



Animal Protection Index (API) 2020

Romania: ranking D

Executive summary

The Romanian Law on the Protection of Animals (2014) provides basic protections to animals from many forms of cruelty. As there is no definition of animal in the legislation, it can currently be applied to all animals in Romania. The Law recognises that animals feel pain and can suffer both physically and mentally. Romania has also ratified in their own legislation, many EU regulations providing additional and improved protections for animals. Similarly, Romania is one of 27 countries in the world to have banned the use of wild animals in circuses.¹

However, there are some limitations to the protections provided to animals under Romanian law. The ban on wild animals in circuses does not extend to dolphins, and there is limited supporting legislation to protect draught and farm animals, for example. Similarly, while all animals appear to be protected under the Law on the Protection of Animals (2014), reports suggest that government-run shelters for stray animals do not observe the law.² Some laws, introduced in order to align with EU standards in other categories, such as the ban on horse-drawn vehicles on public roads, have resulted in animal cruelty.

Animal welfare in Romania falls under the mandate of the National Sanitary Veterinary and Food Safety Authority, which is part of the Ministry of Agriculture, Forests and Rural Development.

Since the 2014 Animal Protection Index, Romania has made limited efforts to improve animal welfare through legislation, and some new legislation for example the proposed bill removing the quota for brown bear hunting has reduced protections. Similarly, laws regulating stray dogs have mandated culling.

The Government of Romania is strongly encouraged to recognise and promote the Five Freedoms for all animals. The Government of Romania is urged to produce detailed legislation specifying the conditions under which wild animals may be kept in captivity. Such regulations should include requirements with regards to housing, feeding, handling and husbandry and should promote the Five Freedoms of all individual animals. In particular, the Freedom to express normal patterns of behaviours should be respected. License to operate a facility keeping wild animals in captivity should be dependent on compliance with such legislation and regulations. Further legal and policy recommendations are associated with each Animal Protection Index (API) indicator and contained in the relevant sections of this report.

¹ <https://www.peta.org.uk/blog/these-26-countries-that-have-banned-wild-animal-circuses-are-making-england-look-really-bad/>

² <https://www.express.co.uk/life-style/life/1177167/dog-news-romania-dog-pounds-samantha-womack-ricky-gervais>



Animal Protection Index Indicators

Goal 1: Recognition of animal sentience and prohibition of animal suffering

1. Animal sentience is formally recognised in legislation

Analysis of the legislation	
Ranking	C
<p>At the European Union (EU) level, based on the 1997 Treaty of Amsterdam, Article 13 forms part of the Lisbon Treaty, signed in 2007, which subsequently became the Treaty on the Functioning of the European Union (TFEU).³ Article 13 of the TFEU explicitly recognises animal sentience and requires that Member States 'pay full regard to the welfare requirements of animals' in formulating and implementing European Union policies on agriculture, fisheries, transport, research and technological development.</p> <p>There is no domestic legislation formally recognising animal sentience in Romania.</p> <p>Article 6 of Law 205/2014 on the Protection of Animals⁴ makes references to psychological suffering of animals as distinct from physical suffering and Article 5 requires owners to keep animals in conditions that meet their ethological needs. This provides a partial recognition of sentience. However, the Law on the Protection of Animals (2014), does not provide a definition of animals to which it is applicable.</p> <p>Analysis</p> <p><i>The Treaty on the Functioning of the European Union (TFEU) has a mandate for European Union Member States to pay full regard to the welfare requirement of animals as sentient beings, when formulating policies in different sectors. Romania would benefit from the formal inclusion of this in national policy instruments and legislation.</i></p> <p><i>Article 13 of the TFEU is a fundamentally important principle, providing a legal recognition of sentience and requirement for member states to pay full regard to the welfare requirements of animals when formulating and implementing European policy. However, it is important to note that as Article 13 represents a minimum standard to which any government must commit, its' scope and impact for animals is limited.</i></p> <p><i>Whilst its positive that Article 13 explicitly acknowledges animal sentience, the requirement that member states pay 'full regard' to animal welfare is vague and does not create a precise and enforceable duty. Article 13 does not cover every type of new law, and applies only to 'agriculture, fisheries, transport, internal market, research and technological development and space policies.'</i></p>	

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012E/TXT&from=EN>

⁴ <http://7a1eb59c2270eb1d8b3d-a9354ca433cea7ae96304b2a57fdc8a0.r60.cf1.rackcdn.com/romania-animal-welfare-law.pdf>

Additionally, there is currently a derogation in Article 13 for ‘cultural practices.’ In Romania, there is a tradition of slaughtering a pig at Christmas which continues under this derogation.⁵ Other countries, such as Spain and France are to continue unacceptable practices of bullfighting and foie production, under the protection of Article 13.

The existing recognition of the capacity of animals to suffer both physically and psychologically provides a good foundation and, together with the European Union recognition of sentience, suggests that formal recognition of animal sentience would be an agreed process. However, as there is no definition of animals, it is unclear how the law may be applied to animals such as invertebrates.

Enforcement mechanisms

Articles 23 to 25 of Law 205/2014 contain sanctions for contraventions of the provisions that arise out of the partial recognition of sentience: fines varying depending on the conduct, and confiscation of animals for relapse offenders.

Key recommendations

- **Given the extensive body of scientific evidence proving that animals are sentient, the Government of Romania is urged to recognise that all animals for whom there is scientific evidence – at a minimum, all vertebrates, cephalopods and decapods crustaceans – are sentient beings and to enshrine this principle into legislation. Recognising animals as sentient will underpin further animal welfare considerations.**

2. There are animal protection laws that prohibit causing animal suffering either by a deliberate act of cruelty or by a failure to act

Analysis of the legislation

Ranking	C
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Law 205/2014 on the Protection of Animals includes basic anti-cruelty provisions.

Article 5 includes provisions for food and access to water, shelter, space, care and attention, and medical assistance and prohibits the ill-treatment and cruelty of animals by animal dealers.

Article 6 defines ill-treatment as violent behaviour, abuse, maltreatment, overwork and failure to provide minimum requirements for life and welfare. Article 6(2) lists specific conducts that are prohibited under the definition of maltreatment. This includes organising animal fights, using live animals to train or bait other animals, abandonment, non-curative surgical interventions and causing physical and mental suffering.

⁵ https://www.vice.com/en_us/article/9agag5/romanians-have-stopped-killing-pigs



The Law on the Protection of Animals (2014), places a duty of care on animal owners and animal keepers and prohibits neglecting to provide medical care to animals when required. It also establishes the National Sanitary Veterinary and Food Safety Authority as the national authority in the field of animal protection.

The Law also provides specific articles regarding wild animal dealers, animal breeding, experiments, transport, slaughter and surgical intervention, all of which are aimed at ensuring animals are treated humanely and where applicable, unnecessary pain and suffering are avoided.

The legislation does not appear to define which animals are covered so it is not clear whether it includes all vertebrates (including fish) and/or any invertebrates. Similarly, the law partially supports the Five Freedoms but only in relation to animal dealers.

Since 2014, Romania has received 29% of the EU rural development expenditure budget, estimated to have been 400 million euros by June 2018.⁶

Government Ordinance No. 42 regarding the organisation of the sanitary and food safety activity,⁷ states that the protection of animals is a state matter and a permanent duty of all citizens.

Analysis

The legislation recognises animal welfare as an independent issue and addresses some key cruelty concerns, but some descriptions, or lack thereof, are not sufficiently detailed and may be open to interpretation. For example, there is no explicit definition of animals in the legislation, so it is unclear if there are any exclusions for certain animals to whom the law can be applied.

While some of the Five Freedoms are mandated by law to be provided to animals, this is only in relation to those operating as animal dealers, which does not ensure that all animals protected under the law are given such protections.

Under the Worldwide Governance Indicators for Romania for the last decade, the country has improved its score for the Rule of Law and Control of Corruption indicators, although this has meant achieving overall marks that are just above 50%. In addition, the law does not have a clear mandate or provisions to allocate human resource or budget to the implementation of animal protection basic anti-cruelty legislation.

Enforcement mechanisms

Articles 23 to 25 of Law 205/2014 contain sanctions for contraventions of the law, consisting of fines and confiscation of animals for relapse offenders.

Key recommendations

⁶ https://www.eca.europa.eu/Lists/ECADocuments/SR18_31/SR_ANIMAL_WELFARE_EN.pdf

⁷ https://www.ecolex.org/details/legislation/government-ordinance-no-422004-on-the-organization-of-the-sanitary-veterinary-and-food-safety-activity-lex-faoc054766/?q=Romania+zoo&type=legislation&xdate_min=&xdate_max=



- The Romanian Government is urged to amend the Law on the Protection of Animals (2014) to clearly define which animals are protected under the law. The law should apply to all vertebrates, cephalopods and decapod crustaceans.
- The Government is encouraged to recognise, promote and enshrine in legislation the Five Freedoms for all animals in the law, who should be also recognised as sentient.

Goal 2: Presence of animal welfare legislation

3. There are laws that apply to animals used in farming including rearing, transport and slaughter

Analysis of legislation	
Ranking	F
<p><u>Rearing</u></p> <p>At the EU level, the 1976 European Convention for the Protection of Animals kept for Farming Purposes⁸ lays out general conditions for all the species of animals kept for the production of food, wool, skin, fur or for other farming purposes. Article 3 mandates that ‘animals shall be housed and provided with food, water and care [...] appropriate to their physiological and ethological needs’. Article 4 protects the freedom of movement of animals and Article 5 regulates the lighting, temperature, humidity, air circulation, ventilation and other environmental conditions.</p> <p>Based on this European Convention, Council Directive 98/58/EC⁹ gives general rules for the protection of animals of all species kept for the production of food, wool, skin or fur or for other farming purposes, including fish, reptiles of amphibians. Article 2 mandates that all animals whose welfare depends on frequent human attention shall be inspected at least once a day. Article 7 protects the animals’ freedom of movement, and Article 10 requires that breeding procedures (natural or artificial) likely to cause suffering or injury must not be practised, although there are exceptions. Article 21 further states that no animal shall be kept for farming purposes unless it can reasonably be expected, based on its genotype or phenotype, that it can be kept without detrimental effect on its health or welfare.</p> <p>The anti-cruelty provisions of Law 205/2014 apply to this category of animals. There are also more detailed legislative provisions incorporating the requirements of European Union legislation.</p> <p>The National Sanitary-Veterinary and Food Safety Authority has also produced secondary legislation on the rearing conditions and minimum standards for different animals including pigs, hens (laying hens and poultry production) and cattle and calves.</p>	

⁸<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680076da6>

⁹<https://eurlex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31998L0058&from=EN>

The European Union General Farm Animals Directive is implemented by Order 75/2005.¹⁰

Rearing - pigs

At the EU level, welfare provisions for pigs are laid out in Council Directive 2008/120/EC.¹¹ Among animal welfare provisions, Article 3 prohibits the tethering of sows or gilts (female pigs after puberty and before farrowing). The ban of individual sow stalls was decided in 2001 and a phase-out period of 12 years was allowed to adapt to the new systems. From 1-January 2013, sows must be kept in groups rather than in individual stalls. However, stalls may still be used for the first 28 days of gestation, and one week before the expected time of birth (Article 3.4).

Article 8 mandates inspections of pigs' rearing conditions and Article 12 provides that Member States may apply, within their territories, stricter provisions for the protection of pigs than the ones laid down in this Directive.

Chapter I of the Annex of the Directive provides that 'all procedures intended as an intervention carried out for other than therapeutic or diagnostic purposes or for the identification of the pigs in accordance with relevant legislation and resulting in damage to or the loss of a sensitive part of the body, or the alteration of bone structure, shall be prohibited'. However, there are exemptions to this general prohibition for:

- teeth grinding or clipping (before 7 days old)
- tail-docking
- castration of male pigs by other means than tearing of tissues
- nose-ripping only when the animals are kept in outdoor husbandry systems and in compliance with national legislation.

Tail-docking and teeth grinding/clipping must not be carried out routinely 'but only where there is evidence that injuries to sows' teats or to other pigs' ears or tails have occurred'. There is no requirement to use anaesthetic for castration, except if the procedure is carried out after the seventh day of life.

Chapter II mandates that no piglets shall be weaned from the sow at less than 28 days of age, though piglets may be weaned up to seven days earlier if they are moved into 'specialised housings.'

Ordinance No. 20/2012¹² mandates the minimum standards required for pigs in commercial farms. However, a translation was not found at the time of writing.

Rearing - broiler chickens

At the EU level, welfare provisions for broiler chickens are laid out in Council Directive 2007/43/EC.¹³ Notably, Article 3.2 requires that the maximum stocking density is 33kg/m². However, Article 3.3 allows for derogation to this general rule; a derogation to allow an increase above 33kg/m² up to 39kg/m² can be given when additional documented details for each house

¹⁰ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22005D0075&from=EN>

¹¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0120&from=EN>

¹² <http://www.ansvsa.ro/legislatie/bunastarea-animalelor/>

¹³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32007L0043>

are kept and the house achieves certain climatic parameters. In addition, the documentation accompanying the flock at the slaughterhouse shall include the daily mortality rate and the cumulative daily mortality rate. A further increase above 39kg/m² up to 42kg/m² is allowed where, in addition to the conditions mentioned in the previous point being met, monitoring by the authorities confirms records of low mortality rates and good management practices.

Article 4.2 requires that the training courses for people dealing with chickens focus on 'welfare aspects.' Article 7 requires inspections to be carried out.

Annex I to this Directive provides detailed conditions with regards to the drinkers, feeding, litter, ventilation, heating, noise and light requirements. Annex I also mandates that inspections shall be carried out twice a day. Similar to the wording of the Council Directive 2008/120/EC for pigs, all surgical interventions 'carried out for reasons other than therapeutic or diagnostic purposes which result in damage to or the loss of a sensitive part of the body or the alteration of bone structure shall be prohibited'. However, two exemptions exist to this prohibition:

- beak trimming, which may be carried out when other measures to prevent feather pecking and cannibalism are exhausted. Beak trimming shall be carried out by qualified staff on chickens that are less than 10-days-old.
- castration of chickens, which shall only be carried out under veterinary supervision by personnel who have received a specific training.

Order No. 30/2010¹⁴ mandates the minimum welfare standards for broiler chickens. However, a translation was not found at the time of writing.

Rearing - egg-laying hens

At the EU level, welfare provisions for egg-laying hens are laid out in Council Directive 1999/74/EC.¹⁵ Non-enriched cage systems have been prohibited since 1-January 2012 (Article 5.2). Two cage systems are now in use:

- enriched cages where laying hens have at least 750 cm² of cage area per hen
- alternative systems where the stocking density does not exceed nine egg-laying hens per m² usable area, with at least one nest for every seven hens and adequate perches.

In both systems, all hens must have a nest, perching space, litter to allow pecking and scratching and unrestricted access to a feed trough.

Article 8 mandates inspections of the systems of rearing for egg-laying hens.

The Annex to the Directive specifies that all hens must be inspected by the owner or the person responsible for the hens at least once a day (Article 1). Sound level must be minimised (Article 2) and

¹⁴ <http://www.ansvsa.ro/legislatie/bunastarea-animalelor/>

¹⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31999L0074&from=EN>

light levels shall allow hens to show 'normal levels of activity'. Article 8 prohibits all mutilations except beak trimming, provided it is carried out on egg-laying hens less than 10 days old.

Ordinance No. 136/2006¹⁶ provides minimum standards for egg-laying hens. However, a translation was not found at time of writing.

Rearing - dairy cattle and calves

There is no EU legislation dedicated to dairy cattle.

Council Directive 2009/119/EC¹⁷ lays down the minimum standards for the protection of calves. Article 3 prohibits the use of confined individual pens after the age of eight weeks, except if required by a veterinarian. Individual pens must have perforated walls, allowing the calves to have direct visual and tactile contact.

Article 3 further sets out minimum dimensions for individual pens and for calves kept in group. Inspections of facilities should be carried out (Article 7). Annex I of the Directive lays down specific conditions for the rearing of calves. Notably, calves must not be kept permanently in darkness: Member States make provisions for 'appropriate natural or artificial lighting'. Moreover, all housed calves must be inspected by the owner or the person responsible for the animals at least twice daily and calves kept outside must be inspected at least once daily. The accommodation for calves must allow them to lie down, rest, stand up and groom for themselves without difficulty. Importantly, calves must not be tethered, except for group-housed calves which may be tethered for periods of not more than one hour at the time of feeding milk or milk substitute.

In Romania, there is no policy or legislation specifically related to dairy cattle.

Ordinance No. 72/2005¹⁸ establishes minimum standards for the protection of calves. However, a translation was not found at the time of writing.

Transport

At the EU level, welfare provisions for animal transport are laid out in Council Directive EC 1/2005.¹⁹ This Directive defines the responsibilities of all actors involved in the transport chain of live animals entering or leaving the EU. Article 3 (General Conditions) provides that 'no person shall transport animals or cause animals to be transported in a way likely to cause injury or undue suffering to them'. Article 7 forbids long journeys (i.e. exceeding 8 hours) unless the means of transport has been inspected and approved under Article 18(1).

Article 14 of Law 205/2014 states that transporters are obliged to transport animals in adequate conditions to avoid harm and exhaustion. Article 13 makes provision for specific conditions to be

¹⁶ www.ansvsa.ro/legislatie/bunastarea-animalelor/

¹⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0119&from=EN>

¹⁸ www.ansvsa.ro/legislatie/bunastarea-animalelor/

¹⁹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32005R0001&from=en>

imposed by the National Sanitary-Veterinary and Food Safety Authority, which has been done by secondary legislation Order 83/2006²⁰. However, a translation was not found at the time of writing.

Slaughter

At the EU level, welfare provisions for animals at the time of slaughter are laid out in Council Directive EC No 1099/2009.²¹ Article 3 states that animals shall be spared any 'avoidable pain, distress or suffering during their killing and related operations'. Article 4 mandates that animals must be stunned prior to being slaughtered, and the loss of consciousness and sensibility shall be maintained until the death of the animal. Article 5 specifies that workers should check whether animals do not present any signs of consciousness in the period between the end of the stunning process and death. Annex I to this Directive lists all the stunning methods possible. Annex II sets out the requirements regarding the layout, construction and equipment of slaughterhouses.

In 2018, following a favourable opinion of the European Food Safety Authority on low atmospheric pressure system for the stunning of broiler chickens, Annexes I and II to Council Regulation (EC) No 1099/2009 have been amended by Commission Implementing Regulation (EU) 2018/723²² to approve the stunning of broiler chickens through asphyxia due to low atmospheric pressure.²³

In relation to slaughter, Article 19 of Law 205/2014 requires that animals are not subjected to unnecessary suffering. Article 20 provides for slaughter to comply with relevant laws. Secondary legislation Order 180/2006²⁴ and Order 74/2009²⁵ provide further detail. However, translations of the secondary legislation were not found at the time of writing.

Analysis

Potential welfare challenges faced by animals used for farming are recognised as an independent issue in the country and there are guidelines, policies and legislation evidencing that this is an issue for which the government has a concern. The legislation appears to be informed by international standards (such as the OIE's animal welfare standards) or to refer to internationally accepted principles such as the Five Freedoms.

European Union legislation applicable to animal welfare is applicable in Romania, mostly transposed in the country by Orders produced by the National Sanitary-Veterinary and Food Safety Authority.

The Authority has also produced complementary guidelines on welfare issues, covering specifically the welfare of calves, pigs, hens (poultry meat and laying hens) and on transport and slaughtering. These guidelines highlight issues specific to animal welfare, promoting a view that aligns production needs with protection of the health and well-being of the animals used in this sector.

Romania's agriculture and animal farming are very important in terms of employment, employing 30%

²⁰ <http://www.ansvsa.ro/legislatie/bunastarea-animalelor/>

²¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1099&from=EN>

²² <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018R0723&from=EN>

²³ <https://www.efsa.europa.eu/en/efsajournal/pub/5056>

²⁴ <http://www.ansvsa.ro/legislatie/bunastarea-animalelor/>

²⁵ <http://www.ansvsa.ro/legislatie/bunastarea-animalelor/>

of the occupied population in 2010 (compared with only 4% in the Euro Area).²⁶ This has a direct relationship with production systems in the country and the difficulties of full regulation. A report of the National Sanitary-Veterinary and Food Safety Authority for 2010, for instance, points out that most of the guidance and regulation on pig farming was produced in an attempt to tackle illegal pork trade, which at the time of the report had yet to be quantified and controlled.²⁷ Therefore it appears that the country's particular economic conditions may present an obstacle for the improvement of animal welfare measures with regard to farmed animals.

The wording of Council Directive 98/58/EC is quite general and does not consider species-specific needs, by comparison to the other Directives.

With regards to pigs, it is positive that the ban on sow stalls has entered into force since 2013. However, this ban is limited since stalls are still allowed to be used for the first 28 days of gestations, and shortly before giving birth.

The many exemptions provided in Chapter I of the Annex of Council Directive 2008/120/EC allows for piglet mutilations to be performed without anaesthetics. The use of anaesthetic is only mandated for castration, occurring on a piglet at least 7-days-old. Piglet mutilations are extremely cruel, and these exemptions represent a legal loophole allowing for the inhumane treatment of farm animals.

Castration is practiced to avoid the development of undesirable sexual or aggressive behaviour, and to avoid the development of 'boar taint, which gives pork meat a distinctive taste and odour. The European Commission acknowledges on its website that castration has become 'a significant animal welfare concern in recent years', inflicting pain 'even on very young pigs'.²⁸ A working group, made of representatives of European farmers, meat industry, retailers, scientists, veterinarians and animal welfare NGOs, met in 2010 and developed the European Declaration on Alternatives to Surgical Castration of Pigs.²⁹ Two key decisions were taken through this Declaration: the surgical castration of pigs, if carried out, shall be performed with prolonged analgesia and/or anaesthesia with methods mutually recognised. Secondly, the surgical castration of pigs should be abandoned by 1-January 2018. Over 30 stakeholders (animal welfare NGOs, industry practitioners etc.) signed this voluntary agreement.

With regards to broiler chickens, Council Directive 2007/43/EC represents the first legal instrument in which 'welfare indicators' were included as a means of scientific assessment. It is positive that the Directive goes into details about the environment of rearing of chickens (i.e. drinkers, feeding, litter, ventilation and heating, noise, light requirements). The Directive also provides a maximum stocking density, however, by allowing derogations to be made, the Directive enables large-scale, industrial farming practices to be developed in the EU. In such crowded conditions, the Five Freedoms of broiler

²⁶ https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Archive:Agricultural_census_in_Romania&oldid=347719#Labour_force

²⁷ http://old.ansvsa.ro/documente/admin/NSVFSA%20Report%202010_18667ro.pdf

²⁸ https://ec.europa.eu/food/animals/welfare/practice/farm/pigs/castration_alternatives_en

²⁹ https://ec.europa.eu/food/sites/food/files/animals/docs/aw_prac_farm_pigs_castalt_declaration_en.pdf

chickens cannot be fulfilled. In addition, the exemptions for beak trimming and chicken castration enables this practice to be carried out without anaesthetics.

With regards to egg-laying hens, the 2012 ban on the use of battery cage systems was an important step in improving their welfare. By comparison to battery cages, enriched cages provide 20% more space to each hen (the equivalent of an A4 paper with a postcard). Enriched cages have nest boxes, litter, perch space and some scratching materials, and house up to 10 hens. Though the current two systems in use (enriched cages and alternative systems) represent incremental improvements to the life of hens, the EU still allows for hens to be raised in cages. When reared in cages, the Five Freedoms of egg-laying hens are necessarily compromised.

In September 2018, a European Citizen Initiative (ECI) entitled 'End the Cage Age' was launched, supported by a coalition of animal welfare NGOs, including World Animal Protection.³⁰ The ECI invites the European Commission to propose legislation to prohibit the use of:

- cages for laying hens, rabbits, pullets, broiler breeders, layer breeders, quail, ducks and geese;
- farrowing crates for sows;
- sow stalls, where not already prohibited
- individual calf pens, where not already prohibited

As of September 2019, over 1 million verified signatures have been collected from EU citizens; so, the European Commission will be strongly urged to propose the above-mentioned legislation.³¹

With regards to dairy cattle and calves, it is regrettable that there is no EU legislation protecting the welfare-specific needs of dairy cattle. It is positive that calves must not be tethered, though this should be a full ban. Moreover, EU legislation allows for the isolation of calves under eight weeks old. The isolation of calves is detrimental to their welfare and the provision that calves in isolation need to be able to see other calves is not sufficient to satisfy their need for social interactions.

With regards to animal transport, it is positive that the Council Directive EC 1/2005 recognises in its preamble that, 'for reasons of animal welfare the transport of animals over long journeys, including animals for slaughter, should be limited as far as possible'. However, the exception of Article 7, allowing the transport of animals for over 8 hours, is detrimental to animal welfare. In fact, long live animal transport is known to cause stress. Moreover, many breaches of Council Directive EC 1/2005 have been reported, including the transport of unfit animals, exceeding stocking densities, requirements

³⁰ <https://www.eurogroupforanimals.org/compassion-in-world-farming-european-citizens-initiative-end-the-cage-age-successfully-launched-in-the-european-parliament>

³¹ <https://eci.endthecageage.eu/>



on feed, water and rest not respected, insufficient headroom and bedding, and too high temperature.³²

In 2015, the European Commission launched a three-year Pilot Project aiming at improving animal welfare during transport by developing and disseminating Guides to Good and Best Practice for the transport of the main livestock species.³³ In September 2017, the contractor of the project published five extensive guides to good practices, as well as 17 technical fact sheets on good animal transport practices.³⁴ This is a positive development, however, a total ban on long live animal transport would grant stronger protection to animals.

With regards to slaughter, it is positive that the Council Directive EC No 1099/2009 mandates stunning prior to slaughter, however, numerous EU countries have exemptions to this requirement, notably due to religious reasons. In 2018, the European Commission has also developed a series of fact sheets outlining how various species should be stunned.³⁵ This demonstrates the EU Commission's willingness to disseminate knowledge and to improve animal welfare.

Enforcement mechanisms

Articles 23 to 25 of Law 205/2014 contain sanctions for contraventions of the law, consisting of fines and confiscation of animals for relapse offenders.

Enforcement mechanisms for secondary legislation (Orders made by the National Sanitary-Veterinary and Food Safety Authority) are not clear in the legislation.

The 1976 European Convention for the Protection of Animals kept for Farming Purposes does not contain any enforcement mechanism. At the EU level, a Directive requires Member States to achieve a particular result, but it does not devise laws on how to reach these goals. As such, Member States have some leeway to decide on their own legislations which will achieve the intended results. By contrast, a Regulation is a binding legislative act, directly applicable to the entirety of the EU.

Key recommendations

• **The Government of Romania is urged to ban the worst forms of confinement for farm animals. In particular, the use of farrowing crates, sow stalls, and cages should be banned. The stocking density of broiler chickens should also be reduced to a maximum of 30 kg/m² or lower. Surgical operations, such as piglet mutilations and beak trimming for egg-laying hens, should not be performed except under anaesthesia and with analgesics.**

³² <https://www.ciwf.org.uk/media/7434627/report-on-implementation-of-eu-regulation-on-welfare-of-animals-during-transport-compassion-in-world-farming-october-2018.pdf>

³³ https://ec.europa.eu/food/sites/food/files/animals/docs/aw_prac_transport_pilotreport.pdf

³⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32005R0001&from=en>

³⁵ https://ec.europa.eu/food/animals/welfare/practice/slaughter/2018-factsheets_en

- Due to the significant animal welfare concerns associated with long distance transport, the Government of Romania is strongly urged to ban the export of live animals for long distances (i.e. over eight hours) and replace it with a meat only trade. Long distance transport is inherently cruel as it involves chronic stress for all animals and for some species and modes of transport, it may involve overpopulation, exhaustion, excess heat or cold, inadequate ventilation and/or access to food and water, leading to disease, pain, injury or death.
- The Government of Romania is urged to mandate the humane slaughter of all farm animals. Animals should be instantaneously rendered unconscious and insensible to pain and distress prior to slaughter. Today, there is growing consensus amongst religious authorities worldwide that pre-slaughter stunning is compatible with religious principles.³⁶ Humane halal slaughter allows for the animal to be temporarily rendered unconscious via stunning prior to slaughter, as long as the animal's skull remains intact and the animal would regain consciousness in time should slaughter not occur. Therefore, animals should be unconscious before being bled, and no further processing should occur until irreversible loss of consciousness is confirmed. No animal should be forced to witness other animals being slaughtered as this is inherently distressing.

4. There are laws that apply to animals in captivity

Analysis of the legislation	
Ranking	D
<p><u>Zoos</u></p> <p>At the EU level, welfare provisions for wild animals kept in zoos are laid out in the Council Directive 1999/22/EC.³⁷ Member states are responsible for applying the provisions laid out under the Directive. 'Zoos' are defined as 'all permanent establishments where animals of wild species are kept for exhibition to the public for 7 or more days a year', with the exceptions of circuses, pet shops and any other establishments that Member States deem not to host sufficient animals. The Directive provides a common basis for Member States, such as Romania with regard to the licensing and inspection of zoos, the keeping of animals in such facilities, the training of staff and the education of the visiting public. Article 3 provides that zoos shall implement conservation measures. Among them, one measure is welfare-oriented since zoos have to accommodate their animals 'under conditions which aim to satisfy the biological and conservation requirements of the individual species, inter alia, by providing species specific enrichment of the enclosures; and maintaining a high standard of animal husbandry with a developed programme of preventive and curative veterinary care and nutrition.' Member state legislation regarding the needs of animals in zoos are required to be aligned with the</p>	

³⁶ [http://www.fao.org/3/x6909e/x6909e09.htm#b5-Religious%20or%20ritual%20slaughter%20\(Halal%20and%20Kosher\)](http://www.fao.org/3/x6909e/x6909e09.htm#b5-Religious%20or%20ritual%20slaughter%20(Halal%20and%20Kosher))

³⁷ <https://www.eaza.net/assets/Uploads/Governing-documents/EU-Zoo-Directive-1999.pdf>

OIE Terrestrial Animal Health Code (2013). Article 4 mandates the licencing and inspections of existing and new zoos. Article 8 lays out that Member States shall determine penalties for a breach of this Directive: such penalties shall be effective, proportionate and dissuasive.

Council Regulation (EC) 1/2005³⁸ on the transport of animals is also applicable to wild animals, both those living in captivity as well as wild animals living in the wild but susceptible of being transported (e.g. for rehabilitation or reintroduction purposes). Article 3 (General Conditions) provides that 'no person shall transport animals or cause animals to be transported in a way likely to cause injury or undue suffering to them'. Chapter II, Article 1.3 provides that a notice shall be given explaining that the animals are wild, timid and dangerous and containing written instructions about feeding, watering and any special care required. Furthermore, Chapter III Article 1.1 mandates that wild animals shall become acclimatised to the mode of transport prior to the proposed journeys.

The EU Zoos Directive Good Practices (2015)³⁹, while not legally binding, is aimed at supporting practitioners and Member States in implementing the spirit and requirements of the above-mentioned Council Directive (1999). The Directive includes recommendations regarding key aspects of animal health and welfare within the zoo environment such as temperature, enclosure size and furnishings and noise.

The anti-cruelty provisions of Law 205/2014 Law on the Protection of Animals apply to this category of animals. Article 5(1) of Law 205/2014 makes reference to some of the Five Freedoms in requiring that animal dealers have obligations to provide, according to species and age, shelter, sufficient food and water, space to move, care and attention, and medical assistance. However, it is not clear if this is applicable to all animals in captivity.

The law also restricts the ability to keep wild animals to regulated authorised institutions, such as zoos and aquaria (Article 9), incorporating European Union legislative requirements in regulation of these institutions in Law 191/2002 and Order 1798/2007.

Under Article 3 of the Law on the Protection of Animals (2014), animal keepers are required to ensure the application of sanitary and zoo sanitary rules on the shelter, feeding, care, reproduction, exploitation, protection and welfare of animals. There is a prohibition on using animals for shows that cause physical or psychological suffering, disease or injury.

Government Ordinance No. 42 regarding the organisation of the sanitary and food safety activity, further governs zoos. The Ordinance states that the protection of animals is a state matter and a permanent duty of all citizens and requires that those who own or take care of animals are responsible for applying and respecting provisions of the sanitary-veterinary legislation to ensure and guarantee animal protection. Under the Ordinance, zoos are required to obtain authorisation from the county government to operate.

³⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32005R0001&from=en>

³⁹ https://ec.europa.eu/environment/nature/pdf/EU_Zoos_Directive_Good_Practices.pdf

Zoos in Romania are also governed by the Romania Act 191/2002 on Public Zoos and Aquaria; however, this Act was not found at the time of writing and therefore could not be assessed for the Animal Protection Index.

Private keeping of wild animals

There are some limitations on the private keeping of wild animals. There is a prohibition on private keeping of wild protected native animals and species of primate, wild feline, bird of prey, venomous reptile, species of Annex 4A and 4B of Ordinance No. 57/2007 - Convention on Biological Diversity.⁴⁰

However, exotic pets are seen as a status symbol in Romania and there is a popular market for them.⁴¹

Fur farming

At the EU level, a ban on cat and dog fur was introduced by Regulation No 1523/2007,⁴² and has entered into force on 31st December 2008. The Regulation bans the placing on the market and the import to or export from the Union of cat and dog fur and products containing such fur.

There is no policy or legislation related specifically to fur farming.

Analysis

Council Directive 1999/22/EC provides general provisions for animals kept in zoos. Following the wording of Article 3, zoos are primarily intended to achieve conservation efforts, taking into account animal welfare. It is positive that zoos must be licenced to operate, and that such a licence can only be obtained if Article 3 criteria are met, which includes welfare provisions relating to enrichment, husbandry, veterinary care and nutrition. Enrichment must be species-specific, but there is no mention of the psychological distress that is induced by constraining animals to enclosures. This Directive could be improved by focusing on the mental wellbeing of animals, rather than on satisfying their basic needs (e.g. nutrition requirements). In particular, a provision could be made to ensure that the enclosure size is large enough to enable individuals to express normal behaviours, as well as allowing social interactions. Moreover, the frequency of inspections is not mandated in this Directive.

It is positive that Council Directive (EC) 1/2005 is not limited to livestock, but also covers the transport of wild animals. However, the welfare provisions in this Directive are quite general. For instance, Chapter III, Article 1.1 does not specify how wild animals shall become 'acclimatised' to the mode of transport of the proposed journey.

The Government of Romania has produced regulations that limit the ability to keep animals in captivity, requiring that specific conditions must be met, which in turn are linked to compliance with environmental requirements. This could present an opportunity for the government to include animal welfare provisions in the future.

⁴⁰ <https://www.cbd.int/doc/world/ro/ro-nbsap-v3-en.pdf>

⁴¹ <https://www.news24.com/Green/News/romania-hosts-show-for-1-600-exotic-pets-20170320>

⁴² <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32007R1523&from=EN>

The country could greatly benefit from being more explicit about the kind of activities concerning animals in captivity that would benefit from regulation. Following international standards, a more robust system could be achieved by introducing restrictions on the use of animals that are kept in captivity.

The EU Zoo Inquiry 2011 reported considerable issues with respect to enforcement of the law in Romania and expressed concern about the welfare of animals held captive in zoos that were inspected. The majority of inspected animal enclosures did not comply with the law. The Inquiry found that on average three-quarters of the enclosures were not sufficiently complex for the animals contained within them and on average four out of five enclosures failed to meet the species-specific needs of animals.⁴³

The more permissive the legislation, the more problematic it becomes to allocate human and financial resource that can effectively promote animal welfare. As it stands today, wild animals can be used in entertainment industries and private breeding.

It is positive that there are some restrictions on the private keeping of wild animals, however there are no supplementary regulations mandating how privately kept wild animals should be kept beyond the duty of care mandated in the Law on the Protection of Animals (2014).

Any ban on fur farming is a positive step for animals, as the fur farming industry is inherently cruel and fur cannot be produced without causing large amount of pain, distress and suffering to animals. It is thus positive that the EU has implemented a ban on fur farming, though this ban appears very much limited since it covers only two species. The most common species farmed for their fur in Europe – rabbits, minks, foxes – are not included in this ban. Furthermore, there is no legislation at the EU level mandating humane slaughter for animals farmed for their fur. There are a limited number of fur farms in Romania, however reports suggest that farms have been set up in Romania by businesses from other EU countries to circumvent bans elsewhere.⁴⁴

Enforcement mechanisms

There are potential fines for breaches of the anti-cruelty provisions in Article 5 of Law 204/2005, and imprisonment for keeping wild animals' captive without a licence.

Legislation on animals in captivity seems to focus on administrative issues in relation to licencing, which means that enforcement is limited to actions outside the realm of licensed activities, limiting the options for authorities to take steps to improve animal welfare in this category.

Key recommendations

- **The Government of Romania is urged to produce detailed legislation specifying the conditions under which wild animals may be kept in captivity. Such regulations shall include requirements with regards to housing, feeding, handling and husbandry and should promote the Five Freedoms of all individual animals. In particular, the Freedom to express normal patterns of**

⁴³ <https://issuu.com/bornfreeuk/docs/romania>

⁴⁴ www.better-governance.org/home/index.php/news/entry/romania-must-ban-fur-farms

behaviours should be respected. License to operate a facility keeping wild animals in captivity should be dependent on compliance with such legislation and regulations.

- Furthermore, the Government of Romania is strongly encouraged to allocate human and financial resources to create an inspection unit in charge of verifying that welfare standards are respected where animals live in captivity. Facilities where animals are kept captive should be regularly inspected, and the results of such inspections should be made public.
- The Government of Romania is encouraged to develop further regulations regarding the private keeping of wild animals, based on clear criteria including animal welfare and other relevant concerns.
- The Government of Romania is urged to fully ban fur farming. Fur farming is inherently cruel and causes pain, distress and suffering to animals.

5. There are laws that apply to companion animals

Analysis of the legislation	
Ranking	C
<p><u>Care of companion animals</u></p> <p>The European Convention for the Protection of Pet Animals⁴⁵ is a treaty of the Council of Europe to companion animals and ensure minimum protection standards. Signed in 1987, the treaty entered into force in 1992 and is now open to countries outside members from the Council of Europe. As of March 2019, the Convention has been ratified by 24 countries, including Romania.</p> <p>Article 1 prohibits anyone from causing unnecessary pain, suffering or distress, or to abandon a companion animal. Article 2 creates a duty of care onto animal owners, responsible for their health and welfare. Article 10 forbids surgical procedures for the purpose of modifying the appearance of a companion animal, or for other non-curative purposes. In particular, the docking of tails, the cropping of ears, devocalisation, declawing and defanging are prohibited. Exceptions exist if a veterinarian considers non-curative procedures necessary or to prevent the reproduction of animals. Article 11 specifies that the killing of companion animals shall be done with the minimum of physical and mental suffering appropriate to the circumstances.</p> <p>The anti-cruelty provisions of Law 205/2014 apply to this category of animals; particularly relevant are the prohibitions on abandoning animals and on removing puppies from their mother before eight weeks of age. Article 5(1) makes reference to some of the Five Freedoms in requiring that animal owners have obligations to provide, according to species and age, shelter, sufficient food and water,</p>	

⁴⁵ <https://www.coe.int/en/web/conventions/fulllist/-/conventions/rms/090000168007a67d>

space to move, care and attention, and medical assistance, however, these are only applicable to animal dealers.

Recent legislation in Romania requires adopters of non-pedigree dogs to register their animals.⁴⁶

Stray animals

Article 1(2) of Law on the Protection of Animals (2014) states that management of stray dogs is dealt with by separate legislation, which appears to create an exemption from the provisions of that law for this activity.

There have been some legislative developments with regard to stray dog population control, which seems to be one of the most problematic issues with regard to companion animals in Romania.⁴⁷ A first attempt to legislate this issue appeared in 2001 with the Government's Urgent Resolution No. 155/2001⁴⁸ regarding management of stray dogs, complemented a year after by the Government's Urgent Resolution No. 60/2003 on aggressive dogs and dog fights. A Governmental Decision (955/2004) made a commitment for the Government to follow the European Convention for the Protection of Pet Animals and also to limit or restrict culling. Legislation passed in 2008 (Law 9/2008) reiterated the ban on culling.

Law 258/2013⁴⁹ governs stray dog population management. The law allows for the mass capture and euthanasia of all stray dogs after 14 working days. Reports suggest many Government run shelters do not adhere to Romanian or EU law regarding the humane treatment of animals.⁵⁰

Chapter III of the European Convention for the Protection of Pet Animals (1987) contains Supplementary Measures for Stray Animals. Article 12 mandates that the capture of stray animals must be done with the least amount of suffering possible. Once captured, animals may be kept or killed 'in accordance with the principles laid down in this Convention'.

Analysis

Stray population management remains a significant issue despite several iterations of legislation to address this issue. The government has made it clear that its preferred method of control is culling, even though this does not comply with international recommendations concerning humane population management of stray animals.⁵¹ In 2011 the Romanian parliament voted to reintroduce stray dog culling, despite mounting pressure from other European Union Member States, including calls from MEPs for action by the Romanian Parliament and President.⁵² The law was passed, but declared unconstitutional in January 2012. On September 25th, 2013, the Constitutional Court authorized the

⁴⁶ <https://newint.org/features/web-exclusive/2014/07/23/killing-law-stray-dogs-romania>

⁴⁷ <http://www.bbc.co.uk/news/world-europe-24015166>

⁴⁸ <https://www.global-regulation.com/translation/romania/3758164/law-no.-258-of-26-september-2013-for-the-modification-and-completion-of-the-emergency-ordinance-of-government-no.-155-2001-approving-the-programme-for.html>

⁴⁹ <http://hopeforromaniandogs.weebly.com/the-current-legislation.html>

⁵⁰ <https://www.express.co.uk/life-style/life/1177167/dog-news-romania-dog-pounds-samantha-womack-ricky-gervais>

⁵¹ http://www.icam-coalition.org/downloads/Humane_Dog_Population_Management_Guidance_English.pdf

⁵² <http://www.animalwelfareintergroup.eu/2011/11/24/romanian-parliament-adoption-of-law-on-stray-dogs-hopefully-not-a-license-for-deliberate-killings/>

mass killing of Romania's stray dogs, a decision which has caused great international concern.⁵³ However, it is reported that some Romanian mayors have decided against mass dog culls in their cities.^{54 55}

At the EU level, the European Convention for the Protection of Pet Animals lays down important principles for the welfare of companion animals, notably by creating a positive duty of care onto animal owners and through prohibiting the abandonment of companion animals. It is also positive that the Convention prohibits surgical procedures on companion animals for appearance purposes.

However, the Convention does not provide as strong protections for the welfare of stray animals. In fact, the Convention authorises the killing of stray animals, instead of mandating their rehoming or placing them in a non-kill shelter.

Enforcement mechanisms

There are potential fines for breaches of the anti-cruelty provisions in Article 5 of Law 205/2014, and imprisonment for some breaches such as organising animal fighting.

Key recommendations

- The Government of Romania is encouraged to engage with the International Companion Animal Management (ICAM) coalition to learn about and implement their dog population management methodology. This methodology consists of a full cycle of action, addressing the root causes of conflict between roaming dogs and communities. The document is helpful to governments to manage dogs humanely as well as to help communities to live in harmony with dogs.
- The Government of Romania is strongly encouraged to promote humane stray animal population management, which relies on promoting responsible ownership, mass vaccinations and reproduction control programmes. Culling has been proven to be scientifically ineffective and should therefore be banned.

6. There are laws that apply to animals used for draught or recreational purposes

Analysis of the legislation

Ranking	E
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⁵³ <http://www.ibtimes.com/romanian-stray-dogs-slaughtered-streets-red-card-romania-spreads-facebook-1505630>

⁵⁴ <http://www.vierpoten.org/en/projects/stray-animals/sac-romania/overview-of-the-stray-dogs-situation-in-romania/>

⁵⁵ <https://www.worldanimalprotection.org/news/romanian-city-promises-end-needless-killing-dogs-after-our-global-petition>

Animals used for entertainment

The anti-cruelty provisions of Law 205 on the Protection of Animals (2014) apply to this category of animals; particularly relevant are the prohibitions on organising animal fights and on using animals for shows that cause physical or psychological suffering, disease or injury. Article 5(1) states that animal owners have obligations to provide, according to species and age, shelter, sufficient food and water, space to move, care and attention, and medical assistance. Article 15 allows that “animals can be used in publicity, shows, exhibitions, competitions or other similar events” provided that the general conditions established in that law are complied with.

In 2017, the Government of Romania banned the use of wild animals in circuses.⁵⁶ Reports suggest that shows including dogs, horses, dolphins and species of exotic birds are excluded; however, the legislation was not found at the time of writing for confirmation.⁵⁷

Draught animals

It is reported that legislation was introduced in 2007 banning horse-drawn carts from public roads.⁵⁸ This was brought in ahead of Romania joining the EU, however, reports suggest no provisions were made for the care of those animals no longer allowed to be used for draught purposes on public roads.⁵⁹

It appears that no further detailed legal provisions have been made relating to the welfare of animals used for draught purposes.

Analysis

Traditionally draught animal power, primarily by horses but also by donkeys, has been of great importance to Romania. However, the ban on horse-drawn carts from public roads in 2007, at a time when there were an estimated 750,000 carts in use, is reported to have resulted in serious welfare issues for horses that continue today, including roaming, abandoned horses and ill-treatment.⁶⁰ This has also led to an increase in the transport of horses for slaughter, which also causes welfare concerns, nationally and internationally.⁶¹

The law establishes an authorisation for the use of animals in entertainment, without further consideration for the type of activity in which the animal is involved. There are no additional considerations reflecting the fact that the use of animals in entertainment generally is not limited to citizens, but to corporations, which could potentially undermine the capacity of the government to introduce welfare elements in wider decision-making processes.

However, the Government has partnered with animal protection organisations to end the cruel practice

⁵⁶ <https://www.romania-insider.com/no-wild-animal-shows-bucharests-globus-circus/>

⁵⁷ <https://www.romania-insider.com/index.php/romania-become-25th-country-europe-bans-use-wild-animals-circuses>

⁵⁸ http://news.bbc.co.uk/1/hi/programmes/from_our_own_correspondent/7098896.stm

⁵⁹ www.esdaw.eu/horses-donkeys-romania.html

⁶⁰ <http://www.esdaw.eu/horses-donkeys-romania.html>

⁶¹ <http://www.dailymail.co.uk/news/article-2276747/Horsemeat-scandal-Thousand-horses-slaughtered-meat-Romania-100-time.html>

of dancing bears in the country and has supported the confiscation of dancing bears and their movement to sanctuaries.⁶² The government has also supported the enforcement of a law banning the keeping of bears by private keepers resulting in the rescue of bears from private keepers, for example, roadside restaurants.⁶³

The main obstacle for developing animal welfare protection for animals that are used for recreational purposes is the lack of limits on the activities in which animals can be used. There are also serious issues to address with respect to Romania's draught animals with the desire to modernise bringing about the abandonment and devaluation of animals, leading to poor welfare and animal suffering. However, there has been action with respect to bears in particular, demonstrating that there may be room for progress to be made.

Enforcement mechanisms

There are potential fines for breaches of the anti-cruelty provisions in Article 5 of Law 205/2014, and imprisonment for some breaches such as organising animal fighting.

Key recommendations

- The Government of Romania is urged to forbid the organisation of and attendance to entertainment events causing animal suffering. Such a prohibition should cover circuses, rodeos, animal fights, animal races, rides on wild animals and all other forms of entertainment. Notably, the Government is strongly encouraged to ban the use of all animals in circuses. Phasing out of animals for entertainment purposes could start with a ban on the use of wild animals for such performances.
- Recognising that the physiological and behavioural needs of marine mammals cannot be met in captivity, the Government of Romania is strongly encouraged to ban the breeding, keeping and training of all marine mammals in captivity, so that these animals constitute the last generation in captivity in the country. These animals should be retired to large seaside sanctuaries, which allow for an increased range of natural behaviours.
- The Government of Romania is strongly encouraged to adopt specific legislation to address the welfare of working animals, including working equids, following the requirements of the OIE's animal welfare standards (Chapter 7.12). Working animals must be treated with consideration and must be given adequate shelter, exercise, care, food and water appropriate to their physiological and behavioural needs. Any condition that may impair their welfare must be treated promptly and, affected animals must not be worked again until they are fit. They must not be overworked or overloaded, nor must they be forced to work through ill-treatment.

⁶² <http://www.itnsource.com/en/shotlist//RTV/2014/05/14/RTV140514004/?v=1>

⁶³ <http://issuu.com/wspauk/docs/wspanewswinter2012/6>

7. There are laws that apply to animals used for scientific research

Analysis of the legislation	
Ranking	C
<p>At the EU level, welfare provisions for animals used in scientific research are laid out in Directive 2010/63/EU,⁶⁴ which updated and replaced the 1986 Directive 86/609/EEC⁶⁵ on the protection of animals used for scientific purposes. This new Directive applies to live vertebrates and live cephalopods (Article 1.4). Article 4 enshrines the Three Rs principles in legislation – Replacement, Reduction, Refinement. Article 6 mandates that animals are killed with minimum ‘pain, suffering, distress’. Articles 7 and 8 provides exemptions for the use of endangered species and non-human primates in experiments, respectively. It is forbidden to take animals from the wild to carry experiments, except when the procedure cannot be achieved by the use of an animal who has been bred for use in procedures. It is furthermore prohibited to use animals stray and feral animals of domestic species in experiments. (Article 11). Article 14 ensures that ‘Member States shall ensure that, unless it is inappropriate, procedures are carried out under general or local anaesthesia, and that analgesia or another appropriate method is used to ensure that pain, suffering and distress are kept to a minimum’.</p> <p>European Union Regulation 1223/2009, which bans the testing of cosmetic products, has direct effect in the country. However, ratification of the EU law in Romanian legislation was not found at the time of writing.</p> <p>It appears that the anti-cruelty provisions of Law 205/2014 apply to animals used for scientific research, as there is no exclusion of this category of animals from the law. Article 22 provides that animals can be used for scientific research, diagnosing illness, producing medicines or other biological products, as well as similar aims, when the purpose of the activity cannot be reached by other methods.</p> <p>Ordinance 37/2002 (approved by Law 471/2003) established the National Sanitary-Veterinary and Food Safety Authority, focusing on administrative procedures and a general record-keeping mandate. This Ordinance contains a list of regulated species and established a prohibition on performing experiments on wild animals. However, the Ordinance and subsequent Law were not found at the time of writing.</p> <p>A further Order produced in the same year (400/2002) made basic conditions on the housing and care of animals used in scientific research. However, this Order was not found at the time of writing.</p> <p>Law 305/2006 ratified in the country the European Convention for the Protection of Vertebrate Animals used for Experimental and other Scientific Purposes (1986), which is based on the principle of animal sentience. However, the ratification was not found at the time of writing. Ratification of the</p>	

⁶⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32010L0063&from=EN>

⁶⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31986L0609&from=EN>

2010 update to EU legislation regarding animals in scientific experimentation in Romanian legislation was not found at the time of writing.

Analysis

Animal welfare provisions for animals used in scientific research has developed in accordance with animal welfare considerations in the European Union and internationally. Although there is no direct inclusion of the Three Rs in the legislation, it is positive that there is a reference to the European Convention.

The existing legislation on this area and reference to the European Convention suggests that there are relatively low barriers to improvement in this area. However, it is noted that according to Ordinance 37/2002, the National Sanitary-Veterinary and Food Safety Authority was given a mandate to produce authorisation procedures, rules and systems for notification of experiments and other key elements of legal implementation of general legislation in specific deadlines, but there is no apparent evidence that these deadlines were met.⁶⁶ Similarly, that a specific committee or committees have not been established for the ethical consideration of animals in experiments in Romania is concerning.

At the EU level, it is positive that Directive 2010/63/EU enshrines the Three Rs principles in legislation. These respectively aim at replacing animals with non-animal methods as much as possible, reducing the number of animals used in experiments to the lowest level, and refining experimentation methods to cause the least amount of suffering possible. Numerous references are made throughout the Directive to the duty for Member States to reduce animal suffering as much as possible. However, a loophole appears in Article 14, since the use of anaesthetics or analgesia is mandated 'unless it is inappropriate'. Thus, it is still possible in the EU to carry out experiments on live animals without them being rendered unconscious or insensitive to the pain.

With regards to animal testing for cosmetic products, it is positive that the EU has banned testing on finished cosmetic products and their ingredients through Regulations EC No 1223/2009. However, the testing and marketing bans remain limited. Notably, these bans only apply to cosmetic products and ingredients that are only used in cosmetics. Furthermore, the bans only apply to tests specifically aimed at consumer safety, but do not apply to worker safety tests. The bans also do not apply if the testing is intended to determine whether the product poses a risk to the environment.

Enforcement mechanisms

Enforcement mechanisms are not clear for this indicator beyond animal cruelty provisions in Law 205/2014.

Key recommendations

- **The Government of Romania is urged to enact legislation that would protect all animals used in scientific research from unnecessary pain and suffering. The Three Rs principles – Replacement, Reduction, Refinement – should be enshrined in legislation.**

- The Government of Romania is encouraged to create ethics committees, in charge of scrutinising applications for animal research. Such ethics committees should be able to suspend the activities or revoke the registration of establishments which do not respect animal welfare criteria. Animals used for research should be provided with shelter, care, food and water in a manner appropriate to their physiological and behavioural needs. A nominated member of the laboratory staff, preferably a veterinarian, must have full responsibility for animal welfare at all times.
- Moreover, the Government of Romania is strongly encouraged to create a national centre made up of multiple stakeholders, including animal protection organisations, to promote the Three Rs principles and to develop alternatives to animal experimentation.

8. There are laws that apply to wild animals

Analysis of the legislation	
Ranking	F
<p>At the EU level, wild animals are protected by various Directives and Regulations.</p> <p>Council Directive 92/43/EEC⁶⁷ on the conservation of natural habitats and of wild fauna and flora, known as the Habitats Directive, prohibits all capture, killing, deliberate disturbance, destruction or taking of the eggs, deterioration or destruction of breeding sites or resting places of wild vertebrates listed in Annex IV(a) (Article 12). Furthermore, the keeping, transport, sale and exchange of these same species is also prohibited. Annex IV(a) lists over 400 species (Article 8). For over 90 species listed in Annex V, Member States must ensure that their exploitation and taking in the wild is compatible with maintaining them in a favourable conservation status (Article 14).</p> <p>Council Directive 2009/147/EC⁶⁸ of the European Parliament and of the Council on the conservation of wild birds, known as the Birds Directive, provides various regimes for different bird species. 82 species listed in Annex II can be hunted, however, the hunting periods are limited and hunting is forbidden when birds are at their most vulnerable (i.e. during their return migration to nesting areas, reproduction and the raising of their chicks) (Article 7). Overall, this Directive prohibits activities that directly threaten birds, such as their deliberate killing, capture or trade, or the destruction of their nests, are banned. With certain restrictions, Member States can allow some of these activities for 26 species listed in Annex III (Article 6). Member States must outlaw all forms of non-selective and large scale killing of birds, especially the methods listed in Annex IV (Article 8).</p>	

⁶⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31992L0043&from=EN>

⁶⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009L0147&from=EN>

Council Regulation (EC) No 338/97⁶⁹ on the protection of species of wild fauna and flora by regulating trade therein also applies to wild animals. Article 4.1(c) provides that when an endangered species is introduced in the EU, the competent scientific authority must be satisfied that the intended accommodation for a live specimen at the place of destination is adequately equipped to conserve and care for it proper. In the same vein, Article 4.2(b) mandates that there must be a written proof that the intended accommodation for a live specimen is 'adequately equipped to conserve and care for it properly'. Article 4.6.(c) provides that the introduction of species in the EU may be restricted if species have a high mortality rate during shipment or for which it has been established that they are unlikely to survive in captivity.

Council Regulation (EC) 1/2005⁷⁰ on the transport of animals is also applicable to wild animals, both those living in captivity as well as wild animals living in the wild but susceptible of being transported (e.g. for rehabilitation or reintroduction purposes). Article 3 (General Conditions) provides that 'no person shall transport animals or cause animals to be transported in a way likely to cause injury or undue suffering to them'. Chapter II, Article 1.3 provides that a notice shall be given explaining that the animals are wild, timid and dangerous and containing written instructions about feeding, watering and any special care required. Furthermore, Chapter III Article 1.1 mandates that wild animals shall become acclimatised to the mode of transport prior to the proposed journeys.

The Law on the Hunting Fund and Protection of Game (1996)⁷¹ established the National Hunting Council which is responsible for the authorisation of dog breeds being brought into Romania for hunting purposes, authorisation of firearms and creating regulations regarding the practice of hunting. The Law allows for the hunting of strictly protected species with permission from the central authority for forestry.

Under Romanian law 407/2016, hunting is permitted under licence during certain times of the year and only for a limited number of species.⁷² Applicants for licenses of Romanian citizenship are required to have passed a hunting examination. Hunters are permitted to use rifles. However, hunting with bows, greyhounds and similar species, and the use of toxic substances are prohibited.

In September 2019, the Romanian Senate voted to remove the quota on hunting brown bears in the country for a period of five years following an increase in human-bear conflict. This action would effectively allow an unlimited cull of brown bears. However, at the time of writing, the bill is yet to be voted on by the Romanian Chamber of Deputies.⁷³

Analysis

The Directives and Regulations applicable to wild animals at the EU level focus primarily on the conservation of wild species, rather than on protecting the welfare of individual animals. In particular, it would be beneficial for animal protection legislation to forbid the use of the cruellest forms of hunting (i.e. dog hunting, live baiting, poisoning, trapping, falconry, bow hunting).

⁶⁹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31997R0338&from=en>

⁷⁰ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32005R0001&from=en>

⁷¹ <https://www.informea.org/en/legislation/law-hunting-and-protection-game-no-103-1996>

⁷² http://datazone.birdlife.org/userfiles/file/hunting/HuntingRegulations_Romania.pdf

⁷³ <https://www.four-paws.org/our-stories/press-releases/romania-to-allow-unrestricted-killing-of-brown-bears>

It is positive that Council Directive (EC) 1/2005 is not limited to livestock, but also covers the transport of wild animals. However, the welfare provisions in this Directive are quite general. For instance, Chapter III, Article 1.1 does not specify how wild animals shall become 'acclimatised' to the mode of transport of the proposed journey.

It appears that the legislation on hunting does not pay attention to animal welfare. Notably, hunting using some of the cruellest methods, such as hunting with dogs, are not definitively prohibited. Furthermore, the recent decision by the Senate to allow for an unlimited cull of brown bears is worrying.

Enforcement mechanisms

Under the Law on the Hunting Fund and Protection of Game (1996), any activity that constitutes poaching is punishable by imprisonment of up to three years (or up to five years if committed at night or by multiple people) or with a fine of up to twenty-five million lei.

Key recommendations

- The Government of Romania is encouraged to ban any form of hunting that does not directly support subsistence i.e. for feeding oneself and one's family and not for commercial gain. Subsistence hunting operations must employ the least cruel methods of hunting and slaughter, and that all possible efforts should be made to reduce the time to death of animals killed in these hunts. At a minimum, the Government is strongly encouraged to forbid the use of the cruellest hunting methods.
- The Government of Romania is urged to repeal the Senate's decision to allow for the unlimited hunting of brown bears.

Goal 3: Establishment of supportive government bodies

9. The Government has assigned responsibility and accountability for improving animal protection at a high government level and has provided resources

Analysis of the legislation	
Ranking	E
Responsibility for animal welfare is assigned to the National Sanitary Veterinary and Food Safety Authority, which is part of the Ministry of Agriculture, Forests and Rural Development (Article 8(1), 8(2) Law 205/2014).	
Throughout Law 205/2004, tasks are allocated to this body, mainly including the provision of standards and settings by which the law is to be implemented. In addition, Article 26 establishes that	

the supervision and application of this Law falls to this body, along with the Ministry of Administration and Internal Affairs.

Analysis

The assignment of responsibility at ministerial level to produce measures to promote animal welfare is very important and shows a clear intention to introduce animal welfare into main policy discussions. In addition, the legislation gives responsibility for complementary activities to this same authority, with a special emphasis on animal health, which is a very important component of animal welfare and animal protection. Furthermore, the authority has powers to make secondary legislation, and the legislation has provided for supervision and enforcement to be undertaken, although a more straightforward procedure for implementation and more deterrent enforcement mechanisms would be of great benefit to the existing structure. However, on key animal protection issues such as stray dogs, it appears that the Government's activities to date have not been fully effective to make animal welfare a mainstream concern of society.

The Government appears to focus its efforts on issues relating to animal health. For example, the National Sanitary-Veterinary and Food Safety Authority reported in 2010 that 100% of cooperation activities with the European Union (missions, programmes and budget cooperation agreements) were exclusively dedicated to animal health.⁷⁴

Enforcement mechanisms

The legislation identifies responsible government bodies and gives powers of enforcement and powers to make secondary regulations. However, in most cases the legislation does not require those bodies to take any particular steps, thus making accountability for lack of action difficult.

Key recommendations

- **The Government of Romania is encouraged to create a multi-stakeholder committee in order to effectively engage all actors involved in maintaining animals' well-being to find solutions for welfare concerns. This committee would guide the country's policies and strategies on animal welfare, in line with international standards. This committee should include representatives of animal welfare organisations.**

Goal 4: Support for international animal welfare standards

10. The Government has incorporated the OIE's guiding principles for animal welfare and its animal welfare standards into policy and legislation

Analysis of the legislation

⁷⁴ http://old.ansvsa.ro/documente/admin/NSVFSA%20Report%202010_18667ro.pdf



Ranking	D
<p>The OIE Animal Welfare Standards focus on transport, slaughter, production systems (beef cattle, broiler chickens, dairy cattle, pigs), stray dog population control, the use of animals in research and education, and working equids.⁷⁵</p> <p>The existing legislation contains the basic mandates of the OIE's standards, including legislation and policy on farm animals, stray animal control and the use of animals in scientific research. However, there is no development of initiatives to cover other of the standards such as those in the Aquatic Animal Health Code, and the stray population issue remains problematic.</p> <p>Analysis</p> <p><i>The inclusion of some of the content of the OIE's animal welfare standards is positive; however, the penalties for contravention do not appear to be strong in many areas.</i></p> <p><i>The existing legislation incorporates many of the OIE's guiding principles and standards, although this is mostly through incorporation of European Union legislative requirements, although it appears that there may be low priority for improvement in areas not mandated by the European Union.</i></p>	
Enforcement mechanisms	
<p>There are enforcement mechanisms for those of the OIE's standards which have been incorporated into legislation.</p>	
Key recommendations	
<ul style="list-style-type: none"> • The Government of Romania is encouraged to implement legislation in line with the OIE standards, including enforcement mechanisms for all species to ensure a good level of animal welfare across the country. 	

11. The Government has pledged in principle support for the Universal Declaration on Animal Welfare (UDAW)

Analysis of the legislation
<p>In 2009 the 27 Agriculture Ministers of the European Council, including from Romania, unanimously approved a statement on the UDAW encouraging the European Commission to support and initiate further international initiatives to raise awareness and create a greater consensus on animal welfare, and inviting the Member States and the Commission to support the UDAW initiative.⁷⁶ Beyond this</p>

⁷⁵ <http://www.oie.int/infographic/StandardsAW/index.html>

⁷⁶ https://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/agricult/106877.pdf



European Union support the Government does not appear to have made any independent commitments with respect to the UDAW.

Note: The UDAW is a proposed formal international acknowledgement of a set of principles giving animal welfare due recognition among governments and the international community. An expression of support for the UDAW demonstrates a government's commitment to working with the international community to improve animal welfare.

Analysis

There are no developments directly related to the UDAW in the policy and legislation individually produced by the government. While UDAW can have a significant role in making the concept of animal welfare a mainstream concern of society, there was no evidence found that the European Union support for UDAW had a direct consequence on the country's discussions on animal welfare.

Enforcement mechanisms

There are no enforcement mechanisms relevant to this indicator.

Key recommendations

- **The Government of Romania is encouraged to pledge in principle support for the UDAW. Support for the UDAW will likely underpin further animal protection measures**

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