

Federal Act on the Protection of Animals (Animal Protection Act – TSchG)

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Chapter 1

General Provisions

Objectives

§ 1. The subject Federal Act aims at the protection of life and well-being of animals based on man's special responsibility for the animal as a fellow-creature.

Support of animal protection

§ 2. The Federal, Laender and Municipal authorities are obligated to create and deepen understanding for animal protection on the part of the public and in particular on the part of youth and, to the extent possible within their budgets, to promote and support animal protective keeping systems, scientific animal protection research as well as any matters of animal protection.

Scope of application

§ 3. (1) The subject Federal Act shall apply to all animals.

(2) §§ 7 through 11 and Chapter 2, with the exception of § 32, shall apply only to vertebrates, cephalopods and decapods.

(3) This Federal Act does not affect provisions of other federal acts of protection of animals, in particular

1. the Animal Experiments Act, Federal Law Gazette No. 501/1989,
2. the Animal Transportation Act-Road, Federal Law Gazette No. 411/1994,
3. the Animal Transportation Act-Air, Federal Law Gazette No. 152/1996,
4. the Animal Transportation Act-Railway, Federal Law Gazette No. 43/1998,

in their up-to date versions.

- (4) The subject Federal Act shall not apply to hunting and fishing. The following are not considered to be matters of hunting and fishing:
1. keeping animals used for the support of hunting or fishing,
 2. keeping animals in enclosures for other purposes than hunting ,
 3. keeping fish for other purposes than fishing.

Definitions

§ 4. For purposes of the subject Federal Act, the following terms shall have the meaning as hereinafter specified:

1. Keeper: any person responsible for an animal whether on a permanent or temporary basis or having an animal in care;
2. Domestic animals: domesticated animals of the genres cattle, pig, sheep, goat and horse, always with the exception of exotic species, as well as Old World and New World camels, water buffaloes, domestic rabbits, domestic dogs, domestic cats, domestic poultry and domesticated fish;
3. Pets: animals kept within a household as companions or because of interest in the animal, as far as domestic or domesticated animals of the orders of carnivores, rodents, lagomorphs, parrots, finches (fringillidae) and pigeon-like birds (columbiformes), as well as the class of fish are concerned;
4. Wild animals: all animals except domestic and pet animals;
5. Hoofed game: red deer, fallow deer, sika nippon deer, Pere David's deer (milu), mouflon and wild boar;
6. Animals kept for farming purposes (farm animals): all domestic or wild animals kept for production of animal products (e.g. food, wool, skin, furs, leather) or other agricultural or forestry purposes;
7. Fodder animals: fish, domestic poultry up to an age of four weeks, as well as mice, rats, hamsters, cavies and rabbits held or killed for purposes of using them as fodder;
8. Intervention: a measure resulting in damage or loss of a sensitive part of the body or an alteration of the bone structure;
9. Animal shelter: a non-profit institution, including animal asylum or institutions for putting animals to grass, offering to keep abandoned or stray animals;
10. Zoos: permanent establishments where wild animals are kept for exhibition to the public for 7 or more days a year, with the exception of circuses and pet shops.
11. Circus: an institution offering performances in particular in the field of artistic horsemanship or training animals for performances, which may include acrobatic performances, serious and funny shows, pantomimes as well as dance and music numbers;
12. Variety show: an institution offering performances aiming mainly at entertainment in which spoken or musical performances alternate with programme features such as artistic performances, stunts, short farces, Singspiel, burlesque or scenes;
13. Slaughtering: the killing of an animal by extraction of blood and consequent disembowelling (evisceration) for purposes of meat production.

Prohibition of cruelty to animals

§ 5. (1) It is prohibited to inflict unjustified pain, suffering or injury on an animal or expose it to heavy fear.

(2) Para 1 is violated in particular if a person

1. breeds animals which either directly themselves or their descendants will suffer from heavy pain, suffering, injury or heavy fear (inhumane breeding practices); or imports, purchases or passes on such animals with features resulting from inhumane breeding practices;
2. increases aggressiveness and fighting readiness of animals by one-sided breeding selection or other methods;
3. a) uses spike collars, coral type pronged collar, or animal training devices using electricity or chemical substances, or
b) uses technical equipment, devices or auxiliary means aiming at influencing animal behaviour by severe approach or punishment incentives;
4. sets animals on other animals or trains them to be aggressive towards another animal;
5. organizes or performs animal fights;
6. organizes dog races on asphalt or other hard-covered terrain;
7. administers stimulants or doping substances to an animal in order to increase its performance, in particular during sports competitions or similar events;
8. uses an animal for film shots, advertising, exhibition or similar purposes or events if this is involved with pain, suffering, injury or heavy fear for the animal;
9. demands from an animal any performance obviously involved with pain, suffering, injury or heavy fear for the animal;
10. exposes an animal to temperatures, weather conditions, lack of oxygen or restriction of free movement inflicting pain, suffering, injury or heavy fear on the animal;
11. offers an animal food or substances the ingestion of which is obvious to involve pain, suffering, injury or heavy fear for the animal;

12. forces the animal to ingest food or substances, as long as this is not necessary for reasons of veterinary medicine;
13. is negligent with regard to accommodation, feeding and care of an animal he keeps, in a way to involve pain, suffering or injury for the animal or to put it in a state of heavy fear;
14. abandons or leaves a domestic or pet animal or a not indigenous Wild animal kept by him, in order to get rid of it;
15. severs limbs from live animals;
16. uses catching devices in a way not catching unharmed or not killing immediately.

(3) Not considered to be infractions of para 1 are

1. measures necessary on grounds of veterinary medicine or otherwise taken for the well-being of the animal,
2. measures taken in compliance with regulations of veterinary medicine,
3. measures indispensable for professional pest control or for control of epidemics,
4. training measures for police and military forces dogs for which coral type pronged collars are used by specially trained persons, maintaining the principle of adequacy. A coral collar is understood to be a collar consisting of metal links with laryngeal protection, equipped with rounded metal pins protruding at an angle and of at least 3,5 mm diameter.

(4) The acquisition and possession of objects which are not allowed to be used according to para 2 subpara 3a is prohibited. Excepted from this provision are acquisition and possession of coral collars for the purposes named in para 3 subpara 4.

(5) By regulation,

1. the Federal Minister for Health and Women shall determine which breeding methods are in any case covered by para 2 subparas 1 and 2, and shall do that, as far as animals for farm use are concerned, in agreement with the Federal Minister for Agriculture and Forestry, Environment and Water Management;
2. the Federal Minister for Health and Women, shall determine, in agreement with the Federal Minister for the Interior and the Federal Minister of Defence, details of training measures of police and military forces dogs.

Prohibition of killing animals

§ 6. (1) It is prohibited to kill animals without proper reason.

(2) It is prohibited to kill dogs or cats for the purpose of manufacturing food or other products.

(3) The killing of animals for educational, training or advanced training purposes is only allowed to be performed in scientific institutions and only admissible to the extent that it is indispensable for reaching a particular objective, provided that it cannot be replaced by alternative methods.

(4) Without prejudice to the prohibitions under paras 1 and 2, deliberate killing of vertebrates, is only allowed to be performed by veterinarians. This is not applicable

1. to professionally skilled killing of farm animals or fodder animals (§ 32),
2. for professionally skilled killing of animals within the scope of education, training and advanced training in accordance with para 3,
3. for professionally skilled pest control,
4. in cases requiring an animal to be killed without delay in order to keep it from suffering irremediable torments.

Prohibited interventions performed on animals

§ 7. (1) Interventions carried out for other than therapeutic or diagnostic purposes or for the expert marking of animals in accordance with legal regulations applicable, are prohibited, in particular

1. operations aiming at changing the phenotypic appearance of an animal,
2. the docking of tails,
3. the cropping of ears,
4. devocalisation;
5. declawing and defanging,
6. the trimming of beaks,

(2) Exceptions to these prohibitions shall be permitted only

1. to prevent reproduction or
 2. if the intervention is indispensable for the intended use of the animal, for its protection or for the protection of other animals; such interventions shall be defined in the regulation according to § 24 para 1 subpara 1.
- (3) Unless not provided otherwise by regulation in accordance with § 24 para 1 subpara 1, interventions in which an animal will or is likely to experience severe pain shall be carried out only by a veterinarian and only after effective anaesthesia and with postoperative treatment of pain. Interventions for which no anaesthesia is required may also be carried out by any other expert person. Type and proof of expert skill shall be governed by the regulation in accordance with § 24 para 1 subpara 1.
- (4) The use of rubber rings, cauterisation sticks and cauterisation lotions is prohibited.

Prohibition of handing over, selling and purchasing certain animals

§ 8. It is forbidden to hand over, sell or purchase an animal, for which continuing to live would be connected with irremediable torments, for any other purpose but for immediate painless killing. Purchaser shall kill or have killed such animal immediately in a pain free manner.

Obligation to grant first aid

§ 9. Who has recognisably hurt or jeopardized an animal shall, to the extent he can reasonably be expected to do so, grant the necessary first aid to the animal, or, if this is not possible, arrange for such first aid.

Animal experiments

§ 10. To animal experiments (§ 2 Animal Experiments Act, Federal Law Gazette No. 501/1989) regarding matters which under the Federal Constitution Act are to be implemented on Laender level, the Animal Experiments Act shall apply accordingly, with the proviso that the Laender Government shall replace the Governor and an appeal to a Federal Minister is excluded.

Animal transportation

§ 11. (1) To the extent that transportation, including loading and unloading, of animals is not subject to the provisions of the animal transportation act-road, animal transportation act-air and animal transportation act-railway transportation shall ensure that the animals are given adequate space with sufficient ventilation, protected against unfavourable weather conditions and are provided with sufficient water and food. For transportation of water animals the amount of water available must be sufficient for the number of animals transported, increase in temperature and decrease of oxygen content of the water is to be avoided and they must not be fed.

(2) If the upright position of the container transporting an animal is not obvious, the container shall bear a mark indicating such position. If the appearance of the transportation container does not make it obvious that it transports an animal, the container shall bear a mark indicating which animal it contains.

(3) The Federal Minister for Health and Women shall, in consideration of the objectives and the other general provisions of the subject Federal Act as well as the state of the art of scientific knowledge, issue a regulation containing detailed provisions regarding the size, characteristics and equipment of transport containers, transport means and equipment to be used for loading and unloading as well as regarding treatment of animals during transportation. As far as animals for farm purposes are concerned such regulation requires the assent of the Federal Minister for Agriculture and Forestry, Environment and Water Economy,

Chapter 2

Keeping animals

Section 1

General Provisions

Qualifications of the keeper

§ 12. (1) Everybody capable of complying with the provisions of the subject Federal Act and the regulations based on it and in particular also in possession of the necessary knowledge and capabilities, is authorized to keep animals.

(2) If the keeper of an animal is not able to provide for keeping an animal in accordance with the subject Federal Act, he shall pass it on to such associations, institutions or persons who are able to provide for keeping the animal in compliance with the provisions of the subject Federal Act.

(3) Minors of less than 14 years of age are not allowed to obtain animals without the consent of their legal guardian.

Principles governing the keeping of animals

§ 13. (1) No animal shall be kept unless it can reasonably be expected, on the basis of its genotype or phenotype, that it can be kept according to the state of the art of scientific knowledge without detrimental effect on its well-being.

(2) Who keeps any animals shall ensure that the space, freedom of movement, condition of the ground, structural equipment of buildings and facilities in which they are kept, the climate, in particular light and temperature, care and food, as well as the possibility for social contacts in consideration of the species, age and degree of development, adaptation and domestication of animals corresponds to their physiologic and ethologic needs.

(3) Animals are to be kept in a way that their physical functions and their behaviour are not disturbed and their ability to adapt is not overstrained.

Persons looking after the animals

§ 14. Animals shall be looked after by a sufficient number of staff possessing the appropriate ability, knowledge and professional skills. In the regulations according to § 11, § 24, § 25, § 26, § 27, § 28, § 29 und § 31 the type and extent as well as the proof of the professional skill required shall be laid down in consideration of the objectives and other provisions of the subject Federal Act and the regulations based on it.

Care in case of illness or injury

§ 15. Any animal which appears to be ill or injured must be cared for appropriately without delay and, whenever required, veterinary advice must be sought. Animals fallen ill or injured shall be accommodated in accordance with such special needs and, if required, in separate accommodations.

Freedom of movement

§ 16. The freedom of movement of an animal must not be restricted in any way as to inflict any unnecessary pain, suffering or injury or heavy fear.

(2) The animal must have such space available adequately corresponding to its physiologic and ethologic needs.

(3) It is prohibited to keep animals permanently tethered.

(4) Cattle shall be given suitable facilities for moving around or suitable running and grazing area for a minimum of 90 days in a year, unless opposed by contradicting stringent legal or technical reasons. In co-ordination with the Federal Minister for Agriculture and Forestry, Environment and Water Management, the Federal Minister for Health and Woman shall determine by regulation which circumstances are to be considered to be stringent legal or technical reasons.

(5) Dogs must in no case, not even temporarily, be kept tied to a chain or tethered in any other way.

(6) Wild animals must not be kept tethered, not even temporarily. The training of raptor birds for falconry remains unaffected.

Feeding and watering

§ 17. (1) Type, characteristics, quality and quantity of fodder must be adequate for the species, age and need of the animals. The fodder must be of a characteristics and composition that the animals can satisfy their nutritional need corresponding to the need for activity their species associates with feeding.

(2) The way of feeding the animals shall take into account their need with regard to feeding behaviour and rhythm.

(3) The animals must have access to sufficient quantity of water of suitable quality corresponding to their need.

(4) They must be given fodder and water in hygienically proper form.

(5) Feeding and watering facilities shall be kept clean and equipped in a way that feeding and drinking is possible in accordance with what is usual for their species. They must be located and operated in a way enabling all animals to cover their need.

Building design and accommodation installations

§ 18. Materials used for the construction and accommodation installations with which the animals may come into contact, and in particular for the construction of pens and equipment, must not be dangerous for the animals and to be cleaned properly.

Accommodation and installations for tethering or caging animals shall be built and maintained in a way that there are no sharp edges or protrusions likely to cause injury to the animals.

(3) For cages and other systems for keeping laying hens the following shall apply:

1. Cages in accordance with Art. 5 of Directive 1999/74/EC laying down minimum standards for the protection of laying hens, OJ No. L 203, 03.08.1999, p. 53, as amended by Regulation (EC) No. 806/2003, OJ No L 122, 16.05.2003, p.1:

a) Their building or bringing into service is prohibited.

b) The operation of cages built before 1st January 2003 is permitted until expiry of 31st December 2008. Operators can be offered financial incentives for changing to another system of keeping the animals.

2. Cages in accordance with Art. 6 of Directive 1999/74/EG:

a) Their building or bringing into service is prohibited as of 1st January 2005.

b) The operation of cages built before 1st January 2005 is permitted until the expiry of 15 years to be counted from the initial taking into operation.

3. Approval of new keeping systems exceeding the requirements under Art. 6 of Directive 1999/74/EG and not complying with the requirements under Art. 4 of the abovementioned Directive, but being an improvement to existing keeping systems according to §§ 13 and 24, will be granted under a certification according to para 6.

(4) Animals must neither be kept in permanent darkness nor without an appropriate period of rest from artificial lighting. This is not applicable for breeding chicken. Where the natural light available is insufficient to meet the needs of the animals, appropriate artificial lighting must be provided. In doing so, special emphasis shall be laid on the resting and activity rhythm of animals.

(5) Air circulation, dust levels, temperature, relative air humidity and gas concentrations - for water animals the temperature, pollution concentration and oxygen content of the water - must be kept within limits which are not harmful to the animals. Where the health and well-being of the animals is dependent on an artificial ventilation system, provision must be made for an appropriate backup system to guarantee sufficient air renewal to preserve the health and well-being of the animals in the event of failure of the system, and an alarm system must be provided giving warning of breakdown. The alarm system must be tested regularly.

(6) To increase information for animal keepers on the legal provisions and to facilitate implementation, a compulsory administrative approval procedure shall be instituted for new types of serially manufactured stable systems and new types of technical equipment for keeping animals. The Federal Minister for Health and Woman is authorized to issue a regulation for classification of series manufactured keeping and stable systems as well as for pet accommodation and pet accessories complying with the requirements of the subject Federal Law. As far as animals for farm purposes are concerned such regulation requires the assent of the Federal Minister for Agriculture and Forestry, Environment and Water Economy,

Animals not kept in buildings

§ 19. Animals temporarily or permanently not kept in buildings shall where necessary and possible be given protection from adverse weather conditions, predators and other risks to their well-being.

Inspections

§ 20. (1) All animals kept in husbandry systems in which their welfare depends on regular human care shall be inspected on a regular basis, in the case of agricultural animal husbandries and animal husbandries in accordance with § 25 para 1 second clause and para 4, §§ 26, 27, 29 and 31 at least once a day.

(2) Animals bred or kept in other systems shall be inspected at intervals sufficient to possibly avoid any pain, suffering, injuries or heavy fear.

(3) Adequate lighting (fixed or portable) shall be available to enable the animals to be thoroughly inspected at any time, to the extent this is indispensable for the care and observation of the animals, in any case in the case of keeping animals for farm purposes.

(4) All automated or mechanical equipment essential for the well-being of the animals must be inspected on a regular basis, in the case of agricultural animal husbandries and animal husbandries in accordance with § 25 para 1 second clause and para 4, §§ 26, 27, 29 and 31 at least once a day. Defects discovered must be remedied immediately; if this is impossible, appropriate steps must be taken to safeguard the well-being of the animals.

Record keeping

§ 21. (1) The keeper of the animals shall maintain records on all medical treatments and, in the case of mammals, birds or reptiles, on the number of dead animals, provided that he maintains an agricultural animal husbandry or husbandry in accordance with § 6 para 3, § 25 para 1 second clause and para 4, §§ 26, 27, 29 and 31.

(2) Unless federal legislation provides for any longer terms, these records shall be retained for a period of at least five years and shall be made available to the authority on occasion of any inspection or when otherwise requested.

Breeding methods

§ 22. (1) Natural or artificial breeding or breeding methods which cause or are likely to negatively affect the well-being of animals for a longer period of time or permanently, must not be practised.

(2) This provision does not exclude the application of procedures causing only slight or temporary negative effect to the animals' well-being. The Federal Minister for Health and Women is authorized to issue, on basis of the objectives and other provisions of the subject Federal Act as well as of the recognized state of the art of scientific knowledge, a regulation which methods and procedures of breeding animals are definitely prohibited. As far as animals for farm purposes are concerned such regulation requires the assent of the Federal Minister for Agriculture and Forestry, Environment and Water Economy,

Authorizations

§ 23. Unless provided otherwise, the following provisions shall apply to authorizations:

1. The authority shall grant approvals only against application.
2. Such authorization shall be granted if the keeping of animals applied for complies with the provisions of the subject Federal Act and the regulations issued on its basis as well as with the recognized state of the art of scientific knowledge and is not in contradiction with any prohibition regarding keeping of animals.
3. Authorizations can in case of necessity also be granted for a limited period of time or with certain conditions imposed.
4. An authorization granted for a limited period of time shall be extended upon request of the person to whom such approval had been given if such request is submitted before expiry of the term and the conditions for granting the approval continue to be in existence. In case of necessity the conditions or obligations (para 3) are to be modified.
5. If the authority finds that the animals are not kept any more in accordance with the prerequisites for the authorization or the conditions or obligations prescribed are not complied with, it can impose by decree the measures necessary in order to comply with the legal condition required and may warn the owner of the approval that such authorization may be withdrawn. If the holder of the authorization does not comply with the obligations stipulated in the decree within the time stated, the authority shall withdraw the authorization. The animals involved shall be taken away from him and offered to such associations, institutions or persons who warrant that the animals will be kept in accordance with the provisions of the subject Federal Act.

Section 2

Special provisions

Animal keeping regulation

§ 24. (1) With regard to animals according para 1, the Federal Minister for Health and Women, in consideration of the objectives and other provisions of the subject Federal Act as well as of the recognized state of scientific findings and economic effect, in agreement with the Federal Minister for Agriculture, Forestry, Environment and Water Management, shall adopt with regard to the keeping

1. of horses and other equids, pigs, cattle, sheep, goats, hoofed game, lamas, rabbits, domestic poultry, ostriches and farm fish, as well as
2. other vertebrates

by regulation the minimum requirements for the conditions under which to keep animals as stated in § 13 para 2 and, if required, provisions with regard to admissible interventions and other requirements concerning keeping of animals.

(2) For animal species for which an approval is required to be allowed to keep them, which however is not governed by a regulation, the authority shall, on occasion of an application (§ 23 para 1), obtain an opinion of the Animal Protection Council (§ 42) on the minimum requirement to be complied with on basis of the recognized state of scientific knowledge. The Federal Minister for Health and Women shall publish the opinion of the Animal Protection Council in the Official Veterinary News (AVN). The authority need not obtain any opinion of the Animal Protection Council in case such a publication exists already.

(3) The Federal Minister for Health and Women shall adopt by regulation such provisions on the marking of dogs and cats for the purpose of repatriating runaway, abandoned or left animals to their keeper as well on the registration and management of such marks and any other data significant for the keeping of such animal.

Wild animals

§ 25. (1) Wild animals which – possibly with respect to climate, nourishment, need for free movement or social behaviour – pose particular requirements for their keeping, may only be kept in compliance with the prerequisites imposed on basis of a report on the keeping of a wild animal to be made to the authority within two weeks. Hoofed game kept in enclosures for the sole purpose of meat production may, when complying with the prerequisites imposed, also be kept only on basis of a report to the authority regarding the animals kept.

Such report shall contain the name and address of the keeper, the number and maximum number of animals kept, the place where kept and further information enabling the authority to judge the matter; further details with regard to enclosures for keeping hooved game exclusively for the production of meat shall be determined by regulation of the Federal Minister for Health and Women in agreement with the Federal Minister for Agriculture and Forestry, Environment and Water Management.

(2) A report in accordance with para 1 is not required for:

1. facilities subject to the Animal Experiments Act, Federal Law Gazette No. 501/1989,
2. zoos,
3. animal shelters,
4. keeping animals within the scope of business activities.

(3) The Federal Minister for Health and Women shall designate by regulation, taking into consideration the objectives and other provisions of the subject Federal Act as well as the recognized state of scientific knowledge

1. such wild life habitat animals which pose special requirements in case of being kept and
2. prohibit the keeping of certain species of Wild animals for reasons of animal protection. Such a prohibition shall not apply to zoos having an authorization in accordance with § 26 and scientific institutions who reported their wild animals kept have in accordance with para 1.

(4) For the keeping of wild animals posing no particular requirements for keeping and care and used in business facilities, para 1 applies correspondingly.

(5) It is prohibited to keep animals for obtaining furs.

Keeping animals in zoos

§ 26. (1) Keeping animals in zoos requires an authorization according to § 23.

(2) More detailed provisions on minimum requirements for zoos regarding furnishing, care of animals, operation, education of the persons employed in keeping animals of which proof is to be submitted, as well as on obligations to be complied with by zoos, with the exception of establishments not exhibiting any substantial number of animals or species or which are not important for the protection of wild animals or conservation of biodiversity (conservation of species, public education, scientific research), shall be determined by regulation of the Federal Minister for Health and Women, taking into consideration the objectives and other provisions of the subject Federal Act as well as the recognized state of scientific findings and the needs of the animal species kept.

(3) If the zoo is wholly or partially closed down, the authority shall, in case the owner of the animals is not able to ensure a keeping in compliance with the subject Federal Act, resolve that the animals involved be handed over to such associations, institutions or persons warranting a state of keeping complying with the subject Federal Act, or, if to be kept abroad, equivalent to it. If none of the above is possible, the animal can be killed by a painless method.

Keeping animals in a circus, variety show and similar facilities

§ 27. (1) Species of wild animal habitat animals are not allowed to be kept in circuses, variety show institutions and similar facilities.

(2) The Federal Minister for Health and Women shall designate by regulation, taking into consideration the objectives and other provisions of the subject Federal Act as well as the recognized state of scientific knowledge, the prerequisites and minimum requirements for animals kept and participating in performances of circuses and similar facilities, as well as for the required professional skill of the persons responsible for care of the animals.

(3) Animals held and participating in performances of circuses, variety show installations and similar facilities, in particular also increasing the number of animals or keeping different animals from those already approved, are/is subject to approval by the authorities. Such approval is valid for the entire territory of the Federal Republic. Jurisdiction for measures in accordance with § 23 para 5 is governed by the respective location.

(4) The approval shall be granted in accordance with § 23 only in such cases in which is ensured that

1. the conditions of keeping such animals complies with the requirements of the subject Federal Act and the regulations based on it,
2. adequate veterinary care is ensured, and
3. the applicant submits proof of having winter quarters available complying with the requirements for keeping animals for purposes of the subject Federal Act. Foreign based entrepreneurs shall submit an equivalent confirmation of their home country.

(5) Moving from one location to another one shall be communicated to the authority in due time, in any case before arriving at the new location. The report shall state the location and in addition also the type and point in time of a performance and the animals kept for this purpose. Original or copy of the authorization shall accompany the report.

(6) § 26 para 3 shall apply accordingly.

Using animals for other events

§ 28. (1) The use of animals in the course of other events as well as the participation of animals in movie and TV shots is subject to approval by the authorities in accordance with § 23, unless approval under veterinary law provisions is required. It is also possible to grant a permanent approval for such participation. In such cases the participation, whenever applicable, shall be notified to the authority in due time.

(2) The application for approval shall be received by the authority at least four weeks before the day scheduled for performance and contain a list of all animals brought (species and number) and present the way the animals are kept and used.

(3) The Federal Minister for Health and Women shall designate by regulation, taking into consideration the objectives and other provisions of the subject Federal Act as well as the recognized state of scientific knowledge, the prerequisites and minimum requirement for the exhibitions, shows, markets and exchanges of animals, regarding report, duration, keeping of the animals during events as well as recording obligations.

(4) For events according to para 1 and the keeping of animals involved for this purpose, the minimum requirement provisions of the subject Federal Act and the regulations based on it as well as any conditions and obligations imposed shall be complied with.

Animal shelters

§ 29. (1) Running an animal home (shelter) requires an authorization according to § 23.

(2) The approval shall be granted in accordance with § 23 only in such cases in which is ensured that

1. adequate veterinary care for the animals is ensured, and
2. at least one person with relevant technical skills constantly is involved in the management of the facility.

(3) The Management of the animal home is required to keep a book of records listing under consecutive numbers the day of acceptance, if possible name and place of residence of the owner or person delivering the animal, a description of the physical appearance and the condition of health of the animals taken in custody. On occasion of withdrawal of the animals date and type of withdrawal, as well as in the case of handing over, the name and place of the person taking over shall be recorded. Such records shall be kept available for a period of three years and be made available to the authority upon request.

(4) Detailed provisions on the minimum requirement for animal homes, regarding furnishing, care of animals, operation, as well as proof of the education and training of the persons employed in animal keeping and care shall be determined by The Federal Minister for Health and Women by regulation, taking into consideration the objectives and other provisions of the subject Federal Act as well as the recognized state of scientific knowledge.

Runaway or abandoned animals as well as animals left behind, confiscated or taken away

§ 30. (1) As long as handing back to the keeper is out of the question, the authority shall ensure that runaway or abandoned animals as well as animals left behind or confiscated or taken away by the authority be transferred to persons, institutions and associations warranting animal keeping in the meaning of the subject Federal Act. Such persons, associations or institutions (hereinafter: custodians) shall have the obligations of a keeper.

(2) The obligations to be met by the Land and by the custodian and the remuneration due thereon shall be laid down in a contract.

(3) As long as animals in the definition of para 1 are in the custody of the authority, accommodation of such animals shall be provided on cost and risk of the keeper of the animal.

(4) Custodians of animals for purposes of para 1 shall at any time grant access to the animal keeping facilities and for checking of the animal's health conditions to organs in charge of implementing the subject Federal Act and comply with any instructions of the authority.

(5) For the duration of the custody contracted with the authority, the authority will be responsible for the obligations of the animal's keeper.

(6) The authority shall make publication regarding any animals found within its territorial jurisdiction.

(7) If no request for handing over in the definition of para 8 is submitted within one month after publication according to para 6, ownership of the animal may be transferred to third parties. In case within a year's term the owner should claim his property, he shall be reimbursed the fair market value of the animal less the costs arisen.

(8) Handing over of animals in the definition of para 1 to persons who claim an ownership title for these animals is subject to the approval of the authority.

Keeping animals within the scope of business activities

§ 31. (1) Keeping animals within the scope of a business activity (§1 of the Industrial Code, Federal Law Gazette No. 194/1994) requires an authorization according to § 23.

(2) A sufficient number of persons knowledgeable in keeping the respective species of animals must be employed on a regular and permanent basis in any business location where animals are kept within the scope of a business activity. In pet shops such persons are obligated to advise customers on adequate keeping of such animals as well as the vaccinations required for the animals offered for sale, as well as on any requirements for authorization. Compliance with this obligation must be evidenced to the authority, for example by having relevant information offers available.

(3) In agreement with the Federal Minister for Economic Affairs and Labour, the Federal Minister for Health and Women shall designate by regulation, taking into consideration the objectives and other provisions of the subject Federal Act as well as the recognized state of scientific knowledge, the provisions regarding keeping animals within the scope of business activities, in particular also on the proof of education and training of the persons engaged in keeping the animals.

(4) The intention to keep animals within the scope of a business activity is to be reported by the keeper to the authority before starting the business. The authority shall prohibit such keeping if this is necessary for reasons of animal protection. The report shall contain the name and address of the keeper, the species and maximum number of animals to be kept, the place where they will be kept as well as any further information needed by the authority in order to judge the matter; details shall be determined by regulation to be issued by the Federal Minister for Health and Women. Such keeping of animals shall be prohibited within six weeks if it does not comply with the principles under § 13. In case reasons justifying prohibition should come up at a late date, § 23 para 5 shall apply accordingly.

(5) Dogs and cats must not be held or exhibited for sale in zoo specialty shops and other business establishments offering animals within the scope of business activities according to para 1.

Slaughtering or killing

§ 32. (1) Without prejudice to the prohibition of killing according to § 6, killing of an animal may be performed only in such manner as to avoid unjustified inflicting of pain, suffering, injury or heavy fear on the animal.

(2) Slaughtering, killing, transportation, accommodation, immobilization, anaesthetization and exsanguination of an animal may be performed only by persons in possession of the required knowledge and skills therefor.

(3) Slaughtering of animals without anaesthetization before exsanguinations is prohibited. If anaesthetization is under the circumstances given not possible, as in the case of an emergency slaughter or if in contradiction to compelling religious instructions or prohibitions of a recognized religious denomination, the slaughter is to be performed in a way avoiding to inflict unnecessary pain, suffering, injury or heavy fear on the animal.

(4) Ritual slaughtering is only allowed to be performed in slaughter houses specially established and authorized by the authority for this purpose.

(5) Ritual slaughtering without previous anaesthetization of the animals intended for slaughtering must be performed only if this is necessary on basis of compelling religious instructions or prohibitions of a religious denomination recognized by the law and the authority has granted approval for slaughtering without anaesthetization. The approval for performance of ritual slaughtering shall be granted by the authority only in such cases in which is ensured that

1. the ritual slaughtering is performed by persons in possession of the knowledge and skills required therefor,
2. the ritual slaughtering is performed exclusively in the presence of a veterinarian in charge of slaughtering and meat inspection,
3. equipment is available to ensure that the animals intended for ritual slaughtering can be brought into the position required for slaughtering as quickly as possible,
4. the slaughter is performed in a way that the large blood vessels in the throat area are opened with one single cut,
5. the animals will be effectively anaesthetized after opening of the blood vessels,
6. the anaesthetization becomes effective immediately after the cut is performed, and
7. the animals intended for ritual slaughtering will be brought into the required position not before the anaesthetist is ready to perform the anaesthetization.

(6) The Federal Minister for Health and Women shall, in accordance with the state of the art of scientific knowledge, adopt by regulation detailed provisions on killing or slaughtering of animals. He can prohibit certain methods of killing or slaughter, make it subject to an authorization, admit or order them. In particular he shall lay down regulations on

1. the requirements applicable to slaughterhouses (abattoirs)
2. the transportation and accommodation of animals within slaughterhouses,
1. the immobilization of animals before anaesthetizing, slaughtering or killing,
2. the anaesthetizing, slaughtering and killing of animals,
5. the exsanguinations of animals,
6. the slaughter or killing outside of slaughterhouses in agreement with the Federal Minister for Agriculture and Forestry, Environment and Water Management,

7. the requirements applicable to slaughterhouses performing ritual slaughters,
8. the professionally skilled killing of fodder animals,
9. the live keeping of fish for consumption, as well as
10. the type and proof of the knowledge and skills required by staff.

Chapter 3 Execution

Authorities

§ 33. (1) To the extent not provided otherwise, authority in terms of the subject Federal Act shall be the district administration authority.

(2) Against any decision of the district administration authority in any proceeding under the subject Federal Act, an appeal may be filed with the independent administrative panel of appeal of the Land.

Assistance of public security organs

§ 34. (1) The organs of the public security shall assist in the execution of § 37 in connection with § 5, with the exception of para 2 subparas 1,2 and 7, in connection with § 6 as well as with § 8 by

1. measures towards prevention of imminent administrative infractions,
2. measures towards immediate termination of administrative infractions,
3. measures necessary for institution and implementation of administrative penal proceedings,
4. measures of direct commanding and coercive power in connection with § 36 and § 37 para 1.

(2) The executive officers of the public security shall also assist the authority having jurisdiction under the subject Federal Act, upon its request, in ensuring the exercising of the powers according to §§ 35 through 39 within their area of activity under the law.

Supervision by the authorities

§ 35. (1) Supervision of compliance with the provisions of the subject Federal Act and the administrative regulations based on it is the responsibility of the authorities.

(2) Animal husbandries for agricultural use as well as animal husbandries as defined in § 25 para 1 second clause and para 4, §§ 26, 27, 29 and 31 shall be inspected by the authorities which will also establish a risk analysis on site by drawing random samples in order to check compliance with the provisions of the subject Federal Act and the administrative regulations based on it; such inspections shall, to the extent possible, take place simultaneously with other inspections to be effected according to provisions of the law and of regulations.

(3) The Federal Minister for Health and Women shall, in consideration of the objectives and the other general provisions of the subject Federal Act as well as the state of the art of scientific knowledge, issue a regulation containing detailed provisions regarding the inspection, in particular on the animal species and animal keeping systems to be covered by the inspections, as well as the number of inspections required, in order to ensure compliance with the provisions of the subject Federal Act and the administrative regulations based on it. As far as animals for farm purposes are concerned such regulation requires the assent of the Federal Minister for Agriculture and Forestry, Environment and Water Economy,

(4) The authorities are authorized to inspect animal husbandries as well as check compliance with prohibitions to keep animals, maintaining the principle of adequacy. Without prejudice to paras 2 and 3, the authority shall inspect animals kept if with regard to infractions of legal provisions for the protection of animals, for which punishment has been imposed, it is assumed that further infractions of legal provisions for the protection of animals will take place. The authorities are also obliged to effect an inspection if there is suspicion of such infraction.

(5) For such inspection the authorities shall employ persons in possession of sufficient professional qualification. Details shall be determined by regulation of the Federal Minister for Health and Women.

(6) If the authorities find in the course of an inspection that animals are not kept in accordance with the provisions of the subject Federal Act or with the regulations or rulings based on it, changes of the way the animals are to be kept or of the premises in which they are kept or other measures shall be imposed on the keeper, which changes and measures will aim at ensuring that the keeping of the animals will correspond with the objectives and other provisions of the subject Federal Act within an adequate term.

(7) The Federal Reporting Obligation Act, Federal law Gazette I No. 65/2002 shall be applied, with regard to the inspections according to paras 2 through 6, also to the extent that no obligations to record, report or inform are to be met under community or international law, with the proviso that the Laender Government shall assume the position of the Governor.

Entering properties, premises and means of transportation, duty to co-operate

§ 36. (1) The executive bodies of the authorities in charge of execution of the subject Federal Act and the experts called in as well as the veterinary expert of the Commission of the European Communities have, complying with the required provisions for veterinary police matters, the right to enter properties, premises and means of transportation for inspection (§ 35) purposes and, maintaining adequacy, to obtain access in case it is not freely granted. This shall also be applicable if there is reason to suspect that the subject Federal Act has been violated. The person responsible for the keeping of the animals shall be given opportunity to be present during the inspection, provided that this does not impair the objective of the investigation.

(2) The persons in charge of the properties, premises and means of transportation involved have to tolerate the exercise of powers under para 1.

(3) The persons employed for keeping the animals shall, upon request, give any information requested. There is no obligation to give information if the persons named would expose themselves or one of the persons named in § 38 of the Administrative Penal Act 1991, Federal Law Gazette No. 52, to penal prosecution; reasons therefor shall be named.

Coercive Force

§ 37. (1) The executive bodies of the authority are obligated

1. to terminate, whenever observed, any infractions against §§ 5 through 7, by direct order and force of the authorities;
2. take away from the keeper any animal found in a condition to expect that the animal will suffer pain, suffering, injury or heavy fear if not immediate help is given, if the keeper is not willing or not in a position to remedy the situation.

(2) If it is necessary for the well-being of the animal, executive bodies of the authorities are entitled to take the respective animal away from persons violating §§ 5 through 7. The executive bodies of the authorities are entitled to arrange for animals to be painlessly killed if continuing to live would be involved with irremediable pains for them.

(3) § 30 applies to animals taken away. If within a two month period after the animal has been taken away in terms of para 2 the conditions for the animal to be kept in an orderly manner have been created as may be reasonably expected, the animal shall be returned. Otherwise the animal is to be considered forfeited.

Chapter 4

Penal and final provisions

Penal provisions

§ 38. (1) Persons who

1. contrary to § 5 inflict pain, suffering, injury or heavy fear on an animal or
2. kills an animal contrary to § 6 or
3. carries out interventions on an animal contrary to § 7 or
4. violates § 8

commits an administrative offence and shall be punished by the authority by being imposed a fine of up-to 7,500 euros, in case of a repeated offence up-to 15,000 euros.

(2) A heavy case of cruelty to animals shall be fined with at least 2,000 euros.

(3) Who, except in cases of paras 1 and 2, violates §§ 9, 11 through 32, 36 para. 2 or 39 or the provisions of administrative regulations based on these provisions, commits an administrative offence and shall be punished by the authority with a fine of up-to 3,750 euros, in case of a repeated offence of up-to 7,500 euros.

(4) In accordance with paras 1 through 3, a person shall be liable for punishment if he tolerates, that a person subject to his supervision or education and with no responsibility for criminal or tortious acts acts in contradiction to the subject Federal Act or the regulations adopted on basis of the subject Federal Act or the orders contained in rulings, although he could have prevented the offence.

(5) Any attempt is punishable.

(6) In the case of administrative offences under para 3, the authority shall, unless proceeding in accordance with § 21 para 1a of the Administrative Penal Act 1991, Federal Law Gazette No. 52, dispense with imposing a punishment without any further proceeding, if defendant's fault is negligible and the consequences of the offence are insignificant for the well-being of the animals kept. It shall however, if deemed necessary, admonish the defendant by a ruling making reference to the unlawfulness of his behaviour, in order to prevent him from committing further offences of similar kind. Under the conditions stated in this paragraph, the inspecting executive bodies according to § 35 may dispense with a report, in case of necessity after defendant has re-established the lawful situation; they shall in such cases in a suitable manner draw culprit's attention to the unlawfulness of his behaviour.

(7) Any act defined in paras 1 through 3 constituting a penal offence under the jurisdiction of the courts is not considered an administrative offence.

Prohibited cases of keeping animals

§ 39. (1) A person who has been punished with final legal effect by the courts at least once for cruelty to animals or by the administrative authorities because of an offence against §§ 5, 6, 7 or 8 more than once, can be prohibited by the authority from keeping animals of all or certain species for a certain period of time or permanently, to the extent this is necessary in consideration of the behaviour of the person involved up-to now, in an attempt to avoid future cruelty to animals or offences against §§ 5, 6, 7 or 8. This is in the same way applicable if no punishment has been imposed because of lack of accountability for torts or crimes.

(2) The authorities may restrict themselves to only issue a warning regarding such a prohibition if this is likely to be sufficient to keep the person involved from committing acts of cruelty to animals or from a violation of §§ 5, 6, 7 or 8 in the future.

(3) If an animal is kept contrary to the prohibition under para 1, the authority is obligated to take it away without any preceding proceeding and to arrange for its temporary custody and care. The authority shall also declare the animal forfeited.

(4) The courts shall inform the local district administrative authority having jurisdiction for the place of residence of the offender of definite sentences under § 222 Penal Code. Before dismissing a proceeding suspecting an offence under § 222 Penal Code, the courts and prosecution shall inform the district administrative authority having jurisdiction if there is a suspicion that administrative animal protection law provisions have been violated.

Forfeiture

§ 40. (1) Without prejudice to § 39 para 3, objects used in connection with an offence against the subject Federal Act or any of the regulations issued on basis of the subject Federal Act, shall be declared forfeited if culprit may be expected to continue or repeat his criminal behaviour.

(2) An animal declared forfeited is to be set free in accordance with the provisions of the law or to be delivered to such associations, institutions or persons who warrant that the animals will be kept in accordance with the provisions of the subject Federal Act. If none of the above is possible, the animal can be killed by a painless method.

(3) The previous keeper shall reimburse to the authority all costs arisen in connection with the temporary custody as well as the cost of the killing. Any proceeds obtained shall be forwarded by the authority to the former owner, after deduction of the cost incurred for the animal.

Animal protection ombudsman

§ 41. (1) Each one of the Laender shall appoint an animal protection ombudsman vis a vis the Federal Minister for Health and Women.

(2) Only such persons can be appointed animal protection ombudsman, who have completed the studies of veterinary medicine, zoology or agricultural sciences or comparable studies and have undergone additional training in the field of animal protection. The term of office of the animal protection ombudsman shall be five years, reappointment is admissible.

(3) The duty of the animal protection ombudsman is to represent the interests of animal protection.

(4) The animal protection ombudsman shall have the status of a party in administrative proceedings under the subject Federal Act. He is authorized to inspect all files of the proceeding and to request any relevant information. The authorities shall assist the animal protection ombudsman in exercising his duties.

(5) **(Constitutional provision)** The animal protection ombudsman is not subject to any instructions in exercising his duties.

(6) The animal protection ombudsman shall report to the Laender government on his activity.

(7) During his term of office, the animal protection ombudsman must not exercise any activities which are incompatible with his duties or which are suitable to give the impression of being biased.

(8) The term of office of the animal protection ombudsman terminates upon its expiry, by resignation or by justified removal from his office.

Animal protection council, animal protection report

§ 42. (1) An animal protection council (hereinafter named: Council) shall be installed with the Federal Ministry for Health and Women.

(2) Members of the Council shall be:

1. one representative of the Federal Ministry for Health and Women,
2. one representative of the Federal Ministry for Agriculture, Forestry, Environment and Water Management,
3. one each animal protection ombudsman named by the Laender,
4. one each representative of the Economic Chamber of Austria, the Federal Workers' Chamber, the Chamber of Agriculture Presidents' Conference and the Austrian Chamber of Veterinarians,
3. one representative of the University for Veterinary Medicine,
4. one representative of the University for Agriculture and Forestry,
7. one representative named by the universities at which the subject zoology is represented in scientific work and teaching,
8. one representative of the Organization of Austrian Zoos,
9. one representative of the Central Federation of Animal Protection Associations of Austria.

(3) The representatives shall be presented to the Federal Minister for Health and Women. For each member of the Animal Protection Council a deputy member shall be presented who will represent the member in case the latter one is absent.

(4) The Federal Minister for Health and Women shall appoint a chairman and his deputy from among the representatives named in para 2 subparas 5 and 6. For adopting any resolutions in the Council, a quorum of more than half of its members and the absolute majority of the votes cast is required. The Council shall issue its internal rules. Experts who are not members of the Council may be called in for discussions, if required.

(5) The office of member of member of the Council honorary. Any travelling expenses shall be reimbursed to the members of the Council or their deputies and experts called in respectively with the highest level of fees of the Travelling Fees Regulation 1955, Federal Law Gazette No. 133.

(6) For assistance to the chairman, an office of the Council shall be installed with the Federal Ministry for Health and Women.

(7) Among the duties of the Animal Protection Council are:

1. Advising the Federal Minister for Health and Women regarding animal protection issues,
2. Working out comments to draft regulations to be issued on basis of the subject Federal Act,
3. Working out guidelines necessary for uniform execution of the subject Federal Act in all of the Laender,
4. Replying to inquiries and wording of recommendations resulting in the course of implementation of the subject Federal Act,
5. Evaluation of the execution of the subject Federal Act as well as working out of proposals towards improvement of implementation,
6. Working out of a report on the activities of the Animal Protection Council within the framework of the Annual Veterinary Report.

(8) The executive bodies of the Laender shall, upon request, give any information needed by the Council in order to fulfil its duties.

(9) After hearing the Animal Protection Council, the Federal Minister for Health and Women may publish comments in accordance with para 7 subpara 2 and guidelines in accordance with para 7 subpara 3 in the Official Veterinary News.

(10) After consulting with the Animal Protection Council, the Federal Minister for Health and Women shall submit every two years an Animal Protection Report to the National Council.

References, person related references

§ 43. (1) Whenever this Federal Act refers to provisions of other federal acts they shall be understood to be references to the respective up-to-date-versions.

(2) All person related references used in the subject Federal Act are applicable equally to persons of male and female sex.

Effective Date and Transition Provisions

§ 44. (1) This Federal Act shall become effective on 1st January 2005, however not before expiry of the day of its publication in the Federal Law Gazette.

- (2) Simultaneously the legal provisions regarding animal protection existing on the Laender level legislation lose force, with the exception of the matters described in § 3 para 4.
- (3) Proceedings pending according to the earlier provisions, at the time when the subject Federal Act becomes legally effective (para 1) shall be continued by the authorities having had jurisdiction so far in accordance with the provisions of the subject Federal Act.
- (4) New construction of accommodation or keeping facilities must comply with the requirements of the subject Federal Act and the regulations based on it. For accommodations or keeping facilities existing at the time when the subject Federal Act becomes effective, the requirements of the subject Federal Act and the regulations issued on its basis shall apply, to the extent that
1. compliance with them is possible without building works exceeding repair or replacement of individual components, or
 2. construction measures exceeding the above extent and regarding accommodation or keeping facility components are carried out.
- To the extent this will be required for implementation of legal acts within the framework of the European Union, the required provisions shall be issued in the regulations under § 24.
- (5) Differing from para 4 second clause, the requirements of the subject Federal Act and the regulations issued on its basis shall apply for
1. zoos (§ 26) in any case as of 1st January 2015;
 2. animal homes (§ 29) as well as the keeping of animals within the scope of business activities (§ 31) in any case as of 1st January 2010;
 3. animal keeping facilities in accordance with § 24 para 1 subpara 2 which are not zoos, animal homes or business type animal keeping facilities, in any case as of 1st January 2006;
 4. accommodations and keeping facilities for keeping
 - a) cattle and domestic poultry, without prejudice to the regulation for keeping laying hens in cages (§ 18 para 3), in any case as of 1st January 2012,
 - b) pigs in any case as of 1st January 2013;
- to the extent such accommodations and keeping facilities comply, at the time when this Federal Act becomes legally effective (para 1), with the requirements of the Agreement on the Protection of Farm Animals*, or the laws of the Laender, in any case as of 1st January 2020;
5. accommodation and facilities for keeping other animals in accordance with § 24 para 1 subpara 1 in accordance with the regulations.
- (6) For the accommodations or keeping facilities, existing at the time when the subject Federal Act becomes effective (para 1), the requirements of § 16 para 4 regarding free movement as of 1st January 2010, regarding the availability of grazing and as of 1st January 2010 regarding availability of suitable space to run around.
- (7) For rulings issued on basis of the former regulations and becoming effective, the following shall be applicable:
1. Unless provided otherwise hereinafter, the rulings remain effective.
 2. Anyone who is affected by a ruling not corresponding to the provisions of the subject Federal Act or the regulations issued on its basis can request the authority to issue a ruling on basis of the present legal situation. This is not applicable for penal sentences.
- (8) For animals kept in accordance with the provisions of legislation in force up-to now, which are prohibited to be kept under the subject Federal Act, the authorities may grant an authorization (§ 23) if this is better for the well-being of the animal.
- (9) Applications for authorizations and reports required under the subject Federal Act shall be submitted within one year after the date when this Act enters into force as specified in para 1. If the application or the report has been submitted in due time, the activity or the condition, to which the duty of authorization or reporting refers, will be regarded as complying with the law until a different decision is taken by the authority.
- (10) If the obligation for authorization or reporting or the prohibition of keeping animals (para 8) results from a regulation based on the subject Federal Act, the aforementioned provisions shall apply with the proviso that the becoming effective of the subject Federal Act will be replaced by the becoming effective of the respective regulation.
- (11) The staff in charge of the care and the other persons with expert knowledge in keeping animals in accordance with §§ 7 para 3, 11, 25 para 1 second clause and paras 4, 26, 27, 28, 29 and 31 must be in possession of the required qualification and the necessary knowledge and professional skills (§ 14) at the latest by 1st January 2008.

* Laender Law Gazette for Burgenland No. 33/1996, Laender Law Gazette for Kärnten No. 39/1994 as amended No. 72/1995, Laender Law Gazette for Niederösterreich 0812, Laender Law Gazette for Oberösterreich No. 71/1995, Laender Law Gazette for Salzburg No. 119/1995, Laender Law Gazette for Steiermark No. 65/1995 as amended No. 66/1995, Laender Law Gazette for the Tyrol No. 72/1995 as amended No. 73/1995, Laender Law Gazette for Vorarlberg No. 34/1995 as amended No. 68/1995, Laender Law Gazette for Vienna No. 23/1994 as amended No. 10/1995.

(12) The regulation in accordance with § 24 para 3 shall provide that all dogs and cats kept within the territory of the Republic of Austria must be marked within one year after its becoming effective.

Preparation of the execution

§ 45. Regulations based on the subject Federal Act as amended may be issued already from the day following the publication of the Federal Act to be executed, they must however not become effective before the legal provisions to be executed. Implementation measures required for an execution beginning with the becoming effective of the new provisions of the respective Federal Act can be taken as of the same day.

Notice for implementation

§ 46. The subject Federal Act implements the following legal instruments of the European Community:

1. Directive 91/629/EEC laying down minimum standards for the protection of calves, OJ L 340, 11.12.1991, p. 28, as amended by Directive 97/2/EC, OJ L 25, 28.01.1997, p. 24, Decision 97/182/EC, OJ L 76, 18.03.1997, p. 30 and Regulation (EC) No 806/2003, OJ L 122, 16.05.2003, p. 1,
2. Directive 91/630/EEC laying down minimum standards for the protection of pigs, OJ L 340, 11.12.1991, p. 33, as amended by Directive 2001/88/EC, OJ L 316, 01.12.2001, p. 1, Directive 2001/93/EC, OJ L 316, 01.12.2001, p. 36 and Regulation (EC) No 806/2003, OJ L 122, 16.05.2003, p. 1,
3. Directive 93/119/EC on the protection of animals at the time of slaughter or killing, OJ L 340, 31.12.1993, p. 21, as amended by Regulation (EC) Nr. 806/2003, OJ L 122, 16.05.2003, p. 1,
4. Directive 98/58/EC concerning the protection of animals kept for farming purposes, OJ L 221, 08.08.1998, p. 23, as amended by Regulation (EC) Nr. 806/2003, OJ L 122, 16.05.2003, p. 1,
5. Directive 1999/22/EC relating to the keeping of wild animals in zoos, OJ L 94, 09.04.1999, p. 24,
6. Directive 1999/74/EC laying down minimum standards for the protection of laying hens, OJ L 203, 03.08.1999, p. 53, as amended by Regulation (EC) Nr. 806/2003, OJ L 122, 16.05.2003, p. 1.

Notification

§ 47. This Federal Act has been notified in compliance with the provisions of Directive 98/34/EC laying down a procedure for the provision of information in the field of technical standards and regulations, OJ L 204, 21.07.1998, p. 37, as amended by Directive 98/48/EC, OJ L 217, 05.08.1998, p. 18.

Execution clause

§ 48. In charge of execution of the subject Federal Act shall be:

1. with regard to § 18 para 3 subpara 1 lit b, the Federal Government,
2. with regard to § 34 the Federal Ministry of the Interior,
3. with regard to § 39 para 4 the Federal Ministry of Justice,
4. with regard to §§ 43 through 45 the respective Federal Minister having jurisdiction according to paras 2, 3 and 5,
5. in addition, the Federal Minister for Health and Women, in particular
 - a) with regard to § 5 para 3 subpara 4 and para 4 subpara 2 in agreement with the Federal Minister of the Interior and the Federal Minister of Defence,
 - b) with regard to § 31 in agreement with the Federal Minister for Economic Affairs and Labour as well as
 - c) with regard to § 24 para 1 subpara 1 and, as far as farm animals are concerned, with regard to §§ 1 through 23, 32 para 4 subpara 6, 33 and 35 through 40 in agreement with the Federal Minister for Agriculture, Forestry, Environment and Water Management.