

## **1. Need to draft the legislative act**

### **Annotation (ex ante) title**

Initial impact (ex-ante) assessment report (annotation) of the draft legislation “Amendments to Cabinet Regulation No 359 dated 21 June 2022 “Procedure for the Registration of Domestic (Pet) Animals”

### **1.1. Legal basis**

#### **Rationale for drafting**

Legislative act/Resolution of the President of Ministers

#### **Description**

1. Section 25 Clause 6<sup>1</sup> of the Law on Veterinary Medicine (as amended by the Amendments to the Law on Veterinary Medicine adopted by the *Saeima* on 14 March 2024).
2. Section 18<sup>2</sup>(1) of the Animal Protection Law (as amended by the Law amending the Animal Protection Law, adopted by the *Saeima* on 14 March 2024).

#### **Rationale for drafting**

Ministry / Institutional Initiative

#### **Description**

Clarified draft rules to improve the traceability of animals.

### **1.2. Objective**

#### **Description of the objective**

The draft Cabinet Regulation has been prepared:

- 1) to determine exceptions when the marking of cats and ferrets with a microchip and registration in the database of the Domestic (Pet) Animal Register of the Agricultural Data Centre (hereinafter referred to as the database) is not mandatory;
- 2) to supplement the information to be registered in the database regarding the domestic (pet) animal, including information on the reproduction of the domestic (pet) animal.

#### **Date of entry into force**

According to the regular procedure

### **1.3. Current situation, problems and solutions**

#### **Current situation**

Currently, Cabinet Regulation No 359 dated 21 June 2022 “Procedure for the registration of pet animals” (hereinafter — Regulation No 359) is in force, laying down the procedure for marking, registering, and removing pet animals — dogs, cats, and domestic (pet) ferrets — from the register.

Pursuant to Section 59 Clause 17 and 18 of the Law on Veterinary Medicine, it is currently mandatory to mark all dogs with a microchip and register them with the database, while cats and domestic (pet) ferrets can be registered with the database if they are marked with a microchip.

Section 59 Clause 19 of the Law on Veterinary Medicine (version of the Law which enters into force on 1 July 2024) provides that cats and ferrets must be marked with a microchip in accordance with the procedures laid down by the Cabinet, must have a passport for pet animals, and must be registered with the database of the Agricultural Data Centre's register of domestic (pet) animals, except in cases where, in accordance with Section 25 Clause 6<sup>1</sup> of that Law, the requirements shall not be mandatory.

Regulation No 359 determines which information on a domestic (pet) animal is to be registered initially, which changes to the information on a registered domestic (pet) animal are to be registered, and who is entitled to register changes to the information.

## **Problems and solutions**

### **Description of the problem**

It follows from Section 59 Clause 19 of the Law on Veterinary Medicine (in the version which enters into force on 1 July 2024) that the registration of all cats and domestic (pet) ferrets is mandatory, except in the cases provided for by the present draft regulation.

Section 25 Clause 6<sup>1</sup> of the Law on Veterinary Medicine establishes a new mandate for the Cabinet of Ministers to provide for exceptions where the marking of cats and domestic (pet) ferrets with a chip and registration is not mandatory.

It is important to register cats and domestic (pet) ferrets with the database, as they have a relatively higher risk of wandering off and remaining without the care of the owner or keeper, and thus ending up in an animal shelter. On the other hand, for a stray animal marked with a microchip and registered in a database, it is possible to find its owner by reading the microchip number and retrieving the contact details of the animal's owner from the database, to return the animal home as soon as possible. Since, in accordance with the laws and regulations in force, the local government organises the catching of stray or helpless animals, as well as establishes and maintains animal shelters, the expenditure of local governments will also decrease as the number of animals entering the shelters or the period of stay of the animal in the shelter decreases. On the other hand, it is essential to mark animals that are bred and whose offspring are alienated with a microchip and register them with a database to ensure both the traceability of their origin and the monitoring and control of animal welfare, for example, to monitor whether the number of litters or the age at which offspring are alienated complies with the welfare requirements laid down by the laws and regulations.

### **Description of the solution**

Pursuant to Section 25 Clause 6<sup>1</sup> of the Law on Veterinary Medicine, the mandate granted to the Cabinet in Cabinet Regulation No 359 must be supplemented to include the indication of the legal basis for issuing the regulation, and Cabinet Regulation No 359 must be further supplemented with Sub-paragraph 1.3 to

incorporate the mandate provided by law to establish exceptions where the microchip marking and registration of cats and domestic (pet) ferrets are not mandatory (Paragraphs 1 and 2 of the draft Regulation).

Paragraph 3 of Regulation No 359 is clarified to ensure compliance with the requirements laid down in legislation governing the welfare and protection of animals and to provide for the registration not only of dogs, but also of cats and domestic (pet) ferrets in the database (Paragraph 3 of the draft Regulation). Paragraph 2 of Regulation No 359 provides that a domestic (pet) animal marked with a microchip shall be registered with the database.

A new Paragraph 3<sup>1</sup> is to be added to Regulation No 359, stipulating that cats and ferrets imported from another country are to be registered in the database within 10 days of entry (Paragraph 4 of the draft Regulation). These animals are already microchipped. The obligation to register a dog imported from another country in the database is laid down in Section 59 Clause 18 of the Veterinary Medicine Law.

In the light of the above, Regulation No 359 should be supplemented by adding Paragraph 3<sup>2</sup>, specifying which cats and domestic (pet) ferrets are not required to be marked and registered in the database (Paragraph 5 of the draft Regulation). The draft Regulation does not stipulate a mandatory obligation to chip and register with the database cats and domestic (pet) ferrets that are not bred, alienated, freely released outside the territory used by the owner or holder, or placed in an animal hotel, and do not participate in exhibitions or other public events. Ownerless cats are also not registered, as when registering an animal, information about the owner of the animal must be provided in the database, but this is not possible in such a situation. On the other hand, the owner of an animal is not prohibited, if he or she so wishes, from marking his or her animal with a microchip and registering it in a database, even though the cat or domestic (pet) ferret belongs to a category that does not necessarily have to be marked and registered.

Paragraph 5 of Regulation No 359 updates the wording of the title of the legislative act on animal shelters and animal hotels (Paragraph 6 of the draft Regulation).

## **Description of the problem**

Paragraph 8 of Regulation No 359 specifies which information on a domestic (pet) animal, its owner and holder is to be recorded in the database by a practising veterinarian.

There is a problem with the need to indicate the microchip number of the animal's mother in order to register the animals' pups: when a domestic (pet) animal is first registered with the database, its origin is unknown and it is not possible to trace which breeding animal the pups in question were born to. Thus, the traceability of animals is not ensured for the control authorities, for example, to verify that the number of litters of juveniles obtained does not exceed the limits laid down by the legislation in the field of animal welfare.

Sub-paragraphs 8.2.1 and 8.3.1 of Regulation No 359 stipulate that persons who have not been assigned a personal identity number must indicate their nationality, the number of a valid identity document, and the date of issue. However, since identity

documents are with a specific validity term and can be replaced, it sometimes becomes difficult to identify a particular person.

### **Description of the solution**

In the database, when registering for the first time pups of a dog, cat, and domestic (pet) ferret for which the mother has been indicated in the database as being used for reproduction, the microchip number of their mother shall be indicated. Such a requirement is included in the draft regulations to ensure the traceability of domestic (pet) animals and thus facilitate the monitoring and control of animal breeders. However, when an adult domestic (pet) animal is registered or it is registered by a shelter, its origin is unknown and it is not possible to indicate the mother's chip number. Therefore, a new Sub-paragraph 8.1.9 should be added to Paragraph 8 of Regulation No 359, including the requirement to indicate the parent chip number, if known, in the registration database (Paragraph 7 of the draft Regulation). For this requirement a date of entry into force is set to 1 January 2025, as the development of the functionalities of the database requires an appropriate period of time (Paragraph 18 of the draft Regulation).

Sub-paragraphs 8.2.1 and 8.3.1 of Regulation No 359 have been supplemented with the provision that persons to whom a personal identity number has not been assigned shall also have their date of birth indicated in order to identify the specific person (Paragraphs 8 and 9 of the draft Regulation).

The data of natural persons — owners and holders of animals — referred to in Regulation No 359 are necessary for State and local government authorities, as well as for other persons to communicate with owners or holders of animals in order to ensure the fulfilment of the functions and tasks laid down in laws and regulations — control of compliance with the requirements for the marking and registration of domestic (pet) animals, compliance with welfare requirements, compliance with the regulations on alienation (in relation to advertisements) and supervision of the collection of fees for keeping animals laid down in the binding regulations of local governments.

### **Description of the problem**

Paragraph 9 of Regulation No 359 sets out the action to be taken by a practising veterinarian when a dog is marked with a microchip, has a domestic (pet) animal passport but is not registered in the database, while Paragraph 10 sets out the action to be taken by a practising veterinarian when a dog is marked with a microchip but is not registered in the database. Since the draft Regulation also provides for the registration of cats and domestic (pet) ferrets, the requirements referred to in Paragraphs 9 and 10 of Regulation No 359 also apply to these animals.

### **Description of the solution**

Paragraphs 9 and 10 of Regulation No 359 have been clarified by replacing the word "dog" with the words "domestic (pet) animal" (Paragraphs 10 and 11 of the draft Regulation).

### **Description of the problem**

Paragraph 16 of Regulation No 359 provides those changes to the information on a registered domestic (pet) animal (an event with an animal) are to be recorded in the database, and the information to be recorded is indicated.

Section 18<sup>2</sup> (1) of the Animal Protection Law provides that the owner or holder of a domestic (pet) animal — such as a dog, cat, or domestic (pet) ferret — who breeds the animal is obliged to register the breeding by making a note in the database of the register of domestic (pet) animals (as amended by the Law on Amendments to the Animal Protection Law, adopted by the *Saeima* on 14 March 2024 and entering into force on 1 July 2024).

In accordance with Section 18<sup>2</sup> (1) of the Law on Animal Protection, the draft Regulation establishes the procedure for registering the fact of reproduction in the database for an animal already initially registered. It stipulates that the owner or holder of a domestic (pet) animal — such as a dog, cat, or domestic (pet) ferret — who breeds the animal is obliged to register the fact of reproduction by making an entry in the database of the register of domestic (pet) animals.

Section 17<sup>2</sup> of the Animal Protection Law stipulates that a dog may not be tethered, except in the cases referred to in legislation governing the welfare and protection of domestic (pet) animals, while Section 23 of the Transitional Provisions of the Animal Protection Law provides that the prohibition on tethering a dog does not apply to dogs born before 31 August 2023. Thus, a dog born before 31 August 2023 may be tethered in accordance with the provisions of the Animal Protection Law, but there may be animal owners who do not keep a dog born before 31 August 2023 tethered, and given the need to ensure the best possible welfare requirements for the animal, such a dog should continue not to be tethered.

The current Regulation No 359 does not specify a period for registering a change of ownership of an animal by the alienation of an animal. The obligation to register the change of owner of an animal, without setting a deadline for its fulfilment, may not be fulfilled at all. However, it is important that up-to-date information on the owner of the animal is indicated in the database, because, for example, when the animal wanders, it is important to contact the current owner of the animal so that the animal can be returned home as soon as possible.

## **Description of the solution**

Paragraph 16 of Regulation No 359 should be supplemented by adding two events to be recorded in the database for an animal already initially registered:

- 1) the fact of the animal's reproduction after the birth of the offspring, indicating the date of birth of the offspring and the number of offspring per litter (Paragraph 12 of the draft Regulation);
- 2) information on whether a dog born before 31 August 2023 is kept tethered (Paragraph 13 of the draft Regulation).

Paragraph 17 of Regulation No 359 requires a reasonable period of 72 hours to register the transfer of an animal with the database (Paragraph 14 of the draft Regulation).

The above events involving the animal are to be registered in the database within 72 hours after the event in one of the ways specified by Paragraph 18 of Regulation

No 359. The introductory part of Paragraph 18 needs to be supplemented to include a reference to Sub-paragraphs 16.10 and 16.11 of Regulation No 359 (Paragraph 15 of the draft Regulation).

Paragraphs 16.10 and 16.11 of Cabinet Regulation No 359 will enter into force on 1 January 2025, as the relevant time is needed to improve the functions of the database (Paragraph 18 of the draft Regulation).

### **Description of the problem**

Paragraph 22 of Regulation No 359 lays down the obligations of the Agricultural Data Centre (hereinafter — Data Centre) with regard to operations with the database. Sub-paragraph 22.4 of Regulation No 359 provides that the Data Centre shall exclude a pet animal from the database if no event involving the animal has been recorded with the database within 20 years of its registration. The time of registration of an animal in the database can vary significantly: the animal can be registered at a few months old or, for example, at 10 years old. When an animal is registered in the database, for example at the age of 10, its remaining life expectancy is relatively shorter than that of an animal registered in the database at the age of a few months. It should therefore be specified that the Data Centre shall exclude a pet animal from the database if no event involving the animal has been recorded within 25 years of its date of birth.

Sub-paragraph 22.8 of Regulation No 359 provides that the Data Centre is to publish and maintain on its website a list of veterinary practice establishments with which a contract has been concluded for the marking and registration of domestic (pet) animals in the database. On the other hand, it is not specified which information is to be included in the above mentioned list.

### **Description of the solution**

To prevent information on animals that have died but are not excluded from the database from being stored in the database, Sub-paragraph 22.4 of Regulation No 359 should be clarified by providing that the Data Centre should exclude a domestic (pet) animal from the database if no animal event has been recorded in the database within 25 years of its date of birth (Paragraph 16 of the draft Regulation). The fixed term of 25 years is close to the maximum lifespan of a domestic (pet) animal.

Sub-paragraph 22.8 of Regulation No 359 must be supplemented with information to be included in the list of veterinary practice establishments with which a contract has been concluded for the identification and registration of pet animals in the database. The list must include information of the name of the relevant authority (for a natural person — given name, surname, and veterinary practice certificate number), the actual address, contact phone number, and the number in the Food and Veterinary Service register of surveillance objects (Paragraph 17 of the draft Regulation). The information to be provided shall be the minimum amount of data necessary to identify the veterinary practice establishment concerned, to receive the service at the practice establishment concerned and to contact it.

### **Have alternative options been assessed?**

No

**Have the proportionality of the requirements and the costs and benefits been assessed?**

No

#### **1.4. Evaluations/studies justifying the need for an MA**

#### **1.5. Ex post evaluation**

**Will it be performed?**

No

#### **1.6. Other information**

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### **2. Impact of the draft legislation on economic development and administrative burden**

**Does the draft affect this area?**

Yes

#### **2.1. Societal groups affected or likely to be affected by the legal framework**

##### **Natural persons**

owners of dogs, cats, and domestic (pet) ferrets

##### **Description of the impact**

The obligation for owners of dogs, cats, and domestic (pet) ferrets to register the reproduction of an animal by making a note with the database of the register of pet animals is laid down by the Animal Protection Law. The draft regulation defines only the procedure for fulfilling this obligation.

The draft regulation states that for dogs born before 31 August 2023, it must be indicated whether the animal is kept tethered.

It is not possible to determine the total number of dogs, cats, and ferrets and their owners in the territory of Latvia, nor to predict the number of potential owners of domestic (pet) animals. Currently, 252,311 dogs, 23,873 cats, and 270 domestic (pet) ferrets are registered with the database of the Data Centre's register of domestic (pet) animals.

##### **Legal entities**

owners of dogs, cats, and domestic (pet) ferrets

##### **Description of the impact**

The owner of a domestic (pet) animal may also be a legal entity. Legal persons are affected in the same way as natural persons.

## 2.2. Economic impact of the legal framework

### Does the draft affect this area?

No

## 2.3. Monetary assessment of administrative costs

### Does the draft affect this area?

Yes

Community group	Increased / decreased	Hourly pay rate — euro	Time consumption per unit — hours	Number of entities	How often — times a year	Administrative costs — euro	Explanation of calculations
Natural persons			Total (natural persons)			5.07	
owners of dogs, cats, and domestic (pet) ferrets	increasing The meaning of the value:	10.14 average wages and salaries in the country	0.50 hours	1 making an entry in the database regarding the fact of reproduction or indicating whether the dog has been tethered	1 times	5.07	The estimation was prepared to fulfil the obligation for owners of dogs, cats, and domestic (pet) ferrets to register the reproduction of the animal by making a note in the domestic (pet) animal register database, or to indicate in the database whether the dog has been kept tethered. It

								is not possible to determine how many potential animal owners in the country are involved in the breeding of dogs, cats, or domestic (pet) ferrets, or how many dogs are kept tethered. Therefore, the calculation takes into account one mark confirming the fact of breeding or one entry in the database to indicate whether the dog is kept tethered. For owners of pet animals, the hourly rate is determined on the basis of the
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								average wage in the country (hourly rate: EUR 10.14).
Legal entities			Total (legal entities)				5.07	
owners of dogs, cats, and domestic (pet) ferrets	increasing The meaning of the value:	10.14 average wages and salaries in the country	0.50 hours	1 making a note of the fact of reproduction in a database	1 times		5.07	The estimation was prepared to fulfil the obligation for owners of dogs, cats, and domestic (pet) ferrets to register the reproduction of the animal by making a note in the domestic (pet) animal register database, or to indicate in the database whether the dog has been kept tethered. It is not possible to determine how many potential animal owners in

								the country are involved in the breeding of dogs, cats, or domestic (pet) ferrets, or how many dogs are kept tethered. Therefore, the calculation takes into account one mark confirming the fact of breeding or one entry in the database to indicate whether the dog is kept tethered. For owners of pet animals, the hourly rate is determined on the basis of the average wage in the country (hourly rate: EUR 10.1
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							4).
						Total	10.14

## **2.4. Assessment of compliance costs**

**Does the draft affect this area?**

No

## **3. Impact on the national and local government budgets**

**Does the draft affect this area?**

No

**Other information**

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## **4. Impact of the draft legislation on the existing legal framework**

**Does the draft affect this area?**

Yes

### **4.1. Related draft legislation**

**4.1.1. Amendment to Cabinet Regulation No 880 dated 17 September 2013 “Price List for Public Paid Services of the Agricultural Data Centre” (24-TA-1635).**

#### **Justification and description**

The purpose of the amendment to Cabinet Regulation No 880 dated 17 September 2013 “Price list for public paid services provided by the Agricultural Data Centre” is to introduce a provision that no registration fee is charged for the registration of cats and domestic (pet) ferrets placed in animal shelters in the home (pet) animal database of the Agricultural Data Centre.

#### **Responsible body**

Ministry of Agriculture

### **4.2. Other information**

The draft Regulation “Amendments to Cabinet Regulation No 359 dated 21 June 2022 “Procedure for the registration of pet animals”” (24-TA-874) shall be included or consideration at the Cabinet meeting jointly with the draft Regulation “Amendments to Cabinet Regulation No 880 dated 17 September 2013 “Price list of public paid services of the Agricultural Data Centre”” (24-TA-1635).

## **5. Compliance of the draft regulation with international obligations of the Republic of Latvia**

**Does the draft affect this area?**

No

### **5.3. Other information**

**Description**

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## **6. Institutions involved in developing the draft and the public participation process**

**Public participation does not apply to this draft legislative act**

No

### **6.1. Bodies involved in drafting the regulation**

**National and local government institutions**

Agricultural Data Centre

**Non-governmental organisations**

Latvian Association of Veterinary Surgeons, Foundation “dzīvniekupolicija.lv”

**Other**

No

### **6.2. Ways of organising public participation**

**Type**

Public consultation

**Link to results of public participation**

[https://tapporlals.mk.gov.lv/public\\_participation/845da089-85d9-421d-b195-a0ecaf6546d](https://tapporlals.mk.gov.lv/public_participation/845da089-85d9-421d-b195-a0ecaf6546d)

### **6.3. Results of public participation**

The Latvian Association of Veterinary Surgeons, the foundation “dzīvniekupolicija.lv” and a private individual provided their opinion on the draft regulations submitted for public participation from 14 May to 27 May 2024. All the proposals presented have been assessed, and proposals that can improve the process of registration of pet animals and traceability of animals, as well as the understanding of the exceptions where microchipping and registration of cats and domestic (pet) ferrets are not mandatory, have been taken into account, with the appropriate clarification of the draft Regulation and its annotation. A summary of the views expressed and an explanation of whether or not the proposal has been taken into account is annexed to the explanatory memorandum.

### **6.4. Other information**

## Other information

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### 7. Implementation of the draft legal act and its impact on bodies

#### Does the draft affect this area?

Yes

#### 7.1. Bodies involved in implementing the draft

##### Institutions

Agricultural Data Centre

Food and Veterinary Service

Municipalities:

#### 7.2. Assessment of administrative costs

#### Does the draft affect this area?

No

#### 7.3. Assessment of compliance costs

#### Does the draft affect this area?

No

#### 7.4. Impact of the draft on administrative functions and institutional structures

Impact	Yes/No	Explanation
1. A new institution will be created	No	-
2. A institution will be dissolved	No	-
3. A current institution will be reorganised	No	-
4. Functions and tasks of an institution will change (will be extended or narrowed)	No	-
5. Efficiency of internal processes will be improved in an institution	No	-
6. Internal processes in an institution will be digitized	No	-
7. Internal processes in an institution will be optimized	No	-
8. Other information	No	-

#### 7.5. Other information

## **Other information**

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### **8. Horizontal impacts**

#### **8.1. Impact of the legal framework of the draft**

##### **8.1.1. On the development of public services**

**Does the draft affect this area?**

No

##### **8.1.2. On the development of national and local government information and communication technologies**

**Does the draft affect this area?**

No

##### **8.1.3. On the implementation of information society policy**

**Does the draft affect this area?**

No

##### **8.1.4. On the indicators of the National Development Plan**

**Does the draft affect this area?**

No

##### **8.1.5. On territorial development**

**Does the draft affect this area?**

No

##### **8.1.6. On environment**

**Does the draft affect this area?**

No

##### **8.1.7 On climate neutrality**

**Does the draft affect this area?**

No

##### **8.1.8. On the social situation of the population**

**Does the draft affect this area?**

No

## **8.1.9. On equal opportunities and rights of persons with disabilities**

**Does the draft affect this area?**

No

## **8.1.10. On gender equality**

**Does the draft affect this area?**

No

## **8.1.11. On health**

**Does the draft affect this area?**

No

## **8.1.12. On human rights, democratic values and the development of civil society**

**Does the draft affect this area?**

No

## **8.1.13 On data protection**

**Does the draft affect this area?**

Yes

### **Description**

The planned processing and circulation of personal data included in the draft Regulation has been assessed and determined in accordance with Article 5 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

## **8.1.14. On diaspora**

**Does the draft affect this area?**

No

## **8.1.15. On regulation of professions**

**Does the draft affect this area?**

No

## **8.1.16. On the best interests of the child**

**Does the draft affect this area?**

No

## **8.2. Other information**

### **Other information**

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