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MINISTRY OF HEALTH - ORDER August 6, 2013 (in Official Gazette no. 209 of 6 September 2013) **-Ordinanza contingibile and urgent concerning the public safety protection from aggressive dogs. (13A07313)**

THE MINISTER OF HEALTH

Having regard to Article 32 of the Constitution;

Given the Veterinary Police Regulation approved by Decree of the President of the Republic of 8 February 1954, n. 320, as amended;

Having regard to Article 32 of Law 23 December 1978, n. 833, as amended;

Given the European Convention for the Protection of Pet Animals, signed in Strasbourg November 13, 1987, ratified by the law Nov. 4, 2010, n. 201, containing the "Ratification and implementation of the European Convention for the Protection of Pet Animals, done in Strasbourg on 13 November 1987 as well as for the adaptation of internal rules";

Having regard to Law 14 August 1991, n. 281, concerning the "Framework Law for companion animals and prevention of stray dogs," as amended;

Having regard to Article 117 of Legislative Decree 31 March 1998, n. 112, as amended;

The Order of the President of the Council of Ministers of 28 February 2003 on the "Implementation of the Agreement between the Minister of Health, the Regions and the autonomous provinces of Trento and Bolzano on 6 February 2003, laying down provisions on animal welfare and pet-therapy ", published in the *Official Gazette* of the Italian Republic on 4 March 2003, n. 52;

Having regard to Article 544-ter, 650 and 727 of the Criminal Code;

Given the order of the Minister of Labour, Health and Social Policy of 3 March 2009 on "Protecting public safety dog aggression", published in the *Official Gazette* of the Italian Republic on 23 March 2009, n. 68;

The Order of the Minister of Labour, Health and Social Policy of 26 November 2009 establishing training courses for owners of dogs, published in the *Official Gazette* of the Italian Republic on 25 January 2010, n. 19;

Given the order of the Minister of Health of 22 March 2011, "Deferral of the term of effectiveness and amendments of the Ordinance of the Minister of Labour, Health and Social Policy of 3 March 2009 concerning the public safety protection from the threat of dogs ", published in the *Official Gazette* of the Italian Republic of 13 May 2011, n. 10;

Given the order of the Minister of Health of 4 August 2011, "Integration Ordinance of the Minister of Labour, Health and Social Policy March 3, 2009, concerning the protection of public safety from attack by dogs, as amended by ' order of the Minister of health March 22, 2011 ", published in the *Official Gazette* of the Italian Republic of 8 September 2011, n. 209;

Considering that there continues to be a need to take precautionary measures aimed at protecting public safety from attack by dogs due to the occurrence of accidents especially in the home related to improper management of the animals from the owners;

It deemed necessary, pending the enactment of a comprehensive legislative framework in the field, strengthen the system of prevention of the risks of attacks by dogs not only based on the imposition of restrictions and obligations to the owners and keepers of dogs but also on training of the same to improve their ability to management of the animals;

Considered in this context that the Council of Ministers in its meeting of July 26, 2013 approved



a draft law, among other things, responsibility for the discipline of personnel considering the safety from attack by dogs (art. 21);

therefore considered to determine the duration of effectiveness of this order in 12 months, given the iter slope predicted d.d.l .;

Given the Ministerial Decree of 8 July 2013 laying down the delegation of powers of the Minister of Health to the Secretary of State Hon Paolo Fadda, published in the Official Gazette of the Italian Republic of 2 August 2013, n. 180;

Sort by:

Art. 1

1. The owner of a dog is always responsible for the welfare, control and management of the animal and answers, both civil and criminal law, damage or injury to persons, animals or property caused by the animal itself.
2. Any person who, for any reason, you agree not to hold a dog of his properties he takes responsibility for the relevant period.
3. For the purposes of preventing damage or injury to persons, animals or property owner and the owner of a dog shall take the following measures:
 - a) Always use the leash to an extent not exceeding 1.50 meters during the animal's run in urban areas and in places open to the public, subject to the areas identified by the common dog;
 - b) bring along a muzzle, hard or soft, to be applied to the dog in case of risk to the safety of persons or animals or at the request of the competent authorities;
 - c) entrust the dog to people who can manage it properly;
 - d) to acquire information about a dog taking its physical and ethological characteristics as well as on the rules in force;
 - e) to ensure that the dog has a behavior appropriate to the specific requirements of coexistence with people and animals than the context in which he lives.
4. It is compulsory for anyone to lead the urban collect dog feces with them and have appropriate tools to collect them.
5. They set up training courses for dog owners, in accordance with the Ministerial Decree of 26 November 2009, issuance of a certificate of participation called license. The training courses are organized by the municipalities together with the veterinary services of the local health authorities, which may secure the cooperation of the following entities: professional associations of veterinarians, veterinary medical schools, veterinary associations and animal protection associations. The town, on the recommendation of the official veterinary service, identifies the scientist in charge of the training course among veterinary medical experts in animal behavior or trained by the National Reference Center for training in veterinary public health, established at the Institute of Experimental zooprofilattico Lombardia and Emilia Romagna.
6. The veterinarian freelance inform owners of dogs on the availability of training courses and, in the interest of public health, reports the local health authority veterinary services the presence, among his patients, dogs that require a behavioral assessment as challenging for the proper management for the purpose of public safety protection.
7. Following incidents of biting, aggression or based on other common risk criteria, on the advice of the veterinary services, decided, as part of their duty to public safety, such as dog owners have the ' obligation to carry out training courses. The costs for the training courses are borne by the owner of the dog.

Art. 2

1. The following are prohibited:

- a) the training of dogs that enhances the aggressiveness;
 - b) any operation of selection or crossing dogs with the aim of developing the aggressiveness;
 - c) the submission of dogs doping, as defined in Article 1, paragraphs 2 and 3 of Law 14 December 2000 n. 376;
 - d) the sale, exposure purpose of selling and marketing of dogs subjected to surgery does not comply with Article 10 of the European Convention for the Protection of Pet Animals, done in Strasbourg on 13 November 1987, ratified and implemented in Italy by law 4 November 2010, n. 201.
2. Surgical operations carried out in accordance with Article 10 of the European Convention are certified by a veterinary surgeon. The veterinary certificate follows the animal and is presented when required by the competent authorities.
3. The surgeries performed in violation of Article 10 of the European Convention should be considered animal abuse under Article 544-ter of the Criminal Code.

Art. 3

1. Except as provided in Articles 86 and 87 of the Decree of the President of the Republic of 8 February 1954, n. 320, on "Veterinary Police Regulations", as a result of biting or aggression veterinary services activate a program aimed at ascertaining the psychophysical condition of the animals and good management by the owner.
2. The Veterinary Services, in addition to the provisions of Article 1, paragraph 7, in case of high risk detection, establish preventive measures and the need for a behavioral assessment and a possible therapeutic intervention by experienced veterinarians in animal behavior.
3. The veterinary services hold a register of dogs declared high risk of aggression in accordance with paragraph 2.
4. The owners of the dogs entered in the register referred to in paragraph 3 enter into a policy of liability insurance for damage to third parties caused by their dog and always apply to the dog, when it is in urban areas and in places open to the public, both leash is muzzled.

Art. 4

1. It is prohibited from owning or possessing dogs registered under the article 3, paragraph 3:
- a) the habitual criminals, or trend;
 - b) who is subjected to personal prevention measures or measure of personal safety;
 - c) any person has been convicted, even if not definitive, for an intentional crime against the person or against property, punishable by imprisonment exceeding two years;
 - d) any person has been convicted, even if not definitive or penal order, for the crimes referred to in Articles 727, 544-ter, 544-quater, 544-quinquies of the Criminal Code, for those covered by Article 2 of Law July 20, 2004, n. 189, and Article 4 of Law 4 November 2010, n. 201;
 - e) persons under 18 years, and to interdict those unable to mental infirmity.

Art. 5

1. This Ordinance shall not apply to dogs provided to the Armed Forces, Police, Civil Protection and Fire Brigade.
2. The provisions of Article 1, paragraph 3, letters a) and b), and Article 1, paragraph 4, shall not apply to dogs trained to assist people with disabilities.
3. The provisions of Article 1, paragraph 3, letters a) and b) shall not apply to dogs to guard flocks and to conduct other types of dogs and still identified with his act by the regions or municipalities.

Art. 6

1. Violations of the provisions of this Ordinance shall be sanctioned by the competent authorities according to the provisions in force.

Art. 7

1. This Ordinance shall take effect for 12 months from the date of publication in the Official Gazette of the Italian Republic.

This order shall be transmitted to the Court of Auditors for registration.

Rome, August 6, 2013.

p. the minister
Undersecretary of State
Fadda

Registered at the Court of Auditors 27 August 2013

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