**Ética Animal**

*New rules to ensure the protection of animals in Spain*


*7th November (BOE. 268, 8th November 2007. Number 19321)*

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**Abstract**

Law 32/2007, on 7th November for the care of animals in their exploitation, transport, experimentation and sacrifice. The law is composed of an preamble and structured in three titles, completed by an additional provision and six final provisions. This Act provides, in compliance with the Community mandate, a set of principles on the Animal care and schedule off offenses and penalties that gives legal effect to the obligations under current regulations. The Act also provides the foundation for the system of penalties. This is accomplished by establishing a common denominator policy in which the autonomous communities exercise their powers. That common denominator guarantees the consistency necessary for the operation of the applicable rules and ensures a minimum proportionality in the sanctions.

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**Text Summary**

The PRELIMINARY TITLE (Articles 1-3) refers to the object of the law, which is to lay the groundwork for a system of animal welfare and the offenses and penalties to ensure compliance the rules on the protection of animals on the farm, transportation, testing and sacrifice. It regulates also the power to impose penalties the General Administration of the State in which concerning the protection of animals exported or imported even from non-members of the European Union and procedures with animals laboratory within its remit. In the same title defines those terms, mention in the articles, which require a determination and realizing their characters and scope, excluding hunting and fishing, wildlife, bullfighting shows, competition sports regulated and pets, except as provided in the first additional provision, because they have their own regulations.

**TITLE I.** (General Provisions; Articles: 4-9) cover key aspects on the exploitation, transportation of animals, slaughter or his killing. It identifies also activities subject to official authorization or notice the competent Authority. The forecast contained in the previous titles would be ineffective without the existence of a regime of inspections and checks, as well as offenses and penalties recent issues addressed by the title II.

**TITLE II.** (Inspections and Sanctions) is divided into two chapters. Chapter I (Inspections; Articles: 10-12) provides general rules on the plans and inspection program and control regime staff inspector and the obligations of the inspection. Chapter II (Infringements; Articles: 13-22) is intended to violations and sanctions. With core are configured infringements very serious, serious and minor infringements of the rules on the matter. Regarding sanctions, depending of its basic nature provides its contents penalty minimum and maximum.

**TITLE III.** The Act finally contents two additional provisions and six final dispositions. The first additional provision concerns the norms to apply also to domestic and company animals. The second additional provision establish the fees for

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1. Act 32/2007 on November 7, Art. 3. A) Animal production; B) Animals used for experimental and other scientific purposes; C) Procedure; D) Experimentation and other scientific purposes; E) Competent authority; F) Exploitation.
3. Fisheries Act maritima state 3/2001 on March 26; Law 7/1995 of 21 April, the wildlife, hunting and fishing river.
4. Including those in Zoos that are regulated by Law 31/2003, on October 27, conservation of wildlife in Zoos, except as provided in article 14,1,f) of this Act. Also Royal Decree 1333/2006 on November 21 about wildlife and confiscates species protected in their commerce.
5. The bullfighting spectacles under Articles 2 and 10 of Law 10/1991 on April 4, on powers Administrative regarding bullfighting spectacles, and regulated sports competitions including the proceedings precise for the doping control of animals.
6. Order APA/880/2002 on April 17, connected with the Royal Decree 558/2001 on May 25 about dog breeders; Royal Decree 287/2002 on March 22 developing the Act 50/1999 on December 23 about legal tenure potentially dangerous animals.
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The Cortes Generales (=Spanish Parliament) has recently approved this Act on the protection of animals in production and those used for experimental and other scientific purposes, whose goal is to achieve a balance between the use of animals for economic purposes or scientists and respect for proper maintenance conditions, allowing treatment appropriate to their status as living sensitive beings, as recognized by the Treaty of Amsterdam since 1999. A critical remark could be the use of the term “care” (=cuidado) to refer to the protection of animal welfare. It is known that “care” is a word without juridical content. Even more “care” is a word maybe too vary to regulate the life, transport and sacrifice of a sentient beings.

This Act supplements the existing national legislation on the matter, the legal system incorporates some aspects of EU legislation on animal welfare and adding to and including the criminalization of violations and penalties. It includes within its scope both holdings (including facilities where animals are housed), as transport and slaughter.

In this connection is established for the owners and breeders of animals on farms an obligation to ensure their protection, observing the rules on the conditions that breed and maintain, and according to their kind and degree of development, adaptation and domestication.

It also sets requirements regarding the conditions and means of transport, and on aspects relating to transport undertakings, such as licensing and registration and the training of personnel in the field of animal welfare. It is to observe that the Law don’t provide a educational system for the personal working with the production animals, but this article 5.3 provides the possibility to found in the future a new branch of secondary school or professional formation.

In relation to the experimental animals, establishes minimum conditions for breeding, maintenance and use, as well as the use of certain types of animals and stray dogs and cats. The scope of this norms is to avoid the animal escitalization.
ment, pain or suffering.

When the slaughter of animals is done according to the rites of Churches themselves or Confessions Communities Religious entered in the Register of Entities Religious, the practices do not exceed the limits referred in the Law. In any case according to the sacrifice of religious rite and conducted under the supervision and in accordance with the official veterinarian.

**Pets**

While the scope of the Act refers to animals kept for economic purposes, the ban on activities considered more serious, such as abuse, neglect or the use of animals in fights, can be extended to animals company. Similarly, it applies with respect to transportation, provided it is done in a collective manner.

In order to verify compliance with the regulations, governing inspections and sets out the powers inspectors, which it is determined that the various public authorities are responsible for carrying out the necessary checks to ensure compliance with the rules approved today, and the provisions of the autonomous communities in this area. Conform to the State General Administration inspections on aspects of animal welfare in terms of import and export of animals.

It also provides for the possibility to adopt interim measures as a precaution in case of serious risk to the lives of animals.

**Sanctions**

In addition, they are categorized different types of offenses and are classified as mild, serious or very serious, depending on the criteria of risk or harm to animals and the degree of intentionality. It establishes penalties that may apply, which could be a warning or fines with figures of between 600 and 100,000 euros.

Also, amending the Law on Animal Health to anticipate, in the imposition of penalties for infringements, the possibility of a more proportional graduation. It will take into account cases in which there is a qualified decrease the guilt of the accused.

Likewise, amending the General Law on Ad
It also provides for the establishment by the Ministry of Education and Science, an exceptional procedure for the accreditation of training and experience of researchers working with experimental animals. It also provides for the establishment by the Ministry of Education and Science, an exceptional procedure for the accreditation of training and experience of researchers working with experimental animals.

Finally, the Act creates a fee to offset the cost of compliance by Spain of the International Endangered Species of Wild Fauna and Flora (CITES). It also provides for the establishment by the Ministry of Education and Science, an exceptional procedure for the accreditation of training and experience of researchers working with experimental animals.

Advertising, in a manner consistent with the Project, to prohibit advertising of animal abuse. The Act provides also a list of minor infractions, inspired in the accomplishment of the minimum standards of animal protection. It is interesting to note the correspondence of this dispositions with the new modifications of the Penal Code in 2004 concerning the abandoning of an animal or permanent injuries caused an animal.


29. Act 32/2007 on November 7, Art. 14.3. “Minor infractions, C) Abandoning an animal, resulting in the lack of control over himself or his actual possession”

30. Law Orgánica15/2003 of November 23, which introduces a new wording of Art. 337 and 632.2 Penal Code. Art. 337: “Those who maltreat with cruelty pets and unjustifiably causing death or injuries that occur causing a serious physical impairment, will be punished with imprisonment of three months to one year and disqualification special one to three years for the exercise of profession, trade or commerce which has a connection with animals.”. Art 632.2: “Those who maltreat cruelly pets or any other entertainment unauthorized legally without incurring those covered by Article 337 will be punishable by a fine of twenty to sixty days or work for the benefit of the community of twenty to thirty days.”. Art 631.2: “Those who leave a pet in conditions that might endanger his life or integrity will be punished with a fine of ten to thirty days”.

31. Act 32/2007 on November 7, Final disposition fourth: “Recognition of training the researchers from centers that use animals for experimental and other scientific purposes. The Ministry of Education and Science established in the within two months after the entry into force of this Act, an exceptional procedure to prove that researchers have adequate training and experience for animal testing. The application this procedure will be extended up to one year after the entry into force of the Law.”