

## **ANALYZE OF ALBANIAN LEGAL FRAMEWORK RELEVANT TO ANIMAL WELFARE**

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### **Abstract**

Currently, Albania doesn't have a specific law regarding issues associated with animal welfare and protection. The only one containing some provisions on this regard is Act No. 10465, 29/9/2011 "On the Veterinary Service in the Republic of Albania" It is the first attempt and accomplishment in the field of animal protection which creates the conditions and the necessary spaces to approximate the Albanian legislation with EU directives and regulations.

A comparison analysis of the Albanian legal framework with different International Convention, as well as, other countries legislations, reveals a general approach of the Albanian legislator and makes obvious the necessity for further developments.

These developments should treat in detail issues related to: (i) animal welfare at slaughter and during transportation, (ii) animals used for experimental purposes and for the production of biological preparations, (iii) pets welfare and protection, d) animals kept in zoos, circuses, pet shops etc, (iv) abandoned or lost animals, (v) wildlife animals protection.

**Key words:** *welfare, animal, legislation, Albania*

### **Introduction**

Animal welfare is a complex, multi-faceted public policy issue that includes important scientific, ethical, economic and political dimensions. Because food animals are important to human welfare – as a source of nutrition and income – concern for animal welfare is inextricable from concern for human needs. This is particularly the case in countries with developing economies, where current and expected population increases are putting pressure on food security and economic growth (FAO, 2002)

In Europe, animal welfare has been the subject of national legislation and regional agreements for more than a generation, largely due to more exposure to and discomfort with the treatment of animals in industrialized farms and slaughterhouses. In light of increased international trade, globalization of animal health concerns and pressure for harmonization of food safety standards, many other countries are also choosing to regulate animal welfare (Harper & Henson, 2001; Mitchell, 2000).

Currently, Albania doesn't have a specific law regarding issues related to animal welfare. The only law containing some provisions on this regard is Act No. 10465, 29/9/2011 "On the Veterinary Service in the Republic of Albania"

The aims of this study is analyze of Albanian legal framework relevant to animal welfare in light of the international legal framework

### **Animal welfare-European Union**

The first animal welfare legislation by the then-European Economic Community (EEC) dates to 1974 when Council Directive 74/577/EEC on the stunning of animals before

slaughter was adopted. EEC legislation on animal welfare mainly involved adopting or incorporating the Coe conventions into the laws of the EEC, and after 1992, into the regulations of the European Community (EC) common agricultural policy and internal market (Horgan, 2006).

The three Council of Europe (Coe) conventions of principal interest for farm animal welfare are:

*The European convention for the protection of animals kept for farming purposes (ETS No. 87) of 1976, revised in 1992 (ETS No. 145)*<sup>1</sup>. The Convention is a framework convention introducing principles for the housing and management of farm animals, in particular for animals in intensive farming systems. It is complemented by 12 recommendations for specific species (including goats, sheep, pigs, cattle, turkey and other domestic fowl).

*The European convention for the protection of animals during international transport (ETS No. 65) of 1968, revised in 2003 (ETS No. 193)*<sup>2</sup>. The convention is supplemented by detailed recommendations for the international transport of cattle, sheep, goats, pigs, poultry and horses.

*The European convention for the protection of animals for slaughter (ETS No. 102) of 1979*<sup>3</sup>. ETS No. 102 covers the treatment of animals in slaughterhouses and slaughter operations.

Two other significant documents that address the future objectives and strategies on animal welfare in the EU are: first, the Community Action Plan on the Protection and Welfare of Animals 2006-2010 (Com (2006) 13) and second, the Animal Health Strategy for the European Union 2007-2013 (Com 539 (2007)) (Horgan, 2006)

### **National regulation of animal welfare in some European countries**

There is much diversity in national legislation on animal welfare. Animal welfare provisions may appear in a free-standing animal welfare law or may form part of a broader law on animal health and welfare or veterinary matters in general. Several countries have adopted constitutional provisions that provides basis for the protection of animals. The most common form of legislation, around the world, criminalizes cruelty against animals. Many nations limit animal welfare statutes to certain animals used in scientific research or entertainment, whereas for farm animals they regulate only slaughter methods (FAO, 2010)

Different European and Balkan region countries have developed animal welfare legislation in multiple forms and levels and for different categories and activities conducted with animals. For example, Czech Republic "Animal Protection Act" (283/1992) requires animal experiments to be approved by the Central Commission for Animal Welfare (CCAW). Legal regulations to protect animals in human care, including laboratory animals, include No. 246/1992 Coll. (Act) on the protection of animals against cruelty and 311/1997 Coll. (Decree) on breeding and use of experimental animals.

In Italy the legislative decree 116 of January 1992, implementing Directive 86/609/EC contains specific provisions for experiments involving genetically modified animals. Animal experiments are licensed by the Veterinary Department of the Ministry of Health.

<sup>1</sup> Was adopted by Council Decision 78/923/EEC and then Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes [Official Journal L 221/23 of 8.8.1998]. Council Directive 98/58/EC applied without prejudice to other pre-existing instruments, namely, Directive 88/166/EEC, Directive 91/629/EEC and Directive 91/630/EEC. See Council Directive 98/58/EC, art. 1.3.

<sup>2</sup> Council Regulation (EC) No. 1/2005 on the protection of animals during transport and related operations of 22 December 2004 [Official Journal L 3 of 5.1.2005]

<sup>3</sup> Was adopted by Council Decision 88/306/EEC and updated by Council Directive 93/119/EC. Council Regulation (EC) No. 1099/2009 on the protection of animals at the time of killing of 24 September 2009 [Official Journal L 303/1 of 18.11.2009]

Greece ratified the Convention of the Council of Europe for the protection of vertebrate animals used for experimental and other scientific purposes (1986) by Act 2015/1992. Directive 86/609/EC was transposed into Greek law by p.d. 160/1991, it places control over who is entitled to apply for conducting animal experiments on vertebrate animals under the auspices of the Ministry of Agriculture.

In Romania, "Protection of Animals Act" (205/2004) contains specific provisions with regards to the welfare of laboratory animals. Law no. 305 (2006) ratified the European Convention on the Protection of Vertebrate Animals used for Experiments and Other Scientific Purposes (1986). The Hungarian XXVIII "Animal Welfare Act" of 1998 promotes, the protection of individual animals, the sense of responsibility in humans towards humane treatment of animals, as well as defines the basic rules for the protection of animals.

In Croatia "Animal Protection Act", Zagreb, December 1, 2006, contains provisions regarding: (i) Protection of animals during transport. (ii) Protection at the time of slaughter or humane killing of animals kept for production purposes. (iii) The protection of animals used in experiments and for the production of biological preparations, (iv) Protection of wild animals in nature and Protection of wild animals while they are kept or raised, (v) Protection of companion animals, (vi) Protection of animals in zoological gardens, (vii) Protection of animals used in circuses and other performances involving animals, (viii) Protection of animals used in film and television productions, exhibitions and competitions, (ix) Protection of abandoned and lost animals, (x) Protection of animals in pet shops. Slovenia is one of the Balkan region countries that currently has the most developed legislation in animal welfare field. This legislation contains among others: "Animal Protection Act" (1999). The rules including farm animals that followed the act: Transport rules (2000), Rules on the protection of farm animals (2003), Rules on the killing methods (due to veterinary reasons, for animals, one-day-old chickens and embryos) – 2003, Rules on animals in experiments (2004), Slaughter rules (2005), Animal welfare council rules (2000), Rules on Ethical committee for the animals in experiments (2000). Other important acts and rules including the procedures with farm animals: "Livestock Production Act" (2002), Ecological farming rules (2001), "Agriculture Act" (2000), "Veterinary Service Act" (2001)

The Macedonian "Animal Welfare Act" (January 2008) contains provisions addressing issues related to: (i) protection and welfare of animals kept for farming purposes; (ii) protection and welfare of animals during transport; (iii) protection of animals at slaughter and killing (in slaughterhouses and in diseases control situations); (iv) protection of pets and zoo animals; (v) protection of animals used for experimental or other scientific purposes and (vi) protection of stray animals.

### **Reflection on Albanian legislation**

Currently, Albania doesn't have a specific law regarding issues related to animal welfare. The only law containing some provisions on this regard is Act No. 10465, 29/9/2011 "On the Veterinary Service in the Republic of Albania". It is the first attempt and accomplishment in animal protection field. It creates the conditions and the necessary spaces to approximate the Albanian legislation with EU directives and regulations. The main goals of this law can be listed as follows: (i) protection and improvement of animal and public health, (ii) environment protection and animal reproductive health, (iii) protection of animals from torture and of animal welfare provision, (iv) protection of wild animals. Its objective is to set out the basic principles in animal protection and welfare, according to the international standards of OIE and the EU. It is partially harmonized with 14 directives and 11 regulation of the EU. It defines the concept of "animal welfare", and on these bases develops a legal provision which aims to achieve it.

Section one of Chapter IV lays down general requirements for animal protection and welfare. It states that the animal owners are responsible to comply with these requirements.

Referring to the formulation and the content of these provisions, it is evident, that in some cases, they contain general and repeated statement. For example, art. 64 states: in any case, despite the keeping system used in animal farms, animals should have sufficient spaces to be able to move around freely, in such way to eliminate all the factors that can cause them suffering or injuries, and enable the normal fulfillment of their physiological needs. While the same demands, but much more detailed, are present in art. 66, paragraph c, (ii), (iii), (iv), (v). Art. 65 contain three different provisions which lack coherence to be part of the same article. In paragraph one is given a general statement that, in unequivocally terms renews one of the main aims of the law (art. 1). Paragraph 2 is a provision which appears to be disconnected and isolated from the others, while paragraph 3 contains a delegation provision, which serves as legal base for bylaw production, and as such it seems to be forcibly involved in this article.

Art. 67, composed of 4 paragraphs, treats issues regarding the welfare of animals used for experimental purposes. This article, compared with provisions that addresses the same matter in other countries legislations, shows that the Albanian legislature has chosen to treat only in general terms issues associated with the welfare of animals used for experimental purposes.

In addition, this article does not treat the case of animals used for the production of biological preparations. The Croatian law on animal welfare contains 14 articles regarding animals used for experimental purposes and for the production of biological preparations, and the Hungarian one contains 11 articles for the same issue. Paragraph 4 of art. 67 states that the breakdown of legal requirements for this matter is to be implemented at the level of regulations/orders that must be approved by the Minister of Agriculture.

Experimental animals are, among others, the subjects who are mostly exposed to action or factors that can cause pain, stress, suffering, etc. While, it is not rare to encounter situations, where scientific staffs, interested in results, omit issues related to animal welfare. In particular, this problem is present in Albania where the experience and culture, but also the legal obligations for the protection of animals used for experimental purposes, have been absent. In order to create a new social behavior, all the requirements are to be set by law. For a better approximation with the EU legislation and international standards, it is necessary to integrate this legislation with provisions regarding to: (i) The breeding of animals for use in experiments and for the production of biological preparations, (ii) Prohibition of the use of animals in experiments, (iii) Notification of experiments, (iv) Examination required to work with animals used for experimental purposes, (v) Notification of the use of animals for the production of biological preparations etc...

In developing countries, as is the case of Albania, it is recommended to create law enforcement public facilities. In Croatia the "Animal Protection Act" established the Ethic Committee as a public institution, which treats problems regarding the use of animals for experimental purposes and for the production of biological preparations. This experience is recommended to be taken in consideration by the Albanian Assembly.

Section 2 treats issues related to animal welfare at slaughter and during transportation.

Art. 68 states that the slaughter of animals should be performed in the most expeditious way, after stunning. The animal must be in a state of complete absence of feeling and sensitivity during all the period of exsanguination. It requires that the remove of extremities and the treatment of a carcass is to be performed only after the animal is totally exsanguinated. This provision establishes in which cases is permitted the slaughter of animals. Notwithstanding this, the provision is not exhaustive. In particular, it lacks the requirement to be met for holding and handling of animals intended to be slaughtered. For a better approximation to the EU standards and legislation it is necessary to add provisions such as: (i)

The slaughterhouse must have a covered area with feeding and drinking facilities, and, if necessary, means to tie the animals. (ii) Animals hostile to each another due to their species, sex, age, or any other reason must be separated, (iii) If the animal is not slaughtered immediately after its arrival to the slaughterhouse food, water, and undisturbed rest must be provided for the animal during its waiting, for slaughter. Sick, weak, or injured animals must be separated without delay and have to be slaughtered separately, (iv) Where animals are slaughtered without previous stunning they have to be fixed in a way suitable to prevent all avoidable pain of the animal, (v) Stunning must cause a state of loss of sensory perception that lasts until exsanguination of the animal after slaughter, (vi) Separate provisions can apply to the slaughter of animals in the following cases: a) slaughter of fowl and rabbits with a method causing immediate death; b) emergency slaughter, if stunning is not possible; c) killing of fur animals, and of farmed game and d) ritual slaughter.

Issues related to animal protection and welfare during transportation are addressed by the Albanian legislator only in general terms. Art. 72, Act No. 10465, 29/9/2011 "On the Veterinary Service in Republic of Albania" states that: During transportation animal health, welfare, physiological and behaviors needs, should be ensured avoiding injuries or unnecessary pain. Animal transportation must take place with specially furnished vehicles. Carriers are required to be equipped with transport license and use vehicles approved by the competent authority. The carriers must be trained and should keep a travel register. This provision empowers the Minister of Agriculture to adopt bylaws for animal welfare during transportation. Likewise, procedures and documentations required for transportation are approved by the Minister. In case of long journey, water feed and rest must be offered to the animals at suitable intervals and should be appropriate in quality and quantity to their species and size. During transportation, transporters and carriers must provide as soon as possible, to sick animals, veterinary medical assistance. In general terms, this legislative solution creates the necessary conditions to develop a legal framework aligned with international standards and EU directives and regulations. It is necessary to draft, in accordance with Art. 72, the respective by law framework. Among others, it must treat issues related to: (i) determination of minimum distances, means of transport and transporter authorization, taking into account the road quality and the Albanian terrain, (ii) transporters training requirements, (iii) conditions of resting or transfer places and assembly centers, (iv) rules of control and maintenance of transport means, (v) parameters regarding sufficient floor area and height, required for animal resting during transportation, in accordance to the animal species, age and physiological conditions, (vii) in case of aquatic animals transportation, parameters regarding the quantity of water needed, adequate temperature, oxygenation facilities etc... according to each species needs.

Section III of Chapter IV treat issues related to animal welfare and protection, with regard to pets and dogs used for professional purposes, like hunting etc... Art. 73 states that dogs or pets owners must, in any case, obtain the veterinary medical passport and should implement the protocol for periodic control and animal vaccination. The same article contains provisions regarding animal housing, feeding, reproduction control and pets behavior in public places.

These provisions are necessary but insufficient. In Albania the pets keeping phenomenon, in particular dogs and cats, is relatively new. The spreading frequencies of this phenomenon are progressively growing. In the meantime the public level of knowledge about animal needs and requirements to ensure their welfare is low. This new culture, in Albania, is now on a formation stage. This fact requires a detailed development of the legislation regarding this category of animals. It should provide, among others, obligation for: (i) local establishment of training centers for the owners (ii) mandatory owners training and equipment with the keeping permission, (iii) local authority control for the fulfillment of the conditions

that enable animal welfare and protection, (iv) protection of pets that belong to an alien species, or that are protected by the biodiversity legislation.

Regarding animals that are kept in zoos, circuses or pet shops, art. 74 obliges owners/managers to fulfill the conditions that enable animal welfare and protection. This provision, formulated in such way, expresses only a general requirement, also encountered in other parts of this act. For this category of animals, it is necessary to establish legal conditions, that arises due to the characteristics of activities, for which these animals are kept. It is necessary to establish by law which is the competent authority for permission release and which are the conditions for setting up a zoological garden or for using animals for exhibition or competition.

It is necessary to establish by law special provisions for the protection of animals used in circuses and other performance involving animals. The Croatian law can be a good reference point for this issue.

The Albanian legislation for animal protection and welfare does not contain provisions regarding the protection of abandoned and lost animals, the establishment of an animal shelter and promotion of animal protection.

The provisions regarding wildlife animals established in art. 75, refers only to the case when animals are kept outside their natural environment, in zoos, aquariums, terrariums, circuses, farms etc. Meanwhile, human economic and non, activities produces consequences on wildlife species. This situation is particularly faced in cases of activities related to the exploitation of environmental resources. In order to prevent their negative effects to wildlife animal welfare, it is necessary to establish legal provisions that prohibits actions, by which wild animals in nature are subjected to torture, either as a population or an individual animal, or are prevented from satisfying their physiological needs (eating, drinking, reproduction etc.).

Another disposition which draws attention is art. 76 "Actions contrary to animal welfare". This disposition lists 15 actions which are prohibited by law. It only repeats provisions of other dispositions and does not bring any added legal effects, therefore it should either be reworded or removed.

The Albanian legislation on animal protection and welfare, aims to create a legislative environment which is aligned with the international standards and EU directives and regulations. It is an effort, which has made its first products in terms of this new development of the Albanian legislation, and as such, it should be accepted and considered as a good base for further developments.

## Conclusions

Currently, Albania doesn't have a specific law regarding issues associated with animal welfare and protection. The only one containing some provisions on this regard is Act No. 10465, 29/9/2011 "On the Veterinary Service in the Republic of Albania" It is the first attempt and accomplishment in the field of animal protection which creates the conditions and the necessary spaces to approximate the Albanian legislation with EU directives and regulations. A comparison analysis of the Albanian legal framework with the different International Convention, as well as, other countries legislations, reveals a general approach of the Albanian legislator and makes obvious the necessity for further developments. These developments should treat in detail issues related to: (i) animal welfare at slaughter and during transportation, (ii) animals used for experimental purposes and for the production of biological preparations, (iii) pets welfare and protection, d) animals kept in zoos, circuses, pet shops etc, (iv) abandoned or lost animals, (v) wildlife animals protection.

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