

POLAND ANIMAL PROTECTION ACT

OF August 21, 1997

(OJ No 111, Item 724; of 1998 No 106, Item 668)

Chapter 1 - General Provisions

Article 1

(1) The animal as a live creature, capable of suffering, is not a thing. The human being should respect, protect and provide care to it.

(2) All matters not regulated by this Act will be governed by the regulations applicable to things.

(3) The bodies of the Public Administration will undertake activities aimed at protecting animals, and will cooperate with appropriate domestic and foreign institutions and organizations.

Article 2

The Act regulates the treatment of:

- 1. Domestic animals,
- 2. Farm animals,
- 3. Animals used for the purposes of entertainment, shows, films and sports, and for special purposes,
- 4. Used in experiments,
- 5. Animals kept in zoological gardens,
- 6. Free living animals (wild)
- 7. Animals not belonging to the domestic fauna.

Article 3

To implement the provisions hereof, competent bodies of state administration and local self-government co-operate with the Veterinary Surgeons' self-governing Body, the Veterinary Inspection and other institutions and public organizations, for which the animal protection constitutes the statutory objective of activity.

Article 4

Whenever the Act deals with:

- 1. Experiments on animals - it refers to using animals for scientific or educational purposes that may lead to bodily injuries or other health disorders, including pain, suffering and fear, except for animal branding,
- 2. Humane way of dealing with animals - it refers to dealing with animals allowing for their needs and providing care and protection to them,
- 3. The necessity of putting to death immediately - it refers to the objective situation, if possible, stated by a veterinary surgeon, in which the animal can live only suffering and feeling pain, and it is the moral duty of the human being to put an end to the animal's suffering,
- 4. Traveling menagerie - it refers to the business establishment involved in organizing traveling animal exhibitions,

- 5. Alternative methods in experiments - it refers to modern research methods that do not require performing experiments on a live animal,
- 6. Knocking the animal unconscious - it refers to the professional method leading to the loss of consciousness in the animal, lasting until the time of its death,
- 7. Cruel methods in animal rearing and production - it refers to human activity or default leading in an obvious way to pathological changes in the organism of an animal (somatic or psychological), especially in the form of consequences of severe pain, comparing to specific behavior (submission) by hunger, thirst or electrical current (except using electric shepherds, trainers and electric devices designated for driving animals or other procedures of this kind, especially, feeding and watering animals by force,
- 8. Cruel treatment - it refers to the cases of animal abuse and other behavior of the owner or another person leading to the results comparable to those of abuse,
- 9. Tending - it refers to all aspects of relations between humanity and animals, especially material and non-material resources activated by the humanity in order to obtain and maintain the physical and psychical condition in the animal owing to which it endures the living conditions imposed by the humanity best,
- 10. Overburdening of animals - it refers to forcing animals to excessive energetic effort that does not comply with the condition of the animal connected with its state of fitness and health,
- 11. Gross negligence - it refers to drastic departure from the standards of treatment of the animal as determined in the Act, especially in terms of keeping the animal in the state of starvation, dirt, non-treated illness in improper room and excessive lack of space,
- 12. Particular cruelty of those killing animals - it refers to activities undertaken by the perpetrator, characterized by the drastic form and methods of killing, especially killing in a sophisticated or slow manner, deliberately applied murder to increase the range of suffering and its duration,
- 13. Slaughterhouse - it refers to every establishment under the state hygienic and veterinary control, designated for slaughtering animals,
- 14. Fetters - it refers to all equipment mechanically limiting the freedom of movement of the animal in terms of its possibility to move beyond a settled range as well as some equipment designated for directing animal moves in the way planned by a person,
- 15. Proper conditions of living - it refers to ensuring the animal with the possibility of living in accordance with the needs of a given species, race, sex and age,
- 16. Homeless animals - it refers to domestic or farming animals that escaped, got lost or were abandoned by man and it is impossible to find their owner or another person, in the care of whom they were previously permanently staying,
- 17. Domestic animals - it refers to animals traditionally staying with man in his home or another appropriate room, kept by man as his companions,
- 18. Farming animals - it refers to animals kept for breeding and production,
- 19. Laboratory animals - it refers to animals kept for the purposes of using them in scientific experiments, especially mice, rats, guinea pigs.. Syrian hamsters (golden), rabbits, dogs, cats, and quails - in places approved or registered by an appropriate authority,
- 20. Animals used for special purposes - it refers to animals whose professional training and use is performed on the basis of separate regulations that set forth detailed principles of operation for the units of the Polish Armed Forces, the Police, the Border Guard and other formations subordinate to the Minister of Internal Affairs and Administration, customs control services, rescue services and setting forth the principles for training and using dogs - guides of blind persons.

Article 5

Every animal requires humane treatment.

Article 6

1. Unjustified or inhumane killing of animals and their abuse is forbidden.

2. Inflicting or consciously permitting the infliction of pain or suffering should be considered as abusing animals and especially:

- 1. Deliberately injuring or mutilating the animal if it does not constitute the procedure or experiment on animals permitted in law,
- 2. Experiments on animals causing pain, carried out with infringement of the provisions of the Act,
- 3. Deliberately using sick animals for work or entertainment purposes, including injured or lame animals or forcing them to actions which may cause pain,
- 4. Beating animals with hard and sharp objects or such that are equipped with devices designated for inflicting special pain, beating over their head, lower part of abdomen and lower parts of extremities,
- 5. Overburdening beasts of burden and pack animals with loads that do not match their strength and condition or the state of roads or forcing such animals to run excessively fast,
- 6. Transport of animals including farm, and slaughter animals and those transported to market places, carrying or driving animals in a way producing unnecessary suffering and stress,
- 7. Using harnesses, fetters, frames, bonds or other equipment forcing the animal to stay in an unnatural position, causing unnecessary pain, body injury or death,
- 8. Performing procedures and surgical operations on animals by persons who do not possess required licenses or not in keeping with the principles of medical-veterinary art, without maintaining necessary caution and wariness and inflicting pain that could be avoided,
- 9. Deliberately frightening or teasing animals,
- 10. Keeping animals in improper living conditions, including keeping them in the state of gross sloppiness and in rooms or cages that make it impossible for them to maintain a natural position,
- 11. Abandoning animals, especially dogs and cats by the owner or another person who has the animal in care,
- 12. Applying cruel methods in animal breeding and production,
- 13. Testing hygienic and cosmetic agents causing suffering (if alternative methods are known).

Article 7

1. The animal which is neglected in a gross manner or treated cruelly may be temporarily or permanently taken away from the owner or another person who is keeping it and on the basis of the decision of the administrator of the group of villages (mayor, town president) issued by rights or to the motion of the police, veterinary surgeon or an inspector of the Society for the Prevention of Cruelty to Animals in

Poland or an authorized representative of another public organization with a similar statutory subject of activity, and handed over to the animal shelter or into care of another person or institution.

2. The decision referred to sections is immediately effective.

3. In urgent cases when the continuous stay of the animal with the previous owner or guardian constitutes a threat to its life, a policeman and also an inspector of the Society for the Prevention of Cruelty to Animals in Poland or an authorized representative of another public organization with a similar statutory object of activity may take the animal away from him, reporting it immediately to the administrator of the group of villages (mayor, president of the town), to enable this body to take a decision about taking the animal away.

4. In cases referred to in section 1 and 3 the costs of transport, maintenance and necessary treatment of the animal lie with the previous owner or guardian.

5. The payments connected with the costs set forth in section 4 are governed by the regulations concerning executory procedures in administration.

6. If the animal was taken away for the reason of gross negligence or cruel treatment by the owner or another person acting with the permission of the owner, the right of ownership to this animal expires on the date on which the decision on taking the animal away becomes effective and the animal becomes property of the commune. In such a case the administrator of the group of villages (mayor, president of the town) has the animal at his disposal, and according to the circumstances, and may give it to the animal shelter, sell it or transfer the ownership of it to an appropriate person or institution free of charge.

Article 8

1. Curricula in all types of schools should allow for the issues of animal protection and the establishment of school organizations of animal lovers.

2. The Minister of National Education, in agreement with the Minister of Environmental Protection, Natural Resources and Forestry and with the Minister of Agriculture and Food Economy, determines the curriculum assumptions in the scope of the issues referred to in section 1.

3. The Board of Administration of the Province is obligated to prepare the program aimed at the dissipation of knowledge of the provisions of the Act amongst farmers.

Chapter 2 - Domestic Animals

Article 9

1. Those who keep domestic animals have the duty to provide it with a room protecting it against cold, heat and rain, with access to daylight and making it possible for it to change the position of its body, to have appropriate food and permanent access to water.

2. The leash on which the animal is kept cannot lead to injuries or suffering and must ensure necessary freedom of movement.

Article 10

1. Keeping a dog of an aggressive breed requires a permission of the proper commune body.

2. The list of dog races referred to in section 1 and the conditions for issuing permissions shall be determined by way of resolution by the Minister of Internal Affairs and Administration after consulting the Kennel Club in Poland.

Article 11

1. Providing care to homeless animals and catching them lies with communes.

2. The Minister of Internal Affairs and Administration, in agreement with the Minister of Environmental Resources and Forestry shall determine by way of a resolution the principles and conditions for catching homeless animals.

3. Catching homeless animals and decisions about further handling of them may take place exclusively on the basis of the resolution of a competent commune council adapted in agreement with the state veterinary surgeon, operating on the basis of separate regulations and after consulting it with an authorized representative of the Society for the Prevention of Cruelty to Animals in Poland or another public organization with a similar statutory object of activity.

4. The Society for the Prevention of Cruelty to Animals in Poland and other public organizations with a similar object of activity may ensure care to homeless animals and run animal shelters with this aim in view, in agreement with competent bodies of local self government.

Chapter 3 - Farm Animals

Article 12

1. Those who keep farm animals are obligated to ensure them care and appropriate living standards.

2. The conditions of rearing and production of animals cannot lead to injuries and to bodily harm to other suffering.

3. It is forbidden to give animals growth hormones.

4. It is forbidden to fatten geese and ducks for the purposes of the fatty degeneration of their livers.

5. It is forbidden to keep animals in a unit area if their number exceeds the standards approved for a given species, age and physiological condition.

6. It is forbidden to import animals and animal products obtained as a result of rearing or production in breach of the provisions of this Act.

7. The Minister of Agriculture and Food Economy shall determine by way of resolution the detailed conditions of keeping particular species of farm animals.

Article 13

1. The introduction of a previously not applied technology of animal breeding requires the permission of the Governor of the Province stating that it meets the requirements determined in the Act.

2. The Minister of Agriculture and Food Economy shall determine by way of resolution the conditions procedure and method of the grant of permissions referred to in section 4.

Article 14

1. Methods and conditions of using animals for work cannot create unjustified threat to their life or health, or inflict suffering on them.

2. In particular, it is forbidden to:

- 1. Overburden animals,
- 2. Use animals sick or undernourished for work,
- 3. Use harnesses, bits, saddles, saddle-bags, horse-shoes, vehicles or tools that may due to their poor technical condition or improper construction cause bodily injuries or lead to the death of the animal,
- 4. Use objects or tools for driving animals that could cause bodily injuries,
- 5. Force animals pulling loads to an exhaustive trot or gallop,
- 6. Use horses below the fifth year of life for skidding.

3. A person using animals for work is obligated to ensure them during each twenty-four hour period, rest appropriate for a given species, to recuperate their strength.

Chapter 4 - Animals used for entertainment, shows, films, sports and special purposes

Article 15

1. Conditions of performance, training and methods of dealing with animals used for entertainment, shows, films, sports and special purposes cannot threaten their life and health or cause suffering.

2. Conditions of performance of animals referred to in section 1 must be determined in the screen-play or appropriate program approved by a person with appropriate qualifications.

3. The use of pharmacological and mechanical methods and steroids in animals is forbidden.

4. Animals referred to in section 1, should be ensured appropriate rest. Especially, it is forbidden to use these animals directly after transport without providing them with an opportunity to rest and recuperate.

5. Animals referred to in section 1 should be provided veterinary care.

6. The Minister of Culture And Art, in agreement with the Minister of Agriculture and Food Economy, shall determine by way of a resolution the method and procedure of granting licenses to people responsible for the observance of conditions referred to in section 2.

Article 16

It is forbidden to use animals in shows and sports characterized by cruelty, especially it is forbidden to organize fights with participation of bulls, dogs and cocks.

Article 17

1. Only animals born and bred in captivity may be used for training and shows designated for shows and entertainment, and only those to which it is possible to provide such living conditions that are appropriate to the need of a given species.
2. Animal training for the purposes of shows and entertainment and defense may only be carried out by a duly qualified person in a manner that does not bring suffering to the animal.
3. It is not permitted to carry out training of the animals exclusively for the purpose of increasing their aggression.
4. It is forbidden to force animals to perform actions that may cause pain or are contradictory to their nature.
5. The activity of traveling menagerie is forbidden.
6. It is forbidden to propagate or disseminate drastic scenes presenting killing, inflicting suffering or another type of violence by man, in which animals are victims, unless the scenes are meant to stigmatize the cruel treatment of animals.
7. To animals referred to in section 2 appropriate provisions of article 9 apply.
8. The Minister of Agriculture and Food Economy, in agreement with the Minister of Environmental Protection, Natural Resources and Forestry, shall determine by way of a resolution, detailed conditions of keeping particular species of animals used for entertainment, shows, films, sports and special purposes.
9. The Minister of Agriculture and Food Economy shall determine by way of a resolution the method and detailed conditions of granting licenses to people referred to in section 2.

Article 18

1. Animals used for entertainment, shows, films, sports and special purposes may be kept, bred and presented only in studs, circuses or circus bases and in the places designated for animals, used for special purposes, under the supervision of the state veterinary service.
2. Keeping, breeding or presentation of animals referred to in section 1 must be performed in a manner that guarantees the safety of people and animals.

Chapter 5 - Animals in zoological gardens

Article 19

1. Only animals born and brought up in captivity are kept in zoological gardens and other animals only if it is done for the sake of an individual animal population or a species or for educational purposes.
2. Animals in zoological gardens must be kept in the conditions appropriate for their breed.
3. It is not recommended to permit the animals to propagate if it is not possible to ensure them appropriate living standards.
4. The establishment of a new zoological garden requires the permission of the Head of the District.

Article 20

It is forbidden to keep and breed predator and poisonous animals dangerous to the life of people or animals, except in zoo gardens in appropriate scientific units and circuses.

Chapter 6 - Animals living at large (wild)

Article 21

Animals living at large constitute the national value and should be provided with the conditions for development and free living, except those referred to in Article 23 section 1.

Article 22

1. It is forbidden to own free-living (wild) animals on order to :

- 1. Prepare animal corpses
- 2. Establish a collection
- -without the permission of the Governor of the Province

2. The Minister of Environmental protection, Natural Resources and Forestry will determine by way of a resolution the principles of obtaining animals by preparators and collectors, the rules of controlling them and the conditions, methods and procedures for the grant of permissions referred to in section 1.

Article 23

1. Animals that constitute danger to the life, health or economy of humanity may be exterminated.

2. The Governor of the Province, after consulting the State Council of Nature Protection, the Society for the Prevention of Cruelty to Animals in Poland and the Polish Hunting Society shall determine by the way of a resolution the conditions, time and methods of extermination of animals referred to in section 1.

Chapter 7 - Transport of animals

Article 24

1. Transport of animals is performed by using means designated for this purpose and carried out in appropriate conditions, especially:

- 1. Animals must be correctly placed and the use of tethers cannot lead to difficulties in lying and getting up during the transport.
- 2. The floors of vehicles used for transport should have appropriate surfaces ensuring adhesion of extremities and enabling the maintenance of hygiene,
- 3. Means of transport of animals should fulfill conditions for maintenance of appropriate temperature, ventilation, space and natural position,
- 4. During a long transport the animals must be provided, frequently enough, with water and fodder and they must have an opportunity to rest.

- 5. Sick or injured animals must be provided veterinary help immediately.
- 6. Animals imported to the country and exported abroad must be transported using the shortest possible route without unnecessary stop-overs and their customs clearance shall be carried out without waiting for their turn.

2. It is forbidden :

- 1. To transport animals if they are in the perinatal time and young animals separated from their mothers, incapable to absorb solid food,
- 2. To transship animals without appropriate protection,
- 3. Dead animals and animals that are not fit for further transport must be removed at the first stop-over,
- 4. The carrier is responsible for the observance of the regulations and conditions of transport set forth in section 1-3,
- 5. The Minister of Transport And Maritime Economy, in agreement with the Minister of Agriculture and Food Economy and the Minister of Environmental Protection, Natural Resources and Forestry shall determine by way of a resolution the detailed principles and conditions of transport of animals, the maximum time of transport for a given species, age segments and the method of dealing with the sick and dead animals.

Article 25

A person driving a mechanical vehicle who ran down an animal is obligated, if possible, to provide the animal appropriate help and report it to one on the services referred to in Article 33 section 3.

Article 26

1. It is forbidden to keep, deal in and transport abroad animals, their parts and animal products that are subject to limitations on the basis of international agreement, in which the Republic of Poland is a party, without their required permission.

2. The Minister of Environmental Protection, Natural Resources and Forestry shall determine by way of a resolution the list of animals which cannot be kept, traded and transported without limitations and shall determine the conditions method and procedure for the grant of permissions referred to in section 1.

Chapter 8 - Operations and animals

Article 27

1. Veterinary operations on animals are admissible to save their life or health and to perform necessary limitation of population and may be performed exclusively by authorized persons.

2. Veterinary and zoo-technical operations performed on animals or other procedures resulting from production technologies or diseases related to them may be performed exclusively by authorized person maintaining appropriate caution and w2ariness aimed at limiting the suffering and stress of animals.

3. Operations causing pain shall be performed under general or local anaesthesia, except these operations which according to the principles of the veterinary art are carried out without anaesthesia.

Chapter 9 - Experiments with the use of animals

Article 28

1. Experiments and tests on animals are admissible only if they are necessary for scientific search, education in schools of higher learning or protection of health for humans or animals, and if these objectives cannot be reached in another way because of the lack of appropriate alternative methods.

2. In order to issue opinions concerning experiments and tests, referred to in section 1, The National Ethical Committee For The Matters of Experiments On Animals, hereinafter referred to and "National Ethical Committee", is established as well as local particularly inter-university or university ethical committees for the matters of experiments on animals, hereinafter referred to as "local ethical committees".

3. Chairman of the Scientific Research Committee appoints National Ethical Committee, composed of 15 members, including representatives of natural, medical, veterinary and arts sciences and representatives of non-governmental organizations that have animal protection as their statutory objective.

4. The National Ethical Committee appoints local ethical committees composed of 5 to 15 members, including representatives of biological, medical, veterinary and arts sciences and representatives of non-governmental organizations that have animal protection as their statutory objective.

5. The National Ethical Committee establishes general principles for local ethical committees to function and issue opinions concerning the admissibility of experiments and tests on animals and examines complaints against the opinions of local ethical committees. The permission for experiments is issued by the manager of the unit authorized to carry out experiments and test on animals referred to in section 8, allowing in particular for the opinion of the appropriate ethical committee.

6. Persons concerned with respect to the opinion in question are not entitled to participate with the right of vote in the sessions of the National Ethical Committee and local ethical committees.

7. It is forbidden to perform experiments and tests on animals without obtaining a prior positive opinion from the local ethical committee.

8. Experiments and tests on animals can be performed by people with appropriate qualifications, possessing individual permission granted by the manager of the appropriate scientific unit, exclusively in designated research-scientific units, attached to schools of higher education, scientific-research institutes, departments of the Polish Academy of Sciences, official veterinary laboratories and units producing medicines and bio-preparations.

9. The procedure of experiments and tests carried out on animals must comply with the opinion of the local ethical committee, referred to in section 7 and is subject to inspection.

Article 29

1. Animals used for experiments and tests should make it possible to reach the scientific or diagnostic goal and should stem from animal farms referred to in section 2.

2. The breeding of laboratory animals may be carried out after obtaining the permission of the Provincial Veterinary Officer.

3. Animals kept in animals' houses must be guaranteed upkeep* conditions appropriate for the species, the possibility of movement, sufficient fodder and water supply and care ensuring them well being and health.

4. The Minister of National Educational and the Minister of Agriculture and Food Economy in agreement with the ministers supervising the units referred to in Article 28 section 8 shall determine by way of a resolution the conditions to be met by laboratory animal breeding farms and the conditions, methods and procedures of the grant of permissions referred to in section 2.

Article 30

1. Experiments inflicting pain or other suffering should be carried out in general or local anaesthesia and only once on the same animal, unless the nature of the experiment requires it to be repeated. Only in exceptional cases, where the good of science requires it, may experiments be carried out without anaesthesia.

2. Experiments and research work referred to in section 1 require each time the permission of the appropriate local ethical committee.

3. An animal with a higher level of development of psychic function, which underwent an experiment and is still able to live, should be treated and transferred to a place where its further existence is possible.

4. An animal which underwent an experiment, in which it was subjected to a massive surgery and the nature of the experiment does not require that it is kept alive and put to treatment, should be put to death before it is awakened from the general anaesthesia.

Article 31

It is forbidden to:

- 1. Deprive the animals used in experiments of their ability to utter sound,
- 2. Carry out tests of cosmetics and hygienic products on animals if alternative methods are available,
- 3. Carry out experiments on animals for didactic purposes leading to unnecessary suffering if this goal may be achieved in another way.

Article 32

The Ministers' Council, by way of a resolution, shall determine:

- 1. List of scientific units authorized to carry out experiments on animals,
- 2. Detailed principles of appointment, organization, activity and financing of the National Ethical Committee and the local ethical committees referred to in article 29 section 3 and 4,
- 3. Conditions and the procedure of issue and withdrawal of permissions to perform experiments on animals and the qualifications of people managing these experiments,
- 4. Detailed conditions for the performance of experiments on the animals and the methods and manner of controlling them,
- 5. Method of the performance of the register of laboratory animals and of keeping record on these experiments,
- 6. Living conditions in laboratory animals farm and animals' houses.

Chapter 10 - Putting animals to death

Article 33

1. Putting animals to death can be exclusively justified by:

- 1. Economic need,
- 2. Humane reasons,
- 3. Hygienic necessity,
- 4. Excessive aggressiveness leading to a direct threat to the health or life of a human being,
- 5. Requirements of science, subject to the provisions of chapter 9.

2. In the event referred to in section 1 clause 2 -5 the animal may be put to death with the consent of the owner and in the case of the lack of such consent, on the basis of the decision of the veterinary surgeon. The determination of the owner and the obtaining of his permission does not refer to animals suffering from diseases which are controlled by laws.

3. In the event of the immediate necessity of putting to death in order to finish the suffering of the animal the need to put it to death is confirmed by a veterinary surgeon, an inspector of the Society for the Prevention of Cruelty to Animals in Poland or another organization with a similar statutory object of activity, a Police officer, an officer of town or commune guard, Border Guard or a worker of Forest Services or National Parks Service, a guard of State Hunting Guard or a guard from the State Fishery Guard.

4. In the event referred to in section 3 the use of fire arms by an authorized person is permitted.

Article 34

1. A vertebral animal from the slaughter house can be put to death only after the previous loss of consciousness, caused by duly qualified persons.

2. The waiting room of the slaughter house should be acoustically insulated and separated by a partition from the room designated for knocking animals unconscious. Similarly, the room designated for knocking animals unconscious should be separated from rooms, in which animals are bled and undergo further slaughter-related processing.

3. If ungulated animals are slaughtered in the household they may be put to death only after being previously knocked unconscious by a semi-skilled slaughterman.

4. It is forbidden to:

- 1) kill animals in the perinatal period, except for scientific purposes,
- 2) kill vertebrate animals with the participation of children or in their presence,
- 3) gut, scull, remove skin, smoke and separate parts of homoiothermic animals before the arrest of respiratory and muscle reflexes.

5. The requirements set forth in section 1 and 3 do not apply in subjecting animals to specific methods of slaughter anticipated in religious rites.

6. The Minister of Agriculture and Food Economy shall determine by way of a resolution the qualifications of people authorized to perform slaughter as their trade, the admissible methods of killing animals appropriate for their species and bodies authorized to control the activity of people who are busy with slaughtering animals within the limits of their breeding or business activity.

Chapter 11 - Penal regulations

Article 35

1. Those who kill animals in breach of provisions of article 6 section 1, article 33 or article 34 section 1 - 4 or mutilate them in the manner determined in article 6 section 2, is subject to the penalty of deprivation of liberty for up to one year or the penalty of restricted liberty or a fine.

2. If the perpetrator of the act determined in section 1 acts with a particular cruelty, he is subject to the penalty of deprivation of liberty for up to two years.

3. If a person is convicted for the crime determined in section 1 the court may decide on the forfeiture of the animal and in the case of a conviction for the crime determined in section 2 the court decides on the forfeiture of the animal - if the perpetrator is the animal's owner

4. In the event of a conviction for the crime determined in section 1 or 2 the court may forbid the perpetrator to perform a specific trade, carry, put a specific activity or perform transactions that require the permission and are connected with using animals or affecting them and it may decide on the forfeiture of tools or objects used to perform the crime and of objects deriving from the crimes.

5. If a person is convicted for the crime determined in section 1 or 2 the court may decide on a supplementary penal measure for the amount of PLN 25 to 2,500 for the benefit of the Society for the Prevention of Cruelty to Animals in Poland or towards another goal connected with animal protection, as indicated by the court.

Article 36

1. Those who infringe the interdiction referred to in article 20 are subject to the penalty of deprivation of liberty for up to one year, the penalty of restricted liberty or a fine.

2. Those who infringe the interdiction referred to in article 20 section 1 are subject to the penalty of deprivation of liberty for up to one year, the penalty of restricted liberty or a fine.

3. If a person is convicted for the crime determined in section 2 the court may decide on:

- 1) the forfeiture of tools or objects that served the commission of the crime and of objects deriving from the crime,
- 2) the forfeiture of the animal or sending it back to the exporting country at the expense of the owner.

4. If a person is convicted for the crime determined in section 2, the court may decide on a supplementary penal measure for the amount of PLN 25 to 2,500 for the benefit of the Society for the

Prevention of Cruelty to Animals in Poland or towards another goal connected with animal protection, as indicated by the court.

Article 37

1. Persons who infringe demands or bans determined in Article 9, Article 12 section 1 - 6, Article 13 section 1, Article 14, Article 15 section 1 - 5, Article 16, Article 17 section 1 - 7, Article 18, Article 19, Article 22 section 1, Article 24 section 1 - 3, Article 25, Article 27, Article 28 section 1 and 7 - 9, Article 29 section 1 - 3, Article 30 and 31, are subject to the penalty of arrest or a fine.

2. Attempting, inciting, helping in the crime determined in section 1 is subject to penalty.

3. In the event of a penalty for the offence determined in section 1 the court may decide on the forfeiture of tools and objects used for committing the offence and the objects deriving from it, even if they were not the property of the perpetrator and it may also decide on the forfeiture of the animal.

Article 38

1. The Minister of Agriculture and Food Economy, in agreement with the Minister of Environmental Protection, Natural Resources and Forestry and the Minister of Justice shall determine by way of a resolution the procedure and principles of the execution of the decision on the forfeiture of the animal.

Article 39

1. In cases concerning the crimes determined in Article 35 section 1 and 2, if the harmed person does not take action, the Society for the Prevention of Cruelty to Animals in Poland and other public organizations that have animal protection as the statutory objective of their activity may take care of his rights.

2. The Ministers' Council shall determine by way of a resolution which public organizations with animal protection as their statutory objective of activity are authorized to activities determined in section 1.

Article 40

The Society for the Prevention of Cruelty to Animals in Poland and other public organizations that have animal protection as the statutory objective of their activity may cooperate with competent state and country council institutions in revealing and prosecution of the crimes and offences as determined in the Act.

Chapter 12 - Amendments in the applicable regulations, transitional and final provisions

Article 41

Article 62 be deleted in the act of May 25, 1997 Petty Offences Code (*Dziennik Ustaw*) N. 12 item 12 of 1981, No. 24 item 124 of 1982, No. 15 item 125 of 1983, No. 6 item 35 and No. 44 item 203 of 1984, No. 54 item 275 of 1985, No. 14 item 60 and No. 23 item 100 of 1986, No. 39 item 193 of 1988, No. 20 item 135 and No. 41 item 324, item 504 of 1991, No. 75 item 332 and No. 91 item 408 of 1992, No. 24 item 101 of 1994, No. 123, item 600 and of 1995 No. 6 item 29 and No. 60 item 310).

Article 42

The previous regulations, if they are not against this Act, shall be applied until the executory provisions hereto will be promulgated, not longer, however, than for 12 months after it has become effective.

Article 43

The resolution of the President of The Republic of Poland of March 33, 1928 concerning the animal protection (*Dziennik Ustaw* 1932 No. 42 item 417; 1969 No. 123 item 95 and 1971 No. 12 item 115) expires.

Article 44

This Act comes into force after the lapse of 30 days of the date of its announcement, however, Article 12 section 4 and Article 34 section 3 in the range concerning the performance of slaughter by semi-skilled slaughtermen shall become effective as of January 1, 1999.