

Act amending the Animal Protection Act and the Veterinary Act

§ 1. Amendment of the Animal Protection Act

The following amendments shall be made to the Animal Protection Act:

- 1) in Section 4(1), the words “entering into sexual intercourse with an animal and other acts of a sexual nature” are added after the words “conducting animal-fighting”;
- 2) subsection (2¹) is added to § 4 to read as follows:
- 3) “(2¹) It is prohibited to photograph or film sexual intercourse with an animal or any other act of a sexual nature, or to transfer, show or otherwise make available such photographs or recordings to another person.”;
- 4) Subsections (5) and (6) are added to Section 5² in the following wording:

“(5) It is forbidden to keep a dog on a chain.

(6) The temporary keeping of an adult dog on a chain is allowed for medical purposes, for reasons of animal safety and where the animal is aggressive or dangerous to another animal or human being.”

- 4) Chapter 2² is added to the Act to read as follows:

“Chapter 2² PROTECTION OF STRAY ANIMALS

§ 5³. Shelter and safe housing

(1) A stray animal shall, where necessary, be placed in a shelter for stray animals (hereinafter referred to as ‘shelter’) or in safe housing until it is returned to its owner, transferred to a new owner or slaughtered in accordance with the prescribed procedures.

(2) For the purposes of this Act, ‘shelter’ means an establishment as referred to in Article 2(8) of Commission Delegated Regulation (EU) 2019/2035 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for establishments keeping terrestrial animals and hatcheries, and the traceability of certain kept terrestrial animals and hatching eggs (OJ L 314, 5.12.2019, p. 115-169).

(3) For the purposes of this Act, a shelter means premises in the possession of a natural person where a stray animal is temporarily kept, in lieu of a shelter, until it is returned to its owner, transferred to a new owner or put down in accordance with the prescribed procedure.

(4) For the purposes of this Act, safe housing carer is a natural person who, on the basis of a contract concluded with an operator referred to in § 5⁴ (1) of this Act, temporarily looks after

a stray animal in a shelter.

§ 5⁴. Authorisation obligation of a keeper of shelter, authorisation obligation of keeper of safe housing engaged in placement of stray animals in shelters and authorisation obligation of keeper of shelter engaged in movement of dogs, cats and ferrets to another Member State

- (1) The following operators are required to have a licence to operate in their shelter:
 - 1) an operator keeping animals in a shelter (hereinafter referred to as the *'keeper of the shelter'*);
 - 2) the keeper of a shelter engaged in the accommodation of stray animals in shelters (hereinafter the *keeper of a shelter engaged in the accommodation of stray animals in shelters*);
 - 3) the keeper of an asylum carrying out an activity referred to in Article 9(b) of Commission Delegated Regulation (EU) 2019/2035 (hereinafter referred to as the *keeper of an asylum carrying out the movement of dogs, cats and ferrets to another Member State*).
- (2) The authorisation specified in subsection 1 of this section only grants the right to take up and perform economic activities within the asylum specified in the authorisation. The activity licence is issued without term.
- (3) A keeper of the shelter who holds a licence to operate in the field of activity referred to in subsection 1(1) of this section may, at the same time, operate in the field of activity referred to in clause 2 of this subsection without holding a licence for that purpose.
- (4) A keeper of the shelter wishing to commence operations in the field of activity referred to in subsection 1(3) of this section must apply for an operating licence to do so.
- (5) A keeper of the shelter who places stray animals in shelters and who wishes to commence operations in the field of activity referred to in subsection 1(1) or (3) must apply for the relevant operating licence.
- (6) A keeper of the shelter engaged in the transport of dogs, cats and ferrets to another Member State, who holds an operating licence to carry out the activities referred to in point 3 of subsection 1, may simultaneously carry out the activities referred to in points 1 and 2 of the same paragraph at their shelter without having to apply for a licence to do so.
- (7) The licensing requirement does not apply to providers of residential care referred to in section 5³ (4) of this Act.
- (8) The requirements applicable to animal shelters, and in particular to those involved in placing stray animals in shelters or transporting dogs, cats and ferrets to another Member State, shall be laid down by the minister responsible for the sector by means of a regulation.
- (9) More detailed requirements for such shelters, which deal with the movement of dogs, cats and ferrets to another Member State, are laid down in Article 11 of Commission Delegated Regulation (EC) 2019/2035.
- (10) The requirements concerning shelters laid down in this Act and in legislation adopted pursuant to it shall also apply to shelters which place stray animals in temporary

accommodation or transport dogs, cats and ferrets to another Member State, unless otherwise provided for in this Act or in legislation adopted pursuant to it.

§ 5⁵. Application for an operating licence for the keeper of the shelter, an operating licence for the keeper of a shelter where stray animals are kept and an operating licence for the keeper of a shelter where dogs, cats and ferrets are to be moved to another Member State

(1) The Agriculture and Food Board resolves an application for an activity licence by granting or refusing to grant the activity licence.

(2) Applications for an operating licence must be submitted to the Agricultural and Food Board via the online service for the register of farm animals.

(3) In addition to the information specified in section 19(2) of the General Part of the Economic Activities Code, an application for an operating licence for a shelter operator must include the following information and documents:

- 1) the address of the location of the shelter and a description of the buildings making up the shelter;
- 2) the species of animals kept in shelters and the maximum number of adult animals per animal species;
- 3) in the case of use of safe housing, the species of animals kept in the safe housing and the maximum number of adult animals by species;
- 4) a written biosecurity plan.

(4) An application for an operating licence submitted by, a shelter operator responsible for placing stray animals in safe housing, must, in addition to the information specified in section 19(2) of the General Part of the Economic Activities Code, include the following information and documents:

- 1) the address of the premises where a stray animal is kept at the shelter during the quarantine period, and the address of the premises where the animal is examined or identified;
- 2) the species of animals kept in shelters and the maximum number of adult animals per animal species;
- 3) the type of animals kept in a shelter and the maximum number of adult animals per animal species;
- 4) a written biosecurity plan.

(5) An application for an operating licence by the keeper of a shelter engaged in the transport of dogs, cats and ferrets to another Member State must, in addition to the information specified in section 19(2) of the General Part of the Economic Activities Code Act include the following information and documents:

- 1) Regulation (EU) 2016/429 of the European Parliament and of the Council on animal diseases, amending or repealing certain acts in the area of animal health (Animal Health Regulation) (OJ L 84, 31.03.2016, pp. 1-208), the relevant data referred to in Article 96(1);
- 2) in the case of use of a shelter, the species of animals kept in the shelter and the maximum number of adult animals by species;
- 3) a written biosecurity plan.

(6) The data specified in subsections (3) and (4) of this section and the data referred to and specified in subsection (5) shall be entered in the register of farm animals.

(7) No state fee is payable for the processing of an application for an operating licence referred to in subsections 3-5 of this section.

§ 5⁶. Subject matter of the licence of the keeper of the shelter

An operating licence shall be granted to a keeper of the shelter who meets all of the following conditions:

- 1) the premises or structure providing shelter, as well as the equipment and facilities, comply with the requirements of the legislation established pursuant to section 3(5) and section 5⁴ (8) of this Act;
- 2) it has designated a person responsible for the care of an animal that meets the requirements set out in section 5¹⁰ (2) of this Act;
- 3) he has appointed the veterinarian referred to in section 5¹⁰ (4) of this Act;
- 4) have a written biosecurity plan.

§ 5⁷. Object of the examination of the licence of the holder of a shelter for the accommodation of stray animals in shelters

An operating licence shall be granted to a keeper of the shelter engaged in the placement of stray animals in temporary accommodation who meets all of the following conditions:

- 1) the premises or structure providing shelter, as well as the equipment and facilities, comply with the requirements of the legislation established pursuant to section 3(5) and section 5⁴ (8) of this Act;
- 2) it has designated a person responsible for the care of an animal that meets the requirements set out in section 5¹⁰ (2) of this Act;
- 3) he has appointed the veterinarian referred to in section 5¹⁰ (4) of this Act;
- 4) have a written biosecurity plan.

§ 5⁸. Inspection of the operating licence of a keeper of the shelter involved in the transport of dogs, cats and ferrets to another Member State

An operating licence shall be granted to a keeper of the shelter engaged in the transport of dogs, cats and ferrets to another Member State who meets all of the following conditions:

- 1) its shelter complies with the requirements laid down in legislation enacted on the basis of Sections 3(5) and 5⁴(8) of this Act and with the requirements laid down in Article 11 of Commission Delegated Regulation (EU) 2019/2035;
- 2) it has designated a person responsible for the care of an animal that meets the requirements set out in section 5¹⁰ (2) of this Act;
- 3) he has appointed the veterinarian referred to in section 5¹⁰ (4) of this Act;
- 4) have a written biosecurity plan.

§ 5⁹. Additional conditions to be added to the activity licence of the keeper of the shelter, the activity licence of the keeper of the shelter engaged in the accommodation of stray animals in shelters and the activity licence of the keeper of the shelter engaged in the movement of dogs, cats and ferrets to another Member State

The following secondary conditions shall be attached to the licence:

- 1) the name and personal identification number of the person responsible for the care of an animal kept in a shelter or boarding facility, or, if no personal identification number is available, their date of birth and contact details;
- 2) to the keeper of the shelter, to a keeper of the shelter responsible for placing stray animals in shelters or to a keeper of the shelter responsible for transporting dogs, cats and ferrets to another Member State the name and personal identification number of the veterinarian providing the service, or, in the absence of a personal identification number, their date of birth and contact details, who is authorised to decide on the measures necessary to prevent and control the spread of animal diseases and to ensure their implementation at the animal shelter and boarding facility.

§ 5¹⁰. A person working in a shelter

(1) The shelter must have a sufficient number of staff or volunteers on site to ensure that the animals in its care are properly looked after.

(2) The keeper of shelters, the keeper of shelters for the placement of stray animals in foster homes or the keeper of shelters for the movement of dogs, cats and ferrets to another Member State shall designate a person responsible for the care of animals kept in their shelters or foster homes who has previous professional experience with the species of animals kept in the shelters or foster homes and their care.

(3) A person responsible for managing the care of animals:

- 1) is responsible for the welfare and care of the animal being kept in a shelter or at a place of care;
- 2) is responsible for ensuring that staff, volunteers and foster carers who come into contact with animals kept in a shelter or safe housing have the appropriate knowledge and skills to ensure the animals' health and welfare;
- 3) ensure that, when a volunteer is involved in the care of an animal kept in a shelter or safe housing, the duties of that person are defined;
- 4) ensure that the state of health of animals placed in shelters or safe housing is assessed and that animals of different genders and species, as well as sick or injured animals, are, where appropriate, accommodated separately in a suitable environment.

(4) A keeper of a shelter responsible for placing stray animals in shelters, or a keeper of a shelter involved in the transport of dogs, cats and ferrets to another Member State shall designate a veterinarian providing veterinary services at their shelter or holding centre, who shall be competent to decide on the measures necessary to prevent and control the spread of

animal diseases and to ensure their implementation at the shelter and holding centre, with the aim of protecting the health of the animals kept there and ensuring their welfare.

(5) The duties of a veterinarian providing veterinary services at an animal shelter or safe housing shall be laid down by the minister responsible for the sector by means of a regulation.

§ 5¹¹. Exceptions to the revocation of authorisation

In addition to the cases set out in section 37 of the General Part of the Economic Activities Act, the Agricultural and Food Board may revoke an operating licence in the following cases:

- 1) the keeper of a shelter, the keeper of a shelter moving a stray animal to a house of care or the keeper of a shelter moving a dog, cat or ferret to another Member State has committed a serious breach of the animal husbandry requirements laid down in Chapters 2 and 2¹ of this Act or in the legislation established on the basis of Sections 3(5) and 5⁴(8) of this Act, which are not the subject of the licence,
 - 2) the keeper of the shelter, the keeper of a shelter placing stray animals in a house or the keeper of a shelter carrying out the transfer of dogs, cats and ferrets to another Member State has repeatedly failed to comply with an order issued by the Agriculture and Food Board on compliance with the animal keeping requirements laid down in Chapters 2 and 2¹ of this Act or legislation established on the basis of Sections 3(5) and 5⁴(8) of this Act or has repeatedly failed to comply with such an order in an improper manner.”;
- 5) In paragraph 18(1), the words “on the recommendation of a veterinarian” shall be inserted after the word “on the initiative of”;
- 6) the following subsection 1¹ and 1² shall be added to § 18:
„(1¹) The veterinarian shall ensure that the euthanasia of an animal is carried out solely on the grounds set out in subsection 1 of this section.
(1²) “The euthanasia of a stray animal that has become helpless as a result of an accident or an emergency may be carried out without observing the time limit laid down in section 5(2) of this Act solely on the grounds set out in subsection (1) of this section.”;
- 7) in paragraph 36(8), the words “or the data required in the dossiers provided for in the Biocidal Products Act” shall be replaced by “or the data required under Regulation (EU) No 528/2012 of the European Parliament and of the Council concerning the making available on the market and use of biocidal products (Text with EEA relevance) (OJ L 167, 27.06.2012, pp. 1-123)”;
- 8) Section 64² (2) is amended and worded as follows:
„(2) The Agriculture and Food Board may transfer an animal to the person who kept it under substitutive enforcement or to any other person who wishes to acquire it.”
- 9) In the second sentence of Article 64² (3), the word “pet” is replaced by the word “animal”;
- 10) in Section 64²(4), the word “Farmed animal” is replaced by the word “Animal”;
- 11) in Section 66¹ (2), Section 66²(2), Section 66⁴(2), Section 66⁵(2), Section 66⁶(2), Section 66⁷(2), Section 66⁸(2) and Section 66¹⁰(2), the number “3,200” is replaced by “320,000”;
- 12) in Section 66² (1), Section 66⁶(1), Section 66⁸(1) and Section 66¹⁰(1), the number “200” is replaced by “300”;

13) Paragraph 81¹ shall be supplemented with subparagraphs 16-18, worded as follows:

„(16) A dog born before 1 January 2027 which, as of 1 January 2027, is kept on a lead in accordance with the requirements established under section 3(5) of this Act, and which, if kept in any other manner, may be aggressive or dangerous to itself, to another animal or to a person, may be kept on a lead until 1 January 2032.

(17) The keeper of the shelter operating as of 1 January 2027 and the keeper of the shelter engaged in the placement of stray animals in shelters shall hold an activity licence of the keeper of the shelter or an activity licence of the keeper of the shelter engaged in the placement of stray animals in shelters as of 1 January 2028.

(18) “In accordance with the wording of section 25(2)(3) of the Veterinary Act in force prior to 1 January 2027, the licensing requirement under section 5⁴ (1) of this Act shall be deemed to have been fulfilled in the case of an animal shelter operator who has complied with the licensing requirement.”

§ 2. Amendment to the Veterinary Act

The Veterinary Act is amended as follows:

1) in Section 24(2) 1), the words “with the exception of the activity referred to in Section 5⁴(1) of the Animal Protection Act” are added after the word “activities”;

2) clause 3 of subsection 25(2) is amended and worded as follows:

“3) the activity referred to in Article 9, points (a) and (c) to (e), of Commission Delegated Regulation (EU) 2019/2035;”;

3) Section 27(2) is amended and worded as follows:

„2) Articles 5 to 8, 10 and 12 to 17 of Commission Delegated Regulation (EU) 2019/2035;”;

4) Section 34 (2) 2) is amended to read as follows:

„2) a person who has been granted an operating licence under the Animal Welfare Act for the transport of animals and the long-term transport of animals; a person who has been granted an operating licence as a keeper of the shelter; a person who has been granted an operating licence as a keeper of the shelter responsible for placing stray animals in shelters; a person authorised to be keeper of the shelter engaged in the transport of dogs, cats and ferrets to another Member State; and a person authorised to supply, breed or use laboratory animals;”

5) Paragraph 36(1) is amended by adding, after the words “§ 25(2) 1)-4)”, the words “and § 5⁴ (1) of the Animal Protection Act”;

6) in Section 36(5), after the words “Section 25(2), clauses 1 to 5”, the words “or Section 5⁴ (1) of the Animal Protection Act” are added.

§ 3. Entry into force of the Act

This Act enters into force on 1 January 2027.

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Initiated by the Government of the Republic in202x

on behalf of the Government of the Republic

(digitally signed)