**Recast text of the Animal Protection Law**

**Title I**

*General provisions and general regulations for the protection of animals*

**Chapter I**

*General provisions*

**Article 1**

*Object*

This Law aims to establish the general regulations for the protection and welfare of animals that are permanently or temporarily in Catalonia, irrespective of the place of residence of the persons who are their owners or keepers.

**Article 2**

*Purpose and principles*

2.1 The purpose of this Law is to achieve the highest level of protection and welfare of animals and to promote greater responsibility and more civic behaviour of citizens in the protection and preservation of animals.
2.2 Animals are living beings endowed with physical and mental awareness and also with voluntary movement; they should receive a treatment that results in welfare, particularly with regard to their ethological needs.
2.3 No one should cause suffering or ill-treatment to animals or cause them to undergo conditions of anxiety or fear.
2.4 Pets cannot be subject to seizure in any legal proceedings.

**Article 3**

*Definitions*

For the purposes of this Law, the following definitions are applied:
a) Domestic animal: an animal belonging to a species that is regularly bred and raised, lives with people and does not belong to wildlife. This definition also includes animals that are raised for production of meat, fur or other products useful to humans, beasts of burden, and animals working in agriculture.
b) Pet: a domestic animal that people usually keep in the home to provide company. For the purposes of this Law, dogs, cats and ferrets are always considered as such animals.
c) Native wildlife: wildlife that includes animal species originating in Catalonia or the rest of the Spanish State, those that spend the winter there and those that pass through it. This definition also includes species of fish and marine animals of the Catalan coast.
d) Non-native wildlife: wildlife that includes animal species originating outside the Spanish State.
e) Exotic pet: an animal belonging to the non-native wildlife that depends individually on humans, lives with them and has assumed the habit of captivity.
f) Feral animal: a pet that is no longer suitable for living with people.
g) Abandoned animal: a pet that is not accompanied by any person and carries no identification of its origin or of the person who is the owner or keeper. The cases laid down in Article 17.3 are also considered to be abandoned.
h) Urban wild animal: a wild animal that shares the geographic territory in which it lives (cities and towns) with people and belongs to the following species: rock dove (*Columba livia*), Caspian gull (*Larus cachinnans*), starling (*Sturnus unicolor* and *S. vulgaris*), non-native wildlife species and others that are to be determined by regulation.
i) Animal centre: zoological centres for the exhibition of animals, facilities for keeping pets, animal retail establishments and animal breeding centres, animal shelters, private homes where sales or transactions with animals take place and centres with similar characteristics to be determined by regulation. This definition excludes facilities for the raising of animals for production of meat, fur or other products useful to humans, beasts of burden, and animals working in agriculture.
j) Facility for keeping pets: an establishment where pets are kept and looked after, such as boarding kennels, animal training centres, sporting and hunting kennels and animal import centres.
k) Animal breeding centre: a facility that breeds any number of animals for sale or transfer directly to the public, to retail establishments or to others.
l) Animal protection and defence association: a legally constituted, non-profit organization whose aims or objectives include the defence and protection of animals.
m) Racing or competition animals: animals that are used for competitions and races where bets are made regardless of the methods used: mainly dogs and horses.
n) Lost animal: a pet not accompanied by a person that bears identification of its origin or the person who owns it.

**Chapter II**

*General regulations for the protection of animals*

**Article 4**

*Obligations of owners and keepers of animals*

4.1 Owners and keepers of animals should keep them in good conditions of hygiene, sanitation, welfare and safety, according to the characteristics of each species.
4.2 The keeper of an animal must give it basic veterinary care to ensure its health.

**Article 5**

*Prohibitions*

The following actions with respect to animals are prohibited:
a) Mistreating them, attacking them physically or subjecting them to any other practices that produce physical or psychological harm or suffering.
b) Administering to them substances that can cause health or behavioural disorders, except in cases covered by current law or by veterinary prescription.
c) Abandoning them.
d) Keeping them in facilities that are unsuitable for the animals’ hygiene, sanitation, welfare and safety.
e) Mutilating them, removing their claws, vocal cords or other parts or organs, with the exception of actions taken with veterinary assistance if they are therapeutically necessary to ensure their health or to limit or eliminate their reproductive capacity. For scientific reasons or to facilitate handling, these interventions can be made with the prior approval of the competent authority.
f) Failing to provide them with sufficient food.
g) Giving them away as prizes, rewards or gifts in compensation for other acquisitions of a nature other than monetary transactions involving animals.
h) Selling them to people under the age of sixteen and to people who are incapacitated without the permission of their parents or guardians.
i) Doing business with them outside animal competitions or other gatherings of live animals and authorized breeding and retail establishments, with the exception of transactions between private individuals that are limited to their pets, are not-for-profit and ensure the welfare of the animal.
j) Presenting them in itinerant exhibitions for publicity.
k) Subjecting them to inappropriate work for their characteristics and the conditions of hygiene and sanitation.
l) Keeping them tied for most of the day or limiting the movement that they need for long periods.
m) Keeping them in public or private premises in conditions of environmental quality, lighting, noise, fumes and the like that may affect them physically and psychologically.
n) Killing them for game or perversity or torturing them.

**Article 6**

*Prohibition of animal fighting and other activities*

6.1 The use of animals in fights and other events or activities such as the following is prohibited if they may cause pain or may subject them to mockery or unnatural treatments, or if they may offend the people who watch them:
a) Dogfights.
b) Cockfights.
c) Public slaughter of animals.
d) Travelling fair events with tied live animals and similar events.
e) Pigeon shooting and other similar practices.
f) Bullfights and performances with bulls including the death of the animal and the implementation of lances, barbed sticks and swords, and any type of events involving bulls that take place inside or outside bullrings, with the exception of the festivals with bulls or oxen referred to in paragraph 2.
6.2 Festivals with bulls or oxen without death of the animal (*correbous*) on the dates and in the locations where they are traditionally held are excluded from these prohibitions. In these cases, it is prohibited to cause harm to the animals.
6.3 It is prohibited to kill and mistreat the animals used in films, television, art or advertising productions, or to cause them harm or stress. Therefore, the right to artistic production and creation, when it is carried out within a performance, is subject to the police regulations on performances, such as the need to obtain permission from the authorities. Audiovisual broadcasting of such productions is restricted to times when it cannot be seen by minors and offends them.

**Article 7**

*Competitions*

Competitions, sporting activities involving animals and other gatherings of live animals must comply with current legislation, especially related to the conditions of hygiene, sanitation, protection and safety of animals.

**Article 8**

*Move of animals*

8.1 Animals must have enough space to allow them at least to stand up and lie down if they are moved from one place to another.
The means of transport or packaging must be designed to protect the animals from the weather and from sharp meteorological changes.
8.2 The animals must be provided with water during transport and must receive food at appropriate intervals as established by regulation.
8.3 In loading and unloading of animals, appropriate equipment must be used to protect them from harm or suffering.

**Article 9**

*Control of animal populations*

9.1 Culling of specific animal populations considered harmful or injurious can be performed provided they do not belong to protected species. Practices aimed at protecting crops should in no cases involve the mass destruction of non-harmful animals or specimens of protected species. However, the ministry responsible for the environment may, in exceptional cases and for good reason, authorize the capture or culling of specimens of protected species when there is no other method to prevent damage.
9.2 With regard to birds, the capture methods shall be those laid down in the European Community regulations and in the basic Spanish legislation. For rodents, in exceptional cases sticky substances can be used for pest control if the need is justified by reasons of health, safety or emergency and provided that this activity cannot affect any protected species or the natural environment. This activity may only be carried out by professional staff, in closed places and taking appropriate measures to minimize the suffering of the animal.

**Article 10**

*Filming scenes of simulated cruelty*

Filming within the territory of Catalonia for the cinema, television or other media which reproduces fictitious scenes of cruelty, mistreatment and suffering of animals requires the prior approval of the competent authority to ensure that the damage is simulated and that the products and methods used cause no harm to the animal. The medium must state that the situations are fictional and display the authorization number.

**Article 11**

*Slaughter and sterilization of animals*

11.1 As far as is technically possible, animals must be slaughtered instantly, painlessly and with prior stunning of the animal in accordance with the conditions and methods established by regulation.
11.2 It is prohibited to slaughter cats, dogs and ferrets in facilities for keeping pets and animal centres in general, except for the humanitarian and health reasons laid down by regulation.
11.3 Pets that are the object of sale or transaction must be sterilized, except in the cases established by regulation. The type of sterilization procedures must also be regulated so that they have a minimal physiological and behavioural effect on animals.
11.4 The slaughter and sterilization of pets should always be done under veterinary supervision.

**Article 12**

*Responsibility of persons who keep animals*

12.1 A person who keeps an animal, without prejudice to the subsidiary liability of the owner, is liable for any harm, damage and inconvenience that it causes to people, to other animals, to things, to thoroughfares and public spaces and to the natural environment in general, in accordance with the provisions of the applicable civil laws.
12.2 A person who keeps permitted wild animals or exotic pets which, because of their characteristics, may cause damage to people, other animals, things, thoroughfares and public spaces or the natural environment should keep them in captivity so as to ensure the necessary security measures. Furthermore, the keeper may not exhibit them or walk them in the thoroughfares and public spaces and must take out liability insurance.
12.3 A person who keeps animals is obliged to prevent the escape of both the specimens and their offspring.
12.4 Persons who, by virtue of an exceptional authorization from the ministry responsible for the environment, are allowed to capture from nature and keep specimens belonging to a species of native wildlife do so as custodians. These animals can be confiscated or recovered by the ministry responsible for the environment and, if appropriate, released, without the keeper having any right to claim compensation. In no cases may these specimens be the object of a transaction.

**Title II**

*On the keeping of animals*

**Chapter I**

*General regulations*

**Article 13**

*Health and behavioural treatments*

13.1 The competent authorities may, for reasons of animal health or public health, order the compulsory vaccination or treatment of animal diseases.
13.2 Veterinarians carrying out compulsory vaccinations and treatments must keep a record with the clinical profile of the treated animals, which must be available to any authorities that need it to carry out actions within their field of competence. The veterinarians must inform the owner or keeper of the obligation to identify their animal if it belongs to a species for which identification is required and it is not identified, and also of the obligation to register it in the register of the town in which the animal usually lives or in the General Register of Pets.

**Article 14**

*General Register of Pets and municipal registers*

14.1 A General Register of Pets is created and shall be managed by the ministry responsible for the environment. The General Register is a sole register composed of all the identification data of the municipal registers of pets provided for in paragraph 2.
14.2 The town councils must keep a municipal register of pets in which the dogs, cats and ferrets living regularly in the municipality must be registered. The register must contain the identification data of the animal, the data of the keeper or owner and any other data established by regulation.
14.3 An owner or keeper of a dog, cat or ferret has a period of three months from the birth of the animal or thirty days from the date of purchase of the animal, change of residence, death of the animal or modification of other data included in the register to notify the municipal register or the General Register. Prior to the registration of the animal in the municipal register or General Register, it must be identified in accordance with the provisions of Article 15.1.
14.4 The municipal registers and the General Register are drawn up according to the data compatibility criteria established by the ministry responsible for the environment.
14.5 The ministry responsible for the environment establishes a single software system for the General Register that is compatible with the municipal registers and with the registers of any private institutions that request compatibility. This software system must be governed by the principles of efficiency, effectiveness, unity, coordination, ordered management and public service, and must facilitate the management of local government.
14.6 The General Register of pets can be managed directly by the ministry responsible for the environment or the management can be subcontracted in accordance with the conditions and requirements established by prevailing law.
14.7 In public spaces and thoroughfares, dogs, cats and ferrets must wear permanently an identification tag or any other means of identification adapted to the collar stating the name of the animal and the details of the keeper or owner.
14.8 Owners and keepers of pets are required to report the disappearance of the animal to the town council where the animal is registered within forty-eight hours, for the records.
14.9 The General Register of Pets is public and can be consulted by anyone who so requests, in accordance with the procedure and criteria set out in the legislation on administrative procedures and in the regulations on data protection.

**Article 15**

*Identification*

15.1 Dogs, cats and ferrets must be identified by the following means:
a) Electronic identification through the implantation of an approved microchip.
b) Other systems that may be established by regulation.
15.2 The person or entity responsible for identifying the animal must deliver to the animal's keeper a certificate stating the identification data established by Article 14.2. They must also notify the General Register of Pets of the identification data within twenty days from the date of identification.
15.3 Owners or keepers of pets coming from other autonomous communities or from outside Spain that have become residents in Catalonia must validate the identification and register them in accordance with the procedure established by regulation.
15.4 The identification of dogs, cats and ferrets is a mandatory prerequisite that must be fulfilled before any transaction of the animal and must be stated in any document referring to the animal. Any transaction that does not state the identification of the animal is null and void. The nullity of the transaction does not relieve the keeper of any liabilities that may correspond to them.
15.5 Further regulations must establish the need to identify other species of animals for their protection, for the safety of persons or goods, and for environmental or health control reasons.

**Chapter II**

*Abandonment and loss of pets and shelters*

**Article 16**

*Animal collection*

16.1 It is the responsibility of town councils to collect and control abandoned, lost and feral animals and to control urban wildlife.
16.2 Town councils may delegate the responsibility referred to in paragraph 1 to supramunicipal local authorities provided that this improves the efficiency of the service and under the application of the provisions of this Law.
16.3 Town councils must have suitable shelters for abandoned or lost animals with sufficient capacity for the municipality, or reach an agreement with supramunicipal local authorities or with other municipalities for this service to be provided.
16.4 Notwithstanding their responsibility for complying with the applicable regulations, town councils or supramunicipal local authorities may arrange for the collection of abandoned or lost animals to be performed by external entities, preferably associations for the protection and defence of animals that are legally constituted or companies specialized in the control and collection of pets.
16.5 The staff working in pet shelters and performing tasks of collection or handling of these animals must have received a course in animal care whose characteristics and content must be established by regulation.
16.6 Town councils and supramunicipal local authorities, by themselves or through associations for the protection and defence of animals that collaborate with the ministry responsible for the environment in accordance with the provisions of Article 20, shall confiscate pets if there are indications that they are mistreated or tortured, if they show signs of physical aggression, malnutrition or lack of veterinary care, or if they are kept in inappropriate facilities.

**Article 17**

*Animal recovery*

17.1 The town council or corresponding supramunicipal local authority must take charge of abandoned and lost animals until they are recovered, transferred or, if necessary, slaughtered according to the provisions of Article 11.2.
17.2 The deadline for recovering an animal without identification is twenty days. The animal must be handed over with the appropriate identification and payment of all expenses.
17.3 If the animal bears identification, the town council or supramunicipal local authority must notify the owner or keeper that they have twenty days to recover it and pay all expenses in advance. After this period, if the owner or keeper has not collected the animal, it is considered to have been abandoned and may be transferred, fostered or adopted. This information must be stated in said notification.

**Article 18**

*Animal shelter*

18.1 Shelters for abandoned or lost animals must meet requests for shelter of pets, which must be made in writing.
18.2 The shelter of pets shall comply with the following requirements:
a) The animal must be identified prior to reception.
b) Animals should be treated for parasites, vaccinated and sterilized in accordance with the provisions of Article 11.3 to ensure proper sanitary conditions.
c) A document stating the characteristics and the hygienic, sanitary, ethological and welfare needs of the animal must be presented.
d) Each shelter must keep the register referred to in Article 21.*b* with the data on each incoming animal, the circumstances of capture, encounter or delivery, the person who has been the owner, if known, and the details of the animal. The specification of the data that must be recorded in the Register shall be established by regulation.
18.3 Shelters for abandoned animals must have the appropriate safety measures to ensure the physical and psychological integrity of the animals, prevent escape and limit the number of animals living in groups in order to avoid fights and the spread of infectious diseases. The requirements that must be met by these centres to comply with the provisions of this Law shall be established by regulation. Town councils are responsible for checking the requirements specified in this paragraph in both their own shelters and in subcontracted private shelters.

**Article 19**

*Capture of feral dogs, cats and ferrets*

19.1 Town councils are responsible for the live capture of feral dogs, cats and ferrets using remote immobilization methods.
19.2 In cases in which capture by immobilization is not possible, the ministry responsible for the environment is exceptionally authorized to use firearms and shall determine who should use this exceptional capture system.
19.3 In the event of attacks by feral pets on people, livestock species or animal species that are legally protected or listed as endangered, or in the event that such attacks need to be prevented, the director of territorial services of the ministry responsible for biodiversity may authorize capture by a reasoned decision that determines the methods authorized and the organization of the capture, which shall be performed by staff of this ministry. The captures shall be notified to the affected town councils.
19.4 If they witness a blatant attack by one or more feral dogs, cats or ferrets on people, livestock species or animals of protected or endangered native wildlife, law enforcement officers can use firearms and, if necessary, capture them to avoid or minimize damage. The officers must notify the affected town councils of any captures.

**Title III**

*On associations for the protection and defence of animals*

**Article 20**

*Associations for the protection and defence of animals*

20.1 Associations for the protection and defence of animals must be registered in the Register of Associations for the Protection and Defence of Animals of the ministry responsible for the environment in order to obtain the qualification of collaborating organizations.
20.2 The ministry responsible for the environment may reach agreements, under the terms of the current legislation, with associations for the protection and defence of animals to carry out tasks related to the protection and defence of animals.
20.3 The ministry responsible for the environment may establish grants for associations that have obtained the qualification of collaborating organizations in order to support the activities that they carry out in relation to the protection and defence of animals, and especially for the implementation of programmes of adoption of pets by qualified families, for the promotion of sterilization campaigns and programmes for dogs, cats and ferrets, and also for the promotion of public awareness campaigns.
20.4 The associations referred to in paragraph 3 of this Article shall be considered interested parties in the disciplinary proceedings established by this Law, in cases in which they have lodged a complaint or made a formal appearance in the disciplinary proceedings without prejudice to the privacy of personal data.

**Title IV**

*On animal centres*

**Chapter I**

*General provisions*

**Article 21**

*Operational requirements*

Animal centres must meet the following requirements:
a) Register in the Register of Animal Centres of the ministry responsible for the environment.
b) Keep an official register, recorded by the competent authority, for timely entry of identification data on incoming and outgoing animals
c) Have the appropriate conditions of hygiene, sanitation and welfare for the needs of the animals, in the terms established by current legislation. In particular, they must have adequate facilities to prevent infection in cases of disease, and for keeping animals in quarantine if necessary.
d) Visibly display proof of their entry in the Register of Animal Centres if the establishments are open to the public.
e) Have the necessary security measures to prevent the escape of animals and damage to people, animals, things, thoroughfares, public spaces and the environment, and to avoid harm and attacks to animals.
f) Provide a veterinary service to ensure the health and welfare of the animals.
g) Have available to the competent authority all documents relating to the animals located in the centre in accordance with current legislation.
h) Check that animals adapt to the new situation, that no nutritional problems occur and that no other circumstances that might cause harm arise, taking appropriate action in each case.

**Article 22**

*Animals used in competitions, racing and betting*

22.1 Competition or racing animals and animals bred, imported and trained for racing in Catalonia must be treated at dog tracks, racecourses and outside these facilities in accordance with the general principles established by this Law.
22.2 Animals that are not identified and registered in the Register of Competition Animals of the ministry responsible for the environment may not take part in competitions and races in which betting takes place.
22.3 The facilities referred to in paragraph 1 must have the means to obtain the tests needed for doping controls in order to determine whether the animals involved in racing have received drugs or other substances that may affect their organism artificially.
22.4 The ministry responsible for the environment must consider the last registered owner as the person responsible for the welfare of the animals used in racing. This owner must make suitable arrangements to ensure the dignified retirement of the animal, including participation in programmes of adoption as pets.

**Chapter II**

*Facilities for keeping pets*

**Article 23**

*Minimum requirements*

Facilities or centres for keeping pets must keep the register referred to in Article 21.*b*, which must contain data identifying each incoming animal and its owner or keeper. This register must be available to the competent authorities.

**Chapter III**

*Establishments selling animals and animal breeding centres*

**Article 24**

*Requirements*

24.1 Establishments selling animals and animal breeding centres must meet the following functional requirements:
a) Be entered in the Register of Animal Centres.
b) Keep the register regulated by Article 21.*b*, which should include data on the origin, identification and destination of the animals, and have it available to the competent authority.
c) Sell the animals free of parasites, without apparent symptoms of mental or physical disorders. Neither the animals sold nor their parents should have diagnosable hereditary diseases. In addition, the pets must be sold sterilized in accordance with the provisions of Article 11.3, and animals for which identification is required in accordance with Article 15 must be identified on sale.
d) Have their own veterinary service or outside veterinary advice, which must be recorded in the register.
e) Keep the animals in a suitable place within the establishment and not display them in shop windows. These animals should be suitably housed and provided with food and water. Dogs, cats and ferrets must be identified, as must other specimens of species for which identification is required.
f) Deliver on sale of animals a document stating the identification of the species, the identification number of the animal, if applicable, and the animal centre. In the case of sales to private individuals, an information document must be provided, stating the characteristics of each animal, its needs, advice on rearing, and the necessary conditions of maintenance, health and welfare, backed by a college of veterinarians or biologists.
24.2 The actions of these centres must comply with the following requirements:
a) For any transaction of animals through advertising magazines, similar publications and other means of announcement, the advertisement must include the animal centre registration number of the selling or giving centre.
b) Professional people working in establishments of sale, breeding and importation of animals and having to handle them must have taken a course in animal care.
c) Puppies that are imported or bred to be sold as pets cannot be separated from the mother before the weaning time recommended for each species.
24.3 It is forbidden in the whole territory of Catalonia to set up farms, breeding centres or supply centres of primates whose aim is to breed or market them for animal experimentation.

**Article 25**

*Special provisions for establishments that sell exotic pets*

Establishments that sell exotic pets must comply, in addition to the requirements established by Article 24, with the following provisions:
a) The seller of the animals must know the scientific name of each species marketed and the legislation applicable to each one, and must inform the purchaser of the ban on releasing specimens of non-native species.
b) For each specimen sold, the bill of sale should include, where applicable, the CITES number or the number determined by European regulations.
c) The written information referred to in Article 24.1.*f* must include the specifications on the species of the specimen sold, the adult size and the possibility of transmission of zoonosis.

**Title V**

*Native and non-native wildlife*

**Chapter I**

*General regulations*

**Article 26**

*Regulation*

The protection of native and non-native wildlife is governed by the provisions of international treaties and agreements, national and community regulations, this Law and the provisions that implement it.

**Article 27**

*Non-native wildlife*

27.1 Owners and keepers of animals belonging to the non-native wildlife species determined by regulation must have prior authorization from the ministry responsible for the environment.
27.2 The Government of Catalonia shall determine the non-native wildlife species to be registered in the General Register of Pets for reasons of safety or protection of persons or protection of the environment.

**Article 28**

*Protection of small-size fish*

28.1 Fishing, trafficking, sale and consumption of fish and crabs of the native wildlife smaller than 8 cm length is prohibited. For fish, this length is counted from the tip of the mouth to the midpoint of the caudal fin. For crabs, the size is counted from the eye to the tip of the extended tail.
28.2 [Not in force]

**Article 29**

*Prohibited instruments for the capture of animals*

29.1 The sale and use of Japanese drift nets is prohibited. This gear can only be used for scientific purposes, by special permission of the ministry responsible for the environment and under the identifying seal requirements to be determined by regulation.
29.2 The sale and use of all kinds of spring and snare traps to catch animals is prohibited.
29.3 The use of pellets, compressed air weapons and 22-calibre guns in hunting is prohibited.

**Chapter II**

*Protected native wildlife*

**Article 30**

*Declaration of protected native wildlife*

30.1 The species of native wildlife listed in the Appendix shall be protected in Catalonia.
30.2 According to the state of the populations of native wildlife, the ministry responsible for the environment may extend the list of protected species in Catalonia.
30.3 The species that are annually declared protected species or species for which hunting or fishing is prohibited by the resolutions that establish the hunting and fishing seasons in the territory of Catalonia are considered species of category D in the Appendix for the duration of the hunting or fishing season, and are subject to the same protection.

**Article 31**

*Areas of protection of native wildlife*

31.1 In order to preserve animal species, the following protected areas are established:
a) Natural wildlife reserves.
b) Wildlife refuges.
31.2 Natural wildlife reserves are limited areas to protect certain species and/or populations of endangered wildlife. The declaration must be issued by the ministry responsible for the environment, once information has been made public in an appropriate manner. No activity that harms or may harm the species or population that the declaration was made to protect can be permitted.
31.3 Wildlife refuges are limited areas for preserving wildlife. The declaration must be issued by the ministry responsible for the environment on its own initiative or at the request of the owners of the land, subject to a report by the Catalan Hunting Council and, if the land forms part of private hunting areas, information must previously be made public in an appropriate manner. Hunting is prohibited in wildlife refuges.

**Article 32**

*Planning*

The instruments of spatial and urban planning must ensure the preservation, maintenance and recovery of biotopes and habitats of endangered species.

**Article 33**

*Prohibitions*

33.1 Hunting, capture, possession, trafficking or trade, import and public display of adults, eggs or offspring or parts or remains of protected species of native wildlife are prohibited except in the cases specified by regulation. This ban affects both living and stuffed species and both the species and the lower taxa.
33.2 The disturbance of areas of concentration, breeding, moulting, wintering and resting of migratory species is especially prohibited.

**Article 34**

*Permits for live capture*

34.1 In strictly controlled conditions, the ministry responsible for the environment may authorize live capture of adult specimens of some of the species detailed in the Appendix for scientific and cultural purposes, breeding in captivity, repopulation or reintroduction in other areas. In exceptional cases and for the same purposes, it may also authorize the collection of eggs and offspring.
34.2 If it does not entail a threat to the populations of the species, live capture of adult specimens or collection of eggs and offspring of the species detailed in the Appendix may be authorized for the purpose of reintroducing these species in other areas of Catalonia. These operations require a previous report from the ministry responsible for the environment on the state of the population of that species in Catalonia.
34.3 In accordance with the provisions of the regulation, live capture, captive breeding, possession and public exhibition of specimens of chaffinch (*Fringilla coelebs*), goldfinch (*Carduelis carduelis*) greenfinch (*Carduelis chloris*) and common linnet (*Carduelis cannabina*) may be authorized for traditional activities related to singing, provided that it does not involve a detriment to the populations of these species.

**Article 35**

*Temporary selective hunting*

35.1 The temporary selective hunting of species listed in the Appendix may only be authorized if it is necessary to reduce the animal population of a protected species, in the interest of protecting other species listed in the Appendix or to prevent serious damage to crops, livestock or forests. This authorization is extraordinary and requires a report showing that the operation of selective hunting to be carried out does not endanger the population level, geographical distribution or reproductive rate of the protected species in Catalonia as a whole.
35.2 For the duration of the hunt, it must be controlled by representatives of the ministry responsible for the environment.

**Article 36**

*Capturing birds for falconry*

The ministry responsible for the environment shall regulate the capture of raptors for falconry.

**Article 37**

*Deliveries to animal centres and other centres*

The ministry responsible for the environment is authorized to deliver to animal centres or other centres, for scientific or educational purposes, live specimens that cannot be returned to nature or stuffed animals or parts of the protected species of native wildlife listed in the Appendix to this Law, whether they come from confiscation or directly from nature.

**Chapter III**

*On the taxidermy of protected species stuff*

**Article 38**

*Authorization for taxidermy*

38.1 In the case of dead animals or injured animals that must be put down because it is not possible for them to recover, the ministry responsible for the environment may authorize taxidermy and conservation in scientific, cultural or educational centres.
38.2 Taxidermy is only permitted to private individuals if the natural death of the animal is proven, but prior authorization must be obtained from the ministry responsible for the environment. In no case shall public display of stuffed animals be authorized.

**Article 39**

*Register of taxidermy activities*

39.1 All institutions, workshops and people who practice taxidermy activities must keep a register containing details of specimens of wildlife on which total or partial taxidermy has been practised.
39.2 This register, of which the details shall be determined by regulation, must be available for examination by the ministry responsible for the environment.

**Article 40**

*Register of taxidermy workshops*

A Register of Taxidermy Workshops is created under the ministry responsible for the environment. The conditions for registration shall be determined by regulation.

**Title VI**

*Inspection and monitoring*

**Article 41**

*Inspection and monitoring of pets*

41.1 Town councils (or county councils or supramunicipal local authorities if the town councils have transferred responsibility) are responsible for the following functions:
a) Carrying out inspection and monitoring of pets.
b) Establishing a municipal register of pets in accordance with the provisions of Article 14, which shall be available to governments and the competent authorities.
c) Collecting and controlling abandoned or lost pets and urban wildlife.
d) Monitoring and inspecting animal centres with pets, especially establishments for retail, care, collection and breeding, and, if necessary, confiscating the pets.
41.2 With a previous report by the ministry responsible for animal health, town councils and supramunicipal organizations may order pets to be isolated or confiscated if a veterinary diagnosis determines that they suffer from diseases that can be transmitted to persons. They may then be given appropriate curative treatment or, if necessary, put down.
41.3 When there are exceptional circumstances that may endanger the environment or animal health, the ministry responsible for the environment and the ministry responsible for animal health may inspect animal centres and, if necessary, confiscate pets. Such action must be reported within forty-eight hours to the local authority of the municipality in which the pet or animal centre concerned is located.

**Article 42**

*Inspection and monitoring of wildlife*

The ministry responsible for the environment and the law enforcement bodies and forces are responsible for inspecting and monitoring wildlife species. This function is exercised in collaboration with the ministry responsible for the protection of animals, in accordance with the regulations on animal health.

**Article 43**

*Collaboration with inspection actions*

People possessing animals and owners of animal centres must allow the competent authorities to carry out inspections and provide them with the required documents.

**Title VII**

*Offences and penalties*

**Chapter I**

*Offences*

**Article 44**

*Classification*

44.1 Violations of the provisions of this Law are classified as minor, serious or very serious.
44.2 Minor offences:
a) Being in possession of a dog, cat, ferret or other animal that must be registered without it being entered in the General Register of Pets.
b) Failing to keep a file with the medical records of animals that have to be vaccinated or treated compulsorily, in accordance with the provisions of this Law.
c) Selling pets to people under sixteen and people who are incapacitated without the permission of their parents or guardians.
d) Giving an animal as a prize or reward.
e) Transporting animals without meeting the requirements laid down in Article 8.
f) Failing to identify cats, dogs and ferrets and other animals that must be identified in accordance with the regulations or failing to comply with the requirements laid down by this Law and the implementing rules regarding this identification.
g) Failure by staff of animal centres handling animals to have an officially recognized certificate of having taken a course in animal care.
h) Filming fictitious scenes of cruelty, mistreatment and suffering of animals without prior authorization.
i) Using glue or sticky substances as a method of controlling populations of vertebrate animals, with the exception provided for in Article 9.2.
j) Failing to display in a visible place proof of entry in the Register of Animal Centres.
k) Failing to keep up to date the official register for animal centres and for institutions, workshops and persons who perform taxidermy.
l) Exhibiting animals in shop windows of establishments selling animals.
m) Having species listed in the Appendix as category D and parts, eggs, offspring or products obtained from these specimens, except in regulated or authorized cases.
n) Practising hunting, capture or trade with any specimen of species of unprotected native vertebrate wildlife, except in regulated cases.
o) Presenting animals in itinerant exhibitions for publicity.
p) Keeping animals in inappropriate facilities from the viewpoint of their welfare if they do not involve a serious risk to their health.
q) Failing to prevent the escape of animals.
r) Mistreating animals, if it does not produce harmful results.
s) Administering to an animal substances that cause it minor health or behavioural disorders, except in cases covered by the current legislation.
t) Failing to provide animals with the veterinary care necessary to ensure their health, if this does not cause serious harm.
u) Selling or giving away animals through advertising magazines or similar publications without including the registration number of the animal centre.
v) Failure by the owner or keeper to report the disappearance of a pet.
x) Any other violation of the provisions of this Law or its implementing regulations that has not been classified as serious or very serious.
44.3 Serious offences:
a) Keeping animals without the necessary food or in inappropriate facilities from the viewpoint of hygiene, sanitation, welfare and safety if this involves a serious risk to their health.
b) Failing to keep the official register for animal centres and for institutions, workshops and persons who perform taxidermy, or failure to have it recorded by the competent authority.
c) Failing to vaccinate pets or failing to apply the compulsory treatments.
d) Failure of animal centres to comply with any of the conditions and requirements set forth in Title IV.
e) Itinerant sale of animals outside markets, fairs and any other authorized event.
f) Sale or giving away of animals by animal breeding centres if they have not been registered in the Register of Animal Centres.
g) Eliminating the identification system of animals without veterinary indication or control.
h) Failing to keep in captivity, or in the conditions established by regulation, wild animals belonging to species for which trade is permitted that because of their characteristics may cause damage to persons, goods and the environment, or exhibiting or displaying such animals on thoroughfares and public spaces.
i) Carrying out pigeon shooting.
j) Failing to comply with the obligation to sell animals in the conditions referred to in Article 24.1.*c*.
k) Failing to deliver the required documentation in all transactions of animals.
l) Mistreating or physically assaulting animals if such action involves serious consequences for their health.
m) Carrying out public slaughter of animals.
n) Setting up travelling fair events with tied live animals and similar events.
o) Making unauthorized use of animals in performances.
p) Administering to an animal substances that cause it serious health or behavioural disorders, except in cases covered by the current legislation.
q) Practising hunting, live capture, sale, possession, trafficking, trade and the public exhibition of animals and also of parts, eggs or offspring of specimens of native and non-native wildlife that have been declared to be protected by international treaties and conventions that are in force in the Spanish State.
r) Practising hunting, live capture, sale, possession, trafficking, trade, public exhibition and taxidermy of specimens of species listed in the Appendix as category C, and also of parts, eggs, offspring or products obtained from these specimens.
r(b) Practising hunting, live capture, trade, public exhibition and taxidermy of specimens of species listed in the Appendix as category D, and also of parts, eggs, offspring or products obtained from these specimens, except in regulated or authorized cases.
s) Failing to be entered in the Register of Animal Centres.
t) Resisting inspection or hindering the inspection of facilities that house animals.
u) Failing to provide animals with the veterinary care necessary to ensure their health.
v) Abandoning animals, if it is done in circumstances that involve no risk to the animals.
w) Hunting in areas declared natural wildlife reserves where hunting is prohibited and in wildlife refuges, except in cases authorized by the ministry responsible for the environment.
x) Failing to comply with the obligations under Article 22.4 to ensure the welfare of animals used in racing when their participation in these races has ended.
y) Participation in competitions and races in which betting takes place by animals that are not identified and registered in the Register of Competition Animals.
y(b) Possession, use and trade of the prohibited hunting or capturing devices specified in Appendix 3 of Royal Decree 1095/1989 of 8 September, which states the hunting and fishing species and establishes the standards for their protection, or in any regulation that replaces the above, except in regulated or authorized cases.
z) Repeated commission of minor offences during the past year.
z(b) Failing to comply with the compulsory sterilization of pets in the cases established by law.
44.4 Very serious offences:
a) Mistreating or physically assaulting animals if such action involves very serious consequences for their health.
b) Killing cats, dogs and ferrets other than in the cases mentioned in Article 11.2.
c) Abandoning animals if it is done in circumstances that might cause them serious harm.
d) Using firearms to capture feral dogs, cats and ferrets without authorization from the ministry responsible for the environment.
e) Failing to prevent the escape of animals of non-native wildlife species, exotic pets or hybrids with the result that it may lead to a serious ecological disturbance.
f) Sterilizing, mutilating and killing animals without veterinary supervision or against the conditions and requirements established by this Law.
g) Organizing fights of dogs, cocks or other animals, and also taking part in such events.
h) Keeping animals without the necessary food or in inappropriate facilities from the viewpoint of hygiene, sanitation and welfare if the harm caused to the animals is very serious.
i) Practising hunting, live capture, sale, possession, trafficking, trade and public exhibition of animals, eggs or offspring of specimens of native and non-native wildlife that have been declared to be highly protected or threatened with extinction by international treaties and conventions that are in force in the Spanish State.
j) Practising hunting, live capture, sale, possession, trafficking, trade, public exhibition and taxidermy of specimens of species listed in the Appendix as categories A and B, and also of parts, eggs and offspring of these specimens.
k) Repeated commission of serious offences during the past year.

**Chapter II**

*Penalties*

**Article 45**

*Fines, confiscation and closure of facilities*

45.1 Offences committed against this Law are liable to a penalty of up to €20,000.
45.2 The imposition of the fine may result in confiscation of the animals involved in the offence, without prejudice to the application of precautionary confiscation that may be determined at the discretion of the authority acting at the time when the inspection report is drawn up or the offence is reported. The imposition of the fine also involves, in all cases, confiscation of the hunting or capturing devices and the instruments with which it has been carried out, which may be returned to the owners once the penalty has been paid, unless the hunting or capturing devices are prohibited.
45.3 The commission of very serious offences or repeated serious offences may result in the temporary closure of the facilities, premises or establishments involved, with the corresponding record in the Register of Animal Centres and disqualification from keeping animals for a period of two months to five years.
45.4 Infringement of any of the rules or conditions of an exceptional authorization to capture or possess an animal of a species of native wildlife may lead to immediate, on-the-spot preventive withdrawal of this authorization by the law enforcement officers.
45.5 If people who have these exceptional authorizations are penalized for failure to comply with certain terms or regulations thereof, they shall be disqualified from carrying out the activity referred to in paragraph 4 for a period of one to five years.

**Article 46**

*Amount of fines*

46.1 Minor offences are punished with a fine of €100 to €400; serious offences with a fine of €401 to €2,000; and very serious offences with a fine of €2,001 to €20,000.
46.2 In order to adjust the level of penalties and the imposition of penalties, the following criteria shall be taken into account:
a) The social impact and the harm caused by the offence.
b) The illicit profit and the amount of benefit obtained in the commission of the offence.
c) Repetition or recurrence of offences.
d) The extent to which the damage caused to the environment is irreparable or the high cost of repair.
e) The turnover of the establishment.
f) The financial capacity of the offender.
g) The degree of intentionality in the commission of the offence.
h) The existence of a previous summons.
46.3 Recidivism is considered to exist if at the time of commission of the offence less than one year has passed since the final decision to impose another penalty as a result of an offence of the same type. If recidivism is observed, the amount of the penalties may be increased to twice the maximum amount corresponding to the offence committed, but in no case may it be greater than the highest limit set for a very serious offence.
46.4 In the case of first-time commission of minor offences, the offenders may be sentenced to carry out environmental education activities or to provide community service related to the protection of animals, or they may be given a warning. Disciplinary proceedings need not be initiated except in cases of offences committed to native wildlife, in which they must always be initiated. In accordance with the provisions of the regulation, the Government of Catalonia can extend these environmental education activities or provision of community service related to the protection of animals as a specific complementary measure to any offender, whatever the offence committed or the penalty imposed.

**Article 47**

*Confiscation of animals*

47.1 The authorities may immediately confiscate animals, provided there is reasonable suspicion of violation of the provisions of this Law or its implementing regulations.
47.2 In the case of confiscation of specimens of native wildlife captured in situ, provided that they are clearly in perfect condition, the specimens may be released immediately.
47.3 If the prolonged keeping of animals from confiscation may be dangerous to their survival, may lead to unnecessary suffering or, in the case of native wildlife, may endanger their readaptation to living in the wild, the ministry responsible for the environment can decide the final destination of the animal.
47.4 When the circumstances that have led to the confiscation end, if the person is punished the destination of the animal must be determined.
47.5 Any costs incurred by the confiscation, any related actions and, in the case of native wildlife, the rehabilitation of the animal for release shall be met by the person causing the circumstances that led to the confiscation.

**Article 48**

*Civil liability and redress*

48.1 The imposition of any penalty established by this Law does not preclude the assessment of the specimen if it is of a protected wildlife species, the civil liability and any possible compensation for damages which may be due from the penalized person, including repairing the environmental damage caused. The protected wildlife species listed in the Appendix have the following economic value:
A: €6,000
B: €2,000
C: €300
D: €100
The economic value for causing the death of any specimen of a wild, non-hunting vertebrate species or making it impossible to recover, with the exception of unprotected rodents and fish and authorized cases, is at least that established for category D. Category C is applied to wild species that are accidentally or occasionally present in Catalonia and do not have an origin caused by men.
48.2 In any litigation concerning the economic value of an animal, provided that this value does not result from the corresponding purchase invoice, the minimum value of pets is established as the amount equivalent to the purchase of an animal of the same species and breed.
48.3 If the animal does not belong to a categorized race and there is no proof of acquisition by purchase, the parameter for the economic evaluation of the animal should focus on the market value of animals of similar characteristics.

**Article 49**

*Persons responsible for the offences*

49.1 Any physical person or legal entity that by act or omission violates the provisions of this Law and its implementing regulations is responsible for the offences under this Law.
49.2 If it is not possible to determine the degree of involvement of the different physical persons or legal entities that have participated in the commission of the offence, the responsibility is joint.

**Article 50**

*Disciplinary procedure*

To impose the penalties corresponding to the offences classified in this Law, it is necessary to follow the disciplinary procedure regulated by Decree 278/1993 of 9 November on the disciplinary procedure applicable to the areas of competence of the Government of Catalonia, and also Spanish State Act 30/1992 of 26 November on the Legal Regime of Public Administrations and the Common Administrative Procedure, as amended by Act 4/1999 of 13 January.

**Article 51**

*Competent authority for imposing penalties*

51.1 Responsibility for imposing the penalties established for the commission of offences classified in this Law is as follows:
a) In the case of offences relating to native wildlife:
One. The director of regional services of the ministry responsible for the environment in the case of minor or serious offences.
Two. The minister responsible for the environment in the case of very serious offences.
b) For all other offences:
One. The mayors of municipalities of 5,000 inhabitants or more in the case of minor offences committed in the municipality.
Two. The director of regional services of the ministry responsible for the environment in the case of minor offences committed in municipalities with fewer than 5,000 inhabitants, and in the case of serious offences.
Three. The minister responsible for the environment in the case of very serious offences.
51.2 Notwithstanding the provisions of paragraph 1, the power to punish violations of this Law relating to the performances, activities and establishments included in the List of Performances, Recreational Activities and Public Establishments under Act 10/1990 of 15 June corresponds to the competent ministry for applying Act 10/1990, or any regulations that replaces it.

**Article 52**

*Dissuasive fines*

52.1 If a person who is so obliged fails to comply with the obligations laid down in this Law, the competent authority may issue a summons requiring them to comply with them within a sufficient period, warning that they will otherwise be fined and indicating the amount, if applicable, up to a maximum of €500, without prejudice to any penalties that are applicable.
52.2 In case of failure to comply, the competent authority may issue further summonses up to a maximum of three. For each summons, the fine may be increased by 20% over the fine established in the previous summons.
52.3 The time allowed should be sufficiently long to carry out the measure in question and sufficiently short to avoid any damage that may occur if the measure is not adopted in the corresponding period.

**Additional Provisions**

**Additional Provision 1**

*Technical Commission for the Inspection of Animal centres with Wildlife*

The Technical Commission for the Inspection of Animal centres with Wildlife is created in order to ensure that facilities are safe for people and animals and that animal centres care for the welfare of animals. The functions and operating conditions of this commission shall be established by regulation.

**Additional Provision 2**

*Register of Companies of Control and Collection of Pets and Register of Competition Animals*

2.1 The Register of Companies of Control and Collection of Pets is created. Companies specialized in the control and collection of pets must be entered in this register.
2.2 The Register of Competition Animals is created. Animals used in competitions or races where betting takes place must be entered in this register.
2.3 The content and functioning of the registers referred to in this provision shall be established by regulation.

**Additional Provision 3**

*Volunteer Organization for the Protection and Defence of Animals*

The Volunteer Organization for the Protection and Defence of Animals is created. Its organization and purposes, pursuant to this Law, shall be established by regulation.

**Additional Provision 4**

*Information campaigns*

The Government of Catalonia shall carry out, in cooperation with animal protection and collaborating organizations, dissemination and information campaigns on the content of this Law for schools and the general public.

**Additional Provision 5**

*Specific regulations*

5.1 The following are governed by the corresponding specific regulations:
a) Farm animals.
b) Fishing, shellfishing, animal trapping and hunting.
c) Dogs that are considered potentially dangerous.
d) Guide dogs.
e) Animals used for experimentation and other scientific purposes.
5.2 The protection of native fauna shall also be governed by its specific regulations, without prejudice to the applicability of the general regulations on protection of animals established by this Law.

**Additional Provision 6**

*Practice of recreational fishing with live fish*

Without prejudice to the provisions of Article 28, the practice of recreational fishing with live fish, restricted to the species established by regulation, may be authorized.

**Additional Provision 7**

*Advisory Council on Animal Rights*

Within one year of the entry into force of Act 22/2003, the Advisory Council on Animal Rights shall be created. It shall be composed of representatives of stakeholders and the competent authorities, who shall have advisory functions on the protection of animals.

**Additional Provision 8**

*Use of the revenue from penalties*

The ministry responsible for the environment shall allocate the revenue from penalties collected for violations of this Law to actions aimed at promoting animal protection.

**Additional Provision 9**

*Changing the scale of assessment and the categories of species*

The Government of Catalonia is empowered to amend by decree the scale of assessment established by Article 48.1 and, according to the evolution of populations, the categories of species listed in the Appendix.

**Additional Provision 10**

*Support to local authorities*

10.1 According to budget availability, the ministry responsible for the environment shall establish grants to local governments to help them to carry out their duties under this recast text.
10.2 The ministry responsible for the environment shall provide technical support and advice to local authorities to help them carry out their duties under this recast text. The terms and conditions of this support shall be regulated through cooperation agreements.

**Additional Provision 11**

*Collection of exotic animals*

11.1 The ministry responsible for the environment shall reach agreements with local authorities to set the terms under which the latter should collect exotic animals that are abandoned or lost and deliver them to specialized centres.
11.2 The local authorities can arrange for the services of collection and delivery referred to in paragraph 1 to be carried out by organizations or companies that have the appropriate technical means and staff.

**Additional Provision 12**

*Extension of the application of Article 11.1 of Act 22/2003 in certain cases*

The Government of Catalonia may extend the period of entry into force of Article 11.1 of Act 22/2003 of 4 July on protection of animals, contained in Article 11.2 of this recast text, which 1 January 2007, in accordance with the provisions of the fourth final provision of Act 22/2003, up to a maximum of one year, for municipalities or supramunicipal authorities to which competence in the matter has been delegated if it is found that they experience serious difficulty in applying said article. In these cases the municipality or supramunicipal authority must present a plan of commitment to achieving the objectives of said article in that period.

**Additional Provision 13**

*Funding for rehabilitation and awareness programmes*

For the purposes of Article 32.4 of Act 22/2003 of 4 July on animal protection, in the text established by Article 6.6 of this Law, which is contained in Article 46.4 of this recast text, the Government of Catalonia shall approve and provided funding before 1 January 2007 for specific re-education and awareness programmes on respect for nature and animals, which shall include instruction on the rights and obligations of owners or keepers of animals and the animal protection regime.

**Transitional Provisions**

**Transitional Provision 1**

*Course on animal care*

Within a period of two years from the entry into force of Act 22/2003 of 4 July on protection of animals, collection centres for pets and all other animal centres must have fulfilled the obligation of carrying out the course in animal care.

**Transitional Provision 2**

*The group of non-native wildlife*

Anyone owning animals belonging to the group of non-native wildlife species shall notify the ministry responsible for the environment as established by regulation within one year from the entry into force of the Act 22/2003 of 4 July on the protection of animals.

**Final Provisions**

**Final Provision 1**

*Implementation and execution*

1.1 Within one year of the entry into force of Act 22/2003 of 4 July on the protection of animals, the Government of Catalonia shall issue the regulation to implement and execute it.
1.2 The Government of Catalonia shall establish sufficient funding to implement and execute this Law.

**Final Provision 2**

*Programme of the course on animal care*

Within six months from the entry into force of Act 22/2003 of 4 July on the protection of animals, the Government of Catalonia shall approve the programme of the course on animal care referred to herein.

**Final Provision 3**

*Revision of monetary penalties*

By decree of the Government of Catalonia, the maximum monetary penalties established by this Law may be recast in accordance with the variation in the consumer price index.