



# Związek Hodowców Psów Rasowych

## Purebred Dogs Breeders Association



ZHPR-ZG-02-4/20

Częstochowa, dnia 14.12.2020 r.

Position  
Purebred Dog Breeders Association  
regarding  
the Act of 18 September 2020 amending the Act on the protection of animals and certain  
other acts

The Board of the Association of Breeders of Pedigree Dogs, having regard to art. 1 sections 2 and 3 of the Law on Associations (Journal of Laws of 2017, item 713 as amended), would like to submit a request for an intervention in connection with an extremely important issue which is the parliamentary bill "on the amendment of the Act on the protection of animals and certain other acts" (Parliamentary Printed Matter No. 597 of 11 September 2020), specifically on the proposals that have been included in this project, concerning the ban on the reproduction of dogs for trading purposes.

The proposed amendment to Article 10a section 6 in conjunction with section 2 of the Act would introduce a ban on the reproduction of dogs for trading purposes with the exception of "breeding of dogs from bitches and sires which are pedigree dogs", however, according to the proposed new wording of Article 4 point 10a of the Act, a pedigree dog should be understood as "a dog of the right phenotype for a given breed which has its pedigree entered in the Polish Pedigree Register [Polska Księga Rodowodowa] kept by the Polish Kennel Club [Związek Kynologiczny w Polsce] or in a foreign pedigree register recognised by that Club". These changes would be expected to be introduced in place of the existing ban on the commercial dog breeding with the exception of "breeding of animals registered in national social organisations whose statutory objective is activity connected with the breeding of pedigree dogs".

The introduction of such provisions to the Act on animal protection will de facto lead to the limitation of the constitutional principle of freedom of association, regulated in Article 12 (the Republic of Poland shall ensure freedom for the creation and functioning of associations) and Article 58 (The freedom of association shall be guaranteed to everyone) of the Constitution of the Republic of Poland, and specified in detail in the Law on Associations (Article 1 section



1, i.e. Polish citizens exercise the right to associate in associations, in accordance with the provisions of the Constitution and the legal framework defined in the acts).

Apart from infringing the rights guaranteed to all citizens of the Republic of Poland by the Constitution, the proposed changes will directly compromise the fundamental values of the European Community, i.e. the principle of non-discrimination, according to which all persons are equal before the law, and also the free movement of goods and services.

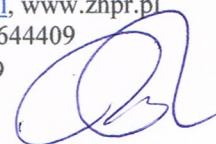
The proposed wording of the said provision indicates that only a dog with its pedigree entered in the "Polish Pedigree Register [Polska Księga Rodowodowa]" kept by the "Polish Kennel Club" [Związek Kynologiczny w Polsce] or in a foreign pedigree register recognized by the Club will be considered a pedigree dog.

Such a provision actually introduces a monopoly for one organisation exclusively, because "The Polish Kennel Club" [Związek Kynologiczny w Polsce] is the proper name of a club/association which is one of the many kennel clubs/cynology organisations registered and operating in the Republic of Poland on the basis of the regulations in force (ca. 80 organisations in total). Most of these organizations are also associated in international organizations operating within the European Union, and which are not recognized by "the Polish Kennel Club [Związek Kynologiczny w Polsce]".

Particular attention should be paid to the fact that the English translation of the bill (but also the translation into other languages) may prove misleading because the name of the organization "Związek Kynologiczny w Polsce" (Polish Kennel Club) has also been translated into English as "Polish Cynology Union", which may suggest that this is not a single organization but a union or an association of a number of organizations, which is actually not true.

The introduction of such a monopoly will lead to what is, in fact, a scandalous situation, not only on a local (Polish) scale, but on the European or even global scale, as regards regulations on the breeding of pedigree dogs. This will prevent all other organisations, established in accordance with the applicable national and international regulations, from continuing to operate in the field of breeding pedigree dogs, and it will also lead to a situation where dogs with pedigrees issued by an organisation from any other country, which is not recognised by the 'Polish Kennel Club', will no longer be recognised as pedigree dogs upon their entry into the territory of the Republic of Poland.

At this very point, we should like to draw attention to a matter which is in some respects similar to the said situation taking now place in Poland, where the subject matter was the restriction of the free movement of goods and services and the principle of non-discrimination, which was already pursued in the case of the Kingdom of Denmark in 2013, and which concerned the introduction by Denmark of a ban on the breeding of 13 breeds of dogs considered dangerous and a ban on the crossing of the Danish border by citizens of the European Union (and citizens of countries from outside the European Union) accompanied by a dog of a breed listed as one of the 13 said breeds also in a situation where in a given Member State a given breed was not considered dangerous.



In its reply of 9 December 2013 to a question on these measures, the Commission, referring to Council Directive 91/174/EEC(3) , indicated that this Directive 'imposes an obligation on the Member States so as to ensure that the marketing of pure-bred animals is not prohibited, restricted or impeded for zootechnical or pedigree reasons. The transposition into the Danish law puts an obligation on breeding organisations to establish non-discriminatory regulations in relation to animals from other Member States".

In view of the above, we hereby submit a request for intervention in this matter in order to prevent the introduction of the proposed amendments to the Act on the Protection of Animal Rights, the effects of which will not only affect Polish breeders, but also a number of breeders from the European Union countries and countries from outside the Community (the effects of the amendments may affect up to several hundred thousand breeders in total), because the matter concerns pure-bred dogs recognised in other Member States, which, as a result of the introduction of the proposed amendments under Polish law, will no longer be recognised as being of a pedigree.

Związek Hodowców Psów Rasowych  
PREZES ZARZĄDU GŁÓWNEGO

*Paweł Palacz*