Act XXVIII of 1998 on the protection and sparing of animals

The Parliament
- being aware that animals are living creatures that are capable of feeling, suffering and showing happiness, and it is a moral duty for every human being to respect them and guarantee their well being;

- recognizing the distinguished value that the animal kingdom in general and its individuals in particular mean to humankind;

- expressing the intention that the Republic of Hungary should take active part in international efforts in the interest of protecting and sparing animals,

has created the law as hereunder to guarantee reasonable protection and humane treatment for animals.

Chapter I

GENERAL PROVISIONS

Purpose of the law

Article 1
The purpose of this law is to enhance the protection of the individuals of the animal kingdom, increase man’s responsibility for according humane treatment to animals and to lay down the fundamental rules for the protection of animals.

Scope of the law

Article 2
This law shall apply to

(1)
  a) animals bred/used for economic purposes;
  b) animals used for research and experimental purposes, animals kept for the purposes of diagnostic tests and vaccine production, animals used as gene bank, genetically modified vertebrate animals and animals kept for the purposes of popularization of scientific knowledge and demonstration;
  c) animals bred for racing and sports;
  d) shepherd dogs, guard dogs, watch dogs, alarm dogs, rescue dogs, blind man’s dogs, and therapy dogs;
  e) animals used for hunting, unless otherwise provided by statute;
  f) show animals;
  g) animals assisting the work of the Hungarian Army, law enforcement agencies, national security services, patrols;
  h) hobby animals;
  i) dangerous animals, ownerless individuals of domesticated animals (stray animals), animals living (breeding) in zoos and game reserves and captivated individuals of free living species unless otherwise provided by statute.
(2) The provisions of this law applicable to the sparing of animals, the prohibition of cruelty and harm to animals and to proprietary solicitude should be applied to free living animals as well. Specific other legislation may lay down separate provisions for game animals, game fish, and animals under natural conservancy protection or within the scope of international nature conservancy conventions.

BH2007.213. Killing of stray dogs by hanging when the stray dog doesn’t pose direct danger to domestic animals is a cruelty to animals (Act IV of 1978 Section 266/B (1); Act XXVIII of 1998 Section 2 (1) i), Section 3, 4), Section 11, section 12 (2)).

Definitions

Article 3
For the purposes of this law the following definitions shall apply:
1. Keeper of animals means the owner of an animal or a person that takes care or is in charge of an animal or an animal stock.
2. Damage to animals means lasting harm caused to an animal in terms of physical integrity, organism, mental state or behavior.
3. Zoo means any permanent facility which is intended for the protection of nature and animals and has a corresponding authorization, where animals are kept throughout the year for longer than seven days to be shown to the general public and where popularization of scientific knowledge, demonstration and education is being pursued by ongoing and professional presentation of the animals living there. Circuses and pet shops are not classified as zoo.
4. Cruelty to animals means unnecessary and painful maltreatment of an animal or any intervention or treatment that is to cause such an effect or the limitation of the animal’s needs to the extent that causes lasting fear or health impairment, and/or the breeding of any – not experimental - animal that suffers from a hereditary disease.
5. Animal pension means any facility that takes care, for a charge, of an animal for a fixed term and is responsible for keeping the animal with proprietary solicitude in good health and guaranteeing the safety of other animals and people living around them.
6. Animal shelter means any facility that is intended to house, temporarily or permanently, ownerless animals without any charge. (Animals seized or under temporary observations are regulated in specific other legislation);
7. Intervention performed on animal means the changing of an animal’s physical, physiological or mental state;
8. Proprietary solicitude means a human activity that is directed to providing an animal with living conditions that correspond to the physical, physiological, breeding and etiological properties of the species, kind, genre, age and health of the animal and that satisfies the animal’s keeping and feeding needs (housing, feeding, medical treatment, cleanliness, rest, care, training, education, control).
9. Animal experience means the use of an animal for experimental or other scientific purpose that may cause it pain, suffering, distress or lasting harm, including any course of action intended or liable to result in the birth of an animal in such a condition; an experiment starts when the animal is first prepared for use and ends when no further observations are to be made for that experiment; the elimination of pain, suffering, distress or lasting harm by the successful use of anesthesia or analgesia or other methods does not place the use of an animal outside the scope of this definition. Non-experimental agricultural and veterinary uses or the
least painful method accepted in modern scientific practice of killing or marking an animal are not qualified as animal experiments.

10. **Humane method of killing** means skilled and fast killing of an animal with the minimum of physical and mental suffering, depending on the species.

11. **Circus menagerie** means any facility which is established and managed – with official permission - for animals that are trained or to be trained for circus shows and which is equipped with facilities, equipment and tools that meet official regulations and which has a competent staff to care for, train and control animals.

### Chapter II

**GENERAL RULES FOR THE PROTECTION OF ANIMALS**

The general rules of animal keeping

**Article 4**

(1) The keeper of an animal should act with proprietary solicitude to ensure that the animal is provided with the essential conditions that correspond to the species and kind and satisfy the physiological needs of the animal.

(2) The essential conditions should be determined in consideration of age, gender and physiological state of the animal. Animals that are aggressive or agitating to each other should be kept separate.

(3) The keeper of an animal should ensure regular inspection of the animal in line with the animal’s need. Inspection of an animal should be made at least daily.

**Article 5**

(1) The keeper of an animal should provide proper and safe accommodation for and expert care of an animal and make arrangements to prevent it from escaping.

(2) Animals being tied up or otherwise restricted in movement should also be provided with the possibility of undisturbed rest and injury-free movement.

(3) Animals kept outdoors - also with a view to their special needs – should be protected from adverse weather and natural enemies. For animals that are permanently kept in a closed space their keepers should provide them with sufficient space for movement in line with the animal’s needs.

(4) The keepers of hobby animals shall remove the faeces of their pets from public places.

(5) When keeping animals for economic purposes humane technologies must be preferred for the keep.

**Sparing of animals, prohibition of cruelty to animals**

**Article 6**

(1) It shall not be allowed to cause an animal unjustified or avoidable pain, suffering or harm, in particular, it shall not be allowed to

   a) be cruel to an animal
   b) set it on man or animal or train it for animal fight,
   c) subject an animal to forced feeding except for the case of forced feeding that is made for health considerations,
   d) move, transport and accommodate animals in inhumane manner,
   e) force an animal to visibly perform beyond its performing capacity,
f) train it for unnatural and self destructive activities

(2) Paragraph a) of Subsection (1) shall not apply to the plucking of goose feather by homemade method or permissible technology and paragraph c) thereof shall not apply to forced feeding of gooses and ducks by homemade method or permissible technology.

(3) For animals referenced in paragraph g) of Subsection (1) of Section 2, paragraph b) of Subsection (1) shall be applied as determined in specific other legislation.

Article 7
(1) It shall not be allowed to put such a pressure on an animal’s physical or mental state, or force it to fight another animal or man that could cause it injury or death (hereinafter collectively: animal fight). The organization and holding of animal fights, organization of betting, assistance and participation in animal fights and betting on an animal shall not be permitted.

(2) It shall not be allowed to
a) keep, breed, train, tame, transfer or sell animals
b) lend building or land or other material means for the purposes of holding animals fights.

(3) The ban in Subsection (1) shall not apply to the training of hunting animals and their use during hunting as regulated in specific other legislation.

Article 8
Renouncing ownership and/or keep of an animal that has been raised around man or ownership and/or keep of dangerous animals is not permitted. Casting off, abandoning or ousting an animal is not allowed.

Intervention performed on an animal

Article 9
(1) Any intervention that might cause pain or injury to the animal – except for emergency interventions to be performed in the animal’s interest – shall only be performed by a competent person or in case of interventions being customary among animal breeders – by an experienced person.

(2) Intervention without anesthesia is to be performed only when the anesthesia or the necessary tying down of the animal is judged to be more traumatic to the animal than the intervention itself. Specific other legislation provides about interventions to be performed without anesthesia on animals used for economic purposes.

(3) Animal experiments are regulated by specific provisions of this law.

Article 10
(1) No surgical intervention shall be permitted with the aim to change the appearance of an animal or preserve an animal’s health or prevent future health damage except for castration or for dogs a surgical intervention made to ensure an appearance as determined in the breeding program of a breeding authority-recognized breeding organization (ear or tail correction).

(2) The least painful solution possible – as laid down in specific other legislation - must be chosen for marking an animal.
Killing of an animal

Article 11
It shall not be permitted to kill an animal without acceptable cause or circumstance. Acceptable cause or circumstance shall mean meat production in case of animals for slaughter or fur production in case of animals traditionally bred for that purpose, stock regulation, incurable disease or injury, control of or protection against infectious diseases, eradication of pests, prevention of an attack that cannot be prevented other ways and scientific research. For dogs and cats meat production or fur production is not an acceptable cause or circumstance.

Article 12
(1) No animal – with the exception in Subsection (2) herein - shall be killed without prior anesthesia.
(2) The requirement of anesthesia shall not apply to invertebrates, chicken or rabbit killed in a household for meat or when the killing of an animal is caused by emergency. But even in these cases care must be taken to kill the animal fast and with the minimum of suffering.
(3) Specific other legislation provides about killing of animals in cases when prior anesthesia is not compulsory if the process results in immediate loss of consciousness, deprivation of sensation or death.

Chapter III

SPECIFIC RULES FOR THE PROTECTION OF CERTAIN ANIMALS

The keeping and sparing of animals for slaughter

Article 13
(1) The circle of animals for slaughter shall be determined in specific other legislation.
(2) The provisions in this Chapter shall not apply to authorized scientific research or the hunting of wild living animals.

Article 14
(1) Slaughter houses – except for rabbit, fur animal and poultry slaughter houses – must be equipped with drinking and feeding-through and with a closed area equipped whenever necessary with tools for tying up the animals.
(2) Animals that are aggressive or agitating to each other by virtue of their species, sex or age should be kept separate.
(3) Slaughter houses should be designed and equipped in a way as to ensure that animals are spared from unnecessary distress, pain or suffering.

Article 15
(1) If an animal is not slaughtered immediately on arrival to the slaughter house its care and undisturbed rest must be guaranteed throughout the period of waiting.

Article 16
(1) The health and state of slaughter animals must be checked upon arrival to the slaughter house. Animals in waiting should be checked as necessary. Sick, weak or
injured animals should be separated without delay and arrangements be made for slaughtering them separately.

**Article 17**
When slaughter is made without prior anesthesia the animal should be held down in a manner that is suitable to spare it from avoidable pain.

**Article 18**
Anesthesia should deprive the animal from any sensation and it should not wear off until after the animal bleeds to death after the slaughter.

**Article 19**
Specific other legislation on slaughter may provide differently in the following cases:
- a) killing of poultry or rabbit by a method that causes immediate death
- b) forced slaughter if anesthesia is not possible,
- c) killing of fur animals and bred wild animals
- d) ritual killing

**Keeping and breeding of dangerous animals**

**Article 20**
(1) The keeping, breeding and import of dangerous animals are subject to prior authorization. Zoos are subject to authorization as referenced in Article 39.
(2) The keeping and breeding of dangerous animals that are not under nature conservancy protection or not falling in the scope of international nature conservancy conventions shall be permitted by the veterinary authority. Permission shall not be given if the keeping and/or breeding violates or risks the peace and quite and safety of the environment and the animal’s keeping conditions – including the expertise needed for keeping and breeding animals – are not guaranteed. The permission – if the animal’s identification is possible – must dispose of the method of identification of a dangerous animal.
(3) The keeping and breeding of dangerous animals that are under nature conservancy protection or fall in the scope of international nature conservancy conventions shall be permitted by the nature conservancy authority.
(4) A durable sign explicitly indicating the danger must be posted on the estate or plot where a dangerous animal is being kept and the animal’s species must be indicated.
(5) The keeper of a dangerous animal shall not be allowed to keep the animal on public places except temporarily under direct and constant supervision, in a way that does not endanger the bodily integrity of man or animal.
(6) The keeper of a dangerous animal shall take care not to allow the animal to enter public place or private property. Failing this no permission for keeping shall be given.
(7) The keeping and/or breeding of dangerous animals may be prohibited by statute or official decree or subjected to specific conditions. The scope of dangerous animals, the conditions of their keeping and breeding and their classification as dangerous are set out in specific other legislation. The decree on classifying animals as dangerous shall be implemented without regard to appeal.
Article 21
(1) The import into the country of dangerous animals that are not under nature conservancy protection or not falling in the scope of international nature conservancy convention shall be authorized by the veterinary authority. The veterinary authority shall send its resolution to the police.
(2) The import into the country of dangerous animals that are under nature conservancy protection or not falling in the scope of international nature conservancy convention shall be authorized by the nature conservancy authority.
(3) -.

Article 22
(1) Official permission will be required to alienate a dangerous animal or transfer its care. The rules applicable to the authorization of dangerous animals keeping shall apply as appropriate to this permission.
(2) The keeper of a dangerous animal shall have to report without delay
   a) the loss of the animal to the veterinary authority and the police, and in case of dangerous animals under nature conservancy protection or within the scope of international nature conservancy convention to the nature conservancy authority as well.
   b) the death of the animal to the veterinary authority and a veterinarian
(3) The loss or death of a dangerous animal that falls in the scope of international nature conservancy convention shall be reported by its keeper to the nature conservancy authority within 15 days.

Article 23
(1) If the keeper of a dangerous animal does not or does not fully comply with the conditions in the authorization or keeps or imports a dangerous animal into the country without authorization the veterinary authority or in case of a dangerous animal under nature conservancy protection or within the scope of international nature conservancy convention the nature conservancy authority – at the owner’s expense and until the conditions are provided – shall order the dangerous animal to be transported to a zoo or other suitable place or take other measure as deemed necessary.
(2) If the keeper of a dangerous animal provides for the conditions and obtains the necessary authorizations by the specified deadline the dangerous animal shall be returned to it, else the authorization must be revoked and the competent authority must seize or confiscate the dangerous animal and take action at the owner’s expense to find final accommodation for the animal. If this is not possible the dangerous animal shall be killed by a humane method.

Article 24
The rules in the Civil Code applicable to individuals pursuing increasingly dangerous activity shall apply to the responsibility of the keeper of a dangerous animal.
The keeping of dangerous dogs and the prohibition of animal fights

Article 24/A
(1) Dangerous dog is one that is determined in a government decree as increasingly dangerous for life and bodily integrity by virtue of its disposition.
(2) Breeding and propagation of a dangerous dog – including innocent progeny – import into and export from the country, alienation, advertisement, racing in any way, training and use for guard duties shall not be permitted.
(3) Additionally to Subsection (1) the veterinary authority may classify a dog dangerous, if it causes serious injury to man or animal without provocation (hereinafter: dog classified dangerous).
(4) Dangerous dogs and dogs classified dangerous may be kept with authorization issued by the veterinary authority, under conditions determined in a government decree and fitted with individual identification.
(5) Dangerous dogs and dogs classified dangerous shall be considered wild animals from the point of civil law.

Article 24/B
(1) Organization and holding of fights among animals or fights in which animals are set on one another (hereinafter collectively: animal fight) that tend to cause injury or death to the animal is not permitted. Nor is permitted to organize betting, assist or participate in animal fight or bet on an animal.
(2) It shall not be allowed to
a) keep, breed, train, tame, transfer to another person or sell animals
b) lend building or land or other material means
for the purposes of holding animals fights.
(3) The ban in Subsection (1) shall not apply to the use of animals during hunting as referenced in specific other legislation.

Article 24/C
The veterinary authority during the authorization referenced in Subsection (4) of Section 24/A shall have the right to process
a) the name, place and date of birth and address of the dog’s owner
b) the declaration by the dog’s owner that he/she is not under guardianship
c) the place where the dog is being kept (settlement, district, flat number).

Article 24/D
(1) The veterinary authority shall keep record of dangerous dogs and dogs classified dangerous that shall contain the following information:
d) name, place and date of birth and address of the dog’s owner
e) the place where the dog is being kept,
f) species, date of birth, sex, color, name, identification (microchip number) and withers height of the dog,
g) other individual characteristics of the dog,
h) date of castration if the dogs is castrated.
(2) The particulars in Subsection (1) shall be kept on record for three years from the dog’s death, loss or change of owner.
Article 24/E
(1) If the rules pertaining to the keeping of dangerous dogs are breached and for that reason a dog causes injury to man or animal the veterinary authority may order the dog to be killed.
(2) If the rules pertaining to the keeping of dangerous dogs are breached and for that reason a dog
   a) causes injury to man that heals within 8 days or minor injury to other animal the veterinary authority shall order the dog to be castrated,
   b) repeatedly causes injury to man or animal as in paragraph a) or causes injury to man that heals after 8 days or grave injury to other animal the veterinary authority shall order the dog to be killed.
(3) In a criminal or misdemeanor proceeding instituted against the owner of a dangerous dog or a dog classified dangerous the dog confiscated by final court judgment shall be ordered to be killed.
(4) The costs of the official interventions ordered by a final court judgment (castration, durable identification), seizure, confiscation and the killing of a dog shall be charged to the dog’s owner.

Chapter IV
BASIC CONDITIONS FOR PERFORMING ANIMAL EXPERIMENTS

General rules of animal experiments

Article 25
(1) -.
(2) Animal experiment shall only be performed in registered institution and in the presence of an authorization.
(3) The authorization in Subsection (2) shall be ad hoc or general.
(4) Animal experiment is to be performed only if necessitated by
   a) avoidance, prevention, diagnosis or treatment of disease, ill-health or other abnormality, detection, assessment, regulation or modification of physiological conditions in man, vertebrate or invertebrate animals or plants, including the development, production, classification, quality, efficacy and safety testing of drugs, foodstuff, additives or products;
   b) protection of the natural environment in the interest of the health or welfare of man or animal,
   c) scientific research,
   d) education and training,
   e) forensic inquiries.
(5) The authorization – based on the documents submitted by the applicant and on the opinion of an expert body invited by the minister responsible for animal health (hereinafter: minister) should duly consider
   a) whether the animal experiment is justified and scientifically sound,
   b) whether the modern method used is justified and scientifically sound in that it involves the minimum number of animals and causes the least pain, suffering, distress or lasting harm,
   c) the availability of the personal and material conditions for the experiment,
(6) No permission shall be given to experiments designed for the production of cosmetics, tobacco and other consumer goods, fire arms, their components and ammunition.

**Article 26**

(1) An experiment shall not be authorized and performed if another scientifically satisfactory method of obtaining the result sought not entailing the use of an animal is reasonably and practically available.

(2) In order to prevent unnecessary duplication of animal experiments the applicant and the authorizer must make efforts to know the results of relevant experiments already performed.

(3) In a choice between procedures, those should be selected which use the minimum number of animals, cause the least pain, suffering, distress or lasting harm and which are most likely to provide satisfactory results.

**Article 27**

(1) The number of animals used in animal experiments must be reduced to the necessary minimum. In a choice between experiments, those which use the minimum number of animals, involve animals with the lowest degree of neurophysiological sensitivity, cause the least pain, suffering, distress or lasting harm and which are most likely to provide satisfactory results shall be selected.

(2) A detailed protocol shall be drawn up of an animal experiment and of interventions performed on the animal.

(3) All experiments shall be designed to avoid distress and unnecessary pain, suffering and lasting harm to the experimental animals.

**Article 28**

(1) All experiments shall be carried out under general or local anesthesia, except if this is not necessary, given that the experiment is not entailing pain or distress, or if anesthesia is judged to be more traumatic to the animal than the experiment itself or if it makes the result of the experiment not assessable.

(2) If anesthesia is not possible analgesics or other appropriate methods should be used in order to ensure as far as possible that pain, suffering, distress or harm are limited and that in any event the animal is not subject to severe pain, distress or suffering.

(3) Provided such action is compatible with the object of the experiment, an anaesthetized animal, which suffers considerable pain once anesthesia has worn off, shall be treated in good time with pain-relieving means or, if this is not possible, shall be immediately killed by a humane method.

(4) Any re-use of animals in experiments shall be compatible with the provisions of this law. An animal shall not be used more than once in experiments entailing severe pain, distress or equivalent suffering, performed without the use of the methods in Subsections (1)–(3).

**Article 29**

(1) During and after an animal experiment the animal shall receive adequate care and ongoing health provision.

(2) At the end of an experiment a competent person, preferably a veterinarian shall decide if the animal can be kept alive or killed by a humane method. An animal shall not be kept alive if it is likely to remain in lasting pain or distress or to suffer lasting harm.

(3) If the animal is to be kept alive the institute performing the experiment shall be responsible for providing for its care and accommodation. An animal kept alive shall
receive the care appropriate to its state of health and shall be placed under the supervision of a veterinarian or other competent person. The conditions laid down in this subsection may, however, be waived where, in the opinion of a veterinarian, the animal would not suffer as a consequence of such exemption.

(4) Provided such action is compatible with the object of the experiment the veterinary authority may allow the animal concerned to be set free or returned to its place of origin, provided that the maximum possible care has been taken to safeguard the animal's well-being, and its state of health allows this to be done and there is no danger for public health and the environment.

Article 30
(1) Experiments shall be performed under the responsibility of a qualified and experienced person as set out in specific other legislation who is aware of the ethical principles and legal rules of animal experiments.
(2) Persons who carry out experiments, or take part in experiments, or take care of animals used in experiments, including supervision, shall have appropriate education and training.
(3) No one shall be compelled to carry out animal experiment in educational institution if that is not the objective of the education.

Article 31
(1) Authorization from the veterinary authority shall be required for breeding (propagation), keeping, transporting and selling animals for experimental purpose.
(2) In user establishments, if not permitted otherwise, only animals supplied from registered breeding or supplying establishments shall be used. Stray animals of domesticated species shall not be used in experiments.
(3) The activity in Subsection (1) shall be performed by persons who have received instruction in a scientific discipline relevant to the experimental work being undertaken.
(4) Breeders, distributors, suppliers of experimental animals and breeding establishments shall be registered with the authority named in Subsection (1). The registration shall specify the competent person responsible for administering appropriate care to the animals bred or kept in the establishment.

Authorization of animal experiments

Article 32
(1) The application for conducting an animal experiment shall include scientifically sound reasons to justify the experiment.
(2) The authorization – additionally to those reasons – shall state the term of validity thereof.
(3) The veterinary authority shall
  a) authorize an animal experiment
  b) register those that are qualified to carry out an animal experiment.

Article 33
In institutions authorized and registered for conducting animal experiment a workplace veterinary committee is to be set up and operated (hereinafter: WVC). The members of WVC shall be delegated by the head of the establishment. The WVC shall determine its own rules of procedures.
Article 34
(1) The WVC shall be responsible for
   a) drafting the rules of animal experiments (ethical code),
   b) controlling compliance with these rules,
   c) professional-ethical supervision of animal experiments,
The WVC shall moreover be responsible for organizing education and training of persons qualified to carry out animal experiments.

(2) WVC shall have the right to halt an experiment without delay and inform the veterinary authority if the internal rules governing animal experiments were breached in the establishment.

Article 35
(1) The provisions in this Chapter shall solely apply to experiments conducted on vertebrate animals.

(2) The detailed rules governing experiments to be conducted on vertebrate animals shall be set out in specific other legislation. Specific other legislation may also define conditions for experiments carried out on non-vertebrate animals.

Chapter 5
TRANSPORTATION OF ANIMALS

Article 36
(1) When driving animals on foot, packing and unpacking them, and during their transportation every precaution must be taken to avoid unnecessary suffering or injury.

(2) The consignments of animals should be unpacked at the destination without avoidable delay.

Article 37
(1) The shipper shall ensure the necessary conditions that satisfy the animal’s physiological needs and shall pay attention to their behavioral needs.

(2) The vehicle used for transportation shall be so designed as not to cause injury to the animal and protect it from adverse weather conditions.

(3) If an animal needs attention during transport an experienced person capable of administering appropriate care shall accompany it.

Article 38
(1) The detailed rules governing animals to be transported on land, railway, water and by air, or forwarded by mail are set out in specific other legislation and international convention.

(2) Transport of animals for slaughter may be limited in space and time.
Chapter VI

GENERAL RULES FOR ESTABLISHING AND MAINTAINING ZOOS, CIRCUS MENAGERIES AND PET SHOPS

Article 39
(1) Authorization for setting up zoological gardens shall be issued by the nature conservancy authority.
(2) The general conditions of the issue of authorization are
   a) compliance with the rules of animal husbandry, regular supervision by a veterinarian and the possibility of isolation (quarantine).
   b) the head of the zoo is to possess a university/high school degree,
   c) the attendants are to have appropriate education and training,
   d) founder’s declaration on the availability of financial coverage to ensure long term operation.
(3) The application lodged to set up a zoo shall be furnished with the rules of animal husbandry.

Article 40
(1) Specific other legislation shall set out the detailed rules governing circus menageries, pet shops, hobby animals, circus animals and show animals.
(2) No authorization shall be given to traveling circuses and circus menageries to keep and show animals and perform animal shows if they have no permanent place of address.
(3) It shall not be allowed to bring dolphins and sharks in the country, transport and show them to the public, with the exception provided in Subsection (4).
(4) The nature conservancy authority may allow zoos to bring in, transport and show sharks to the public if appropriate keeping conditions are stably ensured.

Chapter VII

THE GENERAL RULES OF SETTING UP AND MAINTAINING ANIMAL PENSION AND ANIMAL SHELTER

Article 41
(1) Authorization for setting up animal pension and animal shelter (hereinafter collectively: animal shelter) shall be issued by the veterinary authority.
(2) The authorization in Subsection (1) is granted if
   a) the statutory conditions of animal husbandry are stably and permanently ensured,
   b) regular supervision by a veterinarian is provided,
   c) the operation of an animal shelter is not against public tranquility,
   d) the head of the animal shelter or the responsible person referenced in Subsection (3) has instruction in a scientific discipline relevant to the work undertaken,
   e) financial coverage for stable operation is ensured.
(3) The application lodged to set up an animal shelter must be furnished – in addition to the requirements set out in specific other legislation - with the rules of operation of the animal shelter.
(4) -.
(5) The detailed rules governing the setting up of animal shelters shall be set out in specific other legislation.
Chapter VIII

FINANCIAL COVERAGE FOR ANIMAL PROTECTION TASKS

Article 42
(1) State resources for government tasks and for the support of local government tasks within the meaning of this law shall include
a) funds allocated from the central budget for animal protection
b) veterinary contribution
c) veterinary fine.
(2) Veterinary contribution shall be paid to help discharging tasks related to animal protection. A separate law defines the scope of products for which veterinary contribution is payable, the extent of contribution, and the rules of payment and use thereof.

Chapter IX

VETERINARY FINE

Article 43
(1) Anybody violating by their conduct or neglect, statute or official regulation applicable to the protection and sparing of animals shall pay veterinary fine in proportion to the gravity of their conduct. In place of or at the same time with levying veterinary fine the keeper of animal shall be obliged to correct the deficiencies.
(2) Veterinary fine – unless otherwise provided by statute – shall be levied by the veterinary authority.
(3) Veterinary fine shall not be levied if one year had elapsed from the date on which the veterinary authority came to know of the conduct in Subsection (1). The fine shall not be levied if more than five years had elapsed since the criminal conduct, except if the conduct was realized through illegal conditions. In this case the period of limitation will not start running as long as the illegal conditions persist.
(4) Payment of fine shall not be an exemption from other legal consequences.
(5) The amount of veterinary fine, its calculation method, the detailed rules governing its levying and use shall be determined by the government in a decree.

Chapter X

THE ROLE OF PUBLIC PROSECUTOR IN ANIMAL PROTECTION

Article 44
(1) The public prosecutor shall act in accordance with the law on criminal proceeding if the sparing and protection of animals was realized in a manner prohibited in the Criminal Code.
(2) If statutes on the sparing and protection of animals are breached the public prosecutor too shall have the right to file suit for debarment from the act and for payment of damages caused by the act.
(3) By acting in its judicial supervisory competence the public prosecutor, based on statutes applicable to it, shall assist the authorities in ensuring the legitimacy of veterinary proceedings and decisions.

Chapter XI

CLOSING PROVISIONS

Article 45
(1) The veterinary authority shall ensure that the animal is killed painlessly, if the animal is likely to remain in lasting pain or distress if kept alive, is not likely to recover, the animal owner is unknown and in case of wild living species the animal cannot stay alive if set free. Justified costs relating to the killing of the animal – also in case of protected species – shall be charged to the animal owner and in case of game animal to the hunter.
(2) The killing of an animal shall be initiated by the animal owner, the veterinary authority or the nature conservancy authority.

Article 45/A
Implementation of the provisions in this law shall be overseen by the veterinary authority and/or the nature conservancy authority by acting in their competence.

Article 46
(1) Education to behave with and care for animals the proper way, the knowledge of animals must be part of the general school curriculum.
(2) It shall be the responsibility of state and local government bodies and educational institutions to further the implementation of the tasks set out in Subsection (1).

Article 47
The minister shall set up an expert body to help the veterinary authority discharge its duties and to provide for social participation. Participation in the body shall be ensured for professional organizations concerned and for registered national animal protection social organizations.

Article 48
(1) Animal protection social organizations shall have the right to act in the event of violation of animal protection statutes and request government bodies and local governments to take action as appropriate.
(2) The organization referenced in Subsection (1) shall have the right to file suit at a court of law due to violation of animal protection statutes for debarment from such activity.
(3) For the purposes of this law the organization in Subsection (1) shall understood to be an organization referenced in subparagraph b) of Section 14 of Act L of 2003 on the National Civil Basic program.
BH 2006.98 Any organization with animal protection objective is client in veterinary administrative procedures. (Section 3 of Act IV of 1957; Section 48 of Act XXVIII of 1998)

Article 48/A
(1) Local governments in the settlements and in the districts of Budapest shall be allowed to run animal patrols.
(2) The detailed rules governing the animal patrol shall be set out in specific other legislation.

Article 49
(1) This law shall enter into force on January 1, 1999
(2) The provisions on anesthesia applied to pigs, sheep and goats killed in households shall be applicable after four years from enactment.
(3) The government shall be authorized to determine
   a) the extent of veterinary fine and the detailed rules of its levying and use,
   b) the veterinary authority and its scope of duties and competences relating to the registration of animals,
   c) the detailed rules for setting up and running local government animal patrols, their scope of duties and competences and the detailed rules applying to their members,
   d) the detailed rules governing the conduction of animal experiments,
   e) the detailed rules governing the authorization to set up and operate circus menageries and their upkeep,
   f) the detailed rules governing the authorization to set up and operate pet shops and the detailed rules for keeping and selling hobby animals and the detailed rules for the control of pet shops and the sale of animals raised there in a decree.
(4) Authorization shall be granted to
   a) the minister to determine the detailed rules for setting up and operating a body of experts, specific keeping rules for agricultural animals, the scope of animals for slaughter, the detailed rules of killing animals.
   b) the minister responsible to nature conservancy to determine, in agreement with the minister and the minister responsible for law and order, the scope of dangerous animals, the detailed conditions for their keeping and breeding, the conditions for classifying an animal dangerous, and the detailed rules for setting up, operating and maintaining zoo and animal pension,
   c) the minister to determine in agreement with the minister responsible for law and order, the scope of tools and bullets used for depriving an animal of sensation and the detailed rules for depriving an animal of sensation.
   d) -.
   e) the minister responsible for education to determine, in agreement with the minister, the minister responsible for transport, the minister responsible for nature conservancy and the minister responsible for health the education criteria necessary for implementing this law,
   f) the minister to determine, in agreement with the minister, the minister responsible for transport and the minister responsible for nature conservancy the detailed rules for breeding, keeping transporting and selling animals for experimental purposes in a decree.

Article 50
This law – together with legislation issued for implementation thereof - in conformity with Article 3 of Act I of 1994 proclaiming the European Agreement about the establishment of an association between the Republic of Hungary and the European Communities and their member countries signed in Brussels on 16th December 1991, contains regulation comparable to the following EU legal acts:

78/923/EEC
88/306/EEC
88/166/EEC
91/628/EEC
91/629/EEC
91/630/EEC
93/119/EEC
86/609/EEC
98/58/EC
99/22/EC