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PROTOCOL
de amendare a Convenţiei europene pentru protecţia animalelor de fermă

Strasbourg, 6 februarie 1992

COPIE CERTIFICATĂ
TEXT ÎN LIMBA ENGLEZĂ

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

European Treaty Series - No. 145

Protocol of Amendment to the European Convention for the Protection of Animals kept for Farming Purposes *

Strasbourg, 6.II.1992

The member States of the Council of Europe, and the European Economic Community, signatory hereto,

Having regard to the European Convention for the Protection of Animals kept for Farming Purposes of 10 March 1976, hereinafter called "the Convention";

Considering that it is desirable to extend explicitly the scope of the Convention to apply also to certain aspects of developments in animal husbandry techniques, in particular in respect of biotechnology, and to the killing of animals on the farm and, at the same time to adapt some provisions of the Convention to the evolving situation in respect of animal husbandry,

Have agreed as follows:

Article 1

Article 1 of the Convention shall be amended to read:

"This Convention shall apply to the breeding, keeping, care and housing of animals and in particular to animals in intensive stock-farming systems. For the purposes of this Convention "animals" shall mean animals bred or kept for the production of food, wool, skin or fur, or for other farming purposes, including animals produced as a result of genetic modifications or novel genetic combinations. "Intensive stock farming systems" shall mean husbandry methods in which animals are kept in such numbers or density, or in such conditions, or at such production levels, that their health and welfare depend upon frequent human attention."

Article 2

A new Article 3 shall be inserted in the Convention which reads as follows:

"Natural or artificial breeding or breeding procedures which cause or are likely to cause suffering or injury to any of the animals involved shall not be practised; no animal shall be kept for farming purposes unless it can be reasonably expected, on the basis of its phenotype or genotype, that it can be kept without detrimental effects on its health or welfare."

Article 3

Article 3 of the Convention shall be re-numbered Article 3bis.

(*) The Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community entered into force on 1 December 2009. As a consequence, as from that date, any reference to the European Economic Community shall be read as the European Union.

Article 4

Article 6 of the Convention shall be amended to read:

"No animal shall be provided with food or liquid in a manner, nor shall such food or liquid contain any substance, which may cause unnecessary suffering or injury.

No other substance with the exception of those given for therapeutic or prophylactic purposes shall be administered to an animal unless it has been demonstrated by scientific studies of animal welfare or established experience that the effect of the substance is not detrimental to the health or welfare of the animal."

Article 5

Article 7 of the Convention shall be amended to read:

"1 The condition and state of health and welfare of animals shall be thoroughly inspected at intervals sufficient to avoid unnecessary suffering and in the case of animals kept in intensive stock-farming systems at least once a day.

2 When an animal is to be killed on the farm, this shall be done competently and in any case without causing unnecessary pain or distress to the animal or to other animals.

3 Technical equipment used in intensive stock-farming systems shall be thoroughly inspected at least once a day, and any defect discovered shall be remedied with the least possible delay. When a defect cannot be remedied forthwith, all temporary measures necessary to safeguard the health and welfare of the animals shall be taken immediately."

Article 6

1 This Protocol of amendment shall be open for signature by the member States of the Council of Europe which have signed or acceded to the Convention, and by the European Economic Community, which may become Parties to this Protocol of amendment by:

a signature without reservation as to ratification, acceptance or approval, or

b signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval.

2 No member State of the Council of Europe shall sign without reservation as to ratification, acceptance or approval, or deposit an instrument of ratification, acceptance or approval, unless it is already or becomes simultaneously a Party to the Convention.

3 Any State not a member of the Council which has acceded to the Convention may also accede to this Protocol of amendment.

4 Instruments of ratification, acceptance, approval or accession shall be deposited with the Secretary General of the Council of Europe.

Article 7

This Protocol of amendment shall enter into force on the first day of the month following the date on which all the Parties to the Convention have become Parties to this Protocol of amendment in accordance with the provisions of Article 6.

Article 8

From the date of its entry into force, this Protocol of amendment shall form an integral part of the Convention.

Article 9

No reservation may be made in respect of the provisions of this Protocol.

Article 10

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, any State which has acceded to the Convention and the European Economic Community, of:

a any signature of this Protocol of amendment;

b the deposit of any instrument of ratification, acceptance, approval or accession;

c the date of entry into force of this Protocol of amendment in accordance with Article 7;

d any other act, declaration, notification or communication relating to this Protocol of amendment.

In witness whereof the undersigned, being duly authorised thereto, have signed this Protocol.

Done at Strasbourg, this 6th day of February 1992, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to any other Contracting State to the Convention and to the European Economic Community.

Prin prezenta confirm că textul alăturat este o copie autentică de pe copia certificată a Protocolului de amendare a Convenţiei europene pentru protecţia animalelor de fermă (Strasbourg, 6 februarie 1992), originalul fiind depozitat la Arhiva Tratatelor a Ministerului Afacerilor Externe.

Anatol CEBUC
Şef al Direcţiei Generale Drept
Internaţional a Ministerului Afacerilor
Externe al Republicii Moldova