



Federal Republic of Germany

Animal Protection Index 2014 ranking: B

Animal Protection Index Indicators

Goal 1: Recognition of animal sentience and the importance of animal protection as a societal value

1. Animal sentience is formally recognised in legislation and/or policy

Ranking: A

Part 1: Verification
<p>There is legislation</p> <p>Article 1 of the German Animal Welfare Act sets the principles of the Act as the protection of the lives and well-being of animals, from the responsibility of humans for animals as fellow creatures, and states that no person may cause an animal pain, suffering or harm without good reason. Although animal sentience is not specifically referred to in the Act, various aspects of sentience are recognised: pain and suffering and species-appropriate behaviour. "Animal" is not defined in the Act but some individual provisions in the Act make reference to specific groups of animals such as vertebrates, warm-blooded animals, fish, cold-blooded animals, amphibians, reptiles, and cephalopods, thus suggesting that the more general description of animals being capable of experiencing pain and suffering and having species-specific behaviour apply at least to all of those groups.</p> <p>In 2002 the German Constitution was amended to include protection of animals as a state goal (Article 20a). Although not specifically stated in the constitution itself, the constitution was amended in this way to take account of the sentience of animals.¹</p> <p>At a European Union level, Article 13 of the Treaty on the Functioning of the European Union recognises animal sentience and requires that Member States pay regard to animals' welfare requirements in formulating and implementing European Union policies.</p>

¹ <http://dip21.bundestag.de/dip21/btd/14/083/1408360.pdf>

Part 2: Assessment
Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?
The Animal Welfare Act recognises animal welfare and the suffering of animals as an independent issue and addresses the topic in line with leading legislation worldwide, incorporating the requirements of European Union legislation. The Act includes provisions on protecting farm animals and animals involved in experimentation from suffering. These include general guidelines and codes of practice. The Act also sets out the relationships between government departmental stakeholders. As such, the concept of animal suffering and therefore sentience is introduced into wider governmental strategy in the country. The government is encouraged to include a formal recognition of animal sentience in legislation.
Are there economic and societal barriers to improving this aspect of animal welfare?
There are no significant barriers to improving animal welfare or incorporating a full recognition of animal sentience into legislation in Germany.
Are enforcement mechanisms in place in policy and legislation?
There are enforcement mechanisms, including fines and imprisonment, for the provisions of the Animal Welfare Act which arise out of the recognition of elements of animal sentience (such as the ability of animals to suffer) (Articles 17 and 18). There are also powers for confiscation and bans (Articles 19 and 20).

2. The government has pledged in principle support for the Universal Declaration on Animal Welfare

Ranking: D

Part 1: Verification
There is partial government support
In 2009 the 27 Agriculture Ministers of the European Council, including from Germany, 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. ² Beyond this European Union support the government does not appear to have made any independent commitments with respect to the UDAW. <u>Note:</u> The Universal Declaration on Animal Welfare is a proposed formal international acknowledgment 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.

² http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/agricult/106877.pdf

Part 2: Assessment
Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?
There are no developments directly related to the UDAW in the policy and legislation individually produced by the country. 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 the UDAW had a direct consequence on the country's discussions on animal welfare. However, legislation in Germany does acknowledge elements of animal sentience and the government has implemented legislation to protect most categories of animals addressed by the UDAW.
Are there economic and societal barriers to improving this aspect of animal welfare?
Given the current state of legislation and the support for the UDAW at European Union level, there are not considered to be any financial or other barriers to the government taking steps to promote its support in principle for the UDAW.
Are enforcement mechanisms in place in policy and legislation?
There are no enforcement mechanisms relevant to this indicator.

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

Ranking: A

Part 1: Verification
There is legislation
<p>Article 18(2) of the Animal Welfare Act creates an offence of wilfully or negligently inflicting substantial pain, suffering or injury to any animal without reasonable cause. Article 3 prohibits a specified list of conduct to animals, including overloading, training using significant pain, suffering or damage, abandonment, and force-feeding other than for health reasons.</p> <p>Article 2 creates a duty of care, requiring that anyone who looks after an animal must provide species-specific care and behaviour-appropriate accommodation and cannot restrict its movement so that avoidable pain, suffering or injury is caused.</p> <p>"Animal" is not defined in the Act but references in the Act to vertebrates, warm-blooded animals, fish, cold-blooded animals, amphibians, reptiles, and cephalopods suggest that the provisions of Articles 18(2), 3 and 2 encompass a wide-reaching use of the word.</p> <p>In relation only to vertebrates, Article 17 creates criminal offences of: cruelly inflicting substantial pain or suffering; or inflicting long-lasting or recurring severe pain or suffering. Article 18(1) creates an administrative offence of inflicting substantial pain, suffering or injury.</p>
Part 2: Assessment
Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?

The Animal Welfare Act recognises animal welfare and the suffering of animals as an independent issue and addresses the topic in line with leading legislation worldwide. The Act and related secondary legislation refer extensively to protection against pain, suffering or injury.
Are there economic and societal barriers to improving this aspect of animal welfare?
There are no significant barriers to improving animal welfare through the prevention of animal suffering in Germany.
Are enforcement mechanisms in place in policy and legislation?
Breach of the prohibition in Article 17 of the Animal Welfare Act (cruel or long-lasting infliction of pain or suffering on vertebrates) is a criminal offence punishable with a fine or up to three years imprisonment. Wilful or negligent breach of the other relevant provisions of the Act is an administrative offence punishable with fines of up to five thousand or twenty-five thousand Euros depending on the offence (Article 18).

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

Ranking: A

Part 1: Verification
There is legislation
The general duty of care and anti-cruelty provisions of Articles 2, 3, 17 and 18 of the Animal Welfare Act apply to this category of animals. Particularly relevant are the prohibitions on force-feeding (Article 3(9)), and on the use of devices, which significantly limit the species-specific behaviour of an animal, especially its movement, or force it to move, so as to cause not inconsiderable pain, suffering or injury (except where permitted by other legislation; Article 3(11)). In relation to slaughter, Article 4a requires pre-stunning of warm-blooded animals (with an exemption for religious slaughter). Articles 2a and 4b give powers to the Ministry of Food and Agriculture to make secondary regulations on various issues relating to farm animals, such as accommodation, training, transport and slaughter. Secondary regulations that have been made under the Act also incorporate the requirements of European Union legislation on farm animal welfare, for example, the Regulation on the Protection of Farm Animals (TierSchNutzV) and the Regulation on the Protection of Animals at Slaughter or Killing (TierSchIV). The European Union Regulation 1/2005 on transport has direct effect in the country.
Part 2: Assessment
Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?
The Animal Welfare Act recognises the welfare of animals used in farming as an individual issue, in line with leading legislation worldwide. Relevant governmental stakeholders are named in the Act

and held accountable for the improvement of farm animal welfare in Germany. The government has also recently introduced a system of monitoring the use of antibiotics in farm animals³ and supports the development of an animal-welfare labelling system for agricultural food products at both national and European Union level.⁴

The secondary legislation is detailed and implements European Union requirements (although it is noted that the European Commission issued a letter of formal notice to Germany in 2013 for failure to implement fully the European Union Directive on sow stalls (Directive 2008/120) within the required deadline).⁵

Are there economic and societal barriers to improving this aspect of animal welfare?

There is no evidence of significant barriers to improving the welfare of farm animals in Germany. The existing legislation is detailed and comprehensive in terms of implementation of European Union requirements.

Are enforcement mechanisms in place in policy and legislation?

Breach of the prohibition in Article 17 of the Animal Welfare Act (cruel or long-lasting infliction of pain or suffering) is a criminal offence punishable with a fine or up to three years imprisonment. Wilful or negligent breach of the other relevant provisions of the Act, and of the secondary regulations, is an administrative offence punishable with fines of up to five thousand or twenty-five thousand Euros depending on the offence (Article 18).

4. b. There are laws that apply to animals in captivity

Ranking: C

Part I: Verification

There is legislation with partial application

The general duty of care and anti-cruelty provisions of Articles 2, 3, 17 and 18 of the Animal Welfare Act apply to this category of animals. Particularly relevant are the prohibitions on the use of devices, which significantly limit the species-specific behaviour of an animal, especially its movement, or force it to move, so as to cause not inconsiderable pain, suffering or injury (except where permitted by other legislation; Article 3(11)), and on releasing into the wild an animal bred or reared in captivity and unprepared to feed itself in its new habitat in a species-adequate manner and not adapted to the climate there.

Separate legislation under Articles 42 and 43 of the Federal Nature Conservation Act provides more specific detail on the conditions which zoos must meet. Article 42(3) requires that zoos are constructed and operated in such a manner that animals are kept in accordance with their species-specific biological and conservation requirements, in particular in terms of enclosure design, and that the requirements of animal welfare and species protection are observed. However, there is no explanatory detail as to what the "requirements of animal welfare" are for these purposes.

³ <http://www.bmel.de/SharedDocs/Pressemitteilungen/EN/2014/160-SC-AMG.html>

⁴ http://www.bmel.de/EN/Animals/_Texte/Tierschutzlabel.html

⁵ http://europa.eu/rapid/press-release_IP-13-135_en.htm

More detailed guidance relating to some individual species or categories of animals has been produced by the government in the form of guidelines (for example, Guidelines on Good Animal Welfare for Wild Animals kept in Enclosures) and expert reports (for example, Report on the Minimum Requirements for Keeping Mammals, last updated in 2014). These provide a good level of detailed guidance relating to the needs of different species, but compliance is not mandatory. It appears that the government may not yet have fully transposed the requirements of the European Union Directive 1999/22 on the welfare of zoo animals at a federal level (required since 2005)⁶, although the European Commission reports some implementation at Bundesland level.⁷ The Directive contains more specific welfare requirements for zoo enclosure design and husbandry.

Part 2: Assessment

Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?

The Federal Nature Conservation Act recognises animal welfare as an independent issue of importance to animals kept in zoos in Germany. Much of the act is focussed on biodiversity conservation. Introducing animal welfare into this arena through the Act contributes towards the making welfare issues related to animals in captivity a mainstream concern of society. The Act, however, does not provide guidance on the 'requirements of animal welfare'. It is advised that the legislation is updated to provide guidance and standards on the welfare of captive animals or at minimum to refer to an expert body that can be consulted on such matters, supported by enforcement mechanisms to ensure that guidelines and codes of practice are adhered to. The 2011 EU Zoo Inquiry reported that, although standards were generally acceptable in zoos in Germany, some areas of concern were identified including entertainment shows and contact with members of the public, and increased enforcement activity was recommended.⁸

Are there economic and societal barriers to improving this aspect of animal welfare?

There are no significant barriers to improving the welfare of captive animals in Germany, although it is noted that the government does not appear to have fully implemented and enforced the requirements of the relevant European Union Directive 1999/22, which may suggest that this is not a priority for action.

Are enforcement mechanisms in place in policy and legislation?

Breach of the prohibition in Article 17 of the Animal Welfare Act (cruel or long-lasting infliction of pain or suffering on vertebrates) is a criminal offence punishable with a fine or up to three years imprisonment.

Wilful or negligent breach of the other relevant provisions of the Act is an administrative offence punishable with fines of up to five thousand or twenty-five thousand Euros depending on the offence (Article 18).

Although the Federal Nature Conservation Act does contain enforcement mechanisms for administrative offences, other than refusal of a licence there appears to be no enforcement mechanism for breach of the requirements of Article 42(3) of the Act.

⁶ <http://www.bornfree.org.uk/zooreports/Germany-En/>

⁷ http://eur-lex.europa.eu/search.html?type=advanced&qid=1406818446042&or0=DN%3D71999L0022*,DN-old%3D71999L0022*&AU_CODED=DEU&page=1

⁸ <http://www.bornfree.org.uk/zooreports/Germany-En/>

4. c. There are laws that apply to companion animals

Ranking: A

Part 1: Verification
<p>There is legislation</p> <p>The general duty of care and anti-cruelty provisions of Articles 2, 3, 17 and 18 of the Animal Welfare Act apply to this category of animals. Particularly relevant are the prohibitions on abandonment (Article 3(3)), training for aggression (Article 3(8a)) and giving animals as prizes (Article 3(12)), together with the duty of care under Article 2.</p> <p>Article 6 prohibits full or partial amputation or destruction of body parts or tissues of vertebrates, except for sterilisation, where required by veterinary indications, or essential for hunting dogs' intended use and there are no veterinary concerns. Article 11 requires licensing of shelters, training dogs for third parties, and commercial breeders. Article 11c prohibits the sale of vertebrates to those aged under 16.</p> <p>The government has also produced secondary legislation addressing welfare issues associated with companion animals. For example, the Animal Protection (Dogs) Regulation (TierSchHuV) requires that where more than one dog is kept at the same property they must be kept together as a group, unless this is not possible for reasons of behaviour or physical condition.</p> <p>It is reported that stray dogs are not permitted to be killed in Germany if they are healthy,⁹ which appears to result from the prohibition under Article 1 against killing an animal without reasonable cause.</p>
Part 2: Assessment
<p>Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?</p> <p>The legislation contains some broad principles that are applicable to this category of animals and further guidance is also provided on the website of the Ministry for Food and Agriculture, for example, about ending the illegal trade in puppies and on travelling with pets.¹⁰</p>
<p>Are there economic and societal barriers to improving this aspect of animal welfare?</p> <p>There are no significant barriers to improving the welfare of companion animals in Germany and the scope of existing provisions demonstrates that this is an area of concern and activity for the government.</p>
<p>Are enforcement mechanisms in place in policy and legislation?</p> <p>Breach of the prohibition in Article 17 of the Animal Welfare Act (cruel or long-lasting infliction of pain or suffering on vertebrates) is a criminal offence punishable with a fine or up to three years</p>

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<http://www.rspca.org.uk/servlet/Satellite?blobcol=urlblob&blobheader=application%2Fpdf&blobkey=id&blobtable=RSPCABlob&blobwhere=1212581014356&ssbinary=true&ContentType=application/pdf>

¹⁰ http://www.bmel.de/DE/Tier/6_HausUndZootiere/hausUndZootiere_node.html

imprisonment.

Wilful or negligent breach of the other relevant provisions of the Act is an administrative offence punishable with fines of up to five thousand or twenty-five thousand Euros depending on the offence (Article 18).

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

Ranking: B

Part 1: Verification

There is legislation

The general duty of care and anti-cruelty provisions of Articles 2, 3, 17 and 18 of the Animal Welfare Act apply to this category of animals. There are a number of particularly relevant prohibited conducts in Article 3: overloading (Article 3(1)); using an animal in training, sporting competitions or similar events that involve significant pain, suffering or injury and can affect the animal's ability to work (Article 3(1b)); using devices which significantly limit the species-specific behaviour of an animal, especially its movement, or force it to move, so as to cause not inconsiderable pain, suffering or injury (except where permitted by other legislation) Article 3(11)); training an animal in a way that involves significant pain, suffering or injury (Article 3(5)); using in movies or entertainment in a way that involves suffering, pain or injury (Article 3(6)); training or testing an animal's strength on another living animal (Article 3(7)); setting an animal upon another except in hunting (Article 3(8)); and training for aggression (Article 3(8a)).

Moreover, there are governmental guidelines for keeping, training and use of animals in circuses that develop Article 2 of the law.¹¹ With regard to animals in circuses, the Report on the Minimum Requirements for Keeping of Mammals is also relevant, as reported by the government during consultation.

Part 2: Assessment

Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?

The Animal Welfare Act gives protection to the welfare of animals used for recreation and draught purposes through prohibiting a number of treatments causing suffering or uses that are inherently cruel. The actions and uses prohibited are in line with European Union law and international legislation in general.

At present the use of wild animals in circuses remains legal in Germany and wild animals continue to be used in static and travelling shows.¹² Many countries worldwide have introduced bans due to the

¹¹http://www.bmel.de/SharedDocs/Downloads/Landwirtschaft/Tier/Tierschutz/GutachtenLeitlinien/HaltungZirkustiere.pdf?__blob=publicationFile

¹² <http://www.circuskrone.com/de/sommercircus/tour2014.html>

significant welfare issues associated with keeping wild animals in mobile captivity and forcing them to perform. The government has reported that this issue is being considered.¹³ It is strongly recommended that a ban is passed in Germany, in line with other animal welfare legislation in the country.

Are there economic and societal barriers to improving this aspect of animal welfare?

There is no evidence that human or financial resources represent a barrier to improving the welfare of animals used in draught or recreation in Germany. Additionally there are no social or cultural traditions in Germany that suggest barriers to furthering the levels of protection to animals used in draught or recreation in the country's legislation.

Are enforcement mechanisms in place in policy and legislation?

Breach of the prohibition in Article 17 of the Animal Welfare Act (cruel or long-lasting infliction of pain or suffering on vertebrates) is a criminal offence punishable with a fine or up to three years imprisonment.

Wilful or negligent breach of the other relevant provisions of the Act is an administrative offence punishable with fines of up to five thousand or twenty-five thousand Euros depending on the offence (Article 18).

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

Ranking: A

Part 1: Verification

There is legislation

The general duty of care and anti-cruelty provisions of Articles 2, 3, 17 and 18 of the Animal Welfare Act apply to this category of animals.

Articles 7 to 10 of the Act are dedicated to animals used for scientific research and encompass elements of the Three Rs principles. Article 7 provides that pain, suffering and injury, number of animals, and use in an experiment of species which have greater capacity to suffer, must be limited to an absolute minimum. Article 7a limits experiments to that which is indispensable to stated purposes including the health of humans, the welfare of animals, and education. Whether or not an experiment is indispensable is determined based on scientific knowledge and whether the objective can be achieved by other methods. It is prohibited to use animals in a variety of experiment types, including weapons, tobacco and cosmetic testing (Article 7).

Tests on vertebrates and cephalopods must be authorised under Article 8 and tests on decapods must be notified under Article 8a.

Article 10 requires facilities testing on vertebrates and cephalopods to have an Animal Welfare Officer, whose tasks are to be set out in secondary legislation.

The Animal Welfare: Laboratory Animal Regulation (TierSchVersV) provides greater detail and incorporates the requirements of European Union legislation in this area. The Regulation sets out the duties of the Animal Welfare Officer, establishes an Animal Welfare Committee in certain facilities

¹³ http://www.bmel.de/DE/Tier/1_Tierschutz/_texte/Versuchtierrichtline_Tierschutzgesetz.html

and makes provisions for record-keeping, accommodation and care of different categories of animals. Wild animals and stray or feral animals may generally not be used (Articles 20 and 21).

Part 2: Assessment

Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?

The German Animal Welfare Act falls in line with international legislative approaches concerning animals used in scientific research and recognises animal welfare as a key individual issue to the industry. The Ministry of Health is named as a relevant stakeholder, introducing the concept of animal welfare into the wider agenda of governmental strategy. Powers to make further guidance and codes of practice are given in the Act thus creating a clear process for institutions to incorporate animal welfare policies into practice.

The Ministry of Food and Agriculture also follows policies to make the concept of animal welfare in the research industry a mainstream concern of society in Germany. The Ministry sponsors an annual prize to a research institution that promotes work aimed at reducing and replacing animal experimentation.¹⁴ Funding and prizes such as these draw attention to the welfare of animals used research and widen the appreciation of the Three Rs, a concept which is central to improving the welfare of animals used in research.

Are there economic and societal barriers to improving this aspect of animal welfare?

There is no evidence that human or financial resources represent a barrier to improving the welfare of animals used in scientific research in Germany. The Ministry of Food and Agriculture is given responsibility for the implementation of the Animal Welfare Act and the Animal Welfare: Laboratory Animal Regulation and has ample resources in the global context.

Are enforcement mechanisms in place in policy and legislation?

Breach of the prohibition in Article 17 of the Animal Welfare Act (cruel or long-lasting infliction of pain or suffering on vertebrates) is a criminal offence punishable with a fine or up to three years imprisonment.

Wilful or negligent breach of the other relevant provisions of the Act, and of the Animal Welfare: Laboratory Animal Regulation, is an administrative offence punishable with fines of up to five thousand or twenty-five thousand Euros depending on the offence (Article 18 Animal Welfare Act, Article 44 Animal Welfare: Laboratory Animal Regulation).

The provisions of the Act grant competent authorities the authority to oversee the welfare of animals used in experimentation, to ensure that the criteria of the Act are fulfilled by institutions in the country.

4. f. There are laws that apply to wild animals

Ranking: B

Part 1: Verification

¹⁴ <http://www.basf.com/group/pressrelease/P-13-540>

There is legislation

The basic anti-cruelty provisions of Article 17 of the Animal Welfare Act apply to vertebrates in this category of animals, prohibiting killing vertebrates without reasonable grounds (17(1)) and prohibiting cruelly inflicting substantial pain or suffering or inflicting long-lasting or recurring severe pain or suffering to vertebrates. Article 18(2) prohibits wilfully or negligently inflicting significant pain, suffering or injury to any animals without reasonable grounds. Where other animals are able to be used, wild animals are protected from use in experimentation in Article 20 of the Animal Welfare: Laboratory Animal Regulation. Article 13 of the Act empowers the Ministry of Food and Agriculture to prohibit, restrict or authorise the import and export of wild animal species on the grounds of animal welfare.

Article 44 of the Federal Nature Conservation Act provides protection for endangered species and prohibits pursuing, capturing, injuring or killing wild animals of specially protected species.

Hunting is permitted in the country under licence, and the Federal Hunting Act also contains some provisions relevant to the welfare of the animals listed as game species in Article 2. Article 19a allows for refuge for game animals in prohibiting the disturbance of wild game species "in its places of refuge, nesting places, breeding places or lying-places". Article 22a of the Act requires that to spare stricken game avoidable pain or suffering they must be killed immediately. Article 44a states that legal provisions on animal welfare are not affected by the Hunting Act.

Part 2: Assessment

Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?

There is some recognition of the welfare of wild animals in the Animal Welfare Act, the Nature Conservation Act and the Hunting Act. This is in line with international legislative approaches. Elements of these Acts help to introduce the importance of the welfare of wild animals into wider governmental strategies. In particular, the Animal Welfare Act empowers the Ministry of Food and Agriculture to prohibit, restrict or authorise the import and export of wild animal species on the grounds of animal welfare in agreement with other relevant ministries.

Although the Hunting Act contains some provisions associated with welfare, this is not detailed. In order to be fully effective in making the issue a mainstream concern of society it is suggested that the Act could benefit from updating to include references to animal welfare in line with modern research. Trapping of animals such as raccoons and muskrats takes place in the country and may involve poor animal welfare.^{15 16}

Are there economic and societal barriers to improving this aspect of animal welfare?

Hunting is popular in Germany and hunting federations of the Länder are recognised within the Nature Conservation Act. The hunting federations undertake conservation work in support of habitats and protected species, which is very encouraging. There may not be significant barriers to further progress from a resource point of view, but hunting and trapping of animals can pose significant animal welfare challenges.

Are enforcement mechanisms in place in policy and legislation?

Breach of the relevant provisions of the Animal Welfare Act is punishable with fines and

¹⁵ <http://www.spiegel.de/international/germany/germany-overrun-by-raccoon-invasion-a-847847.html>

¹⁶ http://ec.europa.eu/environment/biodiversity/animal_welfare/hts/pdf/final_report.pdf

imprisonment (Articles 17 and 18).
 Breach of the Nature Conservation Act is also punishable with fines and imprisonment (Article 71).
 The Hunting Act empowers those with the right to hunt (holding a license), landowners and in particular gamekeepers with enforcement mechanisms. Section 25 states that “gamekeepers shall have the powers and duties of police officers and shall act as investigators of the Public Prosecutor's Office, provided that they are professional huntsmen or have a professional training in forestry”.
 There are provisions in the Act for fines, imprisonment, withdrawal of licences, and hunting bans (Articles 38 to 41a).

Goal 2: Presence of effective governance structures and systems

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

Ranking: B

Part 1: Verification
<p style="color: #e67e22;">There is legislation</p> <p>Responsibilities are allocated primarily under Article 15 of the Animal Welfare Act, which provides that the competent authorities under Bundesland law are responsible for the implementation of the Act and its secondary regulations.</p> <p>The Ministry of Food and Agriculture is given powers under the Act to make secondary regulations on a wide variety of issues affecting animal welfare (for example, under Article 4b in relation to slaughter, under Article 7 in relation to experiments using animals, under Article 16d on administrative issues, and under Article 21a on implementation of European Union requirements). Additionally, a variety of governmental departments are involved through the Act via secondary legislation produced by the Ministry of Food and Agriculture.</p> <p>Article 16b provides that the Ministry shall appoint an Animal Welfare Commission to assist it in animal welfare issues, and must consult this Commission when making new regulations under the Act. The involvement of this Commission can provide further depth to the accountability within German government concerning animal protection; however it is noted that the Ministry has discretion over the composition and management of the Committee (Article 16b(2)).</p> <p>The Nature Conservation Act allocates responsibility to the Federal Agency for Nature Conservation and to Bundesland competent authorities, depending on the issue in question (Articles 3 and 70). Under the Hunting Act, the Ministry of Food and Agriculture and the relevant Bundesland authorities have power to make secondary regulations (Article 36). Hunting licences and permits are regulated at Bundesland level (Articles 11 and 15).</p>

Part 2: Assessment

Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?

The Animal Welfare Act is specifically dedicated to animal protection and identifies relevant government departments in this matter. The government has recognised animal welfare and its departmental responsibility as an individual issue. The Act potentially has far-reaching impact on wider governmental strategy due to the variety of named departments involved in the Act. Policy and legislation is kept up to date with European Union requirements and the government has a detailed strategy in reference to improving animal welfare in Germany and through the European Union.¹⁷

While responsibility for implementation and enforcement is at Bundesland level rather than at federal level, the government has confirmed in consultation that there are several mechanisms and instruments to ensure uniform application of the Animal Welfare Act and further regulations by the Länder competent authorities, such as meetings between all Länder and Federal government or the development of documents on common understanding of regulatory provisions that are agreed by all Länder. The Handbook on Transport is a recent example of such documents.

Are there economic and societal barriers to improving this aspect of animal welfare?

There is no evidence of barriers to improving animal welfare through the involvement of relevant government bodies in Germany. The Ministry of Food and Agriculture has been given responsibility for the implementation of the Animal Welfare Act and is provided with ample resources in the global context. Additionally there are no social or cultural traditions in Germany that suggest barriers to furthering the improvement of animal protection administration.

Are enforcement mechanisms in place in policy and legislation?

The responsibilities of relevant government departments are set out in primary legislation.

Goal 3: Implementation of animal protection standards

6. The government is actively engaged with the OIE to improve animal welfare internationally, regionally and nationally

Ranking: C

Part 1: Verification

There is policy

The German government does engage with the OIE to improve animal welfare at all levels. The 25th Conference of the OIE Regional Commission for Europe in 2012 was hosted in Germany and

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http://www.bmel.de/DE/Tier/1_Tierschutz/tierschutz_node.html;jsessionid=D1B23CF0990235C84CE0BE2E0A98C083.2_cid358

the collaborating centre for Zoonoses in Europe is also based in Germany. There are regular disease simulation exercises conducted in the country and reported through the OIE. Additionally there is evidence of Germany engaging with the OIE on exceptional circumstances of national, regional and international importance such as the recent discovery of the H5N1 virus in a cat in the country. There is however, no reference in German legislation to engagement with the OIE on the improvement of animal welfare.

Part 2: Assessment

Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?

The relationship between the German government and the OIE centres predominantly around control of zoonoses. There are important animal health and welfare implications associated with this and the collaboration between the German government and the OIE on such issues should help to bring attention to the surrounding issues in the country.

Hosting the European regional OIE conference in 2012 will have given the opportunity to gain media coverage surrounding the relationship between animal welfare and health. Collaborative events like this can help to draw attention to animal welfare issues related to OIE co-operation in the country.

Although there is no legislative mandate to do so, there is evidence of regular engagement with the OIE presented by the government on aspects in relation to animal welfare, particularly by participating in regional and international meetings to discuss the subject matter.

Are there economic and societal barriers to improving this aspect of animal welfare?

There is no evidence of barriers to improving the welfare of animals in Germany through increased engagement with the OIE.

Are enforcement mechanisms in place in policy and legislation?

There are no enforcements mechanisms relevant to this indicator.

7. The government has incorporated the OIE’s guiding principles for animal welfare and its animal welfare standards into policy and legislation

Ranking: A

Part 1: Verification

There is legislation

European Union legislation incorporates many of the OIE’s guiding principles and standards on animal welfare and further builds on them in many areas, and those legislative requirements are incorporated into German law. In Germany, those relating to livestock, including their rearing, transport and slaughter; those relating to the use of animals in research and education and those relating to the killing of animals generally are integrated into the Animal Welfare Act, which also provides the necessary detail to expand the legislation into practice. As the Animal Welfare Act specifies all vertebrates as covered by most parts of the legislation, this includes fish and integrates

the guiding principles and standards produced by the OIE concerning fish.

Part 2: Assessment

Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?

By incorporating the OIE's guiding principles and standards into legislation, the German government has promoted animal welfare in the country. The Ministry of Food and Agriculture has developed codes of practice and guidelines on many of the areas and continues to report on progress, to maintain the push towards making animal welfare issues a mainstream concern of society.

Are there economic and societal barriers to improving this aspect of animal welfare?

There is no evidence that human or financial resources represent a barrier to improving the welfare of animals in Germany through incorporating the OIE's guiding principles and standards on animal welfare into national legislation.

Are enforcement mechanisms in place in policy and legislation?

There are enforcement mechanisms, consisting of fines and imprisonment, for all aspects of the OIE's guiding principles and standards on animal welfare that are included in the legislation.

8. The government publishes reports on progress towards goals set to monitor and improve standards of animal welfare

Ranking: B

Part 1: Verification

There is legislation

Article 16e of the Animal Welfare Act requires that every four years the Federal Government reports to the German Bundestag on the progress made in the field of animal welfare. The reports are publicly available on the Bundestag website and the Ministry's website.¹⁸

The Ministry of Food and Agriculture produces the Journal on Agriculture and Farming three times a year, which includes reports on animal welfare in the farming industry. All volumes are available for public download on the Ministry's website.

Recent progress, goals and achievements on wider areas of animal welfare are also reported publicly through the Ministry website.¹⁹

Part 2: Assessment

Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?

¹⁸ http://www.bmel.de/DE/Tier/Tierschutz/_texte/Tierschutzbericht.html

¹⁹

http://www.bmel.de/DE/Tier/1_Tierschutz/tierschutz_node.html;jsessionid=D1B23CF0990235C84CE0BE2E0A98C083.2_cid358

<p>The Ministry of Food and Agriculture recognises animal welfare as an individual issue and reports on it as such. Within the Journal on Agriculture and Farming, animal welfare is reported on alongside other farming issues including climate change, economic growth and food security. This significantly contributes towards making farm animal welfare issues of mainstream concern to society. The responsibility of the Ministry to report to the Bundestag every two years should also help to ensure that animal welfare is considered at the highest level of government in Germany. However, although the Ministry does publish brief updates on other areas (other than farming) related to animal welfare, this content is more limited and does not link with wider government strategies significantly. It is recommended that reports, such as those produced for animals in farming, are produced for other priority areas for animal welfare in Germany.</p>
<p>Are there economic and societal barriers to improving this aspect of animal welfare?</p>
<p>There is no evidence of barriers to improving animal welfare in Germany through the publication of detailed and goal orientated reports on animal welfare for all categories of animals.</p>
<p>Are enforcement mechanisms in place in policy and legislation?</p>
<p>The requirement for the government to report to the Bundestag every two years on progress made in animal welfare is set in primary legislation (Article 16e Animal Welfare Act).</p>

Goal 4: Provision of humane education

9. Animal care and protection are included in the national education system

Ranking: C

<p>Part 1: Verification</p>
<p>There is legislation with partial application</p>
<p>Education in Germany is governed at Bundesland level.²⁰ The Bundesland education authorities collaborate to ensure uniformity of education provision across the country. It is understood that, at Bundesland level, the education laws in some Länder include a goal of education concerning responsibility towards animals. For example, Article 2 of the Schools Act of 15 February 2005 for North Rhine-Westphalia (NRW-SchulG) states that young people should be educated in the spirit of humanity, democracy and freedom, for tolerance and for respect for the opinions of others, for responsibility for animals and for the preservation of the natural foundations of life, in love for their people and homeland, for the international community and for peace.</p>
<p>Part 2: Assessment</p>
<p>Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?</p>

²⁰ <http://www.bmbf.de/en/1263.php>

There is some activity from NGOs in the country with respect to the production of materials for use in schools. ^{21 22} However, there is some criticism of the lack of animal welfare issues in school curricula. ²³
Are there economic and societal barriers to improving this aspect of animal welfare?
There is no evidence that human or financial resources represent a barrier to improving the welfare of animals in Germany through incorporating animal care and protection into the national education system. The existing components of education programmes as agreed between the Bundesland governments have some scope for the introduction of humane education, for example within the environmental education component of early childhood education (3.2.6) ²⁴ and primary education (1.2) ²⁵ and in the science component of the study area Global Development (4.2). ²⁶
Are enforcement mechanisms in place in policy and legislation?
Some Länder have mandates in legislation for humane education.

Goal 5: Communication and awareness

10. The government works with others to improve animal protection by consulting and engaging relevant stakeholders, including NGOs

Ranking: B

Part 1: Verification
There is legislation
The German government and in particular the Ministry of Food and Agriculture take leading stances on animal welfare at a regional and international level. This is done in conjunction with stakeholder engagement in a variety of sectors. Article 16b of the Animal Welfare Act provides that the Ministry shall appoint an Animal Welfare Commission to assist it in animal welfare issues, and must consult this Commission when making new regulations under the Act, and the Ministry has discretion over the composition and management of the Committee. This has been fixed by the Ministry by secondary legislation, under the Regulation on

²¹ www.schule-und-tierschutz.de/index.php

²² <http://tierschutzlehrerinnen.de/index.php?page=923>

²³ <http://www.carodog.eu/?p=3&s=5&item=6&title=Germany>

²⁴ http://www.kmk.org/fileadmin/veroeffentlichungen_beschluesse/2004/2004_06_04-Fruehe-Bildung-Kitas.pdf

²⁵

http://www.kmk.org/fileadmin/veroeffentlichungen_beschluesse/1970/1970_07_02_Empfehlungen_Grundschole.pdf

²⁶

http://www.kmk.org/fileadmin/veroeffentlichungen_beschluesse/2007/2007_06_00_Orientierungsrahmen_Globale_Entwicklung.pdf

the Animal Welfare Commission (TierSchKomV): membership of the Committee must consist of twelve members from specified fields of expertise, including representatives from farming, research, veterinary medicine, and four from regional animal protection associations.

According to Article 15 of the Animal Welfare Act competent authorities have to appoint commissions that support the authority in its decision about experimental tests on vertebrates and cephalopods. Article 42 of the Animal Welfare: Laboratory Animal Regulation states that at least one third of the members of the commission have to be appointed based on the proposals of animal welfare organisations.

Articles 16f to 16j of the Act make provisions for cooperation with relevant government authorities of other countries within the European Union and the European Economic Area, in particular from the point of view of monitoring compliance with animal protection legislation.

Article 37 of the Hunting Act provides for the establishment in each Bundesland of a Hunting Advisory Council to include representatives of agriculture, forestry, hunting syndicates, huntsmen and nature preservation. However these Councils appear to be involved in issues not directly related to animal welfare, such as the calculation of hunting quotas.

The Ministry of Food and Agriculture is engaged in a variety of policies relating to relevant stakeholders and the potential for improvement of animal protection. Of particular note are support for the introduction of an animal welfare label for food,²⁷ at both national and European Union level, and research into alternatives to animal testing.²⁸

Part 2: Assessment

Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?

The government's engagement with some key stakeholders through policy and legislation makes progress in relation to animal welfare in the country, region and in a global context when considering farm animals in particular. The engagement of political stakeholders on a regional animal welfare labelling scheme for consumers is a significant step made towards progressing farm animal welfare in mainstream society.

The Animal Welfare Act and subsidiary legislation make considerable progress towards ensuring that a wide variety of governmental stakeholders are engaged with and will be effective to consider animal protection issues at various levels of government.

Involvement of representatives of animal protection organisations within the advisory Animal Welfare Commission, as mandated by secondary legislation, should also assist in this process.

Are there economic and societal barriers to improving this aspect of animal welfare?

There is no evidence of resource barriers to improving the welfare of animals in Germany through working with others to improve animal protection by consulting and engaging relevant stakeholders.

Are enforcement mechanisms in place in policy and legislation?

The involvement of stakeholders in the Animal Welfare Commission is set by legislation (the Regulation on the Animal Welfare Commission). In addition the involvement of animal welfare organisations in commissions that support the competent authorities is regulated in Article 15 of the Animal Welfare Act and Article 42 of The Animal Welfare: Laboratory Animal Regulation.

²⁷ http://www.bmel.de/DE/Tier/1_Tierschutz/_texte/Tierschutzlabel.html

²⁸ http://www.bmel.de/DE/Tier/1_Tierschutz/_texte/TierschutzTierforschung.html

Most of the existing engagement with relevant stakeholders arises out of policy action taken by the government, in particular the Ministry of Food and Agriculture, rather than out of legal mandates.

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Federal Republic of Germany: Socioeconomic information

Politics

Where not otherwise noted, information for this section has been sourced from the Economist Intelligence Unit's (EIU) country profiles.

Government type

Federal republic

Capital

Berlin

International law organisation^{29 30}

Accepts ICJ and ICC jurisdiction

Suffrage³¹

18

Legal system

Grundgesetz (Basic Law)

Executive branch

Head of State: Joachim Gauck (ceremonial)

Chancellor: Angela Merkel

Vice-chancellor & economics & technology:

Philipp Rösler

Judicial branch

The Federal Court of Justice is the highest court of general jurisdiction in the country. It

consists of a president and currently contains 127 judges³². The Federal Constitutional Court or Bundesverfassungsgericht ensures "that all institutions of the state obey the constitution of the Federal Republic of Germany (Basic Law)³³". It consists of two senates with eight judges in each³⁴.

Legislative branch

Germany has a bicameral system, with the Bundestag, the lower house consisting of 631 members³⁵. The Bundesrat, the upper house, has "members nominated by 16 state governments"³⁶. Elections for the Bundestag take place every four years³⁷.

Political parties

Christian Democratic Union (CDU)/Christian Social Union (CSU), Social Democratic Party (SPD), Free Democratic Party (FDP)

32

http://www.bundesgerichtshof.de/SharedDocs/Downloads/EN/BGH/brochure.pdf?__blob=publicationFile

33

<http://www.bundesverfassungsgericht.de/en/organization/task.html>

34

<http://www.bundesverfassungsgericht.de/en/organization/organization.html>

35

http://bundestag.de/htdocs_e/bundestag/members18/index.html

³⁶<http://country.eiu.com/article.aspx?articleid=1571390541&Country=Germany&topic=Summary&subtopic=Political+structure>

37

http://bundestag.de/htdocs_e/bundestag/elections/electionresults/election_mp.html

29

http://treaties.un.org/Pages/ViewDetails.aspx?src=TR&EATY&mtdsg_no=XVIII-10&chapter=18&lang=en#11

30 <http://www.icj>

[org/jurisdiction/index.php?p1=5&p2=1&p3=3](http://www.icj.org/jurisdiction/index.php?p1=5&p2=1&p3=3)

31 [http://aceproject.org/epic-](http://aceproject.org/epic-en/CDTable?question=VR001#g)

[en/CDTable?question=VR001#g](http://aceproject.org/epic-en/CDTable?question=VR001#g)

Economics

Where not otherwise noted, information for this section has been sourced from the World Bank.

The EIU predicts that real GDP growth will average out at 1.4% for the period 2014-2018³⁸. An improvement in household consumption and increased business investment has led to an economic recovery in 2013, continuing in 2014³⁹. Domestically, wages have increased and the government has "raised the threshold for income tax liability and of allowances for dependent children"⁴⁰. The housing market remains buoyant and "construction of commercial and public building is expected to pick up"⁴¹. Exports are also expected to improve as trading partners like America, continue their economic recovery. However, BMI identifies key risks to Germany's export and growth outlook as being "a moderation in demand from China and a slight unwinding of euro strength"⁴² over 2014, which could lead to dampened export growth. In the long term, the EIU predicts real GDP growth will be 2.1% for the period 2021-30⁴³.

Main trading partners (2012)⁴⁴

³⁸ <http://country.eiu.com/germany>

³⁹ <http://coface.com/Economic-Studies-and-Country-Risks/Germany>

⁴⁰ <http://coface.com/Economic-Studies-and-Country-Risks/Germany>

⁴¹ <http://coface.com/Economic-Studies-and-Country-Risks/Germany>

⁴² <http://www.businessmonitor.com/germany##>

⁴³ <http://country.eiu.com/article.aspx?articleid=800739464&Country=Germany&topic=Economy&subtopic=Long-term+outlook&subsubtopic=Summary>

⁴⁴ <http://country.eiu.com/article.aspx?articleid=411390425&Country=Germany&topic=Summary&subtopic=Fact+sheet>

Import

Netherlands - 13.9%

France - 7.4%

China - 6.6%

Export

France - 9.5%

UK - 6.6%

Netherlands - 6.5%

Commodities (2012)⁴⁵

Imports

Machinery & transport equipment - 33.0%

Mineral fuels, lubricants & related materials - 14.9%

Chemicals & related products - 12.9%

Exports

Machinery & transport equipment - 47.7%

Chemicals & related products - 15.3%

Food, drinks & tobacco - 5.2%

GDP (current USD, 2012)

\$3,399,588,583,183

GDP per capita, PPP (2012)

\$40,901

Labour force, total (2012)

42,277,708.00

Currency

Euro

Equivalence to 1 USD

0.7476

Central government debt, total, (% of GDP, 2011)

55.6

⁴⁵ <http://country.eiu.com/article.aspx?articleid=411390425&Country=Germany&topic=Summary&subtopic=Fact+sheet>

Manufacturing, value added (% of GDP, 2012)
21 (2010)

Agriculture, value added (% of GDP, 2012)
1 (2010)

Industry, value added (% of GDP, 2012)
28 (2010)

Exports (% of GDP) (2012)
52

Imports (% of GDP) (2012)
46

Services, etc., value added (% of GDP) (2012)
71 (2010)

Unemployment rate, (% , 2011)
5.9

Education expenditure (% of GDP, 2012)
5.1 (2009)

Adjusted savings: Education expenditure USD (2011)
161,172,903,330

Society

Where not otherwise noted, information for this section has been sourced from the World Bank.

Total population (2012)
81,889,839

Religion⁴⁶

Christian (68.7%), Unaffiliated (24.7%), Muslim (5.8%), Jewish (0.3%), Buddhist (0.3%), Other religions (0.1%)

Languages

German⁴⁷

Population growth, annual % (2012)
0.1

Population: ages 0-14 (% of total) (2012)
13

Population: ages 15-64 (% of total) (2012)
66

Population: ages 65 and over (% of total) (2012)
21

Population living in rural areas (% of total) (2012)
26

Population living in urban areas (% of total) (2012)
74

⁴⁶ <http://features.pewforum.org/grl/population-percentage.php>

⁴⁷ <http://country.eiu.com/article.aspx?articleid=601025844&Country=Germany&topic=Summary&subtopic=Basic+data>

