

Pursuant to the provisions of Article 104 paragraph 4 of the Nature Protection Act (Official Gazette 70/05 and 139/08), the Minister of Culture hereby issues the

**ORDINANCE ON THE CONDITIONS FOR HOLDING, METHODS OF MARKING AND
KEEPING RECORDS ON PROTECTED ANIMALS IN CAPTIVITY**

I GENERAL PROVISIONS

Article 1

- (1) This Ordinance stipulates the conditions for holding live specimens of protected animals in captivity, the manner and procedure for their marking, and the keeping of records.
- (2) Noncompliance with the conditions for holding and care of animals stipulated by this Ordinance, which leads to death, serious injury, prolonged or repeated suffering of the animal, shall be deemed to be torture of animals.
- (3) The animals to which this Ordinance applies are individual specimens of indigenous or alien wild taxa that have been proclaimed strictly protected or protected by the Nature Protection Act and the Ordinance on proclaiming wild taxa protected and strictly protected, including pets which belong to such wild taxa and which serve as companion animals.
- (4) In the case of hybrid animals, an individual specimen whose one parent belongs to a protected taxon is deemed to be a protected animal. If a hybrid animal results from the cross breeding of strictly protected and protected taxa, such animal will be deemed to be strictly protected.
- (5) The provisions of this Ordinance do not apply to the conditions of transport and quarantine regulated by special regulations.

Article 2

- (1) For the purposes of this Ordinance the following definitions shall apply:

Code is a unique, permanently legible and unalterable series of signs on a marking.

Commercial purposes are all purposes aiming at the acquisition of economic or any other gain.

Ministry is the central state administration body competent for environmental protection affairs.

Marking is a ring, microchip or any other type of permanent marking stipulated by this Ordinance, which is used as a unique marking and enables identification of the animal.

Marking procedure means the attaching of a marking to an animal or its implantation into an animal, or taking and storing of samples of animal's blood or other tissue for the purpose of conducting a molecular and genetic analysis.

(2) Other terms used in this Ordinance are defined by the Nature Protection Act.

II CONDITIONS FOR KEEPING ANIMALS IN CAPTIVITY

Article 3

(1) Conditions for keeping animals in captivity comprise the provision of appropriate accommodation and care for animals.

(2) Conditions for accommodation and care of animals are stipulated in Annex I, which is an integral part of this Ordinance. If conditions for accommodation and care of a certain protected taxon are not stipulated in Annex I, the Ministry shall, at the request of a party and subject to consultations with the competent scientific authority, determine them subsequently.

(3) For holding hybrid animals whose parental taxa are of different sizes, conditions for holding stipulated for the species to which the larger parent belongs shall apply.

Article 4

The conditions for keeping animals in captivity defined by this Ordinance shall be provided by the natural and legal persons that:

- breed strictly protected and protected animals,
- perform commercial activities involving strictly protected and protected animals,
- keep strictly protected and protected animals with the intention of their public display in zoos, aquariums, terrariums and similar premises, or
- keep strictly protected and protected animals as pets or for any other non-commercial purpose.

Article 5

(1) Holding in captivity live specimens of the animal species listed in Annex II to this Ordinance shall not be permitted.

(2) The Ministry may in exceptional cases permit the temporary holding of sick and injured specimens of the animals referred to in paragraph 1 of this Article in captivity for the purpose of their treatment, recovery and return to the wild.

Article 6

Accommodation for animals must be technically and functionally set up, so that the animals have:

- sufficient space, which does not restrict the meeting of basic physiological, ethological and other biological needs suitable for their taxon, age, stage of development and adaptation, in line with professional experience and scientific insights,
- adequate lighting, light and dark regime, temperature, humidity, ventilation, gas concentration and appropriate ratio of liquids and gases, which correspond to the needs of the taxon and its eco-types, to the age, stage of development and adaptation of the animals, with the least possible impact of disturbing factors, and
- separate housing ensured, if the animals are ungregarious.

Article 7

Care of animals comprises:

- looking after animals in a manner which satisfies all their physiological, ethological and other biological needs,
- protection against escape of animals,
- required veterinary and sanitary measures, in particular the following:
 - daily control of animals' health condition,
 - control of sanitary safety of feed and water,
 - storing, preparation and administration of feed to animals in line with sanitary regulations, and
 - regular cleaning of enclosures with cleaning agents not harmful to the health of animals.

Article 8

(1) By way of derogation from Articles 3, 6 and 7 of this Ordinance, conditions for keeping animals may be adapted to given circumstances in the following cases:

- temporary accommodation of confiscated, seized or abandoned animals,

- temporary holding of sick or injured animals for the purpose of treatment and recovery,
- exhibition of animals or similar events, lasting no longer than seven days,
- in retail shops and wholesale stores selling live animals, where up to 50% more animals than the number prescribed for a particular size of cage, bird-cage, terrarium or aquarium may be held, but for no longer than six months,
- where birds of prey are kept for the purpose of falconry, and
- in cases stipulated by other legislation.

(2) The owner of the retail shop in the event referred to in paragraph 1 indent 4 of this Article shall put up a warning sign for customers, stating that the size of the enclosure in which animals are kept in the shop does not correspond to the actual needs prescribed for that species.

(3) Upon expiry of the deadline referred to in paragraph 1 indents 3 and 4 of this Article, conditions of accommodation and care of animals must be brought in line with the ones stipulated in Articles 3, 6 and 7 of this Ordinance.

III MARKING OF ANIMALS

Article 9

(1) The marking procedure carried out in the manner prescribed by this Ordinance shall be obligatory for live vertebrae belonging to:

- strictly protected animals of indigenous or alien wild taxa,
- protected animals of indigenous or alien wild taxa constituting a breeding stock which is being established,
- protected animals of indigenous or alien wild taxa in other cases as prescribed by the Nature Protection Act and the Ordinance on the cross-border movement and trade in protected species.

(2) By way of derogation from paragraph 1 of this Article, the obligation to mark an animal shall not apply to:

- bred young turtles whose lower, flat part of the shell structure (plastron) is shorter than 100 mm, if they are bred as part of a registered breeding process, in line with a permit issued by the Ministry,
- wild animals kept temporarily in captivity by legal or natural persons authorised by the Ministry, which are intended to be released into the wild upon their treatment and recovery,

- confiscated, seized or abandoned animals held in captivity temporarily by legal or natural persons authorised by the Ministry, and
- animals taken temporarily from the wild for the purpose of research.

(3) The marking methods stipulated by this Ordinance shall not apply to animals taken from the wild by researchers or research organisations for the purpose of research, which are marked and returned to the wild immediately upon their marking.

Article 10

(1) Specimens of animals marked outside the Republic of Croatia shall be deemed to be marked in line with the provisions of this Ordinance if they are marked in the manner approved by the competent management authority of the other state, which is in line with the marking method stipulated by this Ordinance.

(2) The Ministry shall keep a register of states which mark animals in the manner deemed to be in line with the marking method stipulated by this Ordinance.

Article 11

(1) The marking of animals referred to in Article 9 paragraph 1 of this Ordinance shall be ensured by the breeder or owner of the animal.

(2) All costs of animal marking procedures shall be borne by the breeder or owner of the animal.

(3) Should an animal referred to in Article 9 paragraph 1 of this Ordinance be unmarked, the natural or legal person that has become its owner shall mark it subsequently, in line with the provisions of this Ordinance, within 15 days from the day of acquiring ownership of the animal, or 10 days from the last day of quarantine, if it lasted longer than 15 days.

(4) If the original marking has been damaged, lost or if it harms the animal's health, the animal's breeder or owner shall request from the Ministry an approval for removal of the old marking and for re-marking the animal. The Ministry shall issue an approval if it has established the animal's identity.

Article 12

(1) The Ministry shall keep the Register of animals marked in line with this Ordinance.

(2) An animal shall be deemed to be marked in line with this Ordinance only after its breeder or owner has submitted to the Ministry a properly filled in, signed and endorsed certificate of marking of protected animals on the form set out in Annex III to this Ordinance.

Article 13

(1) If a marked animal referred to in Article 9 paragraph 1 of this Ordinance dies, escapes, gets lost or killed, the breeder or owner shall be obliged to submit the following data to the Ministry within 15 days:

- scientific and Croatian name of the taxon,
- type of marking (microchip, ring, etc.),
- marking code (No of the microchip, No of the ring, etc.),
- date of dying, escape or killing of the animal,
- intended further use of the animal (stuffing, handing over of the carcass for scientific research, etc.).

(2) The data referred to in paragraph 1 of this Article shall be submitted on the form set out in Annex IV to this Ordinance.

Article 14

(1) Birds which must be marked pursuant to Article 9 paragraph 1 of this Ordinance shall be marked by means of a closed leg-ring.

(2) The closed leg-ring must be seamless, i.e. manufactured in a continuous circle, without any break or join, it must bear a unique, permanently legible and unalterable code, it must be commercially manufactured for the purpose of bird marking, and it must not be altered in any way.

(3) The ring must be of a size which cannot be removed from the bird when its leg is fully grown after having been applied in the first days of the bird's life. The leg of the bird marked by the ring must be complete. The closed leg-ring must be of such a size and manufacture that it does not harm the bird and that the bird cannot damage it.

Article 15

By way of derogation from Article 14 paragraph 1 of this Ordinance, if a bird cannot be marked by means of a closed leg-ring due to the bird's physical properties or behaviour, or if a closed leg-ring has not been placed in time, the bird must be marked by means of a microchip. The microchip shall meet the criteria laid down in Articles 20 and 22 of this Ordinance.

Article 16

(1) The closed leg-ring referred to in Article 14 of this Ordinance must contain a unique, permanently legible and unalterable code consisting of 11 alphanumeric characters and composed as follows:

- characters 1 and 2: country code of the Republic of Croatia – HR in line with the Croatian standard HRN ISO 3166-1,
- characters 3 and 4: year of breeding,
- characters 5 and 6: registry number of the association or supplier,
- characters 7, 8 and 9: registry number of the breeder,
- characters 10 to 13: ordinal number of the bird.

(2) The marking system used in the Republic of Croatia must ensure that the ring markings are unique and unrepeatable.

Article 17

(1) The leg-rings referred to in Article 14 of this Ordinance may be procured and distributed only by legal or natural persons that have concluded a contract with the Ministry and they may be supplied and distributed only to breeders that have a breeding licence.

(2) The Ministry shall determine the inner diameters of the closed leg-rings which may be distributed by the legal or natural persons referred to in paragraph 1 of this Article to breeders of individual species of birds.

(3) The contracting legal or natural person referred to in paragraph 1 of this Article shall keep records of issued rings in the form of an electronic database containing the following data:

- unique code of the ring,
- size, i.e. inner diameter of the ring,
- ring manufacturer,
- name, surname or company name and address of the breeder that has taken the ring over, and submit it to the Ministry on an annual basis.

(4) The Ministry shall perform supervision of the records referred to in paragraph 3 of this Article.

Article 18

- (1) The closed leg-rings referred to in Article 14 of this Ordinance shall be attached by breeders.
- (2) For each marked bird referred to in Article 9 paragraph 1 of this Ordinance, the breeder shall submit to the Ministry a properly filled in, signed and endorsed certificate of marking of protected animals on the form set out in Annex III to this Ordinance.
- (3) A bird shall be deemed to be marked in line with this Ordinance only after its breeder has submitted to the Ministry the certificate referred to in the previous paragraph of this Article, for the purpose of its entry into the Register of animals marked in line with this Ordinance.

Article 19

- (1) Breeders shall keep records on the marking of protected birds by means of closed leg-rings in electronic form and submit them to this Ministry on an annual basis.
- (2) The records shall contain all the data listed on the form set out in Annex III to this Ordinance.
- (3) The Ministry shall perform supervision of the records referred to in paragraph 1 of this Article.

Article 20

Live vertebrae, with the exception of birds, whose marking is prescribed in Article 9 paragraph 1, must be marked by means of an unalterable microchip bearing a unique code. The microchip shall be implanted into the left side of the animal's body, at the site which is most convenient for the species concerned in the sense of the animal's welfare and in line with veterinary practices.

Article 21

By way of derogation from Article 20 of this Ordinance, microchips shall not be used for the marking of:

- specimens of turtles whose lower, flat part of the shell structure (plastron) is shorter than 100 mm,
- animals lighter than 200 g or those that have not gained that weight yet.

Article 22

(1) The microchip referred to in Article 20 of this Ordinance shall:

- conform to the standards HRN ISO 11784:2006 and HRN ISO 11785:2006,
- bear a unique, permanently legible, unalterable code consisting of 15 characters as follows:
 - characters 1, 2, and 3: three-digit country code – 191 in line with the Croatian standard HRN ISO 3166-1,
 - characters 4 and 5: manufacturer's code – 991 minus manufacturer's code defined by the ICAR standard,
 - characters 6 to 15: unique (individual) number of the animal;
- have a mechanism installed which prevents migration of the microchip through the animal's body,
- be harmless to animals,
- be of an appropriate size for the animal which is marked,
- be kept in individual and sterile packs until implantation.

(2) Implantation of a microchip may be performed only by means of a single-use applicator.

(3) The marking system used in the Republic of Croatia must ensure uniqueness of microchips and it shall be the responsibility of the manufacturer to ensure that the codes of microchips are unrepeatable.

Article 23

(1) The microchips referred to in Article 20 of this Ordinance may be procured and distributed only by a legal person authorised for that operation in a contract concluded with the Ministry, and they shall be supplied and distributed only to the veterinary organisations and private practices with which the Ministry has concluded a contract on the marking of strictly protected and protected animals referred to in Article 9 paragraph 1 of this Ordinance.

(2) The authorised legal person referred to in paragraph 1 of this Article shall keep records on issued microchips in the form of an electronic database containing the following data:

- unique code of the microchip,
- type of the microchip,
- manufacturer of the microchip,
- authorised veterinary organisation or private practice which has taken the microchip over.

(3) The Ministry shall perform supervision of the records referred to in paragraph 3 of this Article.

Article 24

(1) The microchips referred to in Article 20 of this Ordinance shall be implanted by doctors of veterinary medicine.

(2) The marking procedure for strictly protected and protected animals referred to in Article 9 paragraph 1 of this Ordinance shall be performed by veterinary organisations with which the Ministry has concluded a contract.

(3) When marking animals referred to in Article 9 paragraph 1 by means of a microchip, the contracting veterinary organisation referred to in paragraph 2 of this Article shall issue a certificate of marking of protected animals on the form set out in Annex III to this Ordinance to the animal's owner.

Article 25

(1) The contracting veterinary organisation referred to in Article 24 paragraph 2 of this Ordinance shall keep records on the marking of protected animals by means of a microchip in the electronic form and it shall submit the above mentioned records to this Ministry on an annual basis.

(2) The records shall contain all the data listed in the form set out in Annex III to this Ordinance.

(3) The Ministry shall perform supervision of the records referred to in paragraph 1 of this Article.

Article 26

(1) For each marked animal referred to in Article 9 paragraph 1 of this Ordinance, the animal's owner shall submit to the Ministry a properly filled in, signed and endorsed certificate of marking of protected animals on the form set out in Annex III to this Ordinance.

(2) An animal shall be deemed to be marked in line with this Ordinance only after its owner has submitted to the Ministry the certificate referred to in the previous paragraph, for the purpose of its entry into the Register of animals marked in line with this Ordinance.

Article 27

(1) In exceptional cases, if an animal referred to in Article 9 paragraph 1 of this Ordinance cannot be marked by means of the marking methods stipulated in Articles 14, 15 and 20 of this Ordinance, the Ministry may approve a marking procedure using another unique marking which shall ensure the animal's identification.

(2) If an animal cannot be marked by means of a marking which would ensure its identification, the Ministry may approve taking and storing of samples of animal's blood or other tissues for the purpose of conducting a molecular and genetic analysis.

Article 28

(1) Animals which cannot be marked by means of a closed leg-ring or microchip due to their health condition, physical properties, behaviour or any other momentary reason, shall be marked temporarily in line with Article 27 of this Ordinance.

(2) As soon as the circumstances referred to in paragraph 1 of this Article cease to exist, the animal shall be marked by means of a closed leg-ring or microchip.

Article 29

Marking of animals pursuant to the provisions of this Ordinance shall be undertaken with due regard to humane care, well-being and natural behaviour of the animals that are being marked.

IV RECORDS ON KEEPING ANIMALS IN CAPTIVITY

Article 30

(1) Legal or natural persons that acquire ownership of strictly protected and protected animals with the intention to keep them in captivity shall notify the Ministry thereof within 30 days from the day when they acquired ownership of those animals.

(2) The written notification referred to in the previous paragraph shall contain the following data:

- name, surname and address or company name and seat of the animal's owner,
- scientific and Croatian name of the species,
- gender of the animal,
- type and code of the marking,

- origin of the animal,
- description of the conditions for keeping and care of the animal,
- date when the animal was acquired,
- manner in which the animal was acquired.

(3) The data shall be submitted on the form set out in Annex V to this Ordinance.

(4) Where pursuant to the Nature Protection Act a holding permit for an animal must be obtained, it shall be deemed that the animal's owner, having obtained the permit, has fulfilled the condition referred to in paragraph 1 of this Article.

(5) The provision of paragraph 1 of this Article shall not apply to the legal and natural persons performing commercial activities including live animals, keeping them in captivity for the purpose of public display or breeding, and to the natural and legal persons that have become owners of protected indigenous animals listed in Annex III to the Ordinance on proclaiming wild taxa protected and strictly protected, provided that their scientific name is supplemented by the remark "hunting species".

(6) The Ministry shall keep records of the animals referred to in paragraph 1 of this Article.

V TRANSITIONAL AND FINAL PROVISIONS

Article 31

Natural and legal persons keeping protected animals in captivity shall harmonise the conditions of their keeping with the provisions of this Ordinance within six months from the date of entry into force of this Ordinance.

Article 32

(1) Specimens of animals referred to in Article 9 paragraph 1 which were marked by means of a closed leg-ring or microchip prior to the entry into force of this Ordinance shall be deemed to be marked in line with the provisions of this Ordinance.

(2) Owners of animals referred to in Article 9 paragraph 1 whose animals are not marked at all or are not marked by means of a closed leg-ring or microchip at the moment of the entry into force of this Ordinance shall mark them in line with the provisions of this Ordinance within nine months from the date of the entry into force of this Ordinance.

Article 33

Owners of the animals referred to in Article 30 who at the moment of the entry into force of this Ordinance have not notified the Ministry that they own strictly protected and protected animals with the intention of keeping them in captivity shall submit to the Ministry a written notification on the form set out in Annex V within three months from the date of the entry into force of this Ordinance.

Article 34

The Ordinance on the conditions of keeping, marking methods, and keeping records of protected animals in captivity (Official Gazette 146/05) shall cease to have effect by virtue of the entry into force of this Ordinance.

Article 35

This Ordinance shall enter into force on the eighth day after the day of its publication in the Official Gazette.

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Zagreb, 10 June 2009

Minister Božo Biškupić, m.p.

ANNEX I

CONDITIONS FOR ACCOMMODATION AND CARE OF ANIMALS

MAMMALS (MAMMALIA)

In the column "Number of animals", the range from one to the maximum number of animals which may be kept in an enclosure of the mentioned size is laid down. For a number of animals exceeding the one laid down in the column, the size of the enclosure should be increased for each additional animal, in line with the data listed in the table.

| a) Monotremes and marsupials (Monotremata and Marsupialia) SPECIES | Number of animals | Minimum area | Maximum area | Minimum area | Maximum area | Temperature (°C) | Humidity (%) | Inner diameter (m) | Number of animals |
|--------------------------------------------------------------------|-------------------|--------------|--------------|--------------|--------------|------------------|--------------|--------------------|-------------------|
| | | | | | | | | | |
| Short-beaked echidna (<i>Tachyglossus aculeatus</i>) | 1 – 2 | – | – | 4 | – | 15 | – | 2 | 1, 3 |
| Cuscus, Opossums, Silver-gray brushtail possum | 1 – 2 | – | – | 4 | 3 | – | – | 1 | 2, 14 |
| Ringtail possums | 1 – 6 | – | – | 6 | 3 | – | – | 0.5 | 2, 14 |

| | | | | | | | | | |
|----------------------------------|-------------|-------------|---|--------|-----------------------|--------|--------|---------------------------------|-------------------------------------------|
| Wombat, Tasmanian devil | 1 – 2 | 1 0 | – | 6 | – | 1 5 | – | – | 1 , 1 4 , 1 9 |
| Tree kangaroos | 1 – 2 | 1 6 | 3 | 8 | 2 . 5 – 3 | 1 8 | 4 | 4 | 2 |
| Rock wallaby | 1 – 5 | 1 5 0 | – | 1 5 | – | 1 5 | 3 | 2 , 1 9 , 2 1 | |
| Mid-size kangaroos and wallabies | 1 – 5 | 1 5 0 | – | 1 5 | – | 1 5 | 1 5 | 3 | 1 , 6 , 8 , 2 1 |
| Large kangaroos | 1 – 5 | 3 0 0 | – | 2 0 | – | 1 5 | 3 0 | 1 5 | 6 , 8 , 1 9 , 2 1 |