



European Convention for the Protection of Pet Animals

Strasbourg, 13.XI.1987

Explanatory Report
Français

Preamble

The member States of the Council of Europe signatory hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members;

Recognising that man has a moral obligation to respect all living creatures and bearing in mind that pet animals have a special relationship with man;

Considering the importance of pet animals in contributing to the quality of life and their consequent value to society;

Considering the difficulties arising from the enormous variety of animals which are kept by man;

Considering the risks which are inherent in pet animal overpopulation for hygiene, health and safety of man and of other animals;

Considering that the keeping of specimens of wild fauna as pet animals should not be encouraged;

Aware of the different conditions which govern the acquisition, keeping, commercial and non-commercial breeding and disposal of and the trading in pet animals;

Aware that pet animals are not always kept in conditions that promote their health and well-being;

Noting that attitudes towards pet animals vary widely, sometimes because of limited knowledge and awareness;

Considering that a basic common standard of attitude and practice which results in responsible pet ownership is not only a desirable, but a realistic goal,

Have agreed as follows:

Chapter I – General provisions

Article 1 – Definitions

1. By pet animal is meant any animal kept or intended to be kept by man in particular in his household for private enjoyment and companionship.
2. By trading in pet animals is meant all regular business transactions in substantial quantities carried out for profit which involve the change of ownership of pet animals.
3. By commercial breeding and boarding is meant breeding or boarding mainly for profit and in substantial quantities.
4. By animal sanctuary is meant a non-profit making establishment where pet animals may be kept in substantial numbers. If national legislative and/or administrative measures permit, such an establishment may accept stray animals.
5. By a stray animal is meant a pet animal which either has no home or is outside the bounds of its owner's or keeper's household and is not under the control or direct supervision of any owner or keeper.
6. By competent authority is meant the authority designated by the member State.

Article 2 – Scope and implementation

1. Each Party undertakes to take the necessary steps to give effect to the provisions of this Convention in respect of:
 - a. pet animals kept by a person or legal entity in any household or in any establishment for trading, for commercial breeding and boarding, and in animal sanctuaries;
 - b. where appropriate, stray animals.
2. Nothing in this Convention shall affect the implementation of other instruments for the protection of animals or for the conservation of threatened wild species.
3. Nothing in this Convention shall affect the liberty of the Parties to adopt stricter measures for the protection of pet animals or to apply the provisions contained herein to categories of animals which have not been mentioned expressly in this instrument.

Chapter II – Principles for the keeping of pet animals

Article 3 – Basic principles for animal welfare

1. Nobody shall cause a pet animal unnecessary pain, suffering or distress.
2. Nobody shall abandon a pet animal.

Article 4 – Keeping

1. Any person who keeps a pet animal or who has agreed to look after it, shall be responsible for its health and welfare.
2. Any person who is keeping a pet animal or who is looking after it shall provide accommodation, care and attention which take account of the ethological needs of the animal in accordance with its species and breed, in particular:
 - a. give it suitable and sufficient food and water;
 - b. provide it with adequate opportunities for exercise;

- c. take all reasonable measures to prevent its escape;
3. An animal shall not be kept as a pet animal if:
 - a. the conditions of paragraph 2 above are not met or if,
 - b. in spite of these conditions being met, the animal cannot adapt itself to captivity.

Article 5 – Breeding

Any person who selects a pet animal for breeding shall be responsible for having regard to the anatomical, physiological and behavioural characteristics which are likely to put at risk the health and welfare of either the offspring or the female parent.

Article 6 – Age limit on acquisition

No pet animal shall be sold to persons under the age of sixteen without the express consent of their parents or other persons exercising parental responsibilities.

Article 7 – Training

No pet animal shall be trained in a way that is detrimental to its health and welfare, especially by forcing it to exceed its natural capacities or strength or by employing artificial aids which cause injury or unnecessary pain, suffering or distress.

Article 8 – Trading, commercial breeding and boarding, animal sanctuaries

1. Any person who, at the time of the entry into force of the Convention, is trading in or is commercially breeding or boarding pet animals or is operating an animal sanctuary shall, within an appropriate period to be determined by each Party, declare this to the competent authority.
Any person who intends to engage in any of these activities shall declare this intention to the competent authority.
2. This declaration shall stipulate:
 - a. the species of pet animals which are involved or to be involved;
 - b. the person responsible and his knowledge;
 - c. a description of the premises and equipment used or to be used.
3. The above-mentioned activities may be carried out only:
 - a. if the person responsible has the knowledge and abilities required for the activity either as a result of professional training or of sufficient experience with pet animals and
 - b. if the premises and the equipment used for the activity comply with the requirements set out in Article 4.
4. The competent authority shall determine on the basis of the declaration made under the provisions of paragraph 1 whether or not the conditions set out in paragraph 3 are being complied with. If these conditions are not adequately met, it shall recommend measures and, if necessary for the welfare of the animals, it shall prohibit the commencement or continuation of the activity.

5. The competent authority shall, in accordance with national legislation, supervise whether or not the above-mentioned conditions are complied with.

Article 9 – Advertising, entertainment, exhibitions, competitions and similar events

1. Pet animals shall not be used in advertising, entertainment, exhibitions, competitions and similar events unless:
 - a. the organiser has created appropriate conditions for the pet animals to be treated in accordance with the requirements of Article 4, paragraph 2, and
 - b. the pet animals' health and welfare are not put at risk.
2. No substances shall be given to, treatments applied to, or devices used on a pet animal for the purpose of increasing or decreasing its natural level of performance:
 - a. during competition or
 - b. at any other time when this would put at risk the health and welfare of the animal.

Article 10 – Surgical operations

1. Surgical operations for the purpose of modifying the appearance of a pet animal or for other non-curative purposes shall be prohibited and, in particular:
 - a. the docking of tails;
 - b. the cropping of ears;
 - c. devocalisation;
 - d. declawing and defanging;
2. Exceptions to these prohibitions shall be permitted only:
 - a. if a veterinarian considers non-curative procedures necessary either for veterinary medical reasons or for the benefit of any particular animal;
 - b. to prevent reproduction.
3. a Operations in which the animal will or is likely to experience severe pain shall be carried out under anaesthesia only by a veterinarian or under his supervision.

Operations for which no anaesthesia is required may be carried out by a person competent under national legislation.

Article 11 – Killing

1. Only a veterinarian or another competent person shall kill a pet animal except in an emergency to terminate an animal's suffering when veterinary or other competent assistance cannot be quickly obtained or in any other emergency covered by national legislation. All killing shall be done with the minimum of physical and mental suffering appropriate to the circumstances. The method chosen, except in an emergency, shall either:
 - a. cause immediate loss of consciousness and death, or
 - b. begin with the induction of deep general anaesthesia to be followed by a step which will ultimately and certainly cause death.

The person responsible for the killing shall make sure that the animal is dead before the carcass is disposed of.

2. The following methods of killing shall be prohibited:
 - a. drowning and other methods of suffocation if they do not produce the effects required in sub-paragraph 1.b;
 - b. the use of any poisonous substance or drug, the dose and application of which cannot be controlled so as to give the effect mentioned in paragraph 1;
 - c. electrocution unless preceded by immediate induction of loss of consciousness.

Chapter III – Supplementary measures for stray animals

Article 12 – Reduction of numbers

When a Party considers that the numbers of stray animals present it with a problem, it shall take the appropriate legislative and/or administrative measures necessary to reduce their numbers in a way which does not cause avoidable pain, suffering or distress.

- a. Such measures shall include the requirements that:
 - i. if such animals are to be captured, this is done with the minimum of physical and mental suffering appropriate to the animal;
 - ii. whether captured animals are kept or killed, this is done in accordance with the principles laid down in this Convention;
 - iii. Parties undertake to consider:
 - iv. providing for dogs and cats to be permanently identified by some appropriate means which causes little or no enduring pain, suffering or distress, such as tattooing as well as recording the numbers in a register together with the names and addresses of their owners;
 - v. reducing the unplanned breeding of dogs and cats by promoting the neutering of these animals;
 - vi. encouraging the finder of a stray dog or cat to report it to the competent authority.

Article 13 – Exceptions for capture, keeping and killing

Exceptions to the principles laid down in this Convention for the capture, the keeping and the killing of stray animals may be made only if unavoidable in the framework of national disease control programmes.

Chapter IV – Information and education

Article 14 – Information and education programmes

The Parties undertake to encourage the development of information and education programmes so as to promote awareness and knowledge amongst organisations and individuals concerned with the keeping, breeding, training, trading and boarding of pet animals of the provisions and the principles in this Convention. In these programmes, attention shall be drawn in particular to the following subjects:

- a. the need for training of pet animals for any commercial or competitive purpose to be carried out by persons with adequate knowledge and ability;
- b. the need to discourage:
 - i. gifts of pet animals to persons under the age of sixteen without the express consent of their parents or other persons exercising parental responsibilities;
 - ii. gifts of pet animals as prizes, awards or bonuses;
 - iii. unplanned breeding of pet animals;
 - iv. the possible negative consequences for the health and well-being of wild animals if they were to be acquired or introduced as pet animals;
 - v. the risks of irresponsible acquisition of pet animals leading to an increase in the number of unwanted and abandoned animals.

Chapter V – Multilateral consultations

Article 15 – Multilateral consultations

1. The Parties shall, within five years from the entry into force of the Convention and every five years thereafter, and, in any case, whenever a majority of the representatives of the Parties so request, hold multilateral consultations within the Council of Europe to examine the application of the Convention and the advisability of revising it or extending any of its provisions. These consultations shall take place at meetings convened by the Secretary General of the Council of Europe.
2. Each Party shall have the right to appoint a representative to participate in these consultations. Any member State of the Council of Europe which is not a Party to the Convention shall have the right to be represented by an observer in these consultations.
3. After each consultation, the Parties shall submit to the Committee of Ministers of the Council of Europe a report on the consultation and on the functioning of the Convention including, if they consider it necessary, proposals for the amendment of Articles 15 to 23 of the Convention.
4. Subject to the provisions of this Convention, the Parties shall draw up the rules of procedure for the consultations.

Chapter VI – Amendments

Article 16 – Amendments

1. Any amendment to Articles 1 to 14 proposed by a Party or the Committee of Ministers shall be communicated to the Secretary General of the Council of Europe and forwarded by him to the member States of the Council of Europe, to any Party, and to any State invited to accede to the Convention in accordance with the provisions of Article 19.
2. Any amendment proposed in accordance with the provisions of the preceding paragraph shall be examined at a multilateral consultation not less than two months after the date of forwarding by the Secretary General where it may be adopted by a two-thirds

majority of the Parties. The text adopted shall be forwarded to the Parties.

3. Twelve months after its adoption at a multilateral consultation any amendment shall enter into force unless one of the Parties has notified objections.

Chapter VII – Final provisions

Article 17 – Signature, ratification, acceptance, approval

This Convention shall be open for signature by the member States of the Council of Europe. It is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Article 18 – Entry into force

1. This Convention shall enter into force on the first day of the month following the expiration of a period of six months after the date on which four member States of the Council of Europe have expressed their consent to be bound by the Convention in accordance with the provisions of Article 17.
2. In respect of any member State which subsequently expresses its consent to be bound by it, the Convention shall enter into force on the first day of the month following the expiration of a period of six months after the date of the deposit of the instrument of ratification, acceptance or approval.

Article 19 – Accession of non-member States

1. After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may invite any State not a member of the Council to accede to this Convention, by a decision taken by the majority provided for in Article 20.d of the Statute of the Council of Europe and by the unanimous vote of the representatives of the Contracting States entitled to sit on the Committee of Ministers.
2. In respect of any acceding State, the Convention shall enter into force on the first day of the month following the expiration of a period of six months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 20 – Territorial clause

1. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.
2. Any Party may, at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration. In respect of such territory the Convention shall enter into force on the first day of the month following the expiration of a period of six months after the date of receipt of such declaration by the Secretary General.

3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of such notification by the Secretary General.

Article 21 – Reservations

1. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, declare that it avails itself of one or more reservations in respect of Article 6 and Article 10, paragraph 1, sub-paragraph a. No other reservation may be made.
2. Any Party which has made a reservation under the preceding paragraph may wholly or partly withdraw it by means of a notification addressed to the Secretary General of the Council of Europe. The withdrawal shall take effect on the date of receipt of such notification by the Secretary General.
3. A Party which has made a reservation in respect of a provision of this Convention may not invoke the application of that provision by any other Party; it may, however, if its reservation is partial or conditional, invoke the application of that provision in so far as it has itself accepted it.

Article 22 – Denunciation

1. Any Party may at any time denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.
2. Such denunciation shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of the notification by the Secretary General.

Article 23 – Notifications

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe and any State which has acceded to this Convention or has been invited to do so, of:

- a. any signature;
- b. the deposit of any instrument of ratification, acceptance, approval or accession;
- c. any date of entry into force of this Convention in accordance with Articles 18, 19 and 20;
- d. any other act, notification or communication relating to this Convention.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at Strasbourg, on 13 November 1987, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of

the Council of Europe, and to any State invited to accede to this Convention.