

# The New Animal Welfare Law and Court Decisions in Bulgaria

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From the day of its entry into the European Union, Bulgaria committed itself to adopt the Community law to the area of the agriculture, including in this connection the Community legal requirements concerning animal husbandry and the well-being of the animals. The community legal requirements concerning the keeping of domestic cattle in the effective Law about the Veterinary Activity (law gazette Nr.87/2005, in force since 2.05.2006) and the implementation regulations about animal protection during transportation and cattle slaughtering are considered so far. The corresponding animal protection is also regulated in part 7, paragraph 149 FF of the Law about the Veterinary Activity. It addresses above all the Bulgarian sensitive topics regarding the so called "dancing bears" in favor of the animals. In the meantime, according to article 151 of this Law, such treatment is forbidden.

Unfortunately, the regulations of the old Law (Art.35 and Art.70) remain in force, and will do so until a new Law for Animal Protection is passed.

These regulate the placing of stray dogs in so called isolators by the mayoralities and the extermination of them, according to article 179, in cases of incurable diseases, for the restriction of contagious diseases for humans and animals, and



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in cases of aggressive animals which present a danger for humans and other animals.

Even before the entry into the European Union, the appropriate European conventions regarding the keeping of domestic cattle and pets were ratified by Bulgaria.



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On a constitutional level the “safety device” of environmental protection and preservation and variety of “living nature” by the Bulgarian state has been ensured in article 15 since 1991.

The legal practice should show to what extent the meant animal protection in Bulgaria is active.

Although the definitions in part 7 of the Law about the Veterinary Activity contain basic rules about animal husbandry, experiments with animals, keeping of wild animals and abandoned homeless dogs, the Party NDSV (National Movement Simeon II) – for reasons of incompleteness, the specifics of the law systematics and the lack of sanctions and control mechanisms – submitted a draft for a Law for Animal Protection in August 2006 (if passed through parliament systematically the first uniform Law of Animal Protection). This only bill proposal is still in the so called “discussion phase” by the parliamentary commission for agriculture currently in charge.

A draft of the Ministry of Agriculture contained extensive provisions about euthanasia and was not submitted to the Council of Ministers.

The law, submitted to the parliament, regulates the attitude of animals, the animal experiments, the livestock transport, slaughtering, the exceptions of euthanasia, animal protection, relationship to wild animals, animal husbandry in zoo gardens, and concern about abandoned animals.

The question about regulation of the protection of homeless dogs in this draft needs special attention. Article 119 of this draft suggests that the euthanasia of the abandoned animals for the purpose of the reduction of their number or population

control may not be carried out. Abandoned dogs and cats may not be used as experimental animals, for animal skin production or for hunting. Control of the population is to be carried out only via programs for mass castration, inoculation, and the marking and registration of the animals.

According to information of the Bulgarian veterinary office this bill will experience more changes on urge of the Ministry of Finance, since the necessary animal shelters are not eligible for financing from the national budget.

There are few court decisions that deal with animal protection. It is worth knowing the ruling of the Supreme Administrative Court (Decision Nr.9233 from 3.12.2001), which concerned an internal administrative instruction of a mayor. This instruction said that if the abandoned dogs in the so called isolators should not be cared for or taken up by private people within two months, these dogs may be euthanized. The Supreme Administrative Court found that this instruction from the mayor is in accordance with the rule of the by this time effective article 70, paragraph 2 of the Law about the Veterinary Activity. This rule of the old Veterinary Law applies up to the adoption of a Law about the Animal Protection further away, although it is disputable whether now the killing could take place after two months. There is no controlling authority for this anyway. The complaint of the Society for Prevention from Cruelty to Animals was, however, rejected as well, because the internal instruction of the mayor is not subject to judicial control according to the Bulgarian administrative law.