal care, keeping and use, the conditions of international agreements shall be applied, provided they do not contradict the Constitution of the Republic of Lithuania.

Lithuania / Litauen

Article 3. Activities Prohibited by This Law

This Law shall prohibit:

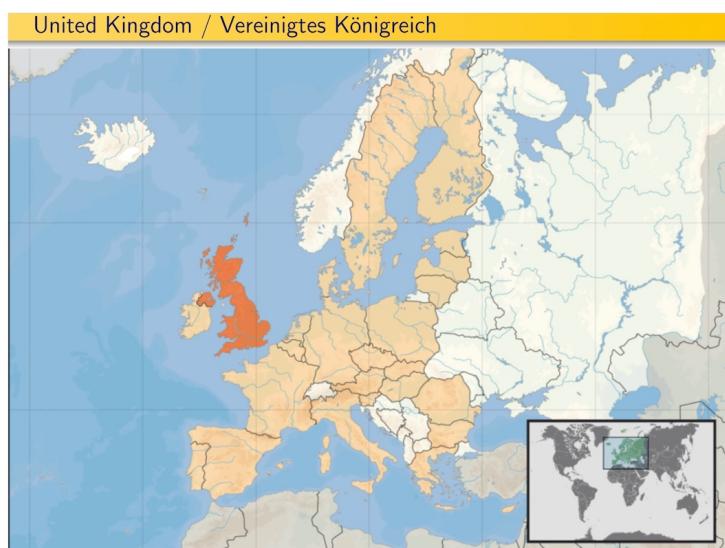
- 1) to injure, frighten or kill an animal without due cause;
- 2) to kill an animal by drowning, strangling or burying, and to use medicines or methods the effects whereof can not be controlled;
- 3) to use animals as targets in training;
- 4) to organise animal fights or fights featuring animals;
- 5) to abandon an animal whose existence depends on human care, and to leave it without any care in order to rid oneself of it;
- 6) to employ substances that stimulate natural animal capacities for the purpose of augmenting animal productivity, work capability and sport results with the exception of those materials, the use whereof is regulated by the Government or an institution authorised by it;
- 7) to transport animals by use of transport means which have not been adapted or are not suitable for this kind of animals, and also to transport the animals without a permit (certificate) issued by the Government or institutions authorised by it, allowing transport of animals;
- 8) to keep more animals than projected in the design of the building, barn, open air enclosure or fencing of territory;
- 9) to teach or train animals by constantly stimulating them in a negative manner (punishing).

Hungary / Ungarn

Hungary / Ungarn

Abstract:

The intention of this Law is the promotion of the protection of animals, the increase of the sense of responsibility of humans in the interest of tolerant treatment of animals, and the determination of the principles of animal protection. This Law applies to animals kept or used for breeding and experimental purposes, for sporting events, kept as sheep dogs, guarding dogs, protecting dogs, rescue dogs, blind man's dog, etc., to animals used for hunting, to animals exhibited in shows and fairs, to animals kept by the army, the police and other guarding services, to pets, and lastly, to dangerous animals, stray domestic animals, animals kept in zoological gardens, reserves, and to wild animals in captivity if other rules of law do not prescribe otherwise. Animals must not be tortured, set against humans or other animals, trained to fight, feed forcibly, forced to performance exceeding their potential, made accustomed to unnatural and self-destructing activities. Animals may be killed only for acceptable purposes such as nutrition, fur production, stock regulation, fatal disease, risk of epidemic, destruction of harmful animals, prevention of attack, and scientific research. This Law contains special rules for the keeping and treatment of animals for slaughter and for dangerous animals in Chapter III. Chapter IV deals, in detail, with experiments. Transport of animals is ruled by Chapter V. General rules of establishment and maintenance of zoological gardens are set out in Chapter VI. Animal pensions and houses of refuge are regulated in Chapter VII. A penalty is foreseen for offenders in Chapter IX.



United Kingdom / Vereinigtes Königreich

1 Animals to which the Act applies

- (1) In this Act, except subsections (4) and (5), "animal" means a vertebrate other than man.
- (2) Nothing in this Act applies to an animal while it is in its foetal or embryonic form.
- (3) The appropriate national authority may by regulations for all or any of the purposes of this Act—
 - (a) extend the definition of "animal" so as to include invertebrates of any description;
 - (b) make provision in lieu of subsection (2) as respects any invertebrates included in the definition of "animal";
 - (c) amend subsection (2) to extend the application of this Act to an animal from such earlier stage of its development as may be specified in the regulations.
- (4) The power under subsection (3)(a) or (c) may only be exercised if the appropriate national authority is satisfied, on the basis of scientific evidence, that animals of the kind concerned are capable of experiencing pain or suffering.

United Kingdom / Vereinigtes Königreich

4 Unnecessary suffering

- (1) A person commits an offence if—
 - (a) an act of his, or a failure of his to act, causes an animal to suffer,
 - (b) he knew, or ought reasonably to have known, that the act, or failure to act, would have that effect or be likely to do so,
 - (c) the animal is a protected animal, and
 - (d) the suffering is unnecessary.
- (2) A person commits an offence if—
 - (a) he is responsible for an animal,
 - (b) an act, or failure to act, of another person causes the animal to suffer,
 - (c) he permitted that to happen or failed to take such steps (whether by way of supervising the other person or otherwise) as were reasonable in all the circumstances to prevent that happening, and
 - (d) the suffering is unnecessary.
- (3) The considerations to which it is relevant to have regard when determining for the purposes of this section whether suffering is unnecessary include—
 - (a) whether the suffering could reasonably have been avoided or reduced;
 - (b) whether the conduct which caused the suffering was in compliance with any relevant enactment or any relevant provisions of a licence or code of practice issued under an enactment;
 - (c) whether the conduct which caused the suffering was for a legitimate purpose, such as—
 - (i) the purpose of benefiting the animal, or
 - (ii) the purpose of protecting a person, property or another animal;
 - (d) whether the suffering was proportionate to the purpose of the conduct concerned;
 - (e) whether the conduct concerned was in all the circumstances that of a reasonably competent and humane person.
- (4) Nothing in this section applies to the destruction of an animal in an appropriate and humane manner.

United Kingdom / Vereinigtes Königreich

Promotion of welfare

9 Duty of person responsible for animal to ensure welfare

- (1) A person commits an offence if he does not take such steps as are reasonable in all the circumstances to ensure that the needs of an animal for which he is responsible are met to the extent required by good practice.
- (2) For the purposes of this Act, an animal's needs shall be taken to include—
 - (a) its need for a suitable environment,
 - (b) its need for a suitable diet,
 - (c) its need to be able to exhibit normal behaviour patterns,
 - (d) any need it has to be housed with, or apart from, other animals, and
 - (e) its need to be protected from pain, suffering, injury and disease.
- (3) The circumstances to which it is relevant to have regard when applying subsection (1) include, in particular—
 - (a) any lawful purpose for which the animal is kept, and
 - (b) any lawful activity undertaken in relation to the animal.
- (4) Nothing in this section applies to the destruction of an animal in an appropriate and humane manner.

Spain / Spanien

Spain / Spanien

TÍTULO PRELIMINAR

Disposiciones generales

Artículo 1. Objeto.

Esta Ley tiene por objeto:

a) Establecer las normas básicas sobre explotación, transporte, experimentación y sacrificio para el cuidado de los animales y un régimen común de infracciones y sanciones para garantizar su cumplimiento.

The screenshot shows a map of Europe with Spain highlighted in red. A small inset map of the world highlights Europe.

Spain / Spanien

Artículo 2. Ámbito de aplicación.

1. Esta Ley se aplicará a los animales vertebrados de producción o que se utilicen para experimentación y otros fines científicos.

2. Esta Ley no se aplicará a:

- a) La caza y la pesca.
- b) La fauna silvestre, incluida aquella existente en los parques zoológicos que se regulan por la Ley 31/2003, de 27 de octubre, de conservación de la fauna silvestre en los parques zoológicos, sin perjuicio de lo previsto en el artículo 14.1.f) de esta Ley.
- c) Los espectáculos taurinos previstos en los artículos 2 y 10 de la Ley 10/1991, de 4 de abril, sobre potestades administrativas en materia de espectáculos taurinos, y las competiciones deportivas regladas incluidas las actuaciones precisas para el control del dopaje de los animales.
- d) Los animales de compañía, sin perjuicio de lo previsto en la disposición adicional primera de esta Ley.

The screenshot shows a map of Europe with Spain highlighted in red. A small inset map of the world highlights Europe.

Spain / Spanien

Artículo 4. Explotaciones de animales.

Las Administraciones Públicas adoptarán las medidas necesarias para asegurar que, en las explotaciones, los animales no padecan dolores, sufrimientos o daños innutiles.

The screenshot shows a map of Europe with Spain highlighted in red. A small inset map of the world highlights Europe.

Spain / Spanien

Legal OFFICE
FAOLEX

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

arabic español français

search other databases help

Artículo 6. Sacrificio o matanza de animales.

1. Las normas sobre la construcción, las instalaciones y los equipos de los mataderos, así como su funcionamiento, evitarán a los animales agitación, dolor o sufrimiento innecesarios.

2. El sacrificio de animales fuera de los mataderos se hará únicamente en los supuestos previstos por la normativa aplicable en cada caso y de acuerdo con los requisitos fijados por ésta, a excepción de los sacrificios de animales llevados a cabo por veterinarios con fines diagnósticos.

3. Cuando el sacrificio de los animales se realice según los ritos propios de Iglesias, Confesiones o Comunidades religiosas inscritas en el Registro de Entidades Religiosas, y las obligaciones en materia de aturdimiento sean incompatibles con las prescripciones del respectivo rito religioso, las autoridades competentes no exigirán el cumplimiento de dichas obligaciones siempre que las prácticas no sobrepasen los límites a los que se refiere el artículo 3 de la Ley Orgánica 7/1980, de 5 de julio, de Libertad Religiosa.

En todo caso, el sacrificio conforme al rito religioso de que se trate se realizará bajo la supervisión y de acuerdo con las instrucciones del veterinario oficial.

El matadero deberá comunicar a la autoridad competente que se va a realizar este tipo de sacrificios para ser registrado al efecto, sin perjuicio de la autorización prevista en la normativa comunitaria.

Introduction
Animal Welfare Principles in Europe
Animal Welfare - European Players summary
Council of Europe (Europa-Rat)
EU-framework: Five Freedoms

European Animal Ethics Approaches: Ethical principles

The European Union rule set should consort laws of 27 member states. Each community has different historical and legal frameworks regarding animal husbandry and animal welfare. Some are rooted in different ethical interpretations of the human – animal relationship and resulting obligations or even duties toward animals.

Some animal welfare approaches in European member states

anthropocentric	<input type="radio"/> interest of man	≈ ie. french, spanish
pathozentric	<input type="radio"/> protection from suffering	≈ ie. british, estonian, lithuanian
patho-biocentric	<input type="radio"/> prot. & promotion of life	≈ ie. german, austrian, letvian

Briese Ethics-in-Life-Science-2008.info 23. - 24. April 2008 Hannover

Introduction
Animal Welfare Principles in Europe
Animal Welfare - European Players summary
Council of Europe (Europa-Rat)
EU-framework: Five Freedoms

Council of Europe

Council of Europe

Legal co-operation Legal Affairs

Further to an internal restructuring of the Council of Europe, the activities on animal welfare have been concentrated under the responsibility of the Legal Affairs Committee. It is the hope that a decision will soon be taken as to the future organisation of these activities. In the meantime, any developments will be indicated on the website.

Biological safety - use of animals by humans

Scientific developments and internationalization of practices were source of important changes in the use of animals, in particular in the field of biotechnology. The European Convention for the protection of vertebrate animals elaborated at the Council of Europe was the first international legal instrument laying down ethical principles and minimum standards of protection for the use of vertebrate animals in scientific research and biotechnology. The Convention is now in force in all member states of the Council of Europe. Animal welfare is an issue of increasing importance in Europe. The work of the Council of Europe reflects this development.

Protection of animals kept for farming purposes

The European Convention for the protection of animals kept for farming purposes is a "framework convention". It aims to harmonize the protection of farm animals in the European Union. It covers the protection of farm animals in agriculture, food production and trade, and practice towards pet ownership. Provisions are also made for the protection of farm animals during transport.

Protection of pet animals

The European Convention for the protection of pet animals, which came into force in 1993, protects pet animals, and aims to harmonize the protection of pet animals in the European Union. It covers the protection of pet animals, and practice towards pet ownership. Provisions are also made for the protection of farm animals during transport.

Protection of animals for slaughter

The European Convention for the protection of animals during international transport lays down the general principles of protection of animals during international transport, including the protection of farm animals, such as design of transport means, fitness to transport animals, protection of animals during transport, etc. It also sets out special provisions for the protection of farm animals, certificates, etc. and sets out special provisions for the protection of animals during transport.

Convention on biological safety

The Convention on biological safety aims to harmonize the protection of animals during transport.

Protected wild life

CeDE-UfD Workshop + Animal Welfare in Europe : achievements and future prospects

http://www.coe.int/T/E/Legal_affairs/Legal_co-operation/Biological_safety,_use_of_animals/

Briese Ethics-in-Life-Science-2008.info 23. - 24. April 2008 Hannover

Introduction
 Animal Welfare Principles in Europe
 Animal Welfare: European Players
 summary
European Unions Animal Ethics Approach

Anhang zum Vertrag von Amsterdam (Amtsbl. Nr. C 340 v. 10. November 1997)

Protokoll über den Tierschutz und das Wohlergehen der Tiere

DIE HOHEN VERTRAGSPARTEIEN -

*IN DEM WUNSCH sicherzustellen, daß der Tierschutz verbessert und das Wohlergehen der Tiere als fühlende Wesen berücksichtigt wird -
 SIND über folgende Bestimmung ÜBEREINGEKOMMEN, die dem Vertrag zur Gründung der Europäischen Gemeinschaft beigefügt ist:
 Bei der Festlegung und Durchführung der Politik der Gemeinschaft in den Bereichen Landwirtschaft, Verkehr, Binnenmarkt und Forschung tragen die Gemeinschaft und die Mitgliedstaaten den Erfordernissen des Wohlergehens der Tiere in vollem Umfang Rechnung; sie berücksichtigen hierbei die Rechts- und Verwaltungsvorschriften und die Gepflogenheiten der Mitgliedstaaten insbesondere in bezug auf religiöse Riten, kulturelle Traditionen und das regionale Erbe.*

Briese Ethics-in-Life-Science-2008.info 23. - 24. April 2008 Hannover

Introduction
 Animal Welfare Principles in Europe
 Animal Welfare: European Players
 summary
European Unions Animal Ethics Approach

Anhang zum Vertrag von Amsterdam (Amtsbl. Nr. C 340 v. 10. November 1997)

Protokoll über den Tierschutz und das Wohlergehen der Tiere

DIE HOHEN VERTRAGSPARTEIEN -

*IN DEM WUNSCH sicherzustellen, daß der Tierschutz verbessert und das Wohlergehen der Tiere als fühlende Wesen berücksichtigt wird -
 SIND über folgende Bestimmung ÜBEREINGEKOMMEN, die dem Vertrag zur Gründung der Europäischen Gemeinschaft beigefügt ist:
 Bei der Festlegung und Durchführung der Politik der Gemeinschaft in den Bereichen Landwirtschaft, Fischerei, Verkehr, Binnenmarkt, Forschung, technologische Entwicklung und Raumfahrt tragen die Gemeinschaft und die Mitgliedstaaten den Erfordernissen des Wohlergehens der Tiere als fühlende Wesen in vollem Umfang Rechnung; sie berücksichtigen hierbei die Rechts- und Verwaltungsvorschriften und die Gepflogenheiten der Mitgliedstaaten insbesondere in bezug auf religiöse Riten, kulturelle Traditionen und das regionale Erbe.*

Artikel 13 (new) European Treaties / Europäische Verträge, Lissabon 19.10.2007

Briese Ethics-in-Life-Science-2008.info 23. - 24. April 2008 Hannover

Introduction
 Animal Welfare Principles in Europe
 Animal Welfare: European Players
 summary
European Unions Animal Ethics Approach

1997 EU Treaty of Amsterdam, Art. 13 European Treaties

European Union animal welfare law reflects the so-called 'Five Freedoms' as adopted by the Farm Animal Welfare Council (United Kingdom):

- ① Freedom from hunger and thirst** – access to fresh water and a diet for full health and vigour,
- ② Freedom from discomfort** – an appropriate environment with shelter and comfortable rest area,
- ③ Freedom from pain, injury and disease** – prevention or rapid treatment,
- ④ Freedom to express normal behaviour** – adequate space and facilities, company of the animal's own kind,
- ⑤ Freedom from fear and distress** – conditions and treatment which avoid mental sufferings.

These freedoms should be granted in vertebrate farm animals.

Briese Ethics-in-Life-Science-2008.info 23. - 24. April 2008 Hannover

Introduction
Animal Welfare Principles in Europe
Animal Welfare: European Players
summary

summary

Regelungen der EU (und des Europarats) basieren auf dem kleinsten gemeinsamen Nenner: den fünf Freiheiten, die vom britischen Farm-Animal-Welfare-Council formuliert wurden.

- ① Freisein von Hunger und Durst (Zugang zu frischem Trinkwasser und gesunder Nahrung),
- ② Freisein von Unbehagen (angemessenes Lebensumfeld mit Unterschlupf und bequemem Liegeplatz),
- ③ Freisein von Schmerzen, Verletzungen und Krankheiten (Verhütung bzw. schnelle Behandlung),
- ④ Freisein zum Ausleben normaler Verhaltensweisen (ausreichendes Platzangebot, angemessene Funktionsbereiche und sozialer Kontakt zu Artgenossen),
- ⑤ Freisein von Angst und Leiden (Haltungsbedingungen und Behandlungen, die keine psychischen Leiden fördern).

Ein grundsätzlicher Lebensschutz ist diesem pathozentrischen Statement ebenso wenig eigen wie das Verständnis eines (schützenswerten) Eigenwert *intrinsic value*, wie ihn in unterschiedlicher Ausprägung die Begriffe *Mitgeschöpf*, *Würde des Tieres* oder *einzigartiger Eigenwert* suggerieren.

thank you !

Briese Ethics-in-Life-Science-2008.info 23. - 24. April 2008 Hannover

Introduction
Animal Welfare Principles in Europe
Animal Welfare: European Players
summary

resources online

FAOLEX <http://faolex.fao.org/>

BM ELV <http://www.bmelv.de>
European Union http://ec.europa.eu/food/animal/index_de.htm
European Council http://www.coe.int/T/E/Legal_affairs/Legal_co-operation_Biological_safety,_use_of_animals/
tierschutz.org Schweizer Stiftung Tier im Recht
<http://tierschutz.org>
<http://www.tierimrecht.org>
TVT e.v. Tierärztliche Vereinigung für Tierschutz e.v.
<http://www.tierschutz-tvt.de>

ITTN - Website <http://www.tiho-hannover.de/einricht/itt/lehre/index.htm>

Briese Ethics-in-Life-Science-2008.info 23. - 24. April 2008 Hannover