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PROMOCIJAS DARBA KOPSAVILKUMS  
SYNOPSIS OF THE DOCTORAL THESIS

**Mājas (istabas) dzīvnieku tiesiskais regulējums Latvijā**

**Legal regulation of pet animals in Latvia**

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## INTRODUCTION

The doctoral thesis titled "**Legal regulation of pet animals in Latvia**" represents the inaugural study not only regarding the legal framework concerning animals in Latvia but specifically focusing on a distinct category of animals – pet animals.

Society's demand for a real pet animal's protection mechanism in our country forms the basis for revising existing norms. Based on the application of laws over the last two decades, the aim is to create a contemporary legal framework for pets. This framework aims to ensure the protection and welfare of animals, the implementation and adherence to the rights, duties and responsibilities of pet owners, the alignment with public interests (public order and safety), and the ability of competent authorities (state and municipal) to oversee and regulate the maintenance of pet animals.

**The subject of the research** is the legal regulation of pet animals in Latvia, including the legal framework for the protection and welfare of pets, civil law regulations related to pet animals ownership, and legal regulations concerning public order and safety in the maintenance of pets.

**The hypothesis of research:** the legal regulation of pet animals in Latvia lacks a strategic and systematic approach, negatively impacting the processes of development and improvement within this legal framework.

**The objective of the doctoral thesis** is to explore and analyze the system and development of the legal regulation concerning pet animals in Latvia, identifying potential issues and proposing solutions, as well as formulate a strategy for the development of legal regulations concerning pet animals.

**The tasks** involved in achieving the objective of the thesis are:

- 1) to analyze the basic concepts and historical development of the legal regulation concerning to pet animals in Latvia;
- 2) to systematize Latvian legislative acts regarding the legal regulation of pet animals and conducting an analysis of Latvian legal regulation system concerning pet animals;
- 3) to analyze civil law issues related to pet animals, including the civil legal status of pets and the legal regulation of pet owners and pet keepers;
- 4) to identify issues regulated by the maintenance of pet animals necessary to ensure the protection and welfare of animals, to protect the legal interests of individuals (pet owners/keepers, consumers, society), and to ensure public order and safety;
- 5) to study scientific literature on the legal aspects of pet ownership, protection and welfare; foreign practices in the legal regulation and implementation of pet animals; court case materials, statistical data and registries related to the keeping of pets;

6) to develop a comprehensive strategy for the development of legal regulations concerning pet animals and to propose improvements to legislative acts in the field of pet animals maintenance based on the results of the research.

In the doctoral thesis have been employed as general scientific methods such as analysis and synthesis, as well research methods including historical analysis, induction and deduction. Chapter 1.1. employs the historical method, providing insights into the evolution of legal regulations concerning pet animals. This is followed by the logical method, forecasting the future development of the legal domain pertaining to pets. The author utilizes both inductive and deductive methods to derive conclusions based on assertions or observations made during the study. The issues discussed in the thesis are structured from general to specific. Chapter 5 serves as a synthesis, offering a strategic vision for the formation of the landscape of legal regulations governing pet animals, created from the exploration of individual inquiries. The author employs various theoretical analysis methods, such as the descriptive method, elucidating the legal framework concerning pet animals, and the analytical method, delving into the scope and content of these regulations. Additionally, the holographic analysis method is employed, interconnecting theoretical knowledge of the research subject with practical manifestations. To elucidate the purpose and coherence of norms, the author employs methods of legal norm interpretation, including the grammatical, historical, teleological, and systemic approaches. Through these methods, the author analyzes existing legal norms, their conflicts and application issues. Quantitative methods involve data analysis concerning the effectiveness of pet animals registration, exploration of publicly available registries and data sources tracking the dynamics of animal protection organizations and characterization of practical situations involving breeders of pet animals. Research findings are incorporated into the relevant sections of the thesis and supplemented in the appendices.

The author has defined the following limitations for this research:

- the doctoral thesis will study the legal regulations concerning solely pet animals;
- in doctoral thesis animal rights will not be undertaken explorations of as a philosophical category; the author will focus on legal acts and juridical issues more precisely expressed in legal science as "legal protection of animals" rather than "animal rights"; philosophical insights will be considered only to better comprehend the possibilities of development within the field of animal protection and the legal boundaries;
- due to the restricted scope of the thesis, the study of foreign experiences has been limited to positive practices from foreign countries - such as Germany, Switzerland, the Czech Republic, the United Kingdom and other countries, where legal consciousness of animal keeping and attitudes toward animals have been progressed. Latvia has yet in a basic level of adherence to animal keeping regulations

– this is the level, where the public faces inconveniences due to the irresponsibility of pet owners, therefore it is premature to adopt foreign experience directly;

- the research period for the thesis spans from the year 2000 (with an exception in Chapter 1.1. discussing historical development) until the submission of the doctoral thesis (2023).

The doctoral thesis constitutes a scientific and empirical study based on the author's experience. Its scientific novelty lies in the systemic consolidation and analysis of legal regulations concerning pet animals, leading to new conclusions and proposals. The author posits that the quality of legal regulations does not merely reside in the quantity of norms but rather in the content of these norms. The conclusions and proposals derived from this study hold practical significance. A systemic analysis of norms in the legal regulation of pets has not been conducted in our country thus far, and this could contribute to a more effective practice of reviewing and improving norms.

The scope of the doctoral thesis spans 156 pages, structured into five chapters with subsections, thoroughly exploring the development and system of legal regulations concerning pet animals. Additionally, the work includes 22 appendices. The content of doctoral thesis:

## 1. DEVELOPMENT AND BASIC CONCEPTS OF LEGAL REGULATION OF PET ANIMALS

1.1. Formation and evolution of legal regulations concerning pet animals in the Republic of Latvia

1.2. Basic concepts of legal regulations concerning pet animals and their application in legislative acts

## 2. SYSTEM OF LEGAL REGULATION OF PET ANIMALS IN THE REPUBLIC OF LATVIA

2.1. Special legislative acts in the regulation of pet animals

2.2. General legislative acts in the regulation of pet animals

## 3. CIVIL LAW ISSUES RELATED TO PET ANIMALS

3.1. Civil legal status of pet animal

3.2. Legal peculiarities of pet animal ownership and keeping

3.3. Ownerless pet animal

## 4. LEGAL ISSUES CONCERNING PET ANIMAL KEEPING

4.1. Registration of pet animals – a tool for implementing oversight and control functions

4.2. Breeding and trade of pet animals – aspects of animal welfare and consumer protection

4.3. Keeping wild species as pet animals – existing legal regulations, oversight, control gaps and potential threats

4.4. Issues of public order and safety in pet animals keeping

## 5. STRATEGY FOR THE LEGAL REGULATIONS DEVELOPMENT CONCERNING PET ANIMALS IN THE REPUBLIC OF LATVIA

5.1. Subjects in legal relationships of pet animal keeping

5.2. Objects in legal relationships of pet animal keeping

5.3. Division of competencies among state and local government institutions in legal relationships concerning pet animal keeping

5.4. Legal acts system in legal relationships concerning pet animal keeping

### CONCLUSIONS AND PROPOSALS

The author has extensively addressed the research topic in publications and scientific conferences, focusing on various legal aspects related to animals, such as the legal status of animals as property, legal protection of animals, and animals in criminal and administrative proceedings. The author has presented reports in several conferences, the findings of which have been published in scholarly journals:

1) Turība University XXIV International Scientific Conference "Change - the Basis of a Sustainable Society", April 19, 2023, the author presented and published the paper "Cat - challenges of legislation in determination of the legal status of this animal";

2) University of Latvia 81st International Scientific Conference, February 2023, the author co-presented report "Domestication and De-domestication of Animals in Contemporary Reality" in the section "Nature: an Interdisciplinary Perspective", co-author A. Liepa (biologist);

3) International conference "Animals in Riga: changing attitudes towards urban animals in the historical context" in the Museum of the History of Riga and Navigation, October 28, 2022; the author presented report "Animal in law regulation: the tendencies of development the normative acts of animal protection and welfare";

4) International workshop "Towards the Implementation of a Positive List in Latvia", April 11, 2018, the author presented the report "Legal Regulation of Keeping Exotic Pet Animals: Problems and Juridical Issues";

5) Conference "Protection of Animal Rights: Ethical and Legal Aspects", November 22, 2012, the author presented a report "Legal Aspects of Legal Protection of Animals", in collaboration with UNESCO Latvia and the Faculty of History and Philosophy at the University of Latvia;

6) Turība University 11th International Scientific Conference "Individual, society, country under today's changing economic conditions", March 26, 2010, the author presented a paper "The legal status of the norms of legal protection of pet animals in the current economic conditions";

7) Turība University 7th International Scientific Conference, June 2, 2006, the author presented the paper "The subject of property – animal, problems related to

it" published in the compendium "Property, Its Encumbrances: Problems, Solutions, Possibilities".

A part of the research was conducted with practical implications, involving in-depth exploration and analysis to identify issues and develop proposals for sector ministries (Ministry of Justice, Ministry of the Interior, Ministry of Agriculture). For instance, from 2018 to 2022, a series of discussions during the annual Lawyers Days, in collaboration with the Ombudsman and the Society "Latvijas Juristu biedrība", focused on animals in administrative offense proceedings and criminal proceedings: April 26, 2018, "Legal issues in criminal and administrative cases involving animals"; April 25, 2019, discussion "Current legal issues in the strengthening of animal protection and owner responsibility"; April 30, 2021 - "Cruelty to an animal (constituent elements and penalties)"; April 29, 2022, "Cruelty to animals – development and perspectives of legal regulations"; and on October 27, 2022, "Animals in administrative offense proceedings and criminal proceedings". Furthermore, a practical study was conducted titled "The role of animal protection organizations in administrative offense proceedings and criminal proceedings involving animals", leading to the development of Guidelines on "Administrative offense proceedings and criminal proceedings involving animals", submitted to the Ministry of Justice and Ministry of the Interior (on January 2, 2023, Ministry of Justice expressed gratitude for the prepared material to enhance the application of legal norms).

The author's publications in the journal "Jurista Vārds": "Violation of animal keeping regulations in the understanding of the Criminal Law. Commentary on the decision of the Senate's Criminal Case Department in case No. SKK-377/08" (2009); "The impact of animal status on legal regulation" (2023); "Will amendments to the Animal Protection Law change the fate of animal protection".

The research draws on a theoretical and methodological base consisting of interdisciplinary opinions from various fields, Latvian legislation, both current and obsolete, foreign legislation, court practices, and practical research materials such as guidelines, reports, and statistical overviews, totaling 390 sources. The theoretical foundation is based on both Latvian and foreign legal theories and publications. Foreign theoretical bases also include philosophical studies and publications on animal rights and ethical attitudes towards animals: utilitarianism (Peter Singer), animal rights (Tom Regan) and abolitionism (Gary Francione), focusing on general philosophical features influencing the development of legal science in the field of animal protection. Additionally, the author has referenced the ethical questions of animal advocacy addressed by philosopher Artis Svece (Latvia), aiding a deeper understanding of issues related to the legal status of pet animals in this doctoral thesis. The author has also referred to the insights of 19th-century physiologists, the field of zoopsychology based on the work of ethology pioneer Konrad Z. Lorenz and Temple Grandin, an associate professor at Colorado State University.

## CONTENTS OF THE THESIS

The structure of the doctoral thesis has been designed to achieve the thesis goals more comprehensively while encompassing various legal interests (civil law aspects, ensuring animal welfare, and respecting public interests), thus conducting a more comprehensive scientific exploration.

### 1. DEVELOPMENT AND BASIC CONCEPTS OF LEGAL REGULATION OF PET ANIMALS

The first chapter of the dissertation provides an overview of the historical development of legal regulations concerning pet animals within our country. Additionally, it examines basic concepts and their application in existing regulatory acts. This chapter is divided into two subsections: the author explores the formation and evolution of legal regulations concerning pet animals in the Republic of Latvia, as well as the basic concepts of this legal regulation and their application in legal acts.

The author traces the origins of the legal regulation of these animal species back to the period when their keeping was governed by specific regulatory acts. During historical periods, these species of animals were categorized as "domestic animals," subject to the prevailing order based on the intended use of the animal, whether as household, agricultural or working animals. Within the scope of this dissertation, the historical review begins around the mid-19th century, coinciding with the establishment of the first animal protection organization and shelter within the territory of Latvia, then part of the Russian Empire.

In researching the historical development of legislative acts concerning the protection and welfare of pet animals in Latvia, the author identifies six main areas:

- 1) taxation regulations related to animal keeping;
- 2) laws pertaining to rabies control;
- 3) hunting regulations (about pet animals in hunting areas);
- 4) animals protection and welfare laws;
- 5) regulations regarding offenses and liability;
- 6) property rights legislation concerning animals.

The author includes a practical aspect of animal protection during the 19th century, focusing on the establishment of animal protection organizations and shelters in Latvia, along with modern trends in their activities. The construction of the first animal shelter in Riga took place in 1877.

The mandatory regulations for protecting animals from abuse and cruelty in 1923 consisted primarily of prohibitive norms and were relatively rudimentary. The 1936 "Mandatory Regulations for Animal Protection" retained all paragraphs from the 1923 regulations with minor editorial adjustments and significant additions and



improvements. During the Latvian Soviet Socialist Republic period, regulations governing the keeping of non-productive animals were in effect, primarily regulating the keeping of dogs and cats.

The development of legal regulations concerning pet animals in the early 21st century marked a new direction within the legal domain with the enactment of the Animal Protection Law. The author evaluates the draft law on animal protection, observing a tendency to craft these legal acts in the pre-war style of Latvian state norms (detailing prohibitive norms, employing outdated terminology, etc.). The first regulations based on the Animal Protection Law were only adopted in the spring of 2006. The author concludes that the lack of organization in legislative acts within six years from the enactment of the Animal Protection Law led to various misunderstandings and ambiguities in the application of norms.

Overall, the evolution of legislative acts governing animal protection and welfare has progressed from simplistic prohibitive norms to a comprehensive, structured system of legal regulation. This system encompasses the "umbrella law" on animal protection - Animal Protection Law - and various regulations, which also apply significantly within the scope of this dissertation - the legal regulation of domestic animals. In subsection 1.1. of the dissertation, the author examines the origins of legal regulation concerning the protection of pet animals in Latvia, the influencing factors such as the impact of animal protection organizations on the creation and enhancement of normative acts, and the formation of the existing system of normative acts in the late 20th century/early 21st century. This subsection focuses primarily on historical research and the transformation of norms in contemporary times.

In subsection 1.2. the author categorizes basic concepts into two groups: 1) sub-branches of law often referred to as "animal rights," encompassing concepts such as animal rights, legal protection of animals, animal protection and animal welfare; and 2) the those concepts as: "animal" and "pet animal" in legal terms as understood in current norms, examining their adequacy for effective legal regulation.

Regarding the analysis of the concept of "animal rights," the author concludes that it pertains to the theory of animal advocacy ethics in philosophy, wherein animal rights denote the moral significance of animal interests. Conversely, the legal understanding of the concept of "legal protection of animals" precisely reflects the purpose and content of legal norms – these are regulations governing the rights, obligations and responsibilities of individuals concerning animals without imposing rights, obligations and responsibilities on the animals themselves. Legal protection of animals entails providing legal protection for animals from human beings (regardless of whether these individuals are the animal owners or not), recognizing human rights and duties concerning animals, holding individuals accountable for animals in their possession or use (generally speaking, individuals are accountable for any domesticated animal), for any harm caused by the animal, and so on.

In the dissertation the author explores two concepts whose differentiation holds legal significance - "animal protection" and "animal welfare". Animal protection in a narrower sense signifies protecting the animal from human dominion, regulated in criminal law and administrative offense norms as protection against cruelty. When narrowing the conclusion to the protection of domestic animals, it represents legal and factual protection of animals from human influence - actions or inactions causing or potentially causing pain, suffering or the death of the animal (regardless of whether death has occurred, but considering circumstances where it could have occurred). The concept of "animal protection" applies to all animals, regardless of their actual condition or use – both wild and domestically kept animals have protection requirements in legal norms. The term "welfare" applies only to domestically kept animals and does not extend to animals living in the wild. Animal welfare involves a set of actions or measures that humans are obliged to ensure.

Analysing the basic concepts of "animal protection" and "animal welfare" the author identifies the term of "keeping requirements" which do not fall under either protection or welfare. The primary criterion distinguishing "keeping requirements" from "welfare requirements," in the author's opinion, is the consequences resulting from the breach of these requirements: if it harms or hinders humans - they are keeping requirements; if it harms the health, well-being of the animal - they are welfare requirements.

In the second group of basic concepts the author includes terms directly related to animals - "animal" and "pet animal" - and examines how these terms are understood in prevailing norms and whether they suffice for effective legal regulation.

The term "animal" significantly differs between biology and jurisprudence. In biology animals encompass various life forms with different developmental stages: from microorganisms to large mammals. The problem of defining the legal term "animal" resides in two extremes: a human is also considered an animal and any living microorganism is an animal. The Animal Protection Law does not contain a legal definition of the term "animal." Analyzing foreign legal norms and theories the author concludes that it is challenging to define the legal concept of "animal" because adopting the biological definition is not feasible and it is difficult to differentiate which animals are protected under the law and which are not. It is also important to note that although biologically humans are animals, their legal status differs from that of other animals: humans are legal subjects, while animals are legal objects. In the legal definition of "animal" the author narrows the scope of the study to domestically kept animals, identifying cognitive capacity and domestication as the main criteria. However, formulating a comprehensive, all-encompassing legal definition of an animal for legal regulation remains elusive. Accordingly, the definable concept can further narrow down to a specific type of animal usage - pet animals. This term was introduced into Latvian legal regulation only upon the

enactment of the Animal Protection Law, defining it as an animal that a person keeps for their enjoyment. The author considers the successful definition of a pet animal in the Animal Protection Law project as: "domesticated or tamed animal, with established interaction and mutual dependence on humans, primarily living with them in their home", which includes an essential aspect - domestication. The author contends that it would be acceptable to keep only domesticated species as pet animals, because domestication is a prerequisite to ensure that keeping these animals in captivity and in proximity to humans does not cause stress or suffering.

## 2. SYSTEM OF LEGAL REGULATION OF PET ANIMALS IN THE REPUBLIC OF LATVIA

In this chapter of the thesis, the author analyzes the existing legal norms governing pet animals in the Republic of Latvia. The author chooses the hierarchical legal force of normative acts as the basis for structuring the legal framework, encompassing European laws and international treaties.

The analysis of legal regulation begins with the Constitution of the Republic of Latvia - its Article 105 - concerning human rights to property, including animals. These rights can be restricted by law; for instance, a person convicted of cruel treatment towards animals may be prohibited from keeping them. Furthermore, it is specified that property must not be used contrary to public interests, constituting the owner's obligation under the Animal Protection Law to foster a favorable public attitude towards the animals in their possession and ensure that the animals do not disturb or endanger people or other animals. Direct provisions concerning animal protection and welfare are found in other countries' constitutions, such as Article 41 of the Constitution of Luxembourg and Article 20a of the German Constitution (Grundgesetz für die Bundesrepublik Deutschland).

The author categorizes laws included in the legal framework for pet animals into two groups: general and special. The review of normative acts is subdivided by the author into subsections: special legislative acts and general legislative acts concerning pet animal regulation, providing an overview of laws and subordinate acts.

The Animal Protection Law is recognized as the "umbrella" law in the legal regulation of pet animals. Special provisions related to pet animals are also found in the Veterinary Medicine Law; the Hunting Law and the Law on Animal Production and Breeding. The legal regulation of breeding work related to pet animals is applicable only from 2011 onwards.

The general laws regulating pet animals include the Civil Law Part of property rights, the Criminal Law, the Law of Administrative Liability, the Local Government Law and the law "On Taxes and Fees". Pet animals, considered property objects, fall under the Civil Law's regulatory scope. Questions of liability are contingent on the

severity of the offense: Law of Administrative Liability and the Animal Protection Law (from 01.07.2020) address administrative responsibility, while Criminal Law deals with criminal liability. The custody rules for animals seized during administrative or criminal proceedings are established by Cabinet of Ministers regulations. Once a decision on confiscating an animal is made, it becomes state property and, in accordance with Cabinet regulations, remains in the place where it was found, handed over at no cost to the person in whose custody they are kept.

As part of the legal framework for pet animals, the regulatory acts associated with local government functions in maintaining pet animals within their administrative territory are mentioned. These encompass the Local Government Law, the law "On Taxes and Fees", along with related legislation: Cabinet regulations and binding regulations of a local government. Within each local government administrative territory, rules concerning the keeping of pet animals and regulations on municipal fees for animal keeping.

In this section the author has systematized the legal regulation of pet animals by arranging both the hierarchical order of norms governing the keeping of pet animals and categorizing national regulatory acts into special and general ones based on the subject matter being regulated. The system of legal regulation for pet animals stands numerically as follows: 1 constitution; 1 international treaty (convention); 3 regulations; 11 laws (comprising 6 general and 4 special laws); 18 Cabinet of Ministers regulations (15 delegated from special laws); and at least 30 binding regulations of a local government. In the author's view, the number of regulatory acts in this legal and societal field is excessive, fragmented, and non-transparent.

### 3. CIVIL LAW ISSUES RELATED TO PET ANIMALS

In discussions regarding the change in the civil legal status of animals, arguments emerge that one of the primary issues in animal protection in Latvia is the societal indifference toward animals, as per the Civil Law, where an animal is equated to the status of an object or, as D. Bentham emphasizes, "degraded to the rank of a thing." Interest in legal theory about the legal status of humans and other animals as living beings has existed in various periods and within different research subjects.

This section is divided in three civil law-related issues concerning pet animals as property: 1) the civil legal status of animals and the changes in public opinion, 2) the legal regulation of the owner and keeper of pet animals and 3) ownerless pet animals. Due to the limited scope of this dissertation, the author refrains from delving into the status of animal shelters, which influences the rights to obtain and keep animals, as well as the area of controlling the population of stray animals, which also correlates with property rights aspects within the context of this section.

In subsection 3.1. of this dissertation the author explores opinions and foreign legal norms regarding the regulation of animals within civil law. In Latvia the issue of regulating animals as objects or property within the Civil Law has become increasingly pertinent. Animals are recognized as sentient beings or living property, a category already separated from the class of objects in civil laws of several European countries, such as Austria (since 1988), Germany (since 1990), Switzerland (since 2002), the Czech Republic (since 2014), and France (since 2015). Changes in civil legal status do not endow animals with independent rights, duties and liabilities. However, it is legally stipulated that animals are sentient beings rather than mere objects. The essence lies in distinguishing animals from the status of objects, emphasizing that individuals should treat animals differently from any other object. The primary feature distinguishing animals from objects is their capacity to feel. While Latvia's Civil Law does not precisely designate animals as objects, this implication arises from the clauses within the Civil Law.

In the second subsection of this section the author analyzes the peculiarities of the legal regulations in force regarding the owner and keeper of the animal, as well as the property rights concerning the animal and its keeping.

In executing the enumeration of rights and obligations for animal owners and/or keepers established by legal norms, inconsistencies are observed—there is no clear distinction as to the rights and responsibilities exclusively attributable to the animal owner, or what constitutes the validating factor of property rights over the animal, distinguishing the owner from the keeper. Through an in-depth study of norms, it's discernible from legislative acts that certain rights and duties pertain solely to the animal owner, such as the right to transfer ownership of the animal, permit its use as a donor, exhibit the animal publicly, authorize its euthanasia, breed it, register and make changes regarding a registered animal.

The author contends that the property rights and keeping rights over the animal must be demarcated, assigning a narrower scope of rights, duties and responsibilities to the keeper, while the owner bears full rights, obligations and responsibilities concerning the upkeep of the animal, indemnification for losses caused by the animal and handling of the animal.

Furthermore, there is no precise regulation concerning the substantiation of property rights over the animal. Two potential options arise from the current situation: the registration of property rights in the state registry (in Latvia, the registration of all dogs is mandatory at the Agricultural Data Center, confirming an individual's desire to be the dog's owner in this registry) and/or the entry in the EU Pet Passport (however, this is issued solely for dogs, cats and domestic ferrets). Nonetheless, it is derived from the explanation provided by the Ministry of Agriculture that the EU Pet Passport is not considered proof of property rights. The unified domestic animal registry established in the country, maintained by the Agricultural Data Center, does not record property rights over the animals. Hence,

it is concluded that property rights over the animal are determined according to general principles set by Civil Law.

The issue of animal ownership remains unresolved for pet animals that have ended up in shelters and stray animals, which belong to someone and have escaped, roamed, gone missing, etc., and have been placed in shelters until their owner retrieves them, or such animals, whose owner disclaims them, are accepted and kept in the shelter until a new owner is found. According to the prevailing norms in Latvia, an animal shelter is not a legal entity and its purpose is to find new owners for the animals under its care who do not conform to the inclination to act as an owner. Concerning stray animals placed in shelters, there is always the possibility that an owner exists for the animal—thus, in essence, the animal is in the shelter, but since a domestic animal is a property object, it must always be assumed that it belongs to someone. As per the governance regulation, two conditions are undoubtedly established: physical control and the intention to maintain it as one's own. Animals in shelters are provided temporary care with the objective of finding them to new caretakers. Consequently, animal shelters have no intention of keeping animals as their own.

In this sub-section the author identifies legal regulatory conflicts and deficiencies in the regulation of property rights over animals, for which proposals to rectify them are provided in the Conclusions and proposals section.

The third sub-section of this chapter is dedicated to ownerless pet animals. As delineated by the Animal Protection Law, only two groups are distinguished as the factual status: "wild animals" and "domesticated animals in captivity," which, by logical classification, are mutually exclusive concepts and entirely encompass the concept of "animal" concerning their factual status, whether they are in the wild or in captivity. An ownerless animal does not fit as a third type of animal based on factual status because although it is in the wild, it cannot be considered a wild animal. Both the factual status of ownerless animals and the deficiencies in legal regulation pose challenges in understanding what precisely defines ownerless animals.

In this sub-section the author specifically examines legal matters in the context of ownerless cats: the concept, status, legal norms of ownerless cats, excluding discussions about ownerless cat control programs and their practical implementation.

The concept of an ownerless cat emerged only in the last 20 years; prior to that, legal regulations only mentioned stray animals. It was only in 2005 that the first part of Article 8 of the Animal Protection Law was supplemented with a second sentence, which for the first time in legislation separates so-called "street cats" from stray animals. The term "ownerless" is not yet officially mentioned in legal norms. It wasn't until 2010 that the term "ownerless cat" was first established in legislation.

The author analyzes the concepts of "ownerless" (by Animal Protection Law) and "ownerless" (by Civil Law) – whether they are used synonymously concerning

cats. It is clarified that both through grammatical and systemic norm interpretation, the concept of "ownerless" by Civil law does not apply to cats, and the author does not use it as a synonym for the concept of "ownerless" by Animal Protection Law. Since the control of stray animals and ownerless cat populations (as well as the maintenance of domestic animals in their administrative territory) is a local government task, it might be presumed that the local government is the owner of ownerless cats. Although not legally defined and based on an analogy with wild animals, which are matters of ownerlessness rather than state property, it follows that ownerless cats are not owned by any individual.

Analyzing foreign experience in controlling stray and ownerless animal populations, the author notes similarities in problematics to those in Latvia. The author concludes that a solution in sorting concepts would involve differentiation by species - attributing the concept of ownerless animals only to cats (which is a species of animals capable of freely roaming outside their owner's territory, not termed as straying, adapting to life without an owner; they are not subjected to capture and placement in animal shelters, but rather to a program for the sterilization of ownerless cats, where the animal post-sterilization is returned to its habitat). Accordingly, the concept can be defined, for instance, as "ownerless cat - a sterilized cat without an owner that resides in urban or rural areas near residential houses, provided with minimal welfare requirements (such as access to food, water and shelter)". The issue of legal protection for ownerless cats is addressed through establishing representation rights - allowing animal protection organizations to represent the legal interests of ownerless (including stray) animals in state and local government institutions.

In conclusion the author highlights that the contemporary task of legal regulations is to establish a legal regime for pet animals that ensures the protection of animals as sentient beings' interests while also deterring irresponsible human behavior in keeping domesticated animals.

#### 4. LEGAL ISSUES CONCERNING PET ANIMAL KEEPING

The regulation of pets is essential for the protection of the animals themselves, for society's protecting from such ownership and, in a broader sense, for environmental conservation. It is acknowledged and often observed in practice, that a person's presence with a pet animal impacts the natural environment. This section of the thesis identifies, according to the author, the most significant issues requiring legal regulation to ensure the manageable and controlled keeping of pet animals, without disrupting society, while respecting the rights of the pet owner and meeting the welfare needs of the animal. These issues encompass: the registration of pet animals; breeding and trade of pet animals; keeping wild species (i.e., exotic

animals) as pets; and public order and safety issues associated with keeping pet animals. Consequently, this section is divided into four subsections:

- 1) registration of pet animals - a tool for monitoring and implementing control functions;
- 2) breeding and trade of pet animals - aspects of animal welfare and consumer protection;
- 3) keeping wild species as pets - existing legal regulations, deficiencies in supervision and control, potential threats;
- 4) public order and safety issues in keeping pet animals.

The author regards the registration of pet animals as the most critical stage in ensuring legal order in the field of pet keeping. With comprehensive registry data, it is possible to efficiently plan and forecast necessary legal (such as developing the binding regulations of a local government) and administrative (such as procurement planning for controlling stray animal populations) oversight and control activities. Moreover, it aids in increasing the responsibility of animal owners, consequently ensuring public order. In Latvian legislation, mandatory registration is stipulated only for dogs.

The primary task of registering pet animals is to establish a legal link between the animal and its owner, intensifying the owner's responsibility for the care of the pet they have taken in. The compulsory identification and registration of dogs serve not merely to affirm property rights, which may be the individual (private) interest of dog owners, but also for dog population control purposes, strengthening owner responsibility, as well as preventing and restricting the spread of diseases, which serves the public interest.

The registration of pets remains an important issue at the EU level. Questions concerning the identification and registration of cats and dogs were incorporated into the European Parliament's resolution of February 12, 2020, on the internal market of the EU and consumer protection against the adverse effects of illegal trade in companion animals. The resolution emphasizes the crucial role of a harmonized mandatory system for the identification and registration of cats and dogs at the EU level. It asserts that such a system is necessary as the initial step in combating illegal trade in companion animals, highlighting that identification and registration are fundamental prerequisites for introducing control, ensuring compliance and traceability. This points to the close link between the registration of pet animals and the control of their breeding and trade, which is the subject of the next subsection of the study.

The author analyzes only the internal trade involving pet animals and the existing as well as the necessary legal regulations in the realm of breeding pets, without addressing issues related to the import and export of animals. Within this subsection the term "breeding" encompasses all elements of the process: keeping non-sterilized pets, breeding pets (starting from mating and ending with the birth of



offspring), nurturing (compliance with the welfare requirements of both the mother and offspring until the offspring are disposed of) and trade (sale – transactions involving uncompensated disposals will not be analyzed within this subsection).

Breeding pets is a sensitive industry as it involves the reproduction of living beings, demanding adherence to their welfare requirements, while the financial aspect often complicates compliance with these requirements. The author conducted a practical study focusing on breeders of pets and their offerings in the market, specifically on one of the most popular online commerce platforms: [www.ss.com](http://www.ss.com). The results of this study underscore the inefficiency of the existing legal regulations and the lack of oversight and control. According to the author, the primary issue with the absence of oversight and control stems from pet breeders and/or breeding facilities not being registered as subjects under state veterinary supervision.

In the 4.3 subsection of the thesis the author delves into a subject that is not only a topic of discussion in Latvia but globally, attracting attention not only from legal scholars but also experts in various fields – the ownership of wild species as pets. In Latvian legal regulations the ownership of wild species as domestic pets or "exotic animals" is not unambiguously regulated, nor is the concept of "exotic animal" clearly defined in practice. The author identifies the most significant legal issues (more precisely, shortcomings) in Latvia regarding the keeping of these "exotic" animals as pets: 1) lack of regulation for key terms: "exotic animal" and "domesticated animal"; 2) unclear list of precise animal species that can be kept as pets; 3) legally prohibited ownership of certain wild species, yet allowed in registered facilities without explicit clarification or regulation of the purpose for keeping such animals; 4) only the registration process for facilities holding wild animals is specified, not the welfare requirements for these animals; 5) division of responsibilities between the Ministry of Agriculture and the Ministry of Environmental Protection and Regional Development, creating gaps in oversight and expertise concerning the handling of wild animals.

The European Parliament acknowledges the keeping of wild species as pets as a risk factor, concerning both legal and illegal trading and various hazards related to animal welfare, human health and safety and environmental impacts. The implementation of a Positive List system, listing species permitted as household pets, is recognized as one of the most effective legal frameworks. The author studied the Belgian example, where a Positive List of 42 mammalian species has proven highly effective. Conversely, Latvia's existing regulations follow a Negative List system, prohibiting specific wild species while permitting others. The primary drawback of the Negative List system lies in the unenumerated number of species outside the legal framework and control: while around 900 species are prohibited, nearly 5000 species remain allowed.

Although this issue hasn't yet posed significant problems in Latvia concerning the keeping wild species as pets, relying on experiences from other countries and identified risks, addressing this matter before substantial problems emerge is crucial.

This section is ended with public order and public safety issues in pet keeping field. 4.4. subsection of the thesis focuses on issues related to dog ownership impacting public order and safety: the legal consequences of recognizing a dog as dangerous and the lack of legal regulation regarding dog training, affecting the organization and quality of dog training activities.

The classification of a dog as dangerous in Latvia began in 2003, when the concept of a "dangerous dog" was first solidified by the Animal Protection Law concerning violations of animal keeping regulations resulting in harm to individuals or animals. The author researched legal approaches applied globally: 1) compiling and approving lists of specific dog breeds deemed dangerous based on their characteristics, subjecting the ownership of these breeds (including mixed breeds) to special requirements or prohibitions (e.g., bans on breeding, increased fees for keeping, etc.); 2) establishing procedural protocols for evaluating a dog's dangerousness and imposing restrictions on the ownership of dogs recognized as hazardous to society; 3) implementing a combined approach by specifying prohibited dog breeds and outlining a procedural framework for handling dogs exhibiting aggression or causing harm.

The conclusion emphasizes the necessity for a comprehensive approach in organizing the domain of so-called "dangerous dogs" shifting legal regulations toward regulating human behavior. To delve deeper into this matter an interview was conducted with expert I.Pavlovski, a dog training specialist with 50 years of continuous experience in the field, who served as a kynologist in the commission for assessing dog dangerousness between 2006 and 2008. The interview affirmed that there aren't inherently dangerous dogs; rather, it's the owners' improper handling that leads to socially hazardous situations.

The second part of this subsection is dedicated to training issues concerning dogs and their owners, including an analysis of the profession of "kynologist." None of the educational institutions in Latvia offer training in this profession, hindering the development of educational programs in this field. Currently, Latvia lacks a unified system for training kynologists, impeding the development of kynology field in the country and restricting the effective utilization of available resources (kynologists, dogs, financial means).

The rise in popularity of keeping pets, particularly dogs, and the transformation of the human-animal relationship from work-based to emotional attachment, underscores the need for high-quality behavior guidelines to save the well-being of animals, their owners rights, as well as society and the environment interests.

## 5. STRATEGY FOR THE LEGAL REGULATIONS DEVELOPMENT CONCERNING PET ANIMALS IN THE REPUBLIC OF LATVIA

Based on the theoretical and practical research conducted in this dissertation, the author proposes a strategy for the legal regulation of pet animals in Latvia, delineating the following fundamental questions:

1. subjects in the legal relations of keeping pets;
2. objects in the legal relations of keeping pets;
3. competence of state and local government institutions in the legal relations of keeping pets;
4. legal framework of keeping pets: legal system.

These issues serve as the foundation for the structural strategy, aiming to systematically compile the essential aspects of legal regulation that form a cohesive legal framework for keeping pet animals. The author asserts a lack of strategic vision in the development and improvement of regulations for pet keeping. In this section the author provides an overview of the quantity of current (in various stages of the political agenda) legislative proposals and public initiatives in just one narrow field - the keeping of pets - which highlights the persistent, longstanding problems in the creation of legal regulations that have remained unresolved.

In author point of view the structuring of legal regulations for pets should be started with a conceptual approach—developing a strategy for systematic and purposeful action. The strategic development of pet animal legal regulations is based on: vision, objectives, long-term and short-term plans, achievable outcomes, analysis of the existing legal framework and measures and tasks for goal achievement.

The fifth chapter of the dissertation presents the project of strategy, drawing from the conclusions derived from the previous chapters. The primary outcomes of this chapter are reflected in the Conclusion and proposals section of the dissertation.

The legal system governing the keeping of pet animals should be established on the principles of logic and legal technique, including clear and precise legal definitions, behavior guidelines and responsibility, prevention of duplicate norms, and identification and regulation of priority legal relations. The author emphasizes the necessity to transition from quantity to quality legal norms by adopting a systemic approach to diverse legal relationships. According to the author's perspective, the current legal regulations pertaining to pet animals in Latvia are disproportionately extensive and fragmented.

## CONCLUSIONS AND PROPOSALS

Preliminary research confirms the hypothesis regarding the absence of a strategic and systemic approach in the legal regulation of pet animals in Latvia, negatively impacting the processes of establishing and improving these legal regulations. The author's conclusion identifies the fragmented nature of the legal framework for pets, highlighting duplicated norms, attributed to the absence of a systematic approach to the enhancement of legal norms. Several crucial aspects related to the keeping of pets have remained unregulated over the span of 23 years.

As a result of the research conducted in the dissertation, the author has formulated 19 conclusions along with corresponding proposals for resolution. These proposals suggest amendments and supplements to eight laws (Animal Protection Law, Law on Animal Production and Breeding, Local Government Law, Veterinary Medicine Law, Civil Law, Hunting Law, Law of Administrative Liability, Criminal Procedure Law) and five Cabinet of Ministers regulations (No. 266 "Welfare requirements for keeping, trading and exhibiting pet animals in public shows, as well as dog training"; No. 359 "Procedure for the registration of pet animals"; No. 678 "Requirements for the capture of stray dogs and cats"; No. 421 "Hunting regulations"; No. 428 "Procedures for declaring a dog dangerous and requirements for keeping a dangerous dog"). Additionally, suggestions have been put forth to develop five Cabinet of Ministers regulations in areas that are presently unregulated:

- 1) regulations concerning animal welfare requirements in pet breeding facilities and the registration process for these establishments;
- 2) registration procedures and welfare requirements for wild species of animals kept in captivity;
- 3) the involvement of animal protection organizations in overseeing compliance with animal protection and welfare regulations;
- 4) guidelines for education and training on animal welfare matters;
- 5) the procedure for catching stray and ownerless animals and their further treatment.

The author has collected the most important conclusions and proposals for defense.

### **Theses, conclusions and proposals put forward for defense**

#### **1. Refinement of basic concepts in legal regulation of pet animals**

Conclusion No. 1: Legal statutes lack definitions for the following concepts: animal; domesticated species of animals; captive animals; breeding pet; animal protection; rules for keeping animals etc. The concept of pet animal remains ambiguously defined.

### Proposal No. 1

**1.1.** Supplement Section 1. of the Animal Protection Law with the following terms:

“Section 1. The terms used in this Law are as follows:

19) animal – a vertebrate that is not human, including invertebrates;

20) domesticated species of animals – an animal whose evolution has been deliberately influenced by humans to meet their needs;

21) captive animal – a domesticated or wild species of animal held in captivity according to the provisions of this law and other regulatory acts;

22) animal protection – a set of legal and practical measures that save animals from negative human impact, which may manifest as deliberate or senseless infliction of pain or suffering upon the animal, causing its death, or deliberate or malicious neglect in the treatment of the animal;

23) rules for keeping animals – regulations that establish behavioral guidelines for animal keeping aimed at maintaining public order.”

**1.2.** Expression of Section 1. point 14. of the Animal Protection Law as follows:

“14) pet animal – an animal of the species listed in Appendix 2 of this Law, which a person keeps for their pleasure”.

Supplement the Animal Protection Law with Appendix 2 (see Proposal No. 4.2.).

**1.3.** Replace the term "captive-bred animal" throughout the Animal Protection Law with the term "captive animal" in the respective context.

**1.4.** Amendment of the first part of Section 1. of the Law on Animal Production and Breeding:

“Section 1. Terms used in this Law

(1) The following terms are used in this Law:

16) breeding pet – a household pet intended for or used in breeding purposes.”

### **2. Separation of animal owner and animal keeper in legal regulations**

Conclusion No. 2: Existing legal acts do not distinctly separate the rights, duties and responsibilities of animal owners from those of animal keepers. Legal norms do not unambiguously clarify that the full responsibility for an animal lies with its owner; the keeper is responsible only for specified periods and actual circumstances occurring during the animal's care.

### Proposal No. 2

**2.1.** Expression of Section 1. point 3. of the Animal Protection Law as follows:

“Section 1. The terms used in this Law are as follows:

3) animal keeper — a person, to whom the animal owner entrusts the animal or who otherwise comes into possession of the animal and has the animal under their actual care and supervision;”

**2.2.** Amendments to the Veterinary Medicine Law:

1) Exclude the words "or keepers" in Sections 58 and 59;

2) Supplement with a new Section 59.1 as follows:

“Section 59.1. (1) The rights and duties mentioned in Sections 58 and 59 of this Law also apply to the animal keeper, to whom the owner entrusts the animal or a person who has the animal under their actual care and supervision.

(2) The duties mentioned in Sections 59. point 14 and 59. point17 of this Law can be fulfilled by the animal keeper if authorized by the owner to perform the actions specified in these points concerning the animal.”

**2.3. Amendments to Cabinet of Ministers Regulations No. 266 "Welfare Requirements for Keeping, Trading, and Exhibiting Pet Animals in Public Exhibitions, as well as for Dog Training":**

- 1) Exclude the words "or keeper" in Point 50.;
- 2) Exclude the words "or keeper" in Point 52.;
- 3) Exclude the words "or keeper" in Point 52.2.;
- 4) Exclude the words "or keeper" in Point 52.9.;
- 5) Express Point 54. as follows:

“54. It is prohibited to:

54.1. use for breeding if the pet animal is ill, has congenital pathologies or comprises animals that are physiologically and genetically incompatible;

54.2. use for breeding if it endangers the health of the animal;

54.3. accommodate on the house's balcony or loggia;

54.4. keep in unsanitary conditions;

54.5. mark animal with tools harmful to its health;

54.6. keep animal, creating unsanitary conditions.”

6) Supplement Point 52. with a second part as follows:

“(2) The duties specified in the first part of this point also apply to the animal keeper, to whom the owner entrusts the animal, excluding the duties mentioned in Points 52.2, 52.4, 52.5, 52.7, and 52.9 of these regulations.”

### **3. Delegation of regulations in areas not addressed in the keeping of pet animals**

Conclusion No. 3: Over 20 years since the Animal Protection Law came into force, significant legal relationships concerning the care of pet animals, such as breeding pets, keeping wild species as pets and implementing public control in the field of keeping pets, remain unregulated.

#### Proposal No. 3

Supplement Section 10. of the Animal Protection Law with new points:

“Section 10. The Cabinet shall determine:

25) regulations on the welfare requirements for breeding pets and the registration procedure for pet breeding facilities;

26) the registration procedure for captive wild species as pets, welfare requirements for captive wild species;

27) regulation of the involvement of animal protection organizations in overseeing compliance with animal protection and welfare requirements.”

#### **4. Regulation of pet species**

Conclusion No. 4: The current legal framework does not clearly define, which animal species can be kept as pets. According to the author, animals that can be kept for human enjoyment are those, for whom captivity and proximity to humans do not cause discomfort, ensuring their physiological and zoopsychological needs are met in captivity.

##### Proposal No. 4

**4.1.** Supplement the Animal Protection Law with Section 3.2 as follows:

“Section 3.2 The following animals are allowed to be acquired, kept and trade as pets:

- 1) domesticated species of animals listed in the Appendix 2 of this Law;
- 2) wild species of animals listed in the Appendix 2 of this Law, provided there is permission from the Nature Conservation Agency for keeping a specific species of wild animal in a registered location for keeping wild species of animals.”

**4.2.** Supplement the Animal Law with Appendix 2: “Animal species permitted to be kept as pets when their welfare is ensured.”

#### **5. Public control for monitoring and overseeing of pet keeping**

Conclusion No. 5: Although animal protection and welfare organizations are involved in overseeing pet protection and welfare, a comprehensive public oversight system—comprising public animal protection inspectors vested with clearly defined powers in external legislation—has not been established in Latvia. There is also a lack of external legislation governing the extent and content of such public oversight.

##### Proposal No. 5

In accordance with the delegation given in Section 10. of the Animal Protection Law (see Proposal No. 3), develop Cabinet of Ministers regulations including:

- 1) the training and scope of authority for public animal protection inspectors;
- 2) the rights, duties and responsibilities of public animal protection inspectors;
- 3) the collaboration between public animal protection inspectors and relevant supervisory institutions and authorities;
- 4) the format of certification for public animal protection inspectors, including issuance and revocation procedures;
- 5) the registration of public animal protection inspectors.

#### **6. Mandatory registration of cats**

Conclusion No. 6: In Latvia registration has been made mandatory only for dogs. There is a large population of ownerless cats in the country, yet mandatory

registration for cats is not established to ensure more effective monitoring of their keeping.

Proposal No. 6

**6.1.** Supplement Section 59. of the Veterinary Medicine Law with a new point as follows:

“Section 59. Animal owners shall have the following obligations:

19) ensure that a cat, until it reaches the age of 10 weeks, is marked with a microchip and registered in the database of the Agricultural Data Centre for Pets.”

**6.2.** Express points 3.1. and 3.2. of Regulation No. 359 "Procedure for Registration of Pets" as follows:

“3. The database is part of the unified state information system, the Agricultural Data Centre Information System. The database:

3.1. registers dogs and cats marked with a microchip;

3.2. can register pet ferrets marked with a microchip.”

**7. Changing the legal status of animals and inheriting an animal**

Conclusion No. 7: In the civil law of European countries, animals are classified separately from objects - things. Issues concerning animal protection can be linked to the perception that an animal is considered property, granting absolute power to the owner. Current regulations do not ensure the protection of a pet animal after its owner's death. The Inheritance Law of the Civil Law does not contain precise regulations regarding animals as part of an estate or the obligation for caring for the deceased's animal.

Proposal No. 7

**7.1.** Supplement Section 841. of the Civil Law with a second part as follows:

“841. (1) Property is tangible or intangible. Intangible property consists of various personal rights, property rights and rights regarding obligations, insofar as such rights are constituent parts of property.

(2) An animal is not a thing. Animals are protected by special laws. Property rights apply to animals while complying with laws, that protect them.”

**7.2.** Express the first sentence of Section 382. of the Civil Law as follows::

“382. An estate is the whole, which comprises all immovable and movable property, as well as animal, transferable rights and obligations, which may be transferred to others and which, at the actual or legally presumed time of death, were owned by the deceased or a person legally presumed dead. In this context the deceased or the person legally presumed dead shall be called an estate-leaver.”

**7.3.** Supplement Section 600. of the Civil Law with a second part as follows:

“600. (1) Last will instructions may be restricted not only by conditions and terms, but also in other ways, and namely by binding directions, by restrictions on use, as well as by imposing a duty to return to another person that which has been received, or instead to perform some action.



(2) If the inheritance includes an animal and the deceased did not leave a separate directive regarding the care of the animal, the care of the animal is considered an obligation for the heir.”

## **8. Stray and ownerless animal classification in legal regulations**

Conclusion No. 8: Introducing the concept of an ownerless animal into legal regulations, didn't distinguish between stray and ownerless animals. Different procedures for population control were designated for these groups: stray animals are captured and taken to shelters, while ownerless animals are sterilized and returned to their habitat. Cabinet of Ministers Regulation No. 678 "Procedure for Capturing Stray Dogs and Cats" is titled and targeted toward stray animals, yet it contains norms regarding ownerless cats (Points 20. and 21.).

### Proposal No. 8

**8.1.** Express the first part of Section 8. of the Animal Law as follows:

“8.pants. (1) An animal, which has been left homeless or without the care and supervision of an owner shall be considered to be a stray animal or ownerless animal. A sterilised cat living in a city and rural inhabited territory nearby dwelling houses shall not be considered as stray animal. An ownerless animal refers to a sterilized cat without an owner residing city or rural inhabited territory nearby dwelling houses without an owner. A sterilized owner's cat residing city or rural inhabited territory nearby dwelling houses without an owner is not considered a stray or ownerless animal.”

**8.2.** Express Point 20. of Section 10. of the Animal Protection Law as follows:

“Section 10. The Cabinet shall determine:

20) the procedure for capturing stray and ownerless animals and subsequent actions, duties of animal catchers, training programs, training and registration procedures, fees for animal catcher training, making and issuing certificates, as well as the issuance and revocation procedure for animal catcher certificates;”

**8.3.** Develop new Cabinet of Ministers regulations titled "Procedure for capturing stray and ownerless animals and subsequent actions with them" replacing Cabinet of Ministers regulation No. 678, "Requirements for capturing stray dogs and cats".

## **9. Restrictions on keeping pet animals**

Conclusion No. 9: Keeping a large number of pets poses a risk to the welfare requirements for these animals. Presently, local governments lack legally justified authority to limit the number of animals kept in a household. For instance, if an individual cannot ensure proper care and welfare for numerous animals or if there are objective considerations, such as individual being animal hoarder, a complete ban on animal keeping due to individual characteristics is not necessary. However, limiting the number of animals kept is essential.

### Proposal No. 9

Add a new part 3.1 to Section 8. of the Animal Protection Law as follows:

“(3<sup>1</sup>) In accordance with the binding regulations of a local government, the local government may restrict the number of pets kept in one household if the welfare requirements for keeping those pets in the specified household are not met, complaints about the breach of animal care or welfare have been received regarding that specific household or keeping animals in that particular household contradicts the norms of public order.”

## **10. Representation right for animals in a victimized or helpless state by animal protection organizations**

Conclusion No. 10: Current legislation does not provide for representation by animal protection organizations in cases of administrative or criminal offenses when an animal is a victim and need of protection against its owner or keeper or if the victim is an ownerless animal.

### Proposal No. 10

#### **10.1. Law of Administrative Liability:**

##### **10.1.1. Supplement Section 54. with a new subsection 2.1 as follows:**

“Section 54. Representative

(2.<sup>1</sup>) In cases, where an animal is a victim of an administrative offense and cannot be represented by its owner, the animal protection organization, willing to represent the animal, shall be recognized as its representative.”

##### **10.1.2. Incorporate the rights of animal protection organizations to appeal decisions made in administrative offense cases - express first part of Section 166. as follows:**

“Section 166. Right to appeal a decision taken in an administrative offence case.

(1) A decision taken in an administrative offence case may be appealed to a higher official by a person to whom an administrative penalty has been applied, as well as an animal protection organization, a victim but in the part regarding the action with the property - also an infringed owner of property.

#### **10.2. Criminal Procedure Law:**

##### **10.2.1. Supplement the second part of Section 369. by adding a new point as follows:**

“Section 369. Reasons for the Initiation of Criminal Proceedings.

(2) The information referred to in Paragraph one of this Section may be submitted:

7) animal protection organizations - as a submission regarding about the infringement of animal interests resulting from criminal acts;”

##### **10.2.2. Supplement the fifth part of Section 373. by referencing point 7. of Section 369. second part, as follows:**

“Section 373. Refusal to Initiate Proceedings.

(5) The persons referred to in Section 369, Paragraph two, Clauses 1, 2, 4 and 7 of this Law may appeal a decision, within 10 days after receipt of a report, on refusal to initiate criminal proceedings to a prosecutor, if the decision has been taken by an

investigator, or, if the decision has been taken by a prosecutor, to a higher-ranking prosecutor.”

Riga, December 4, 2023

Inese Bāra