

Animals Rights Code: What the Draft Law States

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Received: January 2019

Accepted: January 2019

Recommended citation. PITTALIS, M., Animals rights Code: what the draft law states, dA. Derecho Animal (Forum of Animal Law Studies) 10/1 (2019) - DOI <https://doi.org/10.5565/rev/da.413>

Primary publication

This paper was published in Italian in *Il Quotidiano Giuridico*, October 16, 2018, <http://www.quotidianogiuridico.it/documents/2018/10/16/codice-dei-diritti-degli-animali-cosa-prevede-la-proposta-di-legge>

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Abstract

The draft law, called “Code on the protection of pets” by the Italian deputy Michela Brambilla has been proposed to the Italian Chamber of Deputies on March 23, 2018. This draft law is the results of several precious legislative proposal, made by the above-mentioned deputy, concerning various aspects about animals’ protection and prevention of stray animals’ phenomenon in a way desirably more effective than previous law n.281/1991 provided. The goals this latter provision fixed have not been achieved at all. The “Brambilla Code”, as the draft laws is renamed, composed by 50 articles aims at solving the problem of kennels’ overcrowding and poor hygiene conditions kennels rage on, together with the problematical increase of pets abandoning caused by several factors, such as, the unconsciousness and lack of care people have when it comes to adopt or have in custody a pet, or problems caused by the fact that pets are often not allowed to access public transports and areas. Broadly speaking, the draft law aims at spreading a different sensitiveness about care people take for their pets which are more and more involved in people daily life. The draft, in fact, comes up with a full-fledged status for pets, claiming them to be “sentient living beings” and to have a full-fledged “right to wellness” with due respect of their biological and ethological features.

Keywords: Brambilla Code; pets; legal status; custody; stray animals.

Resumen - Código sobre los derechos de los animales: lo que establece el proyecto de ley.

El proyecto de ley, denominado "Código sobre la protección de los animales de compañía" por la diputada italiana Michela Brambilla, fue propuesto a la Cámara de Diputados de Italia el 23 de marzo de 2018. Este proyecto de ley es el resultado de varias propuestas legislativas valiosas, llevadas a cabo por la mencionada diputada, en relación con varios aspectos sobre la protección de los animales y la prevención del fenómeno de los animales callejeros de una manera deseablemente más eficaz que la ley n.281 / 1991 proporcionada con anterioridad. Los objetivos que esta última disposición fijó no se han

logrado en absoluto. El "Código de Brambilla", como se renombró el proyecto de ley, compuesto por 50 artículos, tiene como objetivo resolver el problema del hacinamiento y las malas condiciones de higiene de las perreras, junto con el aumento problemático del abandono de las mascotas debido a varios factores, como la inconsciencia y la falta de atención que tienen las personas a la hora de adoptar o tener en custodia a una mascota, o los problemas causados por el hecho de que a menudo no se les permite a las mascotas acceder a transportes y áreas públicos. En términos generales, el proyecto de ley tiene como objetivo difundir una sensibilidad diferente acerca del cuidado que las personas tienen con sus mascotas, que están cada vez más involucradas en la vida diaria de las primeras. De hecho, el borrador presenta un estatus de pleno derecho para las mascotas, afirmando que son "seres vivos sintientes" y que tienen total "derecho al bienestar" con el debido respeto de sus características biológicas y etológicas.

Palabras clave: Código Brambilla; mascotas; estatuto jurídico; custodia; animales callejeros.

On March 23, 2018, a remarkable step towards animals' judicial protection has been carried out by Michela Vittoria Brambilla, Member of the Italian Parliament in the ranks of "Forza Italia" party. On that day in fact the congressional representative submitted the "Code on dispositions for pet animals, prevention and control of stray animals" to the Italian Chamber of Deputies.

Chamber of Deputies, draft law n. 93

<http://www.camera.it/leg18/126?tab=&leg=18&idDocumento=93&sede=&tipo=>

In the same period, a full-fledged code was published in France about this topic. The code resulted from the collection of all materials the seven official French codes contain about pets, livestock and wildlife animals' protection together with the most relevant jurisprudence carried out on that field until then, as explained by Professor Jean-Pierre Marguénaud from University of Limoges, who headed the group together with Professor Jacques Leroy from University of Orleans.

Coming back to the Italian sample, the Brambilla draft follows several previous attempts to create a comprehensive legislation on the protection of pets and the prevention of stray animals. The earlier legislative proposals in fact did not provide satisfying results. A great part of the goals they fixed has not been reached, as they were clearly inadequate. For instance, no provision adequately regulates the adoption of stray dogs and those in kennels. The phenomenon of stray animals has not been defeated at all and there is no norms providing a sterilizing plan or the registry office for dogs.

The state of the art in this field is already dramatic and these fallacies get it even worse: on the one hand, public and private kennels are overcrowded and in terrible hygienic and health conditions with frequent episodes of unfair treatment. On the other, pets are more and more abandoned due to irresponsible manners and access restrictions pets suffer in public areas and transports.

The Brambilla draft aims at solving all these problems. Moreover, it addresses the exploitation of stray dogs' by avoiding that public administration and privates arrange agreements for managing dogs' shelters inefficiently. In general, the draft law focuses on the diffusion of a new sensitiveness for animals and pets especially declaring them as having "sentient living beings status", stating for them the "wellbeing right" in the behalf of their biologic and ethological features. In particular, this draft highlights for the first time a series of guarantees that the norm does not indicate in terms of mere animals' protection but as rights to be recognized to animals as beings worthy of legally relevance. Of course, the draft does not end up declaring animals' legal personality when it defines them as sentient.

The principle of the protection of animal dignity lacks as well. However, in the author's opinion, several articles suggest it in this respect all along the code. For example, Art. 24 prohibits itinerant events concerning animals (co.1), again events and exhibitions regarding animals are subject to clearance by the official veterinary service and ban the use of pet animals to promote exhibitions, circus and for itinerant spectacles. This provision is to be combined with art. 29.1, lett. a, banning the usage and detention for begging aims. Moreover, in the light of a principle of dignity relating animals and their comprehension as living being rather than mere *res*. Art. 24 prohibits offering, explicitly or not, animals in any sort in any public events; furthermore at co.6 of the same article et animals' expositions in exhibitions and any competition is banned when it comes to modify aesthetically the concerned animal (for example, tail cutting) and selling animals either during itinerant and occasional events or via web is banned too. Therefore, as sentient living being, the animal cannot be subject to any sort of purchase in unhealthy

situations.

Another remarkable example comes from Art. 23.3 concerning the ban on selling dogs and cats in economic activities and to show them in shop window or outside shop locals for business reasons.

However, in the code no article refers to public events in which animals' risk to get injured or lethal accidents.

Even if the animal is recognized to be a sentient living being, when it comes to assess the relation between animals and individuals, animals are still in the property of the individual as much as an object and even when the legislator describes individuals as responsible of their pets, they are at any rate depicted as animals' owners.

Neither explicit denial of representation of animals as *res* is found (as conversely the Court of Cassation has done in a decision carried out the 5th of June 2007, n. 21805), nor pets have been excluded by consumer goods list in the code, as recently confirmed by the Court of Cassation (decision n. 22728/2018). The code in fact applies the provision enshrined in Art 132 of Consumers' Code concerning the right of the buyer if denounce any non-conformity defects of the animal within two years after the sell has occurred.

Moreover, in the author's opinion, the Code has missed the opportunity of explicitly stating the right of compensation due to the pet loss as commonly recognized by the prevailing jurisprudence (...). In addition to it, the code does not outline a series of further situations: at first, the conditions under which relating associations have the active legal capacity to submit class actions, but also the conditions under which the veterinary liability can be called upon and the content of that. Still, a provision letting the creation of trusts in favor of pets or animalist associations, as largely permitted in the USA. Furthermore, paid work permits to care about pets; to establish rules of custody in case of spouses' separation. This last issue has been stressed by some courts (who ended up applying to pets children custody norms) and in a previous draft law too written down by Brambilla and Castiello deputies.

Furthermore, Art. 29.1 of the Brambilla draft law includes what was introduced by Art.16 lett.b of the law n.220/2012 in Art. 1138 of the Italian civil code with regard the presence of pets in building apartments. In fact, the article removes all bans on having pets in apartments and in buildings' lift.

However, the draft law does not mention the untouchable nature of pets belonging to the debtor or used by the debtor for therapeutic needs, whose content has been already established in a previous norm (L.221/2015 on "Green Economy" topic) that modified Art. 514 of the Italian procedural civil code.

The draft law does not list among principles the right to have a pet as a right of fundamental nature. However, it seems to be implicitly assessed since the draft law allows the free access of pets in every public areas and public transports.

In particular, Art. 26.5 deals with the access of pets on bus and other public transport means. This right is fully recognized under certain conditions: dogs are to be kept on a leash and, just in case of necessity, on a muzzle, while other pets must be kept into pets' carriers.

Art.27 focus on dogs. At co.1 establishes the right to get free access for them to all public areas, gardens and beaches included, when kept on leash and with due respect of general measures for prevention contained in Art. 29 of the same norm.

In the following commas, the draft law assess that dogs can access and stay in dos parks without any leash and reiterate the invalidity of any ban restricting the right to access for dogs in any public and private area or mean of transport.

However, the draft law does not explain whether the notion of "public area" should imply shops, hospitals and clinics as well. The only way to include those areas is to interpret the draft code as assessing the right for the owner to have a pet. Arguing this way, every place must allow by consequence the access of pets.

Besides that, Art. 36 e) of the draft law provides free medical care for cats and dogs serving for pet therapy.

Finally, Art. 27.5 allows free access for dogs in cemeteries when they are kept on leash and muzzle, when necessary, and under the due diligence of the dog's owner. The owner him/herself is required to take care of his/her dog and to remove solid excretion in the cemetery. The norms point out that, despite the fact that some local administrations require so, asking owners to remove the liquid excretion too is practically impossible, limiting the obligation to solid parts only.

Broadly speaking, the draft law is worthy of spreading a new sensitiveness on the relation between people and animals which is pursued through the several provision on "responsible detention" declared in the Art.1.2 with the scope of promoting a respectful coexistence between people and animals restricting bad behaviors as abandons' phenomenon.

As for abandon especially, a series of dispositions aims to strengthen registry offices for dogs and create a specific office of this sort for cats. A more diffused use of registered microchips and of identity

cards for pets is encouraged.

Furthermore, in order to defeat the phenomenon of abandon and stray animals, sterilization for all stray cats and dogs, both male and female, is supposed to be set in. Sterilization is also encouraged for pets detained by privates; yet, this last provision leaves the door open to some critics.

Still, the draft law states that the main goal for any kennel, whether public or private, is to promote pets' adoption. Alternatives to common kennels are promoted as well: for instance, tinier shelters managed by local administrations able to host maximum 20 pets called "micro kennels" or the possibility for a community to adopt and take care through a guardian of a stray animal instead of trapping it in a kennel.

To have a more comprehensive understanding of the draft law, it is useful to focus on the general principles, scope and definitions of the draft law.

The first provision states:

The State promotes and provides the protection of pet animals recognized their status as sentient living beings and their right to wealth with due respect of their biological and ethological features.

Therefore, the legislator conceives of the pet as object of specific protection, judicially speaking, due to its peculiar affective relationship with its owner. This notion is diametrically different from that several animalist associations promotes, that of pets as family members in a sort of horizontal relationship with all other family members, having the same level of protection as them.

Further pivotal notions stem from Art. 1. At first, the recognition of animals as "sentient living being" in accordance with Art. 13 of the Lisbon Treaty and finally the notion of "wellness" whose degree, as specified in the second part of the article, results from combined actions aimed at satisfying animals' medical and environmental needs, contrasting the phenomenon of stray animals and spreading the "responsible detention" frame of mind. The subsequent Art. 2 stresses the definition of "pet animals" described as

Every animal detained or meant to be detained by people for companionship or affection reason and not as means of production or for food needs, included those animals that carry out useful activities for people.

The nature of this definition is that of general scope insofar as it does not list the kind of animal the notion of "pet animals" encompasses but trace the general features those animals are supposed to have. Consequently, the draft law entails not only cats and dogs (namely, the common pets) but also those species, for example horses and rabbits, other draft laws have already tried to include within pet category.

Moreover, Art. 2 highlights other subjects. That is the case of the "responsible of a pet animal" (lett.b). In the legislator's words, the responsible is that person who "owns or detains in any capacity a pet animal." The responsible so identified has duties of care and affection towards the pet and is responsible vis-à-vis third parties.

The article then refers to stray cats and dogs and to those animals not belonging to any owner living in any kind of shelter put at disposal by the local administration. Therefore, the legislator states that "stray cats and dogs can be neither put down, nor given up nor used for any kind of testing". As previously established in Art.2 co.2 and 3 of 281/1991 norm and, in order to avoid those phenomena, that "stray cats and dogs must be identified and registered by the registry office of the local administration".

A remarkable role is also played by the so called "health area for cats and dogs" (lett. H) that is "a public healthcare point aimed to temporary custody for stray cats and dogs". The "shelter" (let. I) is described as "public or private places aimed to stray cats and dogs' custody and adoption". Moreover, the definition of "pet animals' registry office" is "Registration of microchips and other electronical devices meant for identifying the concerned pet with the biographical data of both the pet and its owner".

The Chapter II points out competences of the Ministry of Health (art. 3), of Italian regions and autonomous counties of Trento and Bolzano cites (art. 4), of Italian municipalities (art. 5) and of the local health districts. (art. 6).

The Ministry of Health is competent for the following functions: enacting guide lines and of establishing of technical requirements for the application of the draft law, itself (let. A); the management of the national pet animals' database (let. B); promoting the diffusion of the principles entailed in the draft law itself with due regard for the principle of "responsible detention" and of "fair coexistence between men and animals" (let. C); determining each year the minimum daily rate to maintain cats and dogs in any kennel or alternative shelter in conditions of wellness.

As for regions, Art. 4 highlights competences as the registry office managing through a precise regional database. Each regional has its own registry office that co-work with the national one and the other regional databases (let. A). Still, regions have duties of monitoring every three years demographic changes affecting the stray animals' population in their own territories (let. B) and, finally, regions must define criteria over which animals' shelters are to be built up or restored.

In the end, municipalities are required to establish office specifically aimed at animals' rights' protection and to approve regulations on animals' prevention (let. A, C). Furthermore, municipalities must set annually plans for the financial managing of stray animals and births' monitoring through sterilization process (lett.d, e). Finally, they are competent for the construction and restoration of animals' shelters and application of measures in case of animals being poisoned. (lett. F, g)

Art. 6 focuses on the health districts competences. They are competent for: managing the registry office for dogs and cats (let. A); catching stray animals through adequate staff (let. B); healthcare for animals in kennels (let. D); sterilization of both cats living in kennels before they are adopted or moved in other shelters and stray cats (let. E) and for the evaluation of the state of dogs deemed to be dangerous in collaboration with specialized veterinarian and dog educators (let. G).

Another relevant provision of the same chapter is the one who establish the duties of the responsible of pet animals (art. 7). Even if the responsible is defined as the one who "in any capacity owns or detains a pet animal". The provision does not explicit the content and meaning of detention. In the author's opinion, detention is assumed as factual situation of having a pet in custody, regardless of any title insisting on it. That said, the notion of "custody" is pivotal in this case to assert whether or not a person is entitled to care about the pet and to be responsible towards third parties of the pets' actions.

Once the responsible has been identified, the draft law focus on duties and liabilities he/she faces when dealing with a pet. In this sense, the draft law follows what has been already established by several legislative references as the "European Convention for pet animals' protections" signed by European Council Member States in Strasbourg on 13th of November 1987 and enacted on 1st of May 1992 after being ratified by the Italian Parliament (l. 201/2010). Other relevant norms on the side of punishments against ill treatment and killings of animals are certain norms of the Italian criminal code, as Art.544 bis and art.544 ter and the norm concerning the illicit traffic of pet animals. Finally, an important reference is also the agreement signed on February 6th of 2003 between the Italian Government, Regions and autonomous counties of Trento and Bolzano cities concerning the wellness of animals serving for pet therapy. Drawing inspiration from all these references, the Art.7 of the Brambilla code states that:

Anyone, in any capacity, detaining a pet animal is responsible for its health and wellness. Therefore, the responsible must take due care of the pet, considering its biological and ethological needs based on its age, sex, species and race.

The notion of pet's wellness is therefore strictly linked to the specific needs the animal has. Those needs are listed in the second part of the article. In sum it provides for the responsible the following duties: - to feed the animal adequately and constantly (let. A); - to ensure veterinary healthcare regularly and an adequate degree of physical and ethological wellness (let. B); - to ensure regular physical activities (let. C- to ensure regular cleaning of the shelter (let. E). It has to be noticed, in the author's opinion, that no general prohibition for third parties to approach pet animals without the consent of their responsible is provided in the draft law.

The second part of the article reiterate the obligation for the responsible to registry not only dogs but also cats in the relating office. Identification of cats must be ensured either through specific tags with pet's name and the phone number of its responsible or through the inoculation of electronic devices as microchips. Terms and conditions of those proceedings are indicated in Art. 6 and 8 of the draft law. Likewise, the transferee of the pet is under the obligation of proceeding at the registration of the pet itself in three days after the transfer. Moreover, a document certifying the registration is delivered when the veterinary inoculates the microchip. This document works as an identity card for the pet and it is required for every possible pet's transferee. In this provision the notion of property recurs once more.

After a broad enunciation at the beginning of the draft law (in art 2 in particular) of the principle of responsible detention, it is up to Art. 7.3 clarify the content of it through a series of minimum defined measures. Those measures consist in:

- catching information on physical and ethological features of the animal and on judicial norms concerning it (let. A);

- assigning the animal to people able to manage and take care of it adequately which means to exclude people who are not fully aware of the needs of the animal, who are not able to keep control over the animal and who easily relies on the aid offered by cat and dog sitters. (let. B);
- ensuring adequate shelter and healthcare (let. C);
- keeping under control the reproduction activity of the pet through chemical sterilization. The provision is of such general nature that it seems to encompass not only cats but also dogs detained by privates (let. D);
- bringing with the responsible him/herself the pet's identity card (let. D).

Furthermore, the following part of the same article highlights further specific measures in terms of duties pertaining the responsible of a dog. In particular:

- always using a leash of adequate size in order to avoid damages to both third parties and the dog itself (let. A);
- always having at disposal a muzzle to be applied in case of necessity when other people or animals' safety is at stake (let B). This provision does not specify which conditions are to be considered as "risky ones", whose definition is established case by case.
- ensuring an adequate behavior of dogs when it comes to deal with other animals and people, avoiding any kind of aggression (let. C). This provision implies that the responsible is entitled of "educating" correctly his/her dog and to adopt any possible measure in avoidance of any dog's escape (let. E);
- picking up dog's feces in public areas or areas of any kind open to public (let. F).

Still, Art.7 on co.9 provides for who is responsible of dogs living in apartments, box or outdoor fences the obligation of two daily walks in order to guarantee the movement needs the given dog. The provision is particularly precise in determining the amount and the duration of these walks and does not provide any exclusion for those dogs living outdoor, in gardens for example, where they can move and run.

Art. 7 co.10 establishes that the responsible who is not able to detain a dog due to its aggressivity can transfer the pet to the territorial competent municipal in order to ensure a proper recovery for the dog. The municipal can also put the dog up to adoption with the initial responsible bearing all costs of transferring.

Art. 9 provides that microchips for pets can be produced only by those districts registered and recognized in the official registry detained by the Ministry of Health. Once registered, the suppliers are identified through serial numerical codes given by the Ministry.

Noteworthy is the provision enshrined in Art. 10 of the draft law concerning the "Aid for animals" stating at comma 3:

Anyone finding wounded animals must inform the official veterinary service in order to allow rescue operations and assistance.

In the aftermath, Art. 11.2 ("Death and euthanasia") establishes that only veterinarian can suppress pet animals. Pets must be suppressed with medicines aimed at provoking euthanasia. When the pet is in severe and irreversible conditions the veterinarian must give anesthesia before proceeding with euthanasia.

Art. 12.1 focuses on the case of death of the pet responsible. The provision however lacks precision. In fact, it does not mention the legitimate succession, instead, it establishes that, while waiting for definitive devolution, the administrator of the legacy give the temporary custody of the pet either to the legatee on who the obligation is imposed or to any other successor willing to have the pet in temporary custody, under condition of guaranteeing the pet's wellness. In absence of any agreement, the Tribunal is entitled to address the custody, both temporary and definitive.

Chapter II of the draft law (art.13 and 14) is basically focused on educational and therapeutic activities. It aims at correcting the ways of dogs deemed to be highly dangerous, that is, dogs who

Without any provoking o danger, tend to bite people or other dogs causing their death or such severe injuries that surgery is needed to fix them.

Chapter IV is about health areas for cats and dogs (art. 15) – arrangements meant to provide healthcare for pets, as especially inoculation of microchips and registration proceedings of stray animals; art. 16 focuses on shelters for pets, i.e., public kennels or private solutions approved by the public administration. These arrangements are meant for promoting the adoption of pets. The legislator provides specific minimum dimensions and technical criteria those situations have to comply with in order to ensure a

certain degree of wellness for pets and their fair coexistence. In the end, Art. 17 concerns the so-called micro living solutions for cats and dogs, tiny arrangements managed by local administrations or animalist associations.

Art. 17.4 introduces another option. Animalist associations, local committees or private citizenships can impose that, once the dog is identified, registered through microchips or tags, sterilized and adequate guarantees are established to protect the safety of third parties against the concerned dogs, the municipality is entitled to take care of the dog, protecting and feeding it without putting it inside a shelter but leaving the dog free of wandering within the municipal territory. A private citizenship, who is properly indicated in the tags and in the registry office, is then responsible for feeding the dog and take care of the recovery the administration has put at disposal of the dog. There is no mention of situations where muzzle is strictly required.

Noteworthy is the attempt of finding out alternative solutions instead of kennels - however the free circulation of dogs within the municipal territory may lead to problems and critics the concerned provisions does not address.

Art. 18. 1 regulates criteria for tenders when it comes to build animals' recovery. The article provides in particular that the prices are balanced with the quality of the proposed projects, considering the degree of wellness the animals deserve. Furthermore, the realization of those structures must comply with the technical to ensure protection and wellness to the pet. Moreover, it is required to avoid stressful treatments for pets as in the case of long distance transports and the possibility for pets owners to have their pets back as quickly as possible and that the adoption of those animals is incentive by animalist associations' actions.

What Art. 17.4 establishes on alternative solutions for dogs is likewise equivalent for cats as Art.19.2 specifies. Cats must remain in their original habitat after identification and registration to the relating office under supervision of the municipality the cat lives in. Furthermore, the cat must be sterilized and cared medically speaking. The cat is willing to be reintroduced in its original group of cats and, as for these latter, the article provides specific obligation of taking care by animalist associations or private citizens. Costs for caring are provided by the municipality itself. The regulating principle in this case states that

Cats living freely within the territory of the municipality are preserved and a general ban is posed on ill treatment towards them or any attempt to make them get away from their habitat.

As for cats it is not clear whether the stray ones or those treated in specific shelters must be put back on the payroll once identified and sterilized, stating Art. 19.3 that

Stray cats can be caught only for sterilizations needs and for necessary health assistance" or whether after that they must be moved in other cats' shelters.

Art. 20 regulates controls and verifications a major is required to when dogs are caught within the territory he administrates but settled outside in shelters pertaining other municipalities.

Art. 21 then permits that state-recognized associations can draw leftover food public and private canteens did not use for food service they are addressed to. In order to access the service the concerned associations must inform the official veterinarian service. The leftover food must then be used exclusively for feeding stray animals and those animals caught in any form of shelters managed by public or private subjects. No other usage is allowed.

Chapter V is about "Activities with pet animals" (art. 22-28). Particularly, Art. 23 focus on obligations and bans on whoever detains animals for profit. The article states that a series of activities as growing, selling animals, importing animals from UE Member States or extra UE States and the custody of animals cannot be pursued through judicial norms limiting the liability of partners, associates and members. The activities themselves are subjects to specific authorizations and guarantees, namely as keeping recording the incoming and outgoing animals (lett.c), an archive of all animals' medical records by a medical director. The recording must include animals' identification data, possible pathologies, undergone therapies and surgeries. Death certificates, signature and postmark of the veterinarian in charge of animals' healthcare. (let. D).

Art. 23 then provides a series of above-mentioned bans on the expositions in shop window and selling of cats and dogs in places for business. Moreover, the article states that no more than two hundred animals can be detained in a space for business and occasional and itinerant animals' selling is forbidden. Animals can be sold only to authorized farmers. Once the animal has been sold, the farmer is responsible for its own wellness; furthermore, he must regulate reproduction which is allowed only for animals devoid of any physic or psychic defects. Finally, a general banning on minors or those who are not able to ensure a certain

degree of wellness to animals due to their inclinations, age or any other specific capacity is imposed.

Hence, Art. 23 ensures that financial transactions having animals as objects are conducted with due respect of animals' wellness by authorized farmers able to provide certain guarantees.

Together with Art. 24 on Events, exhibitions and manifestations implying animals", Art. 23 aims at not considering the animal as a mere "res", yet as a living being worthy of care due to its own features. The notion of "dignity" pertaining the animal is particularly highlighted.

As for Art. 24, itinerant and occasional exhibitions having animals as objects are forbidden. Circus are included in the provision. The first comma of the article refers to all species of animals, not only pet ones.

Conversely, the second part concerns exhibitions and competitions pertaining pet animals only. It establishes that, in order to take part to the event, the pet's physical and psychic conditions together with the required technical criteria must be assessed through the adequate certification by the official veterinarian service.

As a reminder, pet animals cannot be used as commercial for promoting any kind of event, even those of occasional and itinerant nature.

Still, animals cannot be object of offering or prices in any event. In the end, it is forbidden to exhibit animals, objects of surgery interventions for aesthetic needs.

Art. 25 regulates situations in which animals are implied in broadcast and film industry. The animal must be healthy and suitable for the required performance in accordance with the biological and ethological features of the animal itself. Preventive veterinary inspections are therefore mandatory. Moreover, adequate rest periods and living conditions must be guaranteed. Finally, animals cannot be implied in scenes possibly dangerous for their safety and cannot be subjects of anesthetic treatments in order to fulfill the activities concerned in the article.

Art. 26 is about "Transport". Transport of pet animals, serving any aim and carried out by whoever, must be conducted with due respect of physiological and ethological pet's needs, "avoiding any suffering". The article itself lists a series of measures to apply in order to ensure the pet's safety and wellness.

Norms regulating the access for animals in public area and public transport has been already analyzed.

Art. 28 regulates "Pets' cemeteries and cremation service". Both municipalities and private citizens or associations can establish cemeteries and cremation services for pets after proper authorizations.

Among "General provisions for prevention" contained in Chapter VI and Art. 29, the following provisions are particularly relevant in daily life:

- Using or detaining animals for begging activities is forbidden (let. A). Sanctions of administrative nature go from a minimum of 500 euros to a maximum of 3000 euros. Confiscation of the concerned animal is provided as well, notwithstanding criminal prosecutions;
- Animals' custody by minors and civilly-disabled persons is forbidden (let. B);
- Dogs cannot be left in public areas unguarded and without measures able to avoid the dog's escape or departure (let. D). Chains cannot be used as mean of detention for cats and dogs (lett. G);
- Submitting animals to surgery interventions for aesthetic needs or, in general, interventions with due exclusion of those health needs, are forbidden. Among those intervention, the article lists tail and ears cutting, vocal cords and nails severing (let. I);
- Dividing puppies from their mother is permitted under certain conditions: puppies must be three months old at least and they must be registered to the registry office. (let. M). Reproduction and selling is forbidden for non-registered animals (let. O);
- Selling animals via web, journals and news papers is forbidden (let. P);
- Prohibiting the detention of pet animals in a private house is forbidden with exclusion of those prohibitions justified by the animal's protection need. The same ban works for the access in apartment buildings' lifts. (let. U).

In general, those provisions aim at banning manners as leaving pets with minors, leaving pets tied to a post outside shops, for example, and also begging pushing on the sense of pity an animal can raise.

Still, Art. 29 introduces other bans for protecting the health and wellness of animals. Among all:

- to select specific species or to train dogs in order to increase their aggressivity is forbidden (let. E);
- to use leash equipped with ultrasound frequencies, electric shocks or tips is forbidden (let. F);
- to import or export dogs and cats under the age of three months and 21 days is forbidden (let. N);
- to use medicines or other substances able to alter the psycho-physical conditions of dogs is forbidden

- (let. Q);
- Zoerasty is forbidden and selling product with a zoerasty content is forbidden (let. R).

The second part of the article, in the end, regulates that training dogs without specific authorization and habilitation and in the absence of required professional criteria is forbidden and relying on violence, beating and constrictions while training is banned too.

Chapter VII contains important “special measures on prevention against poisoning” (art. 30 – 35).

Chapter VIII is about “Veterinary service and tax deduction” (art. 36 – 39). Free veterinary service is in fact provided for certain categories of pet animals, namely, dogs assisting blind people (lett. d) and cats and dogs serving for pet-therapy and rehabilitation, by National Health Service. Noteworthy is the provision contained in Art. 39 lett. d stating that those who adopted a cat or dog older than one year from a kennel or other kind of shelter, benefit from basic veterinary assistance.

Chapter IX called “Supervisory bodies” (art. 40 – 45) regulates the supervisory activity and increase penalties for those delicts concerning violence against animals contained in the chapter IX bis of the draft law.

A wide range of sanctions are listed in Art. 46, chapter X, following derogation of any provision contained in the draft law. Sanctions go from seizing and confiscation of animals and places, to measures restricting personal freedoms, to imposition of fines and pecuniary administrative sanctions of various amounts, to application of opt out proceedings from defined conventions.

Chapter XI establishes “Transitional and conclusive dispositions” (art. 47 – 50). It contains norms regulating the adjustment of kennels and shelter in accordance with norms elaborated in the Annex A of the draft law. It focuses in particular on relaying areas for cats and dogs and boxes for cats and dogs.

In the end, Art. 49 declares as abolished the norms promulgated in the l. 281/1991 on prevention on stray animals’ phenomenon. Art. 50 then declares that the norms contained in the draft law will be enacted soon after the day of publication on the Italian Official Journal of the draft law itself.