FORMAL REGULATIONS ON DOG BREEDING AND DOG KEEPING

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2025

(1) ANIMAL WELFARE, (2) ANIMAL WELL-BEING, (3) ANIMAL RIGHTS AND FORMAL REGULATIONS

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ANIMAL WELFARE, ANIMAL WELL-BEING, ANIMAL RIGHTS AND FORMAL REGULATIONS

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ANIMAL WELFARE
AND FORMAL REGULATIONS

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Agenda

1. Aims
2. Controverses
3. Formal Regulations
4. Insight and Consent
5. Inacceptable Restrictions
6. Short Outlook

1.

Aims

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Goals

- Delivering information
- Learn something about the opinion and the experience of the members of the audience
- Identifying options for cooperation

2.

Controverses

BULL DOGS.

"DOON BRAE" THE PROPERTY OF CAPT G. H. HOLDSWORTH. "SMASHER" THE PROPERTY OF MR ALFRED BENJAMIN. (LATE MR VERO SHAW'S)

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Stakeholders

- Organized breeders
- Anonymous breeders
- Different groups of veterinarians
- Politicians
- Voters
- ….
- Attitude and behavior
- All of them are partly right and partly wrong

3.

Formel Regulations

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Legal Bases

1. Current law for the protection of animals
2. Ministerial draft for changes in the law for the protection of animals
3. Dog welfare state ordinance
4. Draft for Interpretation and implementation guidelines for the dog welfare state ordinance
5. Commercial law, competition law, antitrust law
6. Statutes and regulations of VDH and FCI
7. State constitution
8. (Breed specific instructions)

- Not considered here: European law

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Breed Specific Instructions

- Used as usual
- Additional sections on German Shepherd Dogs and Rottweilers
- Sent to FCI

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Current Law for the Protection of Animals

- breeding is prohibited
- if it is to be <u>expected</u> that the <u>offspring</u> has:
- body parts or organs
  lacking or deformed or dysfunctional
- and this must have a genetic basis
- and pain, suffering or damage has to be caused
- (including behavior)

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Ministerial Draft for Changes in the Law for the Protection of Animals

- Expectations and offspring not discussed
- Focussing on characteristics of the potential breeding dogs
- Many strong uncertainties
- Decision postponed or maybe cancelled


Life expectancy
119
base

Slide from the general assembly of VDH,

part of a copy of the draft of the ministry,

CATEGORIES

Slide from the general assembly of VDH,
part of a copy of the draft of the ministry,

THE MINISTRY IS AUTHORIZED
TO ADD CATEGORIES

Slide from the general assembly of VDH,
part of a copy of the draft of the ministry,

THE MINISTRY IS AUTHORIZED
TO ADD SPECIES AND BREEDS

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PARTICIPATION IN EVENTS

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DOGS THAT DO NOT SUFFER

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part of a copy of the draft of the ministry,

CASTRATION

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part of a copy of the draft of the ministry,

(GENETIC) CARRIERS

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Import and Sale

- No restrictions at all
- Market advantages for imported dogs from puppy mills
- More and stronger cruelty to animals as before

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Commercial Law, Competition Law, Antitrust Law (Monopoly Law)

- Relevant
- Influencing running court cases

Statutes and Regulations of VDH and FCI

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State Constitution

- Freedom of Behavior
- Principle of proportionality

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Not Considered Here: European Law

- Adressats
- Strictness


The queen
would not be amused,
if she could hear
the following:

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Dog Welfare State Ordinance

!

- taking part in events is prohibited
- if a dog is docked or cropped (including tactile hair) or
- if a dog has:
- body parts or organs
  lacking or deformed or dysfunctional
- and this must have a genetic basis
- and pain, suffering or damage has to be caused
- (including behavior)

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Draft for Interpretation and Implementation Guidelines for the Dog Welfare State Ordinance

- Created by an expert group (veterinarians)
- Ordering party: federal provinces
- AG Tierschutz (AGT) der Länderarbeitsgemeinschaft Verbraucherschutz (LAV)
- The guidelines are intended for nationwide recommendation
- Informal pressure on the local official veterinarians of the state
- Rejected because of low quality

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Excel sheet of the AGT

- Four columns
- (1) Torture breeding characteristic
- (2) Examples for relevant breeds
- (3) Enforcement recommendation
- (4) Literature source
- Here only examples are presented,
  one of them positive,
  several of them negative

4.

Insight and Consent


13
12
PRO PLAN
WRV Wes len-Ruhr
469

Auszug Merkmalskatalog Leitlinien PG-AGT

Qualzuchtmerkmal	Beispiele betroffener Hunderassen	Vollzugsempfehlung	Quellen
übermäßige Hautfaltenbildung	Shar Pei, Mastino Napoletano, Basset, Mops, Englische Bulldogge, Französische Bulldogge, Bordeauxdogge, Bloodhound, Pekingese, Tosa Inu, Boxer, Mastiff	Ausstellungsverbot für Tiere mit Falten, die Sinnesorgane, Körperöffnungen, Bewegungen und/oder das arttypische Verhalten beeinträchtigen oder Hautfaltendermatitis aufweisen	Gough - Breed Predispositions Schäfer, Spieth - Tätigkeitsbericht: Idiopathische Keratinose bei einem Shar Pei QUEN-Merkblatt Nr. 21, Merkblatt Hund Rasse Shar Pei

Up to our mind this wording is correct.

Quite a number other demands are acceptable too

5.

Inacceptable Restrictions

Auszug Merkmalskatalog Leitlinien PG-AGT

Qualzuchtmerkmal	Beispiele betroffener Hunderassen	Vollzugsempfehlung	Quellen
Hüftgelenksdysplasie	Insebesonder große Hunde, etwa: Bernhardiner, Boxer, Bordeauxdogge, Deutsche Dogge, Deutscher Schäferhund, Leonberger, Mastiff, Mastino Neapoletano, Neufundländer, Golden Retriever, Labrador Retriever, Flat Coated Retriever, Chesapeake Bay Retriever, Rottweiler, Appenzeller Sennenhund, Berner Sennenhund, Alaskan Malamute, Tosa Inu, Kaukasischer Schäferhund	Ausschluss von Hunden mit HD-Grad D und E; Vorlage einer tierärztlichen Bescheinigung, dass röntgenologisch rassespezifisch das Vorliegen einer HD Grad D und E ausgeschlossen wurde	Hayward et al. - Complex disease and phenotype mapping in the domestic dog Küchenmeister – Die Hüftgelenksdysplasie des Hundes – eine vergleichende CT-osteoabsorptiometrische Studie Gough

Narkoserisiko Veterinärmedizin

SMALL ANIMALS

Results of the Confidential Enquiry into Perioperative Small Animal Fatalities regarding risk factors for anesthetic-related death in dogs

David C. Brodbelt, MA VetMB, PhD; Dirk U. Pfeiffer, Dr med vet, PhD; Lesley E. Young, BVSc, PhD; James L. N. Wood, BSc, BVetMed, MSc, PhD

AVMA Publications

Previous Article Next Article

Factors associated with anesthetic-related death in dogs and cats in primary care veterinary hospitals

W. S. Matthews DVM, Thomas J. Mohn DVM, Mingyin Yang BVMS, Nathaniel Spofford MPH, Alison Marsh ...

View More +

DOI: https://doi.org/10.2460/javma.250.6.655

Volume/Issue: Volume 250: Issue 6

Online Publication Date: 15 Mar 2017

Risk of anesthesia

Complications and mortality associated with anesthesia in dogs and cats

JS Gaynor; CI Dunlop; AE Wagner; EM Wertz; AE Golden; WC Demme

J Am Anim Hosp Assoc (1999) 35 (1): 13–17.

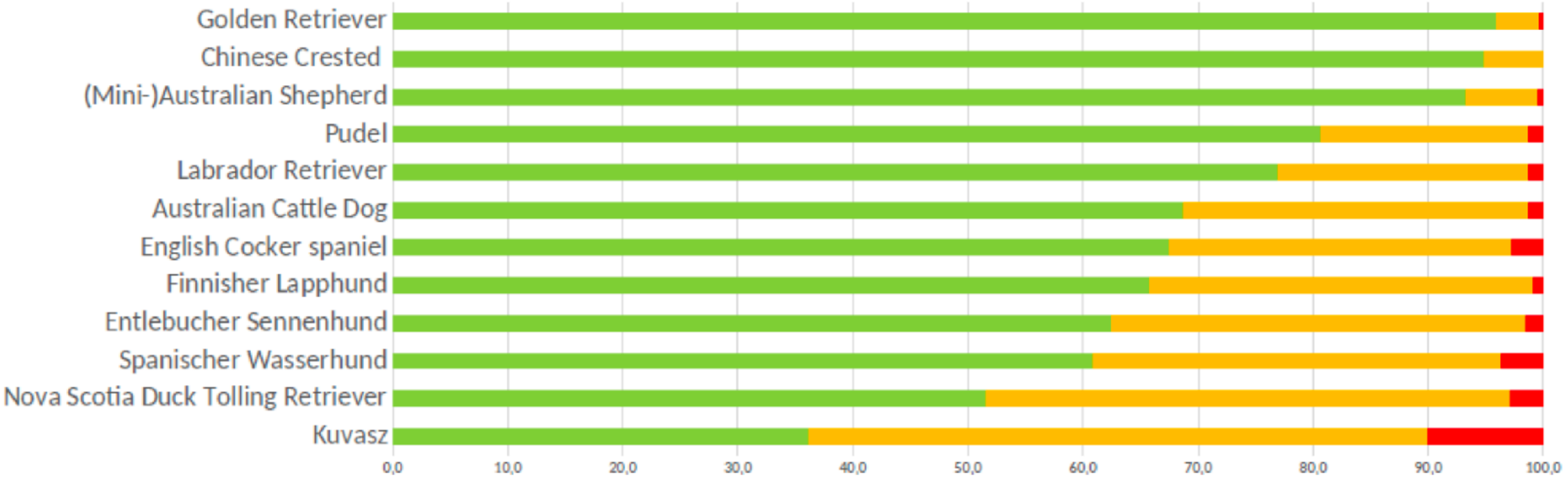
https://doi.org/10.5326/15473317-35-1-13

Auszug Merkmalskatalog Leitlinien PG-AGT

Qualzuchtmerkmal	Beispiele betroffener Hunderassen	Vollzugsempfehlung
Progressive Retinaatrophie (PRA / PRCD - Komplex)	Akita Inu, Alaskan Malamute, Australian Cattle Dog, Australian Shepherd, Bearded Collie, Bichon Frisé, Bobtail, Border Collie, Briard (Berger de Brie), Cavalier King Charles Spaniel, Chesapeake Bay Retriever, Chihuahua, Chinese Crested Dog, Chow Chow, Curly Coated Retriever, Dackel, Deutscher Jagdterrier, English Cocker Spaniel, English Springer Spaniel, Pudel und Entlebucher Sennenhund, Flat Coated Retriever, Golden Retriever, Großer Schweizer Sennenhund, Irish Setter, Irischer Wolfshund, Jack Russell Terrier, Labrador Retriever, Leonberger, Malinois, Malteser, Miniatur Bullterrier, Norwegischer Elchhund, Papillon, Parson Russel Terrier, Pekingese, Portugiesischer Wasserhund, Polski Owczarek Nizinny (PON), Pudel (alle Größen), Rottweiler, Schapendoes, Schwed. Elchhund, Shetland Sheepdog (Sheltie), Siberian Husky X-chromosomal rezessiv), Shih Tzu, Tibet-Terrier, Tibetspaniel, Weimaraner (X-chromos. rezess.,) Welsh Corgi Cardigan,	Ausstellung nur bei Vorliegen eines Gentests mit dem Ergebnis N/N (genetisch normal) oder N/pra1 bzw. pra2 bzw. prcd (klinisch gesunder Träger). Bei Bullmastin und Mastiff (autosomal dominant) nur N/N abgebildet! Ausstellungsverbot für Tiere mit Gentest pra1/pra1 bzw. pra2/pra2 bzw. prcd/prcd betroffen) bzw. N/pra 1 bzw. N/pra2 oder N/ prcd bei Bullmastiff und Mastiff.

Validity of genetic tests, considered on a case-by-case basis and Low likelihood of occurrence

prcdPRA je Rasse N>200 insgesamt >25000 Hunde



Breed	Disease	1 copy	2 copies	Allele Frequency
Australian Cattle Dog	Neuronal Ceroid Lipofuscinosis 12 (Discovered in the Australian Cattle Dog)	3	null	0,03
Volpino Italiano	Neuronal Ceroid Lipofuscinosis 12 (Discovered in the Australian Cattle Dog)	1	null	0,01
Russell Terrier	Neuronal Ceroid Lipofuscinosis 12 (Discovered in the Australian Cattle Dog)	1	null	0
Bernese Mountain Dog	Neuronal Ceroid Lipofuscinosis 12 (Discovered in the Australian Cattle Dog)	1	null	0
Border collie	Neuronal Ceroid Lipofuscinosis 12 (Discovered in the Australian Cattle Dog)	1	null	0
American Staffordshire Terrier	Neuronal Ceroid Lipofuscinosis 4A (Discovered in the American Staffordshire Terri...	13	null	0,09
American Bully	Neuronal Ceroid Lipofuscinosis 4A (Discovered in the American Staffordshire Terri...	17	null	0,09
American Pit Bull Terrier	Neuronal Ceroid Lipofuscinosis 4A (Discovered in the American Staffordshire Terri...	4	null	0,02
Border collie	Neuronal Ceroid Lipofuscinosis 5 (Discovered in the Border Collie)	17	null	0
Saluki	Neuronal Ceroid Lipofuscinosis 8 (Discovered in the Saluki)	3	null	0,02
Border collie	Neuronal Ceroid Lipofuscinosis 8 (Discovered in the Australian Shepherd)	3	null	0

Low likelihood of occurrence

Daten – Wisdom Panel, www.mybreeddata.com

VDH

Auszug Merkmalskatalog Leitlinien PG-AGT

Qualzuchtmerkmal	Beispiele betroffener Hunderassen	Vollzugsempfehlung	Quellen
Chondrodysplasie (CDPA) /Chondrodystrophie (CDDY)	Dackel Französische Bulldogge Scotch Terrier Basset Hound Beagle Bichon Frisé Welsh Corgi Pembroke Chihuahua, Engl. und American Cocker Spaniel Miniatur Pinscher Malteser Pekingese Shih Tzu	Vorlage eines Gentests für die unter "1" genannten Rassen; Ausstellung nur von Hunden mit Gentest N/N	Murphy et al. - Features of the Intervertebral Disc in Young Nova Scotia Duck Tolling Retrievers Confirms Chondrodystrophy Degenerative Phenotype Associated With Genotype, 2019 Batcher et al. - Phenotypic Effects of FGF4 Retrogenes on Intervertebral Disc Disease in Dogs

Chondrodysplasie / Chondrodystrophie

Retrogeninsertionen:

FGF4L1 = CFA18 (Chondrodysplasie, CDPA)

- Maßgeblich für Phänotyp diverser kurzbeiniger Rassen
- Keine Assoziation mit BSV

FGF4L2 = CFA12 (Chondrodystrophie, CDDY)

- Geringerer Einfluss auf Phänotyp
- Einfluss auf Risiko Bandscheibendegeneration und BSV

Chondro-dystrophie **Chondro-dysplasie**

Table 1. Descriptive statistics for dogs surgically treated for intervertebral disc disease (IVDD). Any breed with fewer th[ree retrosp]e surgery cases was included in 'Other'. Dogs from 61 different breeds and 127 mixed breed dogs were defined. The total number of dogs f[ch breed] DNA repository is included, and the list is sorted by the breed prevalence of surgical cases.

Breed	Retrospective Surgery Cases	Percent of Total Surgeries	Total in Repository	Surgery Prevalence in Repository	Prospective Surgery Cases	12-FGF4RG Frequency	18-FGF4RG Frequency	Median Age at Surgery (Years)
Dachshund	86	31.62%	221	38.91%	62	0.99	0.99	6.5
Bulldog, French	20	7.35%	81	24.69%	40	0.94	0.01	3.7
Miniature Pinscher	6	2.21%	29	20.69%	0	0.00	0.00	10.3
Pekingese	3	1.10%	17	17.65%	1	0.50	0.88	6.1
Basset Hound	5	1.84%	36	13.89%		0.83	1.00	5.5
Beagle	9	3.31%	65	13.85%	8	1.00	0.00	7.9
Welsh Corgi, Pembroke	6	2.21%	54	[illegible]	6	0.92	1.00	7.0
Maltese	5	1.84%	65	[illegible]	4	0.39	1.00	6.3
Shih Tzu	7	2.57%	92	7.61%	11	0.56	0.92	6.9
Bichon Frise	4	1.47%	[illegible]	6.78%	4	0.50	0.75	8.2
Chihuahua	9	3.31%	[illegible]	6.62%	16	0.48	0.70	6.0
Pit Bull Terrier	6	2.21%	119	5.04%	5	0.14	0.00	8.0
Cocker Spaniel, American	3	[illegible]	61	4.92%	1	1.00	0.00	7.0
Doberman Pinscher	3	[illegible]	70	4.29%	6	0.00	0.00	7.8
Rottweiler	4	1.47%	107	3.74%	1	0.00	0.00	5.7
Mixed Breed	46	16.91%	1316	3.50%	81	0.56	0.44	5.5
German Shepherd	5	1.84%	214	2.34%	5	0.05	0.00	6.9
Other	33	12.13%	1430	2.31%	40	0.25	0.23	7.7
Labrador Retriever	12	4.41%	568	2.11%	5	0.03	0.00	8.5
Total	272		4740		297	0.636	0.509	6.4

Indirect extermination

Quelle: Batcher et al.

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Chondrodysplasie / Chondrodystrophie

FGF4 retrogene on CFA12 is responsible for chondrodystrophy and intervertebral disc disease in dogs

Emily A. Brown[a], Peter J. Dickinson[b], Tamer Mansour[a], Beverly K. Sturges[b], Miriam Aguilar[a], Amy E. Young[c], Courtney Korff[a], Jenna Lind[a], Cassandra L. Ettinger[d], Samuel Varon[e], Rachel Pollard[b], C. Titus Brown[a,d], Terje Raudsepp[f], and Danika L. Bannasch[a,d,1]

RESEARCH Open Access

Breeding schemes for intervertebral disc disease in dachshunds: Is disc calcification score preferable to genotyping of the *FGF4* retrogene insertion on CFA12?

Camilla Sichlau Bruun[1], Charlotte Bruun[2], Tine Marx[3], Helle Friis Proschowsky[4] and Merete Fredholm[1*]

Received: 30 September 2024 | Accepted: 4 December 2024
DOI: 10.1111/jvim.17281

STANDARD ARTICLE
Small Animal Internal Medicine Neurology

Journal of Veterinary Internal Medicine Open Access ACVIM American College of Veterinary Internal Medicine

The relationship between radiographic disc calcification score and FGF4L2 genotype in dachshunds

Stacey Sullivan[1] | David Redden[2] | Froydis Hardeng[3] | Malin Sundqvist[4] | Michelle Kutzler[5]

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My friend Dux

Cranio Facial Ratio

Qualzuchtmerkmal
Brachycephalie

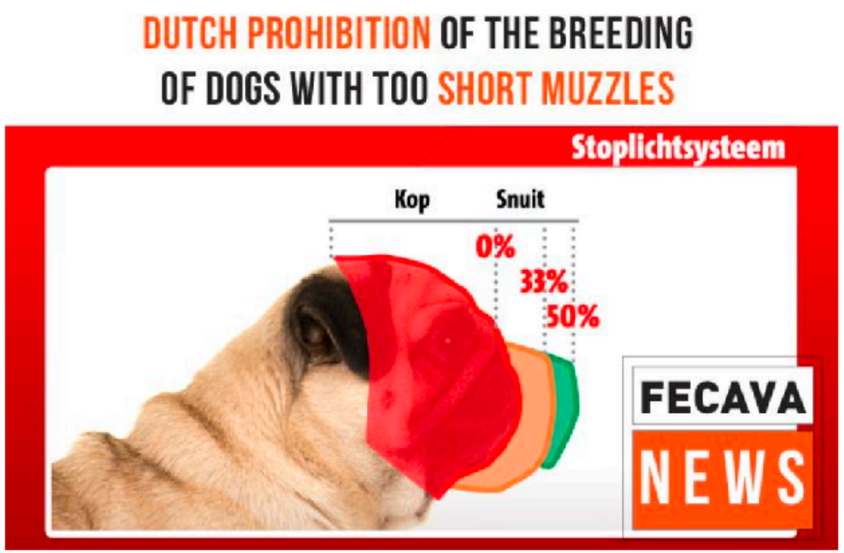

Abbildung: Boxerklub München e. V.

RESEARCH Open Access

Staffordshire Bull Terriers in the UK: their disorder predispositions and protections

Camilla Pegram[1*], Katie Wonham[2], Dave C. Brodbelt[1], David B. Church[3] and Dan G. O'Neill[1]

Abstract

Background: The Staffordshire Bull Terrier is a popular dog breed in the UK but there is limited reliable evidence on disorder predispositions and protections within the breed. Using anonymised veterinary clinical data from the VetCompass™ Programme, this study aimed to identify common disorders with predisposition and protection in the Staffordshire Bull Terrier. The study hypothesised that Staffordshire Bull Terriers would have higher odds of aggression compared with non-Staffordshire Bull Terriers.

Results: The clinical records of a random sample of dogs of all types were reviewed to extract the most definitive diagnoses for all disorders existing during 2016. A combined list from the 30 most common disorders in Staffordshire Bull Terriers and the 30 most common disorders in non-Staffordshire Bull Terriers was generated. Multivariable logistic regression was used to report the odds of each of these disorders in 1304 (5.8%) Staffordshire Bull Terriers compared with 21,029 (94.2%) non-Staffordshire Bull Terriers. After accounting for confounding,

"From the relative number of predispositions to protections identified, there is no evidence that Staffordshire Bull Terriers have higher overall health problems than non-Staffordshire Bull Terriers."

Provocation Fitness Test

PLOS ONE

RESEARCH ARTICLE

Conformational risk factors of brachycephalic obstructive airway syndrome (BOAS) in pugs, French bulldogs, and bulldogs

Nai-Chieh Liu[1], Eileen L. Troconis[1], Lajos Kalmar[1], David J. Price[1], Hattie E. Wright[1], Vicki J. Adams[2], David R. Sargan[1]*, Jane F. Ladlow[1]*

1 Department of Veterinary Medicine, University of Cambridge, Cambridge, Cambridgeshire, United Kingdom, 2 Vet Epi, Mildenhall, Suffolk, United Kingdom

PLOS ONE

RESEARCH ARTICLE

Breeding French bulldogs so that they breathe well—A long way to go

Eva-Mari[illegible]n-Mola[illegible]*, Line Sindahl*, Søren Saxmose Nielsen, Camilla S. Bruun, Peter San[illegible], Merete Fredholm*

1 Department of Veterinary and Animal Sciences, University of Copenhagen, Frederiksberg C, Denmark, 2 Department of Food and Resource Economics, University of Copenhagen, Frederiksberg C, Denmark

animals

MDPI

Article

Evaluation of a Treadmill-Based Submaximal Fitness Test in Pugs, and Collecting Breed-Specific Information on Brachycephalic Obstructive Airway Syndrome

Rebekka Mach [1,*,†], Pia S. Wiegel [1,†], Jan-Peter Bach [1], Martin Beyerbach [2], Lothar Kreienbrock [2] and Ingo Nolte [1,*]

animals

MDPI

Article

Evaluation of the Submaximal Treadmill-Based Fitness Test in Six Brachycephalic Breeds—A Follow-Up Study

[illegible] D. Türkcü, Sebastian Meller, Pia S. Wiegel, Ingo Nolte and Holger A. Volk *

Anatomical, functional, and blood-born predictors of severity of brachycephalic obstructive airway syndrome severity in French Bulldogs

Claudia Schmid[1,2,3], Aline R. Steiner[2], Léonie Spielhofer[2,4], Meltem Galfetti[2,5], Nikki Rentsch[1], Nikolay Bogdanov[1], Johannes Vogel[1], Regina Hofmann-Lehmann[6,7], Sonja Hartnack[8], Georgy Astakhov[9], Reinhard Furrer[9], Anna Bogdanova[1,7*†] and Iris Margaret Reichler[2*†]

VDH

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Methodological Complications

- Measuring of the Cranio Facial Ratio
- Measuring of the External Cranio Facial Ratio
- Terminological confusion
- Risks

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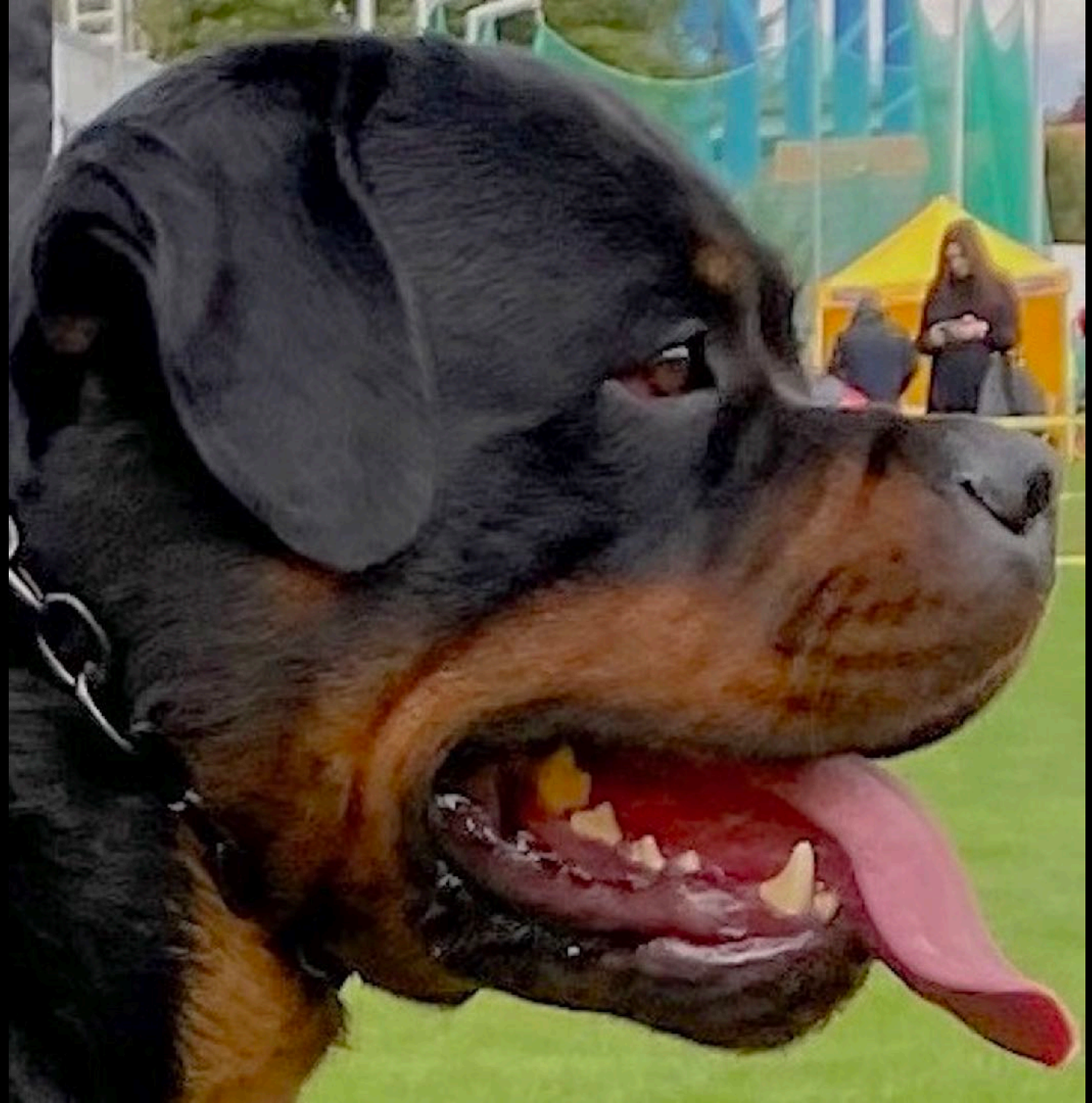

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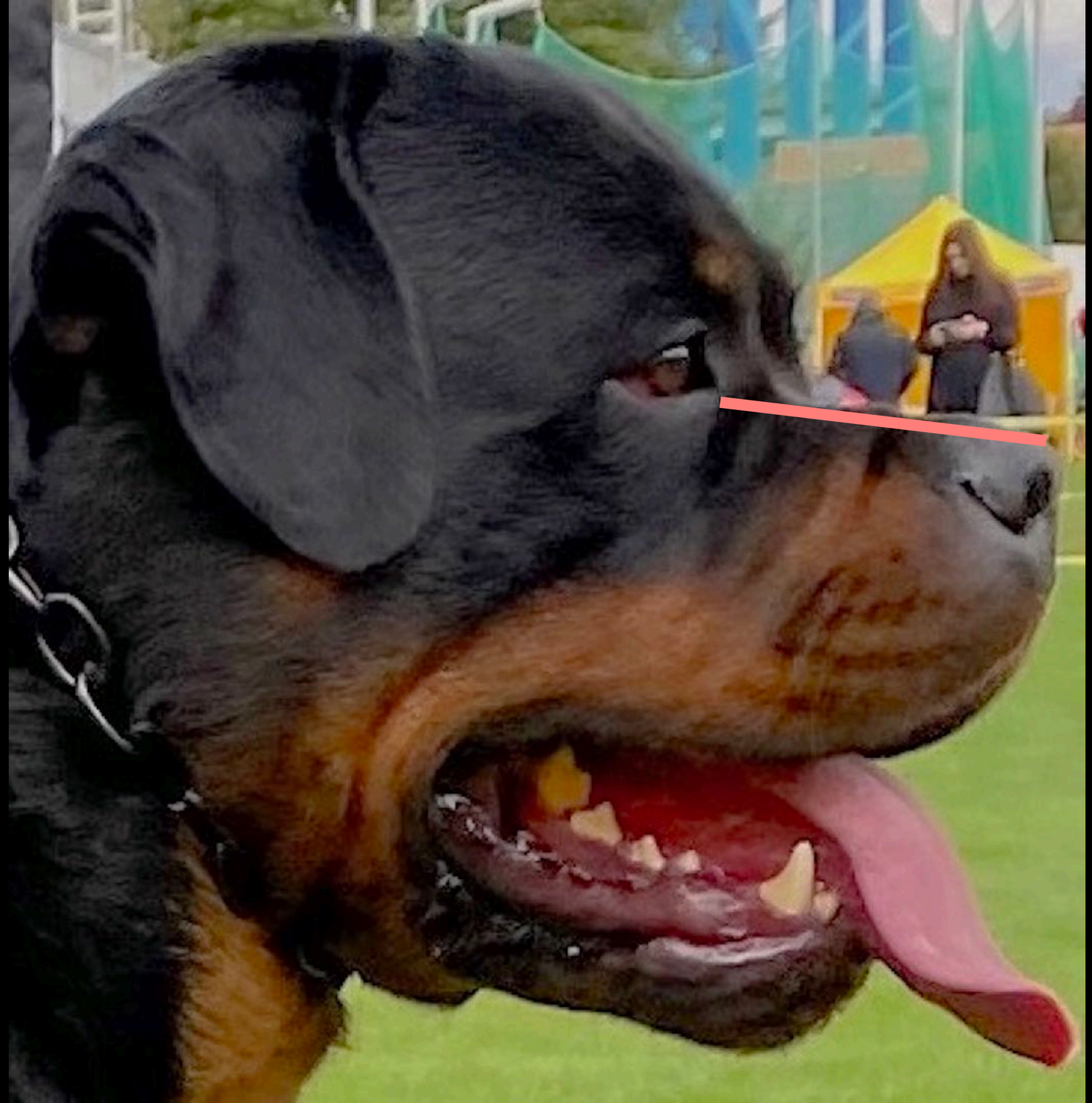
CFR



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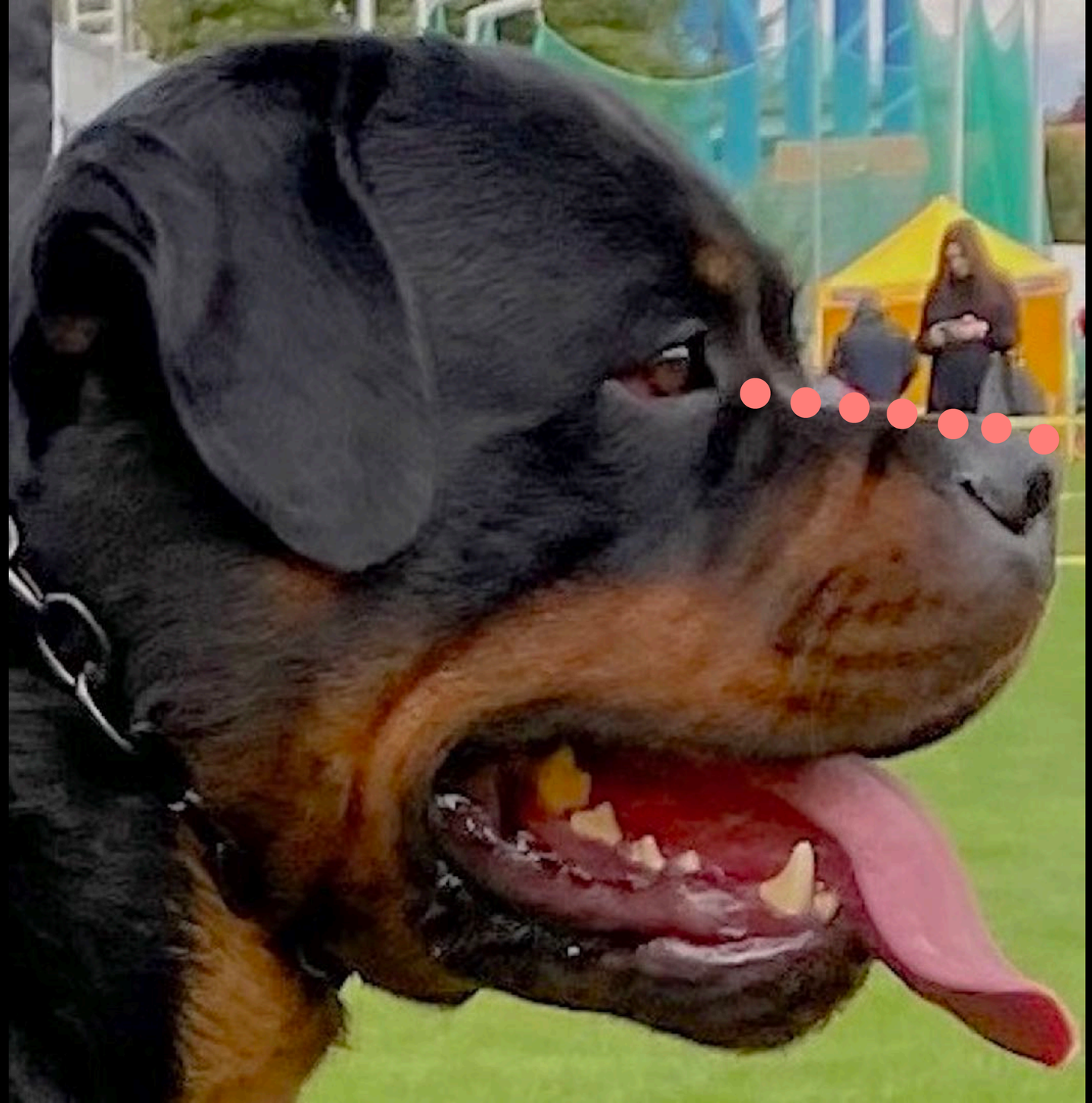
ECFR



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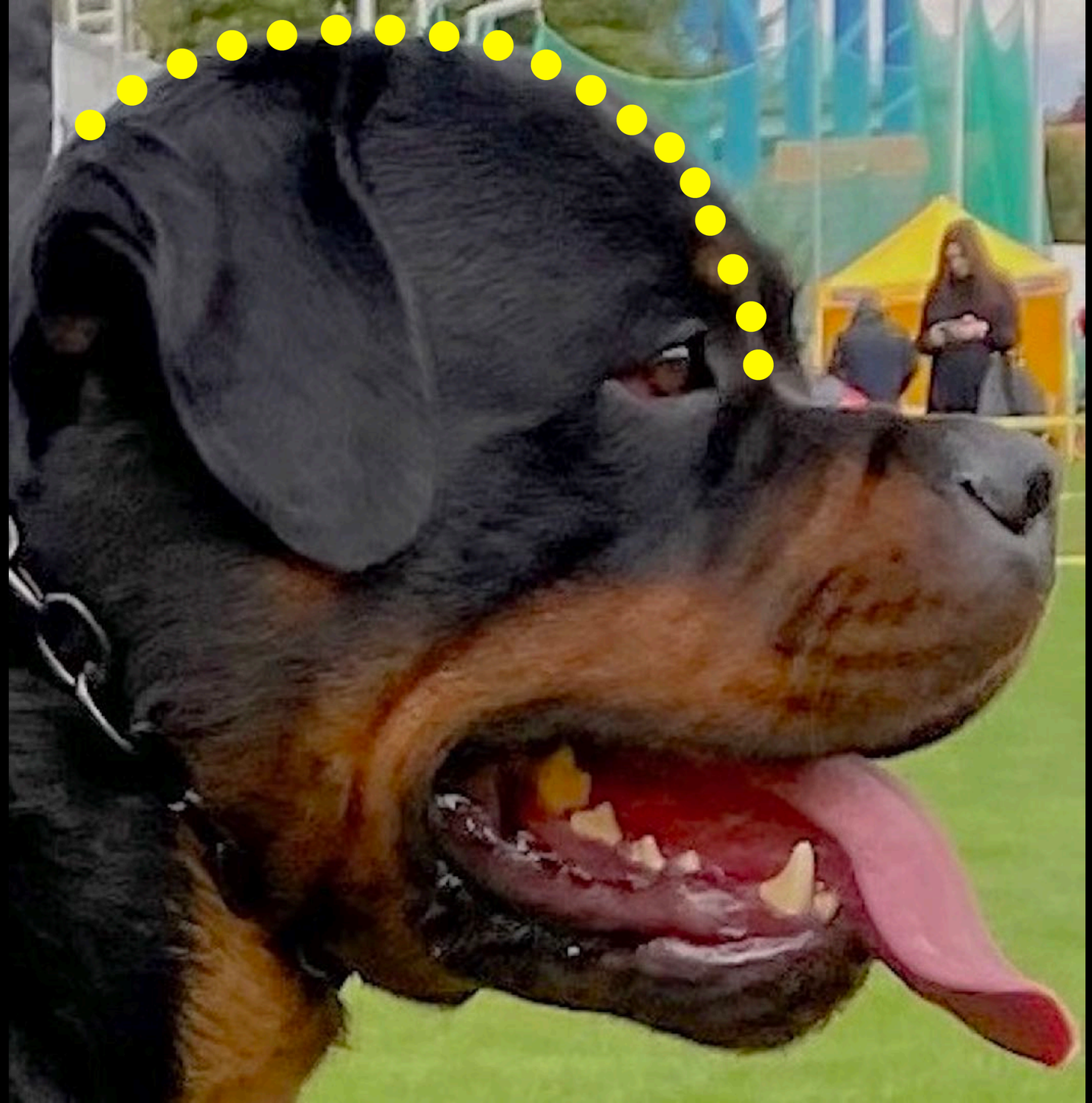
ECFR



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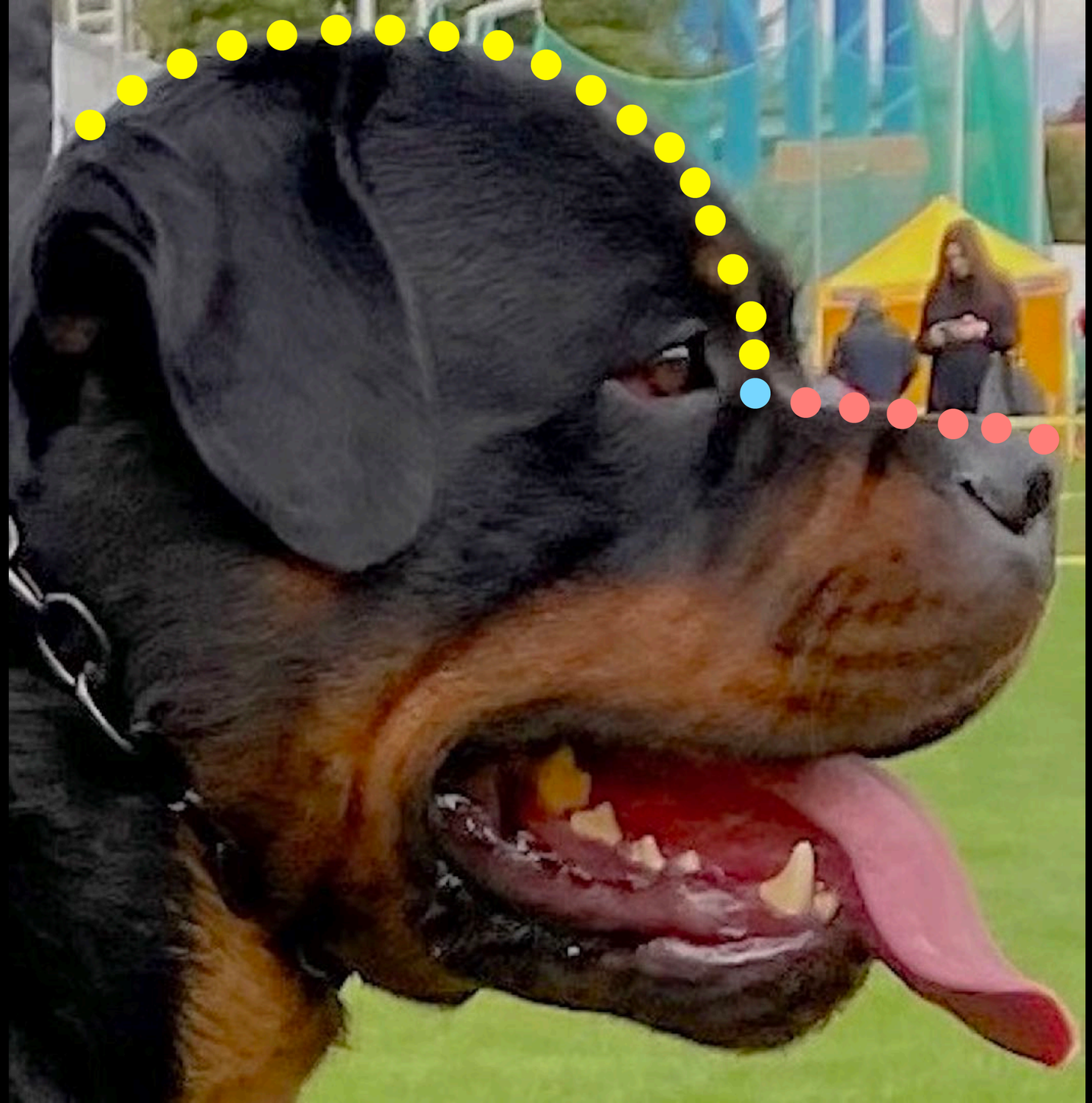
ECFR



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ECFR

The significance of the two measurement methods for us:

If ECFR is used instead of CFR,
the muzzle must be longer to meet the minimum requirement.

This can be very important in a political context.

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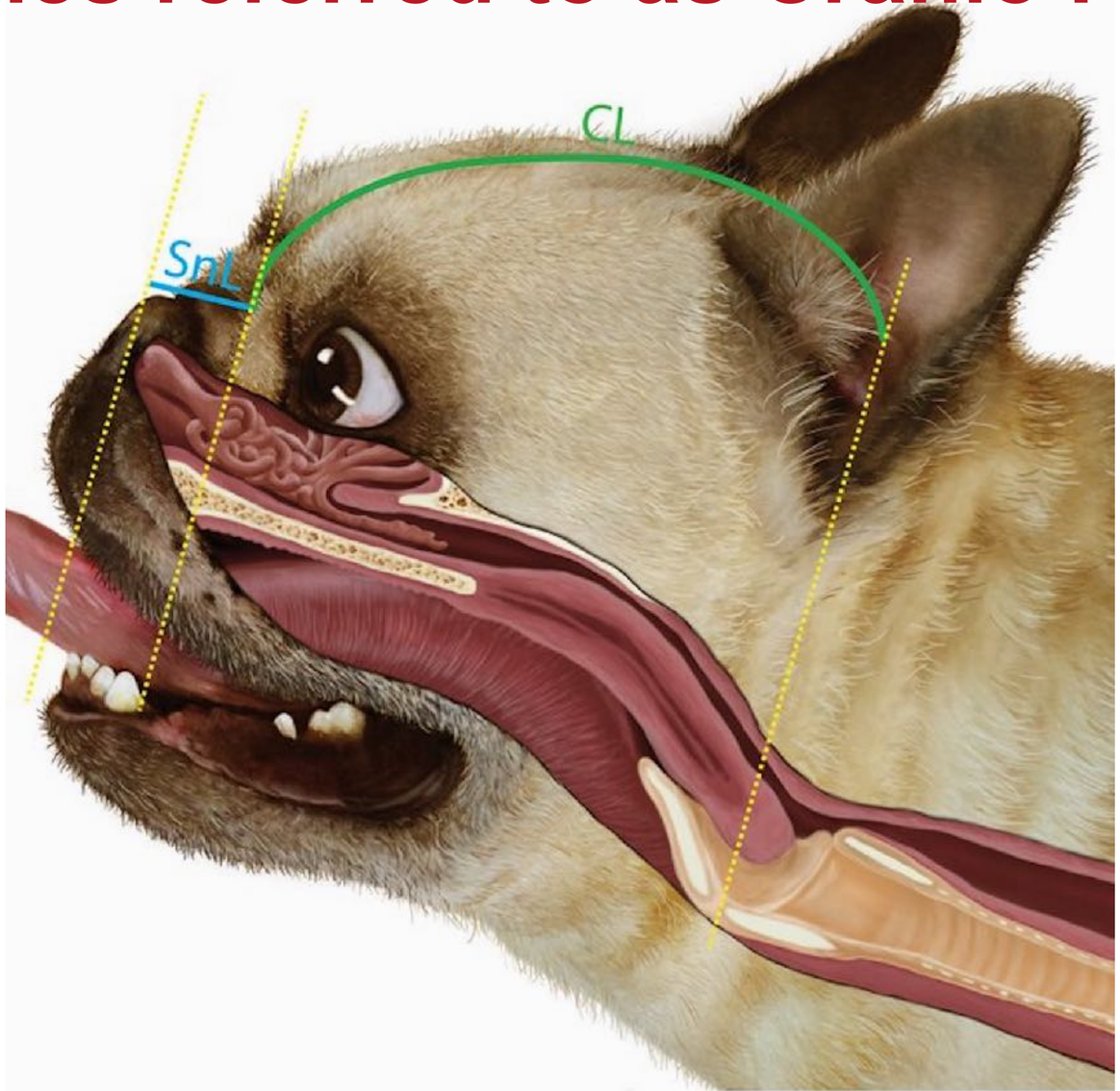
Nijkerk 2025

Frequently used illustration

External Cranio Facial Ratio,

sometimes referred to as Cranio Facial Ratio



Example for misleading information

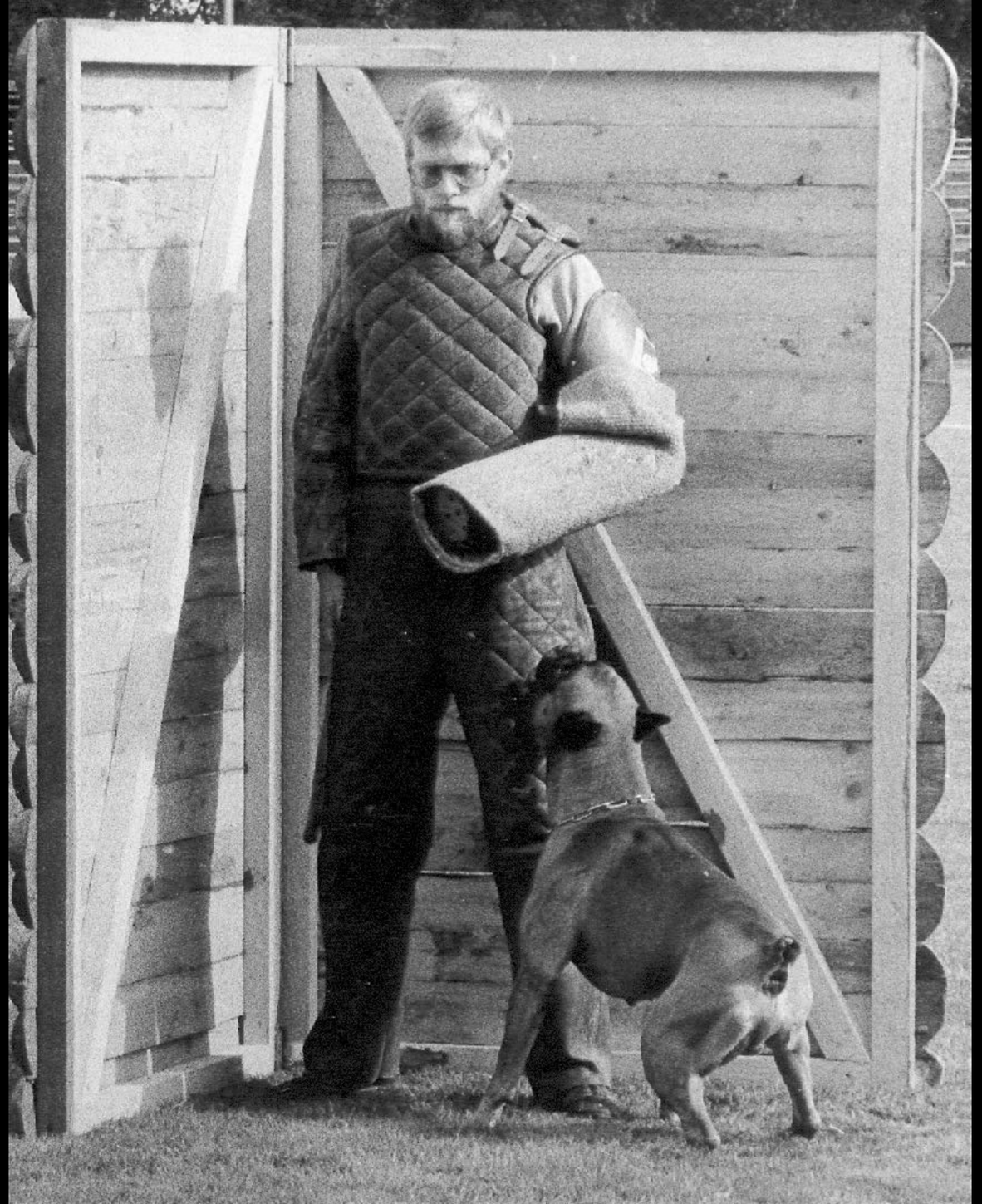
MELBOURNE BULLDOG CLINIC

Home Bulldog Health General Health

Cranio Facial Ratio (CFR)

Cranio Facial Ratio (commonly referred to as CFR), is the ratio of the length of the nose to the length of the head.

You can see in the two examples below how to measure it.



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Three different Types of brachycephalic dog breeds

- French Bulldog
- Chihuahua
- Boxer

Julia Klöckner
30. April um 09:29 ·

Gemeinsam mit @ella.the_doodle auf der Couch - und Zeitung 🗞️ lesen?

Da gehen unsere Interessen auseinander 😉

116 Mal geteilt

Auszug Merkmalskatalog Leitlinien PG-AGT

Qualzuchtmerkmal	Beispiele betroffener Hunderassen	Verzichtsempfehlung	Quellen
Entropium	Chow Chow, Shar Pei, Schweizer Bobtail, Deutsche Dogge, Golden Retriever, Irish Red, Pyrenäen-Berghund Pyrenäen Schäferhund, Pudel, Bloodhound, Old English Bulldog, Mastino Napoletano, Bordeaux Dogge, Mastiff, Bullterrier, Rhodesian Ridgeback, Berner Sennenhund, Labrador Retriever, Neufundländer, Bernhardiner, Airedale Terrier, Mops, Pekinese, Shih Tzu; Cocker Spaniel vornehmlich im Alter bei zunehmender Hautausdehnung.	Ausstellungsverbot auch ohne Vorliegen von weiteren klinischen Symptomen einer Augenentzündung.	Augenheilkunde, Buch v. Walde et al., 2008 Ocular Disorders presumed to be inherited in purebred dogs, ACVO Genetics Committee, 1999 Praktikum der Hundeklinik, 2017 Breed Predispositions to Disease in Dogs and Cats, Gough et al., 2018

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Nijkerk 2025

In humans there exist hereditary forms of the following health problems.

- Lung cancer
- Breast cancer
- Prostate cancer
- Diabetes
- Asthma
- Dementia
- Cardiomyopathy
- Neurodermatitis
- Allergies
- Visual disorders ….

6.

Short Outlook

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Corrections

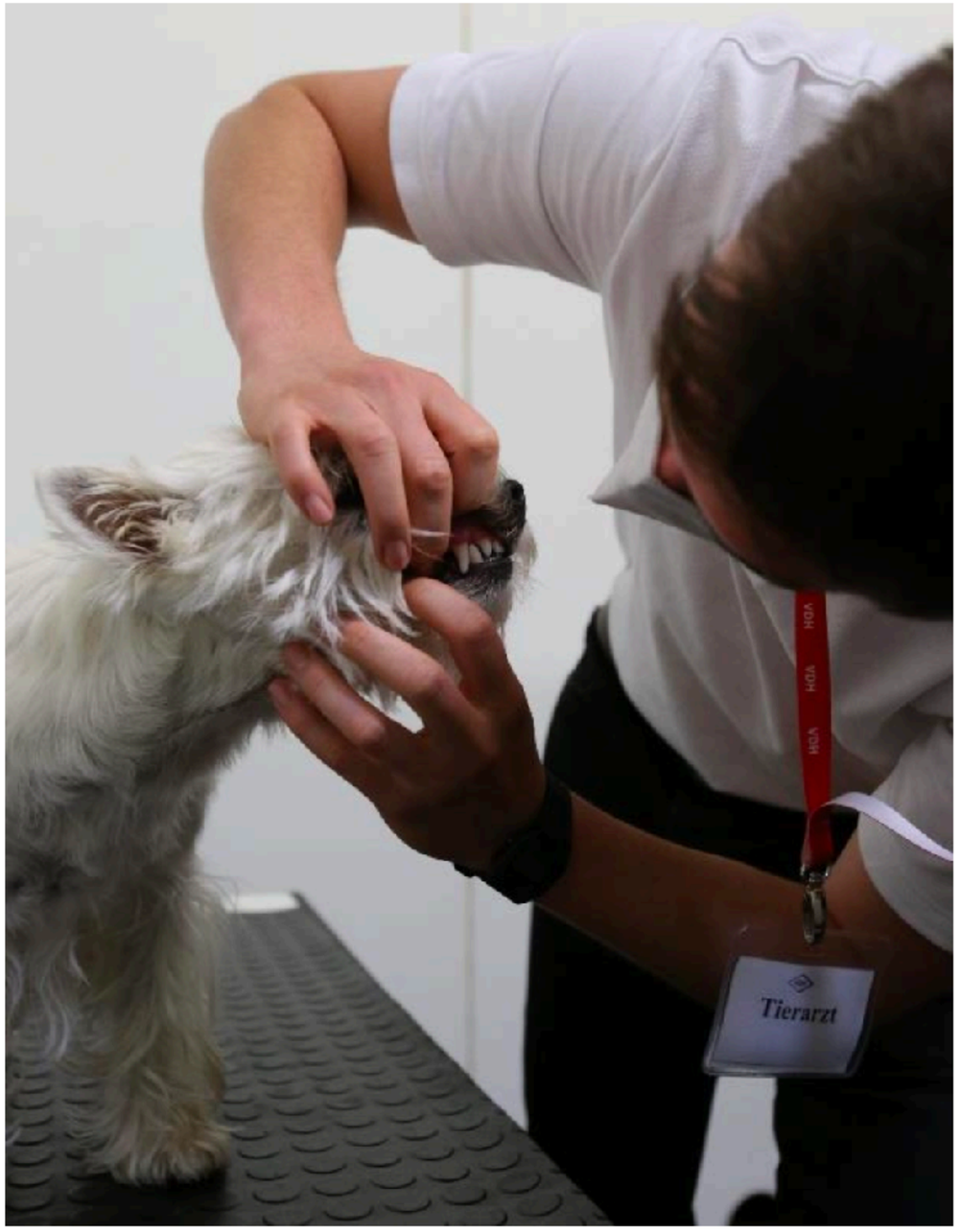
- ....
- Argumentation
- Literature sources
- Data

Our Own Concept

Konzept VDH-Ausstellungen

Kombination aus:

- Tierärztlicher Voruntersuchung für bestimmte Rassen
  - Klinische Untersuchung
  - Spezialuntersuchungen für bestimmte Rassen
- Eingangskontrolle (festgelegte Rassen + Stichproben)



Mandatory Checks

Hunderassen VetCheck-Pflicht 2024

149	Bulldog	komplett
101	Französische Bulldogge	komplett
140	Boston Terrier	komplett
235	Deutsche Dogge	komplett
109	Clumber Spaniel	komplett
127	Sussex Spaniel	komplett
288	Chinese Crested haarlos	komplett
234	Xoloitzcuintle haarlos	komplett
310	Perro sin Pelo del Perú	komplett
264	Mastiff	komplett
197	Mastino Neapolitano	komplett
116	Bordeauxdogge / Dogue de Bordeaux	komplett
157	Bullmastiff	komplett
225	Fila Brasileiro	komplett
260	Tosa	komplett
91	Mastin Espanol	komplett
163	Basset Hound	komplett
369	Continental Bulldog	komplett
92	Mastin del Pirineo	komplett
61	Bernhardiner	komplett
309	Shar Pei	komplett
253	Mops	komplett
186	Affenpinscher	komplett
167	American Cocker Spaniel	komplett
5	English Cocker Spaniel	komplett

HOFFMANN LIEBS

Your Partner in Law

Verband für das Deutsche Hundewesen (VDH) e.V.

Our lawyers

AGT-Leitlinien zum Ausstellungsverbot gem. § 10 TierSchHuV

Besprechung mit AGT der LAV und BMEL

Hannover | 29.01.2025

VDH-Sichtweise – Rechtlicher Teil

§ 10 TierSchHuV: Lediglich Verbotsvorbehalt

- Das Ausstellungsverbot gem. § 10 TierSchHuV ist rechtlich betrachtet:
  - **Erlaubnis mit Verbotsvorbehalt**
  - und eben nicht: Verbot mit Erlaubnisvorbehalt

Burdon of proof

- Das Ausstellen von Hunden ist im rechtlichen Ausgangspunkt immer zulässig und ohne Weiteres erlaubt → nur bei Vorliegen der besonderen Voraussetzungen des Ausstellungsverbots gem. § 10 TierSchHuV kommt es – quasi ausnahmsweise – zu einem Ausstellungsverbot
  - im individualisierten Einzelfall
  - kein Rassebezug vorgesehen

- Generelle Pflicht zur Voruntersuchung dreht diese Entscheidung des Verordnungsgebers ins Gegenteil um:
  - Grundsätzliches Verbot, Hunde auszustellen → erlaubt nur noch nach umfassender und erfolgreicher Voruntersuchung
  - Vollzug und Leitlinienentwurf zur Voruntersuchungspflicht führen i.E. also zu einem Verbot mit Erlaubnisvorbehalt → rechtswidrig

Keine Rechts- / Ermächtigungsgrundlage für Voruntersuchungspflicht

➢ **§ 16 Abs. 2 TierSchG – Auskunftsanspruch / Informationspflicht**

- Die Untersuchung von Tieren im Rahmen von Gefahrerforschungsmaßnahmen ist Aufgabe der Vollzugsbehörde → der Auskunftspflichtige hat die Behörde hierbei (nur) zu unterstützen, insbesondere durch Hilfestellung bei der Untersuchung der Tiere → Beschränkung auf Duldung und Hilfestellung

- Im Umkehrschluss: Durch § 16 Abs. 3 TierSchG ist ausdrücklich festgeschrieben, dass die Auskunftspflicht gemäß § 16 Abs. 2 TierSchG gerade keine eigene Untersuchungspflicht des auskunftspflichtigen (Hunde-)Halters beinhaltet bzw. umfasst

- Was der Gesetzgeber nach § 16 Abs. 3 S. 1 Nr. 4 TierSchG ausdrücklich der Behörde aufgegeben hat, kann damit nicht über die Auskunftspflicht gem. § 16 Abs. 2 TierSchG den Betroffenen aufgetragen werden → dies widerspräche dem ausdrücklichen Willen des Gesetzgebers → rechtswidrig

Who has to pay for the assessment?

Geforderte invasive Untersuchungsmethoden sind tierschutzwidrig

- § 1 S. 2 TierSchG: *„Niemand darf einem Tier ohne vernünftigen Grund Schmerzen, Leiden oder Schäden zufügen.“*
- Hieran sind auch die Tierschutzbehörden gebunden
- Trotzdem werden im Leitlinienentwurf verschiedene, zum Teil sehr schwerwiegende und belastende Untersuchungen (z.B. Untersuchungen, die eine Vollnarkose notwendig machen oder mit potentiell krebserregender ionisierender Strahlung verbunden sind, wie MRT, CT und Röntgen) ohne jedwede medizinische Indikation gefordert
- Derartige Untersuchungen an klinisch gesunden Tieren ohne Vorliegen einer tierärztlichen Indikation für eine solche Untersuchung sind offensichtlich tierschutzwidrig und damit auch rechtswidrig
- Siehe hierzu auch sogleich im veterinärmedizinischen Teil von Herrn Dr. Bach

Actions against the law for the protection of animals

Thank you for your kind attention