



## **Draft Decree on Animal Welfare**

On a proposal from the Flemish Minister for Education, Sport, Animal Welfare and Flemish Rand;

Following consultations,

THE FLEMISH GOVERNMENT HEREBY DECREES THE FOLLOWING:

On behalf of the Flemish Government, the Flemish Minister for Education, Sport, Animal Welfare and Flemish Rand is responsible for submitting the draft Decree to the Flemish Parliament, the text of which reads as follows:

### Chapter 1. General provisions

**Article 1.** This Decree regulates a regional matter.

**Article 2.** This Decree is quoted as follows: Flemish Codex on Animal Welfare of (date).

**Article 3.** In this Decree, the following terms shall have the following definitions:

- 1° General Data Protection Regulation: Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons regarding the processing of personal data and on the free movement of such data, and removing Directive 95/46/EC.
- 2° Stunning: any method deliberately used that brings an animal painlessly into a state of unconsciousness and numbness, including methods that immediately result in death.
- 3° Department: the Department responsible of the Environment.
- 4° Animal shelter: an establishment which enjoys the appropriate equipment to provide shelter and necessary care for left behind, lost, abandoned, neglected, seized or confiscated animals.
- 5° Animal boarding: a facility where shelter and necessary care are provided to dogs and cats entrusted by their owners for a limited period of time and for remuneration.
- 6° Zoo: any facility accessible to the public where non-domestic species living animals are kept to be exhibited, including animal parks, safari parks, dolphinariums, aquariums and specialised collections, but excluding circuses, travelling exhibitions and commercial business for animals or other facilities designated by the Flemish Government.
- 7° Animal testing: any invasive or non-invasive act, regarding an animal for experimental or other scientific purposes, the result of which is known or unknown, or for educational purposes, which may cause the animal as

- much, or more, pain, suffering, distress or permanent harm as inserting a needle according to proper veterinary expertise. This includes any action for the purpose or with the possible consequence is the birth or the breaking out of an animal's egg, or the introduction and keeping of a genetically modified animal species, but does not include the killing of animals for the sole purpose of using their organs or tissues.
- 8° Killing: any method deliberately used that results in the death of an animal.
  - 9° Coercive feeding: forced coercive feeding or drinking.
  - 10° Breeder: as determined by the Flemish Government, any natural or legal person who breeds animals to use them in testing or to use their tissues or organs for scientific purposes, or who breeds other animals primarily for those purposes, regardless whether or not this is for profit.
  - 11° User: any natural or legal person using animals for animal testing, regardless whether it is for profit or not.
  - 12° Commercial business for animals: establishment, with the exception of the agricultural holding, whether or not accessible to the public, where animals are kept for the purpose of marketing them.
  - 13° Dog breeding centre: an establishment in which bitches are kept for breeding, and dogs are traded from their own litters or litters of other centres, complying with the provisions of this Decree and its implementing decrees.
  - 14° Facility: any installation, building, group of buildings or other premises, including spaces that are not fully confined or covered, including also movable facilities.
  - 15° Security dog: a dog trained or that shall be trained to be deployed by the military, the police, the operational services of civil security, or companies or services authorised under the law of 2 October 2017 regulating private and special security.
  - 16° Cat breeding centre: a facility in which female cats are kept for breeding, and cats are traded from their own litters or litters of other centres, complying with the provisions of this Decree and its implementing decrees.
  - 17° Land commission: a land commission as referred to in Article 2.2.1 of the Decree of 28 March 2014 on land development.
  - 18° Supplier: any natural or legal person who is not a breeder, who supplies animals for use in testing or for the use of their tissues or organs for scientific purposes, whether for or not profit.
  - 19° Market: place where collections of animals are kept for the purpose of trading them.
  - 20° Security dog training centre: a facility where dogs are trained as security dogs for the purpose of trading them as intervention dogs.
  - 21° Shelter for alien wildlife in need: specialised shelter for lost, abandoned, neglected or confiscated wild alien animals in need, which are normally permanently resident there and receive permanent care, which is also accessible to visitors.
  - 22° Fur animal: an animal kept for the main purpose of being killed in order to obtain the fur.
  - 23° Test animal:
    - a) live cephalopods used or intended for use in animal testing, or which are kept specifically so that their organs or tissues can be used for scientific purposes.

- b) Live non-human vertebrates used or intended for use in animal testing, or specifically kept so that their organs or tissues may be used for scientific purposes, including their self-feeding larval forms, as well as mammalian foetal forms from the last third of their normal development.
  - c) Animals used in animal testing that are at a stage of development earlier than a stage of development referred to in point (b) if those animals have to remain alive beyond that stage of development and are at risk of suffering, distress or lasting harm after reaching that stage.
- 24° Test leader: any person in charge of animal testing.
- 25° Project: any work programme including a well-defined scientific purpose covering one or more animal testing.
- 26° Slaughter: the killing of animals intended for human consumption.
- 27° Exhibition: a collection of animals kept for the purpose of assessing the characteristics of the animals and comparing them for educational purposes and for a main purpose which is not of commercial nature.
- 28° Responsible person: the natural person, owner or keeper of an animal, who normally exercises its immediate management or surveillance.
- 29° Trading:
  - a) placing on the market;
  - b) to offer for sale;
  - c) to exchange;
  - d) to sell;
  - e) to cede for free or for valuable consideration;
  - f) holding, acquiring, transporting or exhibiting for sale;
- 30° Contest: an event where animals are judged and ranked within a competitive context based on external characteristics, behaviour, strength, speed and/or skill.

**Article 4.** An animal is a living creature met feelings, specific needs and intrinsic value.

**Article 5.** The purpose of this Decree is to ensure and strengthen animal welfare, taking into account the physiological and ethological needs of the animal. It also provides for a control and enforcement policy to this purpose which forms an inseparable whole along with policy support and implementation.

Animal welfare policy strives for a high level of animal welfare. It is based on the standstill principle, which means that the existing level of protection for animals should not be reduced.

**Article 6.** Except in cases of force majeure, no one may commit acts which have not been determined by this Decree or fail to perform an act, if this is reasonably possible, which causes the death of an animal without necessity or harm to its physiologically and/or ethologically well-being without necessity.

**Article 7.** This Decree applies to vertebrate animals.

- In the following cases, this Decree applies to invertebrates:
  - 1° if this Decree expressly provides for it;

- 2° if, on the basis of an evaluation, the Flemish Government determines which invertebrates the decree applies to and which measures shall be implemented.

## Chapter 2. Keeping animals

### Section 1. General principles.

#### Subsection 1. Animals that may be kept

**Article 8.** §1. It is forbidden to keep animals not corresponding to the species or categories listed by the Flemish Government. The above list is without prejudice to the rules on the protection of endangered species and legislation on invasive exotic species.

§2. By way of derogation from paragraph 1, animals of species or categories other than those listed in paragraph 1 may be kept by the following actors:

- 1° in zoos;
- 2° by laboratories;
- 3° by individuals who fulfil one of the following conditions:
  - a) those individuals can prove that the animals were kept before the date when the decision establishing the list referred to in paragraph 1 came into force. Such evidence is not required for the offspring of the aforementioned animals, provided that they are located with the first owner;
  - b) those individuals have been recognised by the Flemish Government, on the advice of the Flemish Zoo Commission, referred to in Article 17(2)(3);
- 4° by veterinarians, in the case of animals of third parties temporarily kept under veterinary care;
- 5° by animal shelters, in the case of a stay of animals seized, renounced or found without it being possible to determine who the keeper is;
- 6° the shelters for alien wildlife in distress;
- 7° by business for animals, if a written agreement has been concluded with natural or legal persons as referred to in points 1°, 2° and 3°(b), or natural or legal persons established outside the territory of the Flemish Region, and if the aforementioned commercial businesses keep the animals only for the period of time necessary in order to transfer them to the aforementioned natural or legal persons.

The Flemish Government shall determine the procedure for the application of the conditions set out in subparagraph 1, 3°, (a) and (b). The Flemish Government shall also determine the rate and the rules for the payment of the fee related to the application for recognition referred to in subparagraph 1, 3°(b). The Flemish Government may also lay down conditions for the private individuals referred to in subparagraph 1, 3°, on the keeping and identification of the concerned animals and may also limit the number of animals that may be kept.

§3. While maintaining the application of the derogations referred to in paragraph 2, the Flemish Government may prohibit the keeping of species or categories that are not included in the list referred to in paragraph 1 to some of the natural or legal persons referred to in paragraph 2, if it is established that those natural or

legal persons cannot guarantee the welfare of animals of the aforementioned species or categories.

§4. It is prohibited to keep animals if there is a judicial ban on or restriction to the keeping of animals applicable which has been imposed pursuant to Article 67, 2° and 3°.

**Article 9.** §1. While maintaining the application of the rules on nature conservation and agriculture referred to in Article 6(1) III, and V, of the Special Law of 8 August 1980 on the reform of the institutions, it is prohibited to keep animals caught in the wild.

§2. The prohibition referred to in paragraph 1 shall not apply to the following acts and facilities within the scope of competence of animal welfare:

- 1° Animal shelters.
- 2° Zoos.
- 3° Laboratories.
- 4° Shelters for alien wildlife in distress.
- 5° Shelters referred to in Article 1, 13°, of the Protected Species Decree of 15 May 2009.
- 6° Acts carried out pursuant to Article 14 of this Decree.
- 7° The keeping of animals caught in the wild for which a veterinarian has determined that they cannot be released into nature due to animal welfare reasons.
- 8° The keeping of animals caught in the wild for which the keeper can prove that those animals were already kept before 1 January 2024.

The list of acts and facilities referred to in subparagraph 1 may be extended by the Flemish Government.

## Subsection 2. Conditions for keeping animals

**Article 10.** §1. Any person who keeps, takes care of or cares for an animal shall take the necessary measures to provide the animal with adapted nutrition, care, housing and shelter that are consistent with its nature, are physiological and ethological needs, its health condition and its level of development, adaptation or domestication.

§2. Each animal has sufficient space and freedom of movement, in accordance with its physiological and ethological needs.

An animal is not constantly fastened or locked up.

By way of derogation from subparagraph 2, if an animal is normally or constantly fastened or locked in, it shall be given sufficient space and freedom of movement, filling its physiological and ethological needs. The freedom of movement of the animal shall under no circumstances be restricted in such a way that it is exposed to avoidable pain, suffering or injury.

§3. Any person who keeps, takes care of or cares for an animal guarantees that the animals kept outside enjoy natural or artificial shelter.

The Flemish Government can determine the modalities and may provide for exceptions to this obligation.

§4. Equidae that are kept outside and which cannot be raised have a natural shelter or a protected living area.

§5. The lighting, temperature, humidity, ventilation, air circulation and other environmental conditions of the animal's residence correspond to the animal's physiological and ethological needs.

§6. In order to implement this article, and under the provisions of Chapter 9, the Flemish Government may lay down detailed rules for the different species and categories of animals.

**Article 11.** No one should put a collar that administers electrical stimuli or trades such collars on a dog or a cat.

Electric collars linked only to an invisible fence shall constitute an exception to the prohibition referred to in subparagraph 1.

**Article 12.** Coercive feeding shall be prohibited except for medical reasons or for animal testing carried out pursuant to Chapter 9.

Keeping animals for the production of foie gras by any invasive method causing hypertrophy of the fat cells in the liver is prohibited.

**Article 13.** No substance which has a negative impact on the health or welfare of the animal shall be administered to the latter, unless this is done for medical reasons or for animal testing pursuant to Chapter 9.

#### Subsection 3. Identification and registration of dogs and cats

**Article 14.** The Flemish Government takes measures to identify and register dogs and cats, as well as to avoid overpopulation of these species.

The Flemish Government determines the rate of fees related to the identification and registration of dogs and cats referred to in subparagraph 1, which are charged to the person responsible for the animal. The fee related to the initial registration of dogs is increased by a contribution of EUR 4, which is also borne by the person responsible for the animal. The Flemish Government determines the way in which the fees and the contribution are collected.

#### Subsection 4. Straying, lost and abandoned animals

**Article 15.** §1. No one should abandon an animal with the intention of getting rid of it.

§2. Any person who takes care of a stray, lost or abandoned animal shall within four days and as appropriate, entrust that animal:

- 1° to the municipal authority of the place where the person has taken care of the animal or that of his or her place of residence;
- 2° to an animal shelter designated by the municipal authority referred to in point 1°.

In the case referred to in subparagraph 1, the municipal authority entrusts the animal immediately and as the case may be, to an animal shelter, a zoo or to a person who guarantees proper care and housing.

§3. The municipal authority or the animal shelter, in the case referred to in paragraph 2(1), 2°, shall immediately take of the necessary steps to find the owner of the animal and to inform the latter right away.

§4. The owner shall have the right to dispose of the animal entrusted to an animal shelter or zoo for at least 15 days after this animal's arrival.

If the animal is entrusted to a person by the municipal authority pursuant to paragraph 2(2), that person guarantees to keep the animal at its owner's disposal for forty-five days. The aforementioned period starts to run from the moment the animal is entrusted to the municipal authority.

In the case of a dog or cat, the period referred to in subparagraph 2 shall be 15 days.

After the time limits set out in this paragraph have expired, the animal shelter, the zoo or the person to whom the animal is entrusted becomes the owner of the animal by application of law.

§5. The time limits set out in paragraph 4 does not need to be respected if a veterinarian considers that the animal should be killed. In the aforementioned case, the identification data of the animal and the reason for euthanasia shall be kept for the owner of the animal.

§6. If the animal cannot be entrusted pursuant to paragraph 2, the mayor may decide to proceed to its killing.

§7. The owner of a straying, lost or abandoned animal is not entitled to any compensation. The aforementioned owner is liable to pay a fee for the admission, shelter and care, regardless of whether or not the animal is reclaimed. The costs shall be recovered by the animal shelter referred to in paragraph 2(1), 2°. If the municipality entrusts the animal to a person, zoo or animal shelter other than the animal shelter referred to in paragraph 2(1), 2°, the costs shall be recovered by the municipal authority.

Subsection 5. The breeding of dogs and cats

**Article 16.** §1. The selection of breeding animals for dogs and cats shall take their anatomical, physiological and behavioural characteristics into account so that the well-being, including health, of the parent and offspring is not compromised by the breeding.

The husbandry of breeding animals for dogs and cats with hereditary condition that cannot be remedied through judicious mating combinations between breeding animals within the breed population and determined by the Flemish Government.

§2. The Flemish Government can organise the breeding of dogs and cats to reduce inherited diseases and promote genetic diversity.

- The Flemish Government may determine conditions to:
- 1° keep registers or databases;
  - 2° carry out examinations of genetic predisposition for a particular characteristic or of hereditary conditions;
  - 3° to draw up and issue certificates of pedigree;
  - 4° lay down the requirements for the recognition of the associations involved in breeding and the procedure for such recognition;
  - 5° record breeding animals in registers or databases;
  - 6° allow breeding animals to be reproduced.

## Section 2. Animals kept by professionals

**Article 17.** §1. The operation of dog breeding centres, cat breeding centres, animal shelters, pet boarding, pet businesses and zoos is subject to prior approval by the Flemish Government.

The name, municipality and approval number of the facility approved pursuant to subparagraph 1 shall be made public.

§2. Depending on the nature of the facility, the animal species and the number of animals kept, the Flemish Government shall determine the conditions for the approval of the facilities referred to in paragraph 1. The above conditions may relate to the following elements:

- 1° Construction and equipment.
- 2° The animals' hygiene, safety and identification.
- 3° The breeding of animals.
- 4° The maximum number of animals which can be kept.
- 5° Veterinary inspection and support.
- 6° The requirements of Chapter 3.

The Flemish Government may also determine conditions for the recognition of animal shelters related to the monitoring of animals in the shelter and offered for adoption.

The Flemish Government may determine the conditions included in subparagraph 1 for the recognition of zoos following the advice of a committee of experts which set them out, hereinafter referred to as the Flemish Zoo Commission.

The Flemish Government may impose qualification requirements to persons who keep and take care of animals in the facilities referred to in paragraph 1.

§3. The Flemish Government determines the amount of the fee when applying for the approval covering the costs of processing the approval application and may exempt the animal shelters from the payment of the above-mentioned fee.

§4. The Flemish Government may extend the approval referred to in paragraph 1 to other facilities and may determine the conditions for approval.

For facilities with limited capacity, the Flemish Government may replace the prior approval with a prior registration. The provisions of this article as well as



the provisions adopted pursuant to paragraph 2 shall also apply to the aforementioned facilities, unless the Flemish Government provides otherwise.

§5. The Flemish Government may withdraw the approval of a facility. The above withdrawal shall lead to the following consequences for the owner or keeper managing the facility concerned and carrying out direct supervision of the animals:

- 1° for a certain or indefinite period of time or definitively, the aforementioned owner or holder cannot apply for a new approval;
- 2° during the period referred to in point 1°, the aforementioned owner or keeper cannot manage a facility as referred to in paragraph 1 or carry out direct a supervision of the animals.

§6. It is prohibited to operate a facility as referred to in paragraph 1 if there is a judicial closure imposed pursuant to Article 67(1).

**Article 18.** Within the framework of this Article, host family means: a natural person with whom an animal shelter has concluded an agreement, who is part of that animal shelter and who accommodates a limited number of animals for a limited period of time in another place than in the animal shelter itself.

Animal shelters may conclude an agreement with host families for the temporary accommodation of a limited number of animals. In order to enable the monitoring of the concerned animals welfare, animal shelters shall register host families.

The Flemish Government determines the conditions for animal shelters to use and to register host families.

**Article 19.** Within the limits of the budget credits, the Flemish Government may grant subsidies to animal shelters recognised as referred to in Article 17(1).

The Flemish Government shall determine the detailed rules.

**Article 20.** The start-up or operation of husbandries where fur animals are kept shall be prohibited.

**Article 21.** Keeping cetaceans in captivity is prohibited.

By way of derogation from subparagraph 1, cetaceans may be held in captivity:

1° temporarily, by specialised shelters for wounded and sick cetaceans in the wild for the purpose of their rehabilitation and release into nature;

2° by the current operator of the only existing dolphinarium, provided that the animals are kept where the dolphinarium is located when this article entered into force. They are only allowed to continue their activities at the existing location if this complies with the additional conditions the Flemish Government shall determine by 1 July 2024 at the latest. Relocation in Flanders is not permitted. There are also both a breeding and an import ban unless the number of individuals has been reduced to six.

The derogation referred to in paragraph 2(2) applies until, on the advice of the Flemish Council for Animal Welfare, the Flemish Government determines that

alternative housing is possible for the animals concerned guaranteeing to significantly improve animal welfare. This opinion follows an evaluation of the 10-year derogation. The first evaluation shall take place at the end of the 10-year period from 1 January 2027.

**Article 22.** Chickens in laying-hen farms or breeding facilities shall not be housed in cage systems. The Flemish Government can determine the modalities and may provide accompanying measures.

By way of derogation from subparagraph 1, the prohibition referred to in subparagraph 1 shall not apply to animals which must be separated for medical reasons.

**Article 23.** Within the framework of the support schemes of the common agricultural policy and within the limits of the budget credits granted annually, the Flemish Government may allow grants to promote the application of agricultural activities and primary processing positively contributing to animal welfare.

For the grants referred to in subparagraph 1, the Flemish Government may determine detailed rules for the following elements:

- 1° The nature, content, application and conditions for eligibility for the subsidies including the farmer's participation in a quality scheme recognised by the Minister.
- 2° The application procedure.
- 3° Verification of compliance with the grants conditions.

### Section 3. The use of animals

**Article 24.** The following cases shall be prohibited:

- 1° to organise animal fights or target practice intended to animals, participate in them with their own animals or as a spectator, as well as cooperate in any way, including targeted breeding, or set up betting game on their results or participate in those gambling;
- 2° to use an animal for training, staging, advertising or similar purposes if such use leads to avoidable pain, suffering or injury or otherwise physiologically and/or ethologically harms the animal;
- 3° to engage in sexual acts with animals;
- 4° to manipulate an animal's urge to attack, by stirring the latter up against another animal;
- 5° to allow an animal to perform work beyond its natural powers;
- 6° to administer or have administered substances determined by the Flemish Government to an animal for the purpose of influencing the latter's performance or preventing the detection of such substances;
- 7° to dye or otherwise artificially colour animals, or to keep or trade similar animals;
- 8° to organise or participate in a street horse race or a training session in order to prepare for a similar race. The above race shall be run fully or partly on the public road, the pavement of which consists of asphalt, concrete, cobblestone or vowels, or any other hard material;
- 9° To use equidae in a horse carousel.

For the purposes of subparagraph 1, 10°, horse carousel means: an installation intended for entertainment or leisure, used during fairs and related events, consisting of a mobile track where equidae are ridden by the public or used as pulling force and rotate monotonously in a limited area.

**Article 25.** The Flemish Government may ensure measures to ensure the welfare of animals used for exhibitions, demonstrations, orientation, staging, advertising, competitions and prior training, fairs and for other occasions to entertain the public.

The Flemish Government may determine the following conditions for the activities referred to in subparagraph 1:

- 1° the conditions of competence for the persons who keep, take care of and use the animals;
- 2° the conditions for the organisation of the activity;
- 3° the way in which the organisers of competitions and the persons appointed by them cooperate with the persons referred to in Article 62(1) (1), 1° and 2° to organise the supervision of those competitions, particularly for the verification of:
  - a) the measures referred to in subparagraph 1;
  - b) the use of the substances referred to in Article 24(1)(6).

**Article 26.** §1. By way of derogation from Article 8, the keeping as well as the use of animals in circuses and travelling exhibitions shall be prohibited.

§2. The Flemish Government adopts the list of domestic animals which can be kept and used in circuses and travelling exhibitions by way of derogation from paragraph 1.

The Flemish Government determines the conditions to be complied with for the welfare of the animals referred to in subparagraph 1. The above conditions relate to all of the following elements:

- 1° Identification of the animals and their owner.
- 2° Veterinary guidance.
- 3° Care.
- 4° Accommodation.
- 5° Transport.
- 6° Vaccination status of the animals.
- 7° Handling of the animals.
- 8° Number of staff members and their competence.
- 9° Stalls.

### Chapter 3. Trading animals

**Article 27.** Animals shall not be traded on public roads or markets.

By way of derogation from subparagraph 1, the following exhaustive list of exceptions shall apply:

- 1° Annual fairs.
- 2° Trade fairs.
- 3° Exhibitions.
- 4° Markets organised up to eight times a year.

The exception referred to in subparagraph 2 does not apply for dogs and cats.

**Article 28.** No cats or dogs shall be kept or exhibited in the commercial premises or appurtenances of the shops for marketing purpose.

**Article 29.** Regardless of the carrier, no publicity, including advertisements, shall be carried out in order to trade animal species which are not included in the list drawn up pursuant to Article 8 (1).

The prohibition referred to in subparagraph 1 shall also apply to dogs and cats, unless they are advertisements in technical publications or if the publicity is carried out by persons owning an approved facility as referred to in Article 17. The Flemish Government may impose additional conditions on the aforementioned publicity.

The Flemish Government may prohibit or impose conditions on the publicity for marketing purpose concerning other animal species than the animal species referred to in subparagraph 1.

**Article 30.** The following cases shall be prohibited:

- 1° to offer or grant a discount in any form for the marketing of an animal;
- 2° to offer an animal for sale in the form of a combined offer as referred to in Articles VI.80 and VI.81 of the Code on Economic Law [Wetboek van economisch recht];
- 3° to offer or award animals as prizes, rewards or gifts for purchases, competitions, raffles, betting games or other similar events;
- 4° to conclude a credit agreement as set out in Book VII, Title 4 of the Code on Economic Law in order to purchase a pet animal;
- 5° to transfer animals for free or against payment to persons under the age of 18 or similar, without the express consent of the persons exercising parental authority or guardianship over them.

For parties, annual fairs, competitions and other events with a professional or similar nature, the Flemish Government may grant derogations from the prohibition referred to in subparagraph 1, 3 °.

**Article 31.** The Flemish Government may impose conditions on the marketing of animals in order to protect them and ensure their welfare.

The conditions set out in subparagraph 1 shall relate to the following elements:

- 1° Age.
- 2° Identification and origins of the animals put on sale.
- 3° Information provided to the buyer.
- 4° Guarantees provided to the buyer and the certificates related thereto.
- 5° Disease prevention.
- 6° Packaging.
- 7° Offer.
- 8° Exhibition for trade.

**Article 32.** The Flemish Government imposes conditions on persons and associations supplying animals offered for adoption from abroad.

The conditions set out in subparagraph 1 are intended to ensure well-being of the animals and take into account the following elements:

- 1° The registration of the persons and associations referred to in subparagraph 1 and the procedure thereof.
- 2° The origin, age, sterilisation, disease prevention, behaviour and identification of the animals.
- 3° The information provided to the adopters.
- 4° The transport.
- 5° The adoption procedure.

#### Chapter 4. Transport of animals

**Article 33.** §1. Depending on the species or groups of animals, their physical condition, the nature of the means of transport and the containers, the nature, duration and conditions of the transport, the Flemish Government may determine conditions on the following elements:

- 1° The means of transport or parts thereof and the containers.
- 2° The loading and accommodation of animals in means of transport and containers, and unloading of animals.
- 3° The supervision and care of the animals during transport.
- 4° The transport, including duration, distance, temperature and conditions.
- 5° The documents to be kept.
- 6° The competence of drivers and carers and of the personnel handling animals in collection centres, checkpoints or when transporters deal with animals, when organising training for those persons and the teachers authorised to provide such training.
- 7° The organisation of examinations related to the required professional competence of drivers and carers.
- 8° When issuing, suspending and withdrawing the certificate of professional competence for drivers and carers.

The Flemish Government determines the fee to participate in the examinations referred to in subparagraph 1, 7°. The above fee shall be collected by and intended for the independent approved bodies organising the above-mentioned examinations.

§2. The Flemish Government determines the detailed rules for the certificate of approval of the means of transport referred to in Article 18 of Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related activities and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97. The Flemish Government determines the rate and rules applied to the payment of a fee in order to obtain a certificate of approval.

§3. The Flemish Government determines the procedure to request, issue, suspend or withdraw the authorisation for transports referred to in Articles 10 and 11 of Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related activities and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97. The Flemish Government determines the rate and rules applied to the payment of a fee in order to obtain authorisation.

§4. The Flemish Government may determine detailed rules for granting, in particular cases, releases or exemptions from the conditions set out in paragraph 1, and to impose obligations or restrictions on such releases or exemptions if such releases or exemptions do not infringe the provisions of Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related activities and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97.

**Article 34.** An animal is not sent by post or parcel service or is not ordered for shipment by post or parcel service, subject to the exceptions determined in the World Postal Convention, concluded at Doha on 11 October 2012.

## Chapter 5. Import and transit of animals

**Article 35.** §1. The Flemish Government may determine conditions for the import and transit of animals.

The conditions set out in subparagraph 1 may relate to the following elements:

- 1° Animal species;
- 2° Number of animals;
- 3° Conditions for issuing authorisations;
- 4° Border control;
- 5° Measures taken at the arrival time for collection purpose;
- 6° Care and temporary accommodation having regard to the physical condition of the animals;
- 7° Allowances payable by the persons designated by the Flemish Government.

§2. The Flemish Government may determine detailed rules for granting, in particular cases, derogations or exemptions from the conditions set out in paragraph 1, and to impose obligations or restrictions on such derogations or exemptions if such derogations or exemptions do not infringe the provisions of Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related activities and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97.

## Chapter 6. The killing of animals

**Article 36.** §1. A vertebrate animal shall only be killed after prior stunning.

Only a person having the necessary knowledge and competence shall be allowed to kill a vertebrate animal. Such an act can only be carried out using the least painful, fastest and most selective method for the animal.

By way of derogation from subparagraph 1, a vertebrate animal may be killed without prior stunning in the following cases:

- 1° In the event of force majeure.
- 2° In the case of hunting or fishing.
- 3° In the framework of controlling harmful organisms.

§2. If animals are slaughtered by special methods required for religious rites, stunning can be reversible and the animal's death is not caused by stunning.

**Article 37.** The killing of chicks intended for the production of eggs for consumption shall be prohibited.

Subparagraph 1 enters into force as soon as the Flemish Government determines the possibility to determine the gender of chicks in the eggs for day 12 after incubation. The Flemish Government may provide exceptions to this prohibition.

**Article 38.** Rats and mice are not killed using the following techniques:

- 1° Products containing glue intended to immobilise the animals as active ingredient.
- 2° Drowning without stunning the animal.
- 3° Anticoagulant rodenticides.

The Flemish Government may provide exceptions to the prohibition in exceptional circumstances in subparagraph 1, 2°.

The Flemish Government may extend the prohibitions referred to in subparagraph 1 to other animal species.

**Article 39.** §1. The Flemish Government shall determine the conditions for:

- 1° the methods for stunning and killing animals according to the conditions and species;
- 2° the building, the facility and the equipment of slaughterhouses;
- 3° the guarantee of independence of action of the officer responsible for the animal welfare;
- 4° the competence of the officer responsible for animal welfare and of the staff in slaughterhouses in contact with living animals, including the content and the organisation of training and examinations, and the issuing, withdrawal and suspension of the certificates issued in such framework.

§2. The Flemish Government recognises facilities for the group slaughter of animals for private domestic consumption and can determine their conditions.

§3. The killing and slaughtering of sheep, goats and pigs for private household consumption outside an approved slaughterhouse or an approved facility pursuant to paragraph 2 shall be prohibited.

Subparagraph 1 shall not apply to:

- 1° farmers referred to in Article 2, 7 °, of the Decree of 22 December 2006 determining a common identification of farmers, exploitations and agricultural land in the framework of both the fertiliser policy and the agricultural policy;
- 2° persons holding a certificate of professional competence issued by the department and possessing an anaesthetic instrument. The certificate of professional competence is obtained by training related to the slaughter or killing of animals and by passing an independent examination. The training is provided by a training institution or another person having proven expertise in the field of animal welfare related to slaughter and killing and is based on a course approved by the department. The Flemish Government may determine the detailed rules related to these conditions.

**Article 40.** §1. Each slaughterhouse shall be equipped with camera surveillance to check compliance with the provisions of this Decree and its implementing decrees and with European regulations, decisions and provisions.

The Flemish Government may determine further conditions on:

- 1° the modalities of camera surveillance;
- 2° the places where the cameras should be located as a minimum;
- 3° slaughterhouses exempted from the obligation referred to in subparagraph 1 if it is possible to ensure the animal welfare by other means.

§2. The following persons shall have access to the images within each slaughterhouse:

- 1° The business operator.
- 2° The officer responsible for animal welfare within the slaughterhouse, referred to in Article 17 of Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the moment of the killing.
- 3° The persons referred to in Article 62 (1)(1), 1° and 2° of this Decree, and the veterinarians referred to in Article 63(1) of this Decree.

The camera images are kept for 40 days. During the aforementioned period, the camera images are for inspection of the persons referred to in Article 62 (1)(1), 1° and 2°, and the veterinarians, referred to in Article 63, §1.

§3. Slaughterhouses are controllers within the meaning of Article 4 (7) of the General Data Protection Regulation for the purposes of data processing as referred to in this Article.

## Chapter 7. Interventions carried out on animals

**Article 41.** The provisions of this Chapter shall not apply to animal testing carried out in accordance with Chapter 9.

**Article 42.** It is prohibited to carry out one or more interventions in a vertebrate animal, while removing or damaging one or more sensitive parts of the body.

Subparagraph 1 shall not apply to:

- 1° interventions carried out based on a need for veterinary treatment;
- 2° interventions required by legislation related to animal disease control;
- 3° interventions intended to use the animal for its utility or the restriction of reproduction of the animal species.

The Flemish Government shall establish the list of interventions referred to in subparagraph 2, 3 °, and determine the cases when and the way such interventions may be performed.

**Article 43.** §1. A painful procedure in a vertebrate animal shall be performed with anaesthesia.

The anaesthesia referred to in subparagraph 1 shall be carried out by a veterinarian, except in cases where the responsible or veterinary helper is authorised to do so in accordance with the Law of 28 August 1991 on the practice of veterinary medicine.



§2. In the following cases, anaesthesia is not necessary for a painful procedure in a vertebrate animal:

- 1° No anaesthesia is used in similar human interventions;
- 2° It is not possible to practice anaesthesia based on the veterinarian's opinion.

§3. By way of derogation from paragraph 1, the Flemish Government may determine the procedures for which anaesthesia is not necessary under certain conditions and the methods to be used.

**Article 44.** Under this Article, inspection shall mean: an event when animals are assessed based on external characteristics, behavioural characteristics or performance characteristics, whether or not by reference to standard characteristics included in a breeding standard.

No one is allowed to participate in exhibitions, inspections or competitions with animals in which an intervention is prohibited under Article 42.

An animal which has undergone an intervention prohibited by Article 42 shall not be admitted to an exhibition, inspection or competition.

The second and third paragraphs shall also apply to animals that have undergone an intervention after 15 April 2018 as referred to in Article 42 (2), 1°.

It is not allowed to market animals on which an intervention prohibited under Article 42 has been carried out.

#### Chapter 8. Products which are unfriendly to animals

**Article 45.** The Flemish Government may restrict or prohibit the use or the marketing of products intended for animals that are harmful to their welfare.

If the Flemish Government restricts or prohibits the use or the marketing of a product, it may also restrict or prohibit publicity for its use or marketing.

#### Chapter 9. Animal testing

**Article 46.** §1. Each animal testing shall comply with the conditions set out in this chapter.

§2. The Flemish Government may authorise or prohibit the animal testing it determines.

The Flemish Government may determine the sole purposes for which animal testing may be used and the methods allowed to kill the animals.

§3. The Flemish Government may prohibit certain animal testing to avoid dual-use.

**Article 47.** §1. Users, breeders and suppliers shall be approved beforehand by the Flemish Government. The Flemish Government shall determine the conditions for the aforementioned approvals, as well as the procedure for granting, suspending or withdrawing the aforementioned approvals.

The Flemish Government shall determine the amount of the fee related to an approval application referred to in subparagraph 1, which covers the costs of processing the approval application.

§2. The Flemish Government may determine the rules on the origin of the laboratory animals and the conditions for keeping laboratory animals of different categories.

The Flemish Government may prescribe rules applied to determine and check the origin of the animals.

§3. The Flemish Government may impose conditions on the destination of the animals at the end of the animal testing when those animals were used.

**Article 48.** §1. Ethical committees are set up and are joined by users. The Flemish Government determines the composition, operation and assignments of the aforementioned ethics committees.

The Department makes decisions on the approval of the Ethics Committees and checks them. The Flemish Government determines the rules for the aforementioned approval and checking.

§2. Each user, breeder and supplier establishes an animal welfare unit.

By way of derogation from the subparagraph 1, minor users, breeders and suppliers may join an overarching animal welfare unit. The Flemish Government determines the composition, operation and assignments of the aforementioned overarching animal welfare unit.

**Article 49.** Users who use equidae, dogs, cats, pigs, ruminants or non-human primates in animal testing shall designate a veterinarian who is competent in the field of experimental veterinary medicine, who is responsible for the protection of the health and welfare of those animals.

**Article 50.** The Flemish Government shall designate a competent authority responsible for permitting projects.

A project is only performed with a prior permit.

A permit can only be granted in case of a favourable project evaluation.

The Flemish Government shall determine:

- 1° the conditions and evaluation criteria that a project must meet;
- 2° the obligations to be fulfilled by the person responsible for a project;
- 3° the procedures to grant, amend, renew, suspend or withdraw a project authorisation.

The Flemish Government determines the conditions for the non-technical summary of a project and for the assessment carried out at the end of a project.

**Article 51.** Animal testing is limited to strictly necessary conditions.

No animal testing shall be carried out if the desired result can be obtained by using another method or testing strategy not involving the use of living animals and which is recognised by European Union legislation.

In case there exists different options, the selected tests must meet the highest number of the following requirements:

- 1° The animals concerned are those least susceptible to pain, suffering, anxiety or permanent harm.
- 2° The lowest possible number of animals shall be used.
- 3° This testing shall cause the least pain, suffering, anxiety or permanent damage.
- 4° This testing is expected to produce the most satisfactory results.

Animal testing of a didactic nature is permitted only in higher education or for vocational skills training to acquire, maintain or improve the education of students and provided that they are indispensable and cannot be replaced by other equivalent didactic methods.

The Flemish Government may determine the conditions to carry out animal testing in order to train laboratories staff members.

**Article 52.** §1. Animal testing shall be carried out under general or local anaesthesia, unless impossible, and painkillers or other appropriate methods shall be used to minimise pain, suffering and anxiety.

Animal testing causing severe injuries that can provoke severe pain cannot be carried out without anaesthesia.

Anaesthesia does not need to be performed in the following cases:

- 1° If it is considered that the anaesthesia is more traumatising for the animal than the animal testing itself.
- 2° If the anaesthetic is incompatible with the purpose of the animal testing.

§2. No substances are administered to animals which no longer, or to a reduced extent, are able to show pain in case of too mild anaesthesia or slight pain relief.

In cases where the administration of a substance referred to in subparagraph 1 is necessary, a scientific justification shall be provided with details of the anaesthetic or painkilling protocol.

§3. Animals that may suffer pain when the anaesthesia is no longer active shall be treated preventively and post-operatively with painkillers or other appropriate pain control methods pursuant to the purpose of the animal testing.

As soon as the objective of the animal testing is reached, appropriate measures shall be taken to minimise the animal suffering.

§4. Death as the end point of an animal testing is avoided and shall be as much as possible replaced by human endpoints determined at an early stage.

If death as an endpoint is inevitable, the animal testing shall be designed in such a way that the lowest number of animals shall die and the duration and

intensity of the animal suffering are kept as low as possible, and death shall be as painless as possible.

**Article 53.** The user, the breeder or the supplier shall designate a person who is responsible:

- 1° for compliance with the recognition conditions;
- 2° to provide administrative or statistical information as determined by the Flemish Government.

**Article 54.** §1. Test leaders are responsible for the animal testing they carry out or let be performed.

Test leaders shall meet the following conditions, they must:

- 1° possess a university degree in an appropriate scientific discipline;
- 2° possess the necessary knowledge to carry out animal testing or have the latter be performed;
- 3° have the necessary competence if they actively contribute to the performance of the animal testing.

The Flemish Government may determine additional rules for the education and training of the masters of experiments.

§2. Test leaders are responsible for taking the measures related to the aftercare of the animals.

To this end, test leaders shall call on a veterinarian if they use equidae, dogs, cats, pigs, ruminants or non-human primates.

**Article 55.** The Flemish Government determines the nature and form of the documents held by the user, the breeder, the supplier or test leaders, and the way in which they are drawn up.

**Article 56.** The Flemish Government may determine rules for the training and competence of the staff of users, breeders and suppliers.

**Article 57.** The Flemish Government establishes a Flemish Committee on Laboratory Animals [Vlaamse Proefdierencommissie] whose task is to provide advice on the purchase, breeding, housing, care and use of experimental animals and to ensure the dissemination of best practices.

The Flemish Government determines the composition and operation of the Flemish Committee on Laboratory Animals. The Flemish Committee on Laboratory Animals contains at least representatives of the scientific and medical world.

**Article 58.** In order to ensure compliance with the provisions of this Decree, the Flemish Government determines the rules for regular inspections of all breeders, suppliers and users, including in their facilities.

Chapter 10. The Flemish Council for Animal Welfare

**Article 59.** A Flemish Animal Welfare Council is hereby established.

The Flemish Government regulates the composition and operation of the Animal Welfare Council. The Animal Welfare Council shall include at least representatives from:

- 1° Animal protection associations.
- 2° Scientific research.
- 3° Veterinarians.
- 4° Breeders.

**Article 60.** The Flemish Council for Animal Welfare shall have the following tasks:

- 1° Examine issues related to the protection and welfare of animals.
- 2° Advise on the subjects of the research the Flemish Government entrusted to the Flemish Council for Animal Welfare.
- 3° Formulate proposals to the Flemish Government regarding the protection and welfare of animals.

## Chapter 11. Flemish Animal Welfare Fund

**Article 61.** §1. A Flemish Animal Welfare Fund is being established.

The Flemish Animal Welfare Fund is a budgetary fund as mentioned in Article 15(2) of the Flemish Public Finance Code of 29 March 2019.

§2. The Flemish Animal Welfare Fund is funded to:

- 1° the following revenues:
  - a) the fee for approval applications referred to in Article 8(2)(2);
  - b) the contribution for the identification and registration of dogs and cats referred to in Article 14;
  - c) the fee for approval applications referred to in Article 17(3);
  - d) the fee for the award of the approval certificate referred to in Article 33(2);
  - e) the fee for granting the authorisation referred to in Article 33(3);
  - f) the fee for approval applications referred to in Article 47(1)(2);
  - g) the fee for the assignments carried out by the veterinarians appointed by the department referred to in Article 63 (2)(2);
  - h) the administrative fines referred to in Article 69(2);
- 2° donations, bequests and sponsorships;
- 3° voluntary contributions by persons using testing animals to research and promote alternatives to animal testing;
- 4° legal fees that may be imposed in the framework of legal proceedings;
- 5° collecting expenses recovered from those responsible and coming from the confiscation of their neglected animals;
- 6° collecting expenses recovered from those responsible and coming from the implementation of measures pursuant to Article 62(2).

§3. The income of the Flemish Animal Welfare Fund can be used to finance:

- 1° administrative and operating costs including the costs related to staff members of the entity responsible for animal welfare and the costs incurred for legal assistance;
- 2° costs in order to raise awareness;
- 3° costs related to studies and scientific research;
- 4° Flemish Animal Welfare Prizes;
- 5° investments;

- 6° the monitoring, the application and the control of the provisions of this Decree and its implementing acts and the relevant European regulations, provisions and decisions, including the costs incurred when confiscating neglected animals;
- 7° granting subsidies to cover the costs related to subsidised scientific research in the framework of animal welfare;
- 8° granting subsidies intended to implement measures beneficially impacting animal welfare;
- 9° granting subsidies intended to implement projects related to climate policy.

The Flemish Government may determine detailed rules regulating the award of animal welfare prizes referred to in subparagraph 1, point 4°.

## Chapter 12. Control, enforcement and sanction

**Article 62.** §1. Without prejudice to the implementation of the judicial police officers official authority, infringements of this decree, its implementing decisions and European regulations, provisions and decisions shall be detected and determined by:

- 1° members of the federal and local police. A person responsible for animal welfare is designated for each local police area;
- 2° the statutory and contractual staff of the department designated by the Flemish Government.

The contractual staff of the department, referred to in subparagraph 1, 2 °, shall take the oath before the Flemish Government prior to the performance of their duties.

The staff, referred to in subparagraph 1, 2 °, shall carry a proof of identity with them and shall immediately prove the latter if requested. The Flemish Government can determine who grants the prove of identity, and what its model and content shall be.

§2. The persons referred to in paragraph 1(1), 1° and 2°, are allowed to obtain all the information and documents they deem necessary to carry out their duties and make all useful findings.

In order to carry out their assignment, the persons listed in paragraph 1(1), 1° and 2°, are allowed to enter any means of transport, land, facilities or premises keeping or using living animals. The visit of premises serving as accommodation is only allowed in one of the following cases:

- 1° from 5 a.m. to 9 p.m. with the permission of the judge in the police court;
- 2° upon permission or at the request of the person who actually occupies those premises.

In addition to the case referred to in subparagraph 2, 1 °, the permission of the judge at the police court is also required for the visit, carried out outside the hours specified in subparagraph 2, 1°, of premises the public cannot access.

The persons referred to in paragraph 1(1), 2°, may seek assistance from the police for the assignments where a risk for the safety of those persons can be identified.

The persons referred to in paragraph 1(1), 1° and 2°, may be assisted in the exercise of their powers by persons who have designated them on the basis of their expertise.

The persons referred to in paragraph 1(1), 1° and 2°, are allowed to proceed to the interrogation of the offender and to any other useful interrogation.

The persons referred to in paragraph 1(1), 1° and 2°, may take or impose all measures necessary to ensure compliance with the provisions of this Decree, its implementing decrees and the European regulations, provisions and decisions for this purpose. Any costs incurred by the department to implement the aforementioned measures shall be recovered by the person responsible for the animal.

§3. Without prejudice to the rules on the protection of individuals with regard to the processing of personal data, the persons referred to in paragraph 1(1), 1° and 2°, are allowed to make findings by audiovisual means. They are also allowed to use third-party audiovisual material if those third parties have lawfully created or obtained such material.

§4. The minutes or inspection report written by the persons referred to in paragraph 1(1), 1° and 2, shall have probative value until the proof to the contrary has been provided. The persons referred to in paragraph 1(1), 1° and 2 can also draw up a report in case of infringements of Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related activities and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97 adopted by official inspection bodies abroad but which took place on the territory of the Flemish Region. A copy of the minutes or inspection report shall be sent to the offenders, on pain of forfeiture of the probative value to the contrary, within 15 days after the completion of the report.

§5. A report drawn up by the persons referred to in paragraph 1(1), 2°, shall be sent to the official appointed pursuant to Article 69(2).

§6. If an infringement of this Decree or of an implementing decree or of the European regulations and decisions has been determined on this subject, the persons referred to in paragraph 1(1), 2°, are allowed to draw up a warning report, in which the perpetrator is urged to cease the infringement.

The warning report referred to in subparagraph 1 shall be sent to the offender within 15 days after the completion of the warning report.

The warning report referred to in subparagraph 1 shall contain the following elements:

- 1° the alleged acts and the infringements of the provision or provisions of this Decree, its implementing acts or the European regulations, provisions and decisions relating thereto;
- 2° the period during which the facts referred to in point 1° should be stopped;
- 3° the following elements:

- a) If the warning is not complied with, an indication that an infringement report is written and delivered to the official or civil servant referred to in Article 69 (2).
- b) An indication that the public prosecutor's office shall be informed.

§7. A person who intentionally prevents the powers referred to in this Article of persons referred to in paragraph 1(1), 1° and 2° can be prosecuted.

**Article 63.** §1. While pursuing the application of Article 62, infringements of this Decree and its implementing decrees and of the European regulations, decisions and decrees relating thereto may be carried out in slaughterhouses, border inspection posts, exit points, agricultural holdings, collection centres for farm animals, commercial stables facilities subject to approval and may be determined by veterinarians appointed by the department and who are not part of the latter. The Flemish Government determines the assignments that the aforementioned veterinarians carry out. When carrying out the above-mentioned assignments, veterinarians may order to stop the determined infringements that cause acute suffering. Without prejudice to the rules on the protection of individuals in the processing of personal data, the aforementioned veterinarians may also make findings using audiovisual means.

For the purposes of subparagraph 1, border inspection posts and exit points shall mean: border inspection posts and exit points referred to in Article 2 (d) and (i) of Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related activities and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97.

§2. The Flemish Government determines the method of appointment and remuneration of veterinarians referred to in paragraph 1.

The Flemish Government may determine the rate and the rules for the payment of fees by slaughterhouses, farms and facilities referred to in paragraph 1, for the assignments carried out by the veterinarians appointed by the department, mentioned in paragraph 1.

§3. The findings of the veterinarians referred to in subparagraph 1 may be used as a basis for writing the reports by the persons referred to in Article 62 (1)(1), 1° and 2°.

**Article 64.** Pursuant to Article 23 (1), (d), (e), (h) and (i) of the General Data Protection Regulation, the competent staff member of the department may decide that the obligations and rights set out in Articles 12 to 22 of that Regulation shall not be applied to the processing of personal data within an investigation involving a specific natural person if the conditions set out in paragraphs 2 to 10 are met.

The derogation referred to in subparagraph 1 shall apply only during the period when the person concerned is subject to a check, an examination or a preparation relating related to it, within the framework of the decree and regulatory tasks of the competent member of staff of the department, provided that it is necessary or may be necessary that the obligations and rights referred to in Articles 12 to 22 of the aforementioned Regulation are not applied to properly conduct the investigation. Where appropriate, the duration of the



preparation shall not exceed one year from the date of the receipt of a request for the exercise of one of the rights referred to in Articles 12 to 22 of that Regulation. The Flemish Government may determine detailed rules for this.

The personal data referred to in subparagraph 1 shall not be retained for longer than is necessary given the purposes of their processing.

The possibility of derogation referred to in subparagraph 1 shall not apply to the information which is not related to the subject matter of the investigation or the control on which the refusal or restriction of rights is based referred to in subparagraph 1.

In the case referred to in subparagraph 1, if during the period referred to in subparagraph 2, the data subject formulate a request based on Articles 12 to 22 of the aforementioned Regulation, the competent data protection officer shall acknowledge its receipt.

The competent data protection officer shall inform the person concerned in a written form, as soon as possible and in any event within 30 days from the day following the date when the competent officer received the request, of any refusal or restriction of the rights referred to in subparagraph 1. Further information on the extended reasons justifying such refusal or restriction does not need to be provided if that would undermine the decree and regulation related assignments of the competent department staff member, while pursuing the application of subparagraph 8. If necessary, the above period may be extended by two months, taking into account the number of applications and their complexity. Referred to in Article 4 (7) of the aforementioned Regulation, the controller shall inform the data subject of that extension and of the reasons for the postponement within 30 days from the day following the day when the controller received the request.

The competent data protection officer also informs the person concerned of the possibility to submit a request to the Flemish supervisory committee for the processing of personal data in accordance with Article 10/5 of the Decree of 18 July 2008 on electronic administrative data traffic and to bring legal proceedings.

The competent data protection officer shall record the factual or legal reasons on which the decision is based. The competent official shall keep that information available to the aforementioned Flemish Supervisory Committee.

After completion of the investigation, the duties referred to in Articles 13 to 22 of that Regulation shall be re-applied in accordance with Article 12 of that Regulation when appropriate.

If a file containing personal data as referred to in subparagraph 1 has been sent to the Public Prosecutor Office and may lead to activities conducted by the Public Prosecutor Office or an examining magistrate, and there is uncertainty as to the secret of the investigation led by the Public Prosecutor or an examining magistrate, the competent data protection officer may only reply when requested by the person concerned in accordance with Articles 12 to 22 of the aforementioned Regulation only after the Public Prosecutor Office or, where applicable, the examining magistrate's confirmation stating that a reply does not compromise the investigation or is likely to jeopardise the investigation.

**Article 65.** The person who acts contrary to the provisions of this Decree or its implementing acts or the European regulations, orders and decisions in this respect shall be punished by a prison sentence of eight days to five years and a fine of EUR 52 to EUR 100 000, or by one of those legal sentences alone.

**Article 66.** A person who commits a new infringement of this decree, its implementing acts or the European regulations, orders and decisions in this respect within five years of a conviction for an offence referred to in Article 65 may be punished by a ten-year term of imprisonment and a fine of EUR 2 00 000, or with one of those sentences alone, without that sentence being less than EUR 200 or 15 days in prison.

**Article 67.** In addition to the sentences referred to in Articles 65 and 66, the court may take the following security measures:

- 1° Close the facility where the infringements were committed definitively or for one month to five years.
- 2° Prohibit the keeping of animals of one or more species definitively or for one month to five years, even if the animals were not registered or would subsequently be registered under the name of the offender.
- 3° Limit the number of animals of one or more species that may be kept, definitively or for one month to five years.

**Article 68.** In animal fighting or shooting exercises, the court orders the forfeiture of the stakes, the entrance fee and the objects or installations used for those fighting or shooting exercises.

**Article 69.** §1. For the purposes of this article, a circular COL 04/2019 means: Joint circular from the Minister of Justice and the Board of Prosecutors-General at the Courts of Appeal with the participation of the Flemish Prime Minister responsible for judicial and criminal priorities in Flanders.

§2. Under the Flemish criminal priorities for animal welfare, mentioned in circular COL 04/2019, the official or civil servants within the department appointed for this purpose by the Flemish Government, may impose an administrative fine in the event of an infringement of this Decree, its implementing acts or the European regulations, provisions and decisions for this purpose.

The amount of the administrative fine referred to in subparagraph 1 shall not be less than half of the minimum or higher than the maximum fine provided for in Article 65. In case of several infringements, the amounts of all the sums of money can be combined.

§3. Subject to the Flemish criminal priorities for animal welfare, referred to in circular COL 04/2019, officials mentioned in paragraph 2 may propose an alternative sanction to the offender before an administrative fine is imposed.

The following alternative sanctions may be imposed pursuant to subparagraph 1:

- 1° A training course organised or approved by the department;
- 2° to perform a community service task which is not less than 20 hours and a maximum of 45 hours;

- 3° mandatory professional guidance by an authority or a person appointed by the department to resolve the animal welfare problem being at the core of the offence.

The Flemish Government may determine the detailed modalities related to these conditions.

§4. No administrative fine may be imposed and no alternative sanction as referred to in paragraphs 2 or 3 may be proposed more than three years after the actual infringement of the provisions of this Decree, its implementing acts or the European regulations, provisions and decisions for this purpose.

The acts performed within the investigation or prosecution within the deadline referred to in subparagraph 1 shall stop the course of the proceedings. With the aforementioned acts, a new period begins to run, even with regard to persons who were not involved.

§5. If the offender implements the alternative sanction referred to in paragraph 3 and submits a certificate or attestation for this purpose, no administrative fine can be imposed by the official based on the offence it was imposed for, referred to in paragraph 2, and the public claim shall lapse.

The payment of the administrative fine referred to in paragraph 2 lapses the public claim.

§6. If no administrative fine as set out in paragraph 2 is imposed and no alternative sanction as mentioned in paragraph 3 is proposed, the file will be sent to the public prosecutor.

**Article 70.** The amount of the administrative fine referred to in Article 69 (2) shall be increased by the amounts applicable to criminal fines.

The way in which the aforementioned administrative fine is paid is determined by the Flemish Government.

**Article 71.** §1. If the persons referred to in Article 62 (1)(1), 1° and 2°, determine an infringement of this Decree, its implementing decrees or the European regulations, provisions and decisions in this regard and that the offence concerns living animals, they may administratively seize those animals and place them in an appropriate place of shelter if necessary.

The persons referred to in Article 62 (1)(1), 1° and 2° may also seize animals if they are kept while there is a prohibition or restriction imposed pursuant to Articles 67, 2° and 3°.

If the animals seized under this paragraph are collected in an approved animal shelter, the approved animal shelter shall provide the department with an overview of the animals received and the duration of their collection.

A compensation shall be paid to the approved animal shelter for the care and the costs related to the care. If the animals are not accommodated in an approved animal shelter, that fee shall be paid to the natural or legal person in question who was responsible for the care.

The Flemish Government shall determine the amount of the compensation referred to in subparagraph 4 and the detailed rules of the procedure referred to in subparagraphs 3 and 4.

§2. In the cases referred to in paragraph 1, a copy of the minutes shall be sent to the department.

§3. The Department shall determine the destination of the living animal seized pursuant to subparagraph 1.

The following destinations may be determined pursuant to subparagraph 1:

- 1° to return the animal to the person responsible for the seized animal under appropriate conditions or not;
- 2° to sell the animal;
- 3° to give the animal full ownership to a natural or legal person;
- 4° to slaughter or kill the animal.

§4. The attachment referred to in paragraph 1 shall be automatically lifted by the decision referred to in paragraph 3, or, in the absence of the aforementioned decision, after sixty days starting from the date it was seized.

§5. The persons referred to in article 62(1)(1), 1° and 2°, may administratively seize and potentially destroy, or have destroyed, the bodies, meat or objects constituting the offence or that served in order to commit an offence or were intended to commit an offence.

§6. The animal responsible shall be liable to pay compensation for the costs related to the measures taken pursuant to paragraphs 1, 3 and 5.

The Flemish Government shall fix the rates of the fees referred to in subparagraph 1.

The Flemish Government shall determine the detailed rules of the procedure referred to in paragraphs 1 and 2.

§7. Dead or killed animals as ordered by the department shall be disposed of pursuant to the regulations of the competent authority. Any costs borne by the department for the aforementioned killing shall be recovered from the person responsible for the animal.

**Article 72.** §1. If the person concerned fails to pay the administrative fine referred to in Article 69 (2) or of the costs due, indicated in Article 62(2), subparagraph 7, and Article 71(6) and (7), those amounts, with added recovery costs, shall be recovered by issuing enforceable orders. The enforceable order is endorsed and declared enforceable by an official or officials designated by the Flemish Government.

§2. The enforceable order referred to in paragraph 1 shall be served on the debtor by bailiff.

Within 30 days after the day the debtor received the aforementioned enforcement order, the debtor may lodge an objection by summoning the Flemish Region.

The objection, referred to in subparagraph 2, suspends the execution of the aforementioned enforceable order. The Flemish Region may request the court to lift the suspension of the execution of the aforementioned enforceable order.

Protective seizures may be performed in the framework of the aforementioned enforceable order. The aforementioned preventive enforcement shall be governed by the provisions of Part V of the Judicial Code.

An appeal against an enforceable order referred to in paragraph 1 can only be brought in case of disputes arising pursuant to the execution of that order. The aforementioned disputes shall be brought before the court responsible for enforcement.

§3. Based on the enforceable order and the payment of the administrative fine referred to in Article 69 (2) or the costs referred to in Article 62 (2)(7) and Article 71 (6) and (7), the Flemish Region has a general privilege over all the debtor's movable property and can take out a statutory mortgage on all assets of the debtor which are liable to do so and which are located or registered in the Flemish Region.

The privilege referred to in subparagraph 1 ranks immediately after the privileges referred to in Articles 19 and 20 of the Law on mortgages of 16 December 1851, and Article 23 of Book II of the Commercial Code.

The grade of the statutory mortgage is determined by the date of the taken registration pursuant to the declared and meant enforceable order.

The mortgage is registered at the request of the official, mentioned in paragraph 1. Notwithstanding objection, challenge or appeal, registration shall be performed by producing a copy of the enforceable order, which shall be declared to be true by the aforementioned official and indicating its service.

**Article 73.** By way of derogation from Article 72, the official referred to in Article 72(1) may decide to waive the recovery of the administrative fine referred to in Article 69(2) or the costs referred to in Article 62(2)(7), and Article 71(6) and (7), if the recovery costs exceed the amount to be recovered or if the identity of the offender cannot be determined.

**Article 74.** The official responsible for the collection and recovery shall also decide on the reasoned requests for postponement or distribution of payments the offender addressed to that official.

### Chapter 13. Provisions on the processing of personal data

**Article 75.** §1. Except if otherwise provided in this Decree, the Department acts as the controller referred to in Article 4(7) of the General Data Protection Regulation for the processing of personal data when implementing this Decree.

The processing of personal data under this Decree covers the following categories of persons concerned:

- 1° The statutory and contractual staff of the department designated by the Flemish Government.
- 2° Those responsible for animals.
- 3° Host families.
- 4° Persons and associations which supply animals intended to adoption from abroad and adopters.
- 5° Animal welfare officer.
- 6° Staff of slaughterhouses.
- 7° Drivers and caregivers as referred to in Article 33;
- 8° Master of experiments, users, breeders and suppliers and their personnel in the framework of animal testing.
- 9° Members of the Flemish Zoo Commission.
- 10° Members of the Flemish Committee on Laboratory Animals.
- 11° Members of the Flemish Council for Animal Welfare.
- 12° Veterinarians.
- 13° Breeders.
- 14° The person who acts contrary to the provisions of this decree or its implementing decrees or the European regulations, orders and decrees.

The processing of personal data within the framework of this Decree concerns the following categories of personal data:

- 1° The name, address, national register number, or other identification data.
- 2° The details of the profession in the framework of an recognition or registration application.
- 3° The competence of persons to whom a certificate is issued for this purpose.
- 4° Camera footage in slaughterhouses.
- 5° The competence, training and training of the masters of experiment.
- 6° The training and competence of the staff of users, breeders and suppliers.
- 7° Criminal convictions and offences.

§2. The maximum retention periods for personal data processed based on this Decree, pursuant to Article 5 (1)(e) of the General Data Protection Regulation, are determined in management rules, pursuant to Article III.81 (2) of the Administrative Decree of 7 December 2018.

By way of derogation from subparagraph 1, a retention period of forty days applies to personal data mentioned in Article 40.

§3. The Flemish Government may determine the detailed rules for the processing of personal data, the security of those data and the appropriate guarantees for the rights and freedoms of the person concerned. The Flemish Government may also specify the entities and purposes for which the personal data may be provided.

#### Chapter 14. Amendment provisions

**Article 76.** In Article 3, 12° of this Decree, the words ‘and of the training centre for security dogs’ are inserted between the word ‘agricultural holding’ and the phrase ‘whether or not’.

**Article 77.** The following amendments are made to Article 17 (1)(1) of this Decree:

- 1° the phrase ‘shelters for alien wildlife in distress’ is inserted between the phrase ‘animal shelters’ and the word ‘animal boarding services’;
- 2° the words ‘and zoos’ are replaced with the phrase ‘, zoos and training centres for security dogs’.

**Article 78.** In Article 19, 1° of this Decree, the words ‘and shelters for alien wildlife in distress’ are inserted between the word ‘animals shelters’ and the ‘that’.

**Art. 79.** Article 107 of the Decree of 19 December 2014 determining provisions accompanying the 2015 budget, last amended by the Decree of 23 December 2021, is removed.

## Chapter 15. Final provisions

**Article 80.** §1. For the purposes of this article, the following terms shall apply:

- 1° operation closure: the early complete cessation of the keeping of fur animals;
- 2° restructuring operation: the restructuring of a commercial fur farm into another commercial agricultural activity.

§2. In order to implement this Decree, the Flemish Government may grant compensation for a business cessation or restructuring to fur farms which kept fur animals on 5 May 2019 and ceased all activities of the aforementioned fur farming before 1 December 2023, for the parts of the aforementioned fur farms established in the territory of the Flemish Region.

§3. In the event an operation is ceased, the fee referred to in paragraph 2 shall consist of:

- 1° compensation for loss of use of immovable property associated with the cessation of business;
- 2° compensation for the direct and indirect costs and loss of income associated with the cessation of business.

In case of business conversion, the fee referred to in paragraph 2 shall consist of:

- 1° compensation for loss of use of immovable property associated with business conversion;
- 2° compensation for direct and indirect costs and investments related to business conversion.

The land and buildings involved in the cessation or restructuring of the business shall only be eligible once for compensation as set out in paragraph 2.

The compensation referred to in paragraph 2 decreases degressively, based on a formula determined by the Flemish Government.

§4. The land commission shall determine the amount of the compensation referred to in paragraph 2. The Flemish Government shall determine the detailed rules for the conditions, the application procedure, the method of calculation and the granting of the compensation referred to in paragraph 2, and also for the assignment of the national commissions.

**Article 81.** §1. For the purposes of this article, the following terms shall apply:

- 1° Cessation of operation: the early complete cessation of keeping animals for the production of foie gras by means of forced feeding.
- 2° Restructuring operation: the restructuring of a commercial business of animals intended for the production of foie gras by means of forced

feeding into a commercial business of animals intended for the production of foie gras without the use of coercive feeding or intended to another commercial agricultural activity.

§2. In order to implement this Decree, the Flemish Government may grant compensation for a business cessation or restructuring to farms that kept animals on 5 May 2019 for the production of foie gras using forced-feeding, and which ceased the aforementioned activities prior to 1 December 2023 for the parts of the aforementioned farms established in the territory of the Flemish Region.

§3. In the event an operation is ceased, the fee referred to in paragraph 2 shall consist of:

- 1° compensation for loss of use of immovable property associated with the cessation of business;
- 2° compensation for the direct and indirect costs and loss of income associated with the cessation of business.

In case of business conversion, the fee referred to in paragraph 2 shall consist of:

- 1° compensation for loss of use of immovable property associated with business conversion;
- 2° compensation for direct and indirect costs and investments associated with business operation restructuring.

The land and buildings involved in the cessation or restructuring of the business shall only be eligible once for compensation as set out in paragraph 2.

The compensation referred to in paragraph 2 decreases degressively, based on a formula determined by the Flemish Government.

§4. The land commission shall determine the amount of the compensation referred to in paragraph 2. The Flemish Government shall determine the detailed rules for the conditions, the application procedure, the method of calculation and the granting of the compensation referred to in paragraph 2, and also for the assignment of the land committee.

**Article 82.** By way of derogation from Article 36, stunning in bovine animals other than calves slaughtered by special methods required for religious rites may take place temporarily immediately after cutting the throat, and that until the date on which the Flemish Government determines that reversible stunning is practically applicable to the above mentioned species.

**Article 83.** The Law of 14 August 1986 on the protection and welfare of animals, last amended by the Decree of 22 April 2022, is removed on the date of 1 January 2024.

Article 10 (4) shall be removed on the date of 1 January 2029.

**Article 84.** This Decree shall enter into force on 1 January 2024, with the exception of:

- 1° Article 3, 15°, 20° and 21°, Article 8, §1, Article 9(2), subparagraph 1, 4°, Article 38(1), (2) and (3), Article 40, Articles 76, 77 and 78, which shall enter into force on a date determined by the Flemish Government;
- 2° Article 10(3), which shall enter into force on 1 January 2029;



3° Article 11, which shall enter into force on 1 January 2027;  
4° Article 22, which shall enter into force on 1 January 2036. By way of derogation, the Article shall enter into force on 1 January 2024 for those holdings which, by 1 January 2036, wish to replace their existing cage systems or to put cage systems into service for the first time and that at the same time, the applications for planning permission was not submitted before 14 July 2023;  
5° Article 27, which shall enter into force on 1 January 2026. Until that date, the prohibition referred to in Article 12 (1) of the Law of 14 August 1986 on the protection and welfare of animals shall continue to apply;  
6° Article 39(3), which enters into force on 1 January 2024, with the exception of those who rely on the exception referred to in Article 39(3)(2), 2 ° who have the time until 1 January 2026 to obtain the certificate of professional competence.

Brussels, (date).

The Prime Minister of the Flemish Government,

Jan JAMBON

The Flemish Minister for Education, Sport, Animal Welfare and ring of Flemish municipalities,

Ben WEYTS