



Republika e Kosovës
Republika Kosova-Republic of Kosovo
Qeveria-Vlada-Government

**Ministria e Bujqësisë, Pylltarisë dhe Zhvillimit Rural - Ministarstvo Poljoprivrede,
Šumarstva i Ruralnog Razvoja - Ministry of Agriculture, Forestry and Rural
Development**

CONSULTATION DOCUMENT
ON THE DRAFT ADMINISTRATIVE INSTRUCTION (MAFRD) - NO.
XX/2022 TECHNICAL CONDITIONS AND REQUIREMENTS TO BE FULFILED
BY ANIMAL PET SHELTERS

Brief summary on the preparation of the Draft Administrative Instruction (MAFRD) – No. 00/2022 technical conditions and requirements to be fulfilled by animal pet shelters.

Reason for the preparation of this Draft Administrative Instruction is the establishment of the functioning and implementation legal basis for on the on technical conditions and requirements to be fulfilled by animal pet shelters

This draft Administrative Instruction is in accordance with Article 4 paragraph 4.2 and Article 15 paragraph 15.2 and Article 18 paragraph 18.1 of the Law No. 02/L-10 on Animal Welfare (Official Gazette of the Republic of Kosovo, No. 5/01. 10.2006) and under Article 13 of the Law No. 2004/21 on Veterinary (Official Gazette of the Republic of Kosovo No. 18/01, November 2007), Article 8, paragraph 1.4 of Regulation No. 02/2021 on the Areas of Administrative Responsibilities of the Office of the Prime minister and ministries as well as Article 38 paragraph 6 of the Rules of Procedure of the Government No. 09/2011 (Official Gazette No. 15, 12.09.2011),

Brief description of the issue

The Ministry responsible for the agriculture issues has prepared a draft administrative instruction which shall be applied by the competent authorities.

Main purpose of consultation

Main purpose of consultation is public awareness of draft concept document is that the administrative instruction specified the on technical conditions and requirements to be fulfilled by animal pet shelters.

For these and for other reasons, the Government of the Republic of Kosovo has considered that the best form of the process of making policy in the legislative aspect is the early consultation with the stakeholder's groups, which in one way or other way, impact directly in the improvement of quality of the Draft administrative instruction.

Process of consultation with the stakeholder's groups shall be made in written form, where the questions for proposed issues shall be made in detail. Expect questions, we as a proposal authority assigned stakeholder's groups who will have possibility to propose also other issues that they think are important and needed for the discussion. The providing of the clear and argument answers shall directly contribute in the improvement of quality of the draft administrative instruction proposed. All comments, recommendation, your alternatives proposed in this Draft administrative instruction, and we as a proposal institution, will analyze them in the shortest time, as well as we also try to incorporate without violated matter of this draft administrative instruction. Final draft administrative instruction together with the informative table, will be sent to all groups involved in consultation.

Deadline for submitting responses 09 November 2022

The deadline for submitting a written contribution within the public consultation process of the Draft Administrative Instruction (MAFRD) – No. 00/2022 technical conditions and requirements to be fulfilled by animal pet shelters is from the date **20 October 2022 - 09. November 2022**.

All comments received by this deadline shall be summarized by the person responsible.

All written contributions must be submitted electronically to the following e – mail address: isuf.cikaqi@rks-gov.net; isah.rudaku@rks-gov.net with title “*Draft Administrative Instruction (MAFRD) - No. 00/2022 technical conditions and requirements to be fulfilled by animal pet shelters*”.

Please indicate clearly that in your written contribution what quality you are contributing to this consultation process (e.g.: in quality of the representative of the institution, organization, company, in individual quality, etc.).

Comments from institutions - organizations

Please, provide your comments as directed below.

Name of institution/organization that shall give comments:

Stiftung für das Tier im Recht (Foundation for the Animal in Law; TIR).

<https://tierimrecht.org/en/>

The main areas of action of the institution/organization:

TIR is a fully independent non-profit organization based in Switzerland consisting of a team of lawyers with special expertise in the field of animal law, and specifically, animal welfare law. For this reason, we are regularly consulted by politicians and authorities to assist in issues relating to animal welfare law, particularly regarding legislative changes and enforcement. We advocate for the elimination of deficiencies in the Swiss animal welfare legislation and strive to ensure the consistent implementation of existing provisions. We analyze the weaknesses in our legislation and its enforcement and develop practical suggestions for a solid legal basis for animal protection, including humane and sustainable management of stray animal populations. We therefore also work with organizations that are active outside of Switzerland and provide know-how where needed in other countries. In May 2022, we were invited to speak at a training

for law enforcement agencies of the Republic of Kosovo for the investigation and prosecution of animal welfare crimes. The training was organized by ARF - Fondacioni për të Drejtat e Kafshëve Kosovo and the StrayCoCo Foundation (<https://www.straycoco.com/shqip/>) together with the Akademia e Drejtësisë and the Prosecutor General's Office in Pristina. During our visit to Kosovo and the training day, we gained invaluable insight into the stray animal issue in Kosovo and are therefore taking the liberty of offering our opinion on the DRAFT ADMINISTRATIVE INSTRUCTION (MAFRD) - NO. XX/2022.

Contact information of the institution /organization (address, e-mail, telephone):

Tier im Recht (TIR)
 Rigistrasse 9
 8006 Zurich
 +41 43 443 06 43
 info@tierimrecht.org

Date of sending comments:

November 7, 2022

The contribution form is open, but it is preferable to include your contributions in the table below, which includes new issues of this document.

	Main issues	Comments about the current draft	Additional comments
1.	<i>What is your opinion on the Draft Administrative Instruction (MAFRD) – No. 00/2022 technical conditions and requirements to be fulfilled by animal pet shelters!</i>	Even though the regulations contain many important issues and pursue several good aims, the planned practice of euthanizing healthy and ownerless dogs is unacceptable (Art. 23 §3 and 4), which will be clarified under 4.;6.;7.	Euthanizing formerly owned and healthy dogs is not compatible with the animal shelter’s objective of supporting the implementation of the local dogs and cat’s population control plans (Art. 2 § 4.), since euthanizing animals is not helping to control them.

			At the same time this contradicts the definition of the animal shelter as an establishment for welfare of stray animal (Art. 3 § 1.1.)
2.	<i>Do you think that is clearly described the design of surveillance, targeted animal population and diagnostic methods!</i>	The descriptions are clear, however, we fundamentally disagree with regard to Art. 23 § 3 and 4.	
3.	<i>What is your opinion related to the Care for companion animals in shelters!</i>	Art. 8 is well drafted in our opinion.	To implement all the regulations, more trained staff (Art. 10 § 6) would be desirable, since one person responsible for 25 dogs (Art. 10 § 1) seems to be too little to fulfil the animal's needs and implement Art. 8.
4.	<i>What is your opinion related to Information on animals and adoption procedure available to the public!</i>	<p>It is important that the shelter actively promotes up-to-date information on adoptable animals (online or via open-house events etc.).</p> <p>It is also imperative that animal shelters provide opportunities for pet owners to leave their pets during holidays. This would counteract the tendency to abandon animals prior to a vacation.</p>	<p>However, since abandonment of dogs takes place very often in Kosovo, emphasis must be put on registration and chipping of dogs first in order to be able to control dog ownership and punish dog abandonment thereafter. Before this is achieved, hardly any dog will be adopted (most certainly not within 15-30 days). At the moment only CNVR in TCCs can be recommended –</p>

			peaceful healthy dogs must be released to their territory.
5.	<i>What is your opinion related to Premises in the shelter!</i>	It is very important to keep the shelter premises clean, comfortable and animal-friendly, therefore regular monitoring and documentation of conditions are crucial.	
6.	<i>What is your opinion related to The way of care to animals in Shelters!</i>	We fully agree with the need of sterilizing all animals which reach the appropriate age and therefore preventing them from breeding (Art. 20 § 1)	Furthermore, we demand to sterilize all dogs which are living on the streets , following the CNVR-method (catch, neuter, vaccinate and release) in order to regulate the dog populations and reduce animal suffering.
7.	<i>What is your opinion related to The Control, prevention and treatment!</i>	In our opinion, it is important to emphasize that no euthanasia should be allowed except for animals with terminal illnesses and, in absolutely exceptional cases, for irrevocably aggressive animals with no hope for improvement. It is unacceptable to euthanize healthy animals, which will result from Art. 23 § 3 and 4, since adoption happens rarely in Kosovo. Also, the set	If the dog's registration program (chipping) works out, most free-roaming dogs will, in the near future, be owned dogs, which in turn will lead to mass euthanasia, according to the proposed Art. 23 § 3 and 4. There is no reasonable explanation as to why those formerly owned dogs should be euthanized. Healthy dogs should be released in their

		<p>deadline of adoption within 15-30 days is unrealistically short and will only result in the death of perfectly healthy and sociable animals. Again, because adoptions are uncommon in Kosovo, even a longer deadline will not help. So, instead of keeping healthy dogs in overcrowded shelters, it is important that they are released back after being neutered and vaccinated.</p>	<p>territory, even owned dogs can adapt to street life. Furthermore, at the time of catching a stray dog, there is no way of knowing how long the dog has already been living as a stray.</p> <p>Shelters are not a solution to reduce the stray dog population and the current legislative proposal will in fact result in kill shelters.</p> <p>Therefore, once again, we call for the implementation of the CNVR-method: catch, neuter, vaccinate and release all stray animals back to where they were found or to an appropriate location where they are not at risk of starvation and dehydration. All this must be accompanied by education of the general public regarding responsible dog ownership and animal-friendly treatment of stray animals, which includes feeding stations and clean water.</p> <p>A body of research shows that CNVR is the most</p>
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			<p>animal-friendly and, at the same time, effective and sustainable method for stray animal population control because CNVR creates sterile stray animal populations. It is important that the dogs are returned to where they were found so their absence does not create vacancies for unsterile dogs. Every returned animal will take the place of a non-sterilized new animal, thus leading to an overall decrease in the number of stray animals. This stance was also adopted by the WHO in 1990 and remains the recommended method to this day.</p>
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Find attached to this document the following “Draft Administrative Instruction (MAFRD) - No. 00/2022 technical conditions and requirements to be fulfilled by animal pet shelters”.