



EPAR - OIPA SRBIJA

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To:

World Organisation for Animal Health
The Director General Ms. **Monique Eloit and the OIE management**
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National Assembly of the Republic of Serbia and its Working Bodies
Government of the Republic of Serbia, Belgrade
Ministry of Agriculture, Forestry and Water Management of the Republic of Serbia, Belgrade
Veterinary Directorate of the Republic of Serbia
Ministry of Internal Affairs of the Republic of Serbia, Belgrade
Ministry of Environmental Protection of the Republic of Serbia, Belgrade

EU Parliament
Secretariat of the Intergroup on the Welfare and Conservation of Animals
The President, Ms. Sirpa Pietikäinen
29 Rue Ducale
1000 Brussels, Belgium

E mail copy letter to send to:

Commissioner Johannes Hahn – European Neighborhood and Enlargement Negotiations
Maja Kocijancic – EU neighbourhood policy and EU enlargement negotiations
Christian Wigand – EU rule of law, EU Charter of Fundamental Rights
Katarzyna Kolanko – EU rule of law, EU Charter of Fundamental Rights
Alceo Smerilli – EU neighbourhood policy and EU membership negotiations
Judith Hebekeuser – EU neighbourhood policy and EU enlargement negotiations
Kyriacos Charalambous – EU MEMBER OF CABINET - Relations with:
Serbia - Better regulation and the rule of law,

19.04.2018.

This letter is a protest against the improper behavior of the OIE - the World Organisation for Animal Health; who with its accomplices in Serbia strives to destruct: the Animal Welfare Law, the Veterinary Law and the Constitution of the Republic of Serbia.

Respected Sir / Madam,

We are addressing you regarding Article 75 of the Constitution of the Republic of Serbia, Article 3 of the Animal Welfare Law, and Article 6 of the Law on Nature Protection, because we have moral obligations to do so.

Financing of the OIE

The OIE's financial resources are made primarily from the mandatory annual contributions of all Member States, with the additional support of voluntary contributions from Member States.

It is clear that OIE manages to fulfill all the interests of the government of any member state which finances the OIE. This management process is not always in the interest of member state citizens, and particularly is not usually in the interest of the animals or the environment that is under review.

Today, In the 21st century, the OIE still allegedly represents the 5 main animal freedoms - and yet appears to ignore the most important freedom - to allow any animal live and to die a natural death.

Even today within the OIE – the 'World Organisation for **Animal Health**'; animal killing appears acceptable; especially regarding un owned / stray animals. – scientifically proven facts in the 21st century show that all cognitive, vertebrate animals (human and nonhuman) have the right to live, and that humans are genetic-enzymological frugivorous.

OIE official documentation suggests the following as methods for the control of stray dog / cat populations: http://www.oie.int/index.php?id=169&L=0&htmfile=chapitre_aw_stray_dog.htm

The Serbian national legislation concerning abandoned dogs and cats is in accordance with the basic postulates of Epizootiology, while the idea of national Regional Centers for abandoned pets is also supported by the OIE.

The OIE appears to support Serbian authorities and government (which from 2005 and 2009) **do not enforce** the Serbian national Veterinary Law and the national Animal Welfare Law in relation to pets.

By now introducing proposals for Regional Centers, they want to abolish the perpetrators of many criminal offenses to animals and the environment, and to instead introduce a situation for animals, humans and for the environment which can only be described as the 'worst variant' - nothing more than a violation of the postulates of Epizootiology, a violation of numerous national laws of the Republic of Serbia, a system that will continue to be harmful for Serbian taxpayers, whilst at the same time continuing systems which cause extreme and illegal suffering to dogs and cats.

This is being undertaken in order to gain a financial profit for a small group of people within society – or corruption - a situation which we consider is **non acceptable**.

The Animal Welfare Law with Article 7, Paragraph 3, prohibits the killing of healthy dogs and cats, as well their abuse which is covered in Paragraph 2. From the same document, Article 15 (Paragraphs 1, 2, 5 and 9) defines indications specifically for the humane euthanasia of dogs and cats, - the condition for this only being that an animal must be suffering under a situation that cannot be rectified by veterinary means, the methods of, and exactly who should be able to perform the act of euthanasia on an animal. Without meeting the requirements, conditions and methods defined in the documentation, the taking (killing) of an animal's life is a criminal offence: this deliberate killing is defined in and punishable under Article 269, Paragraph 2, of the Criminal Code of the Republic of Serbia. It can result in a custodial sentence (prison) of up to 3 years.

The Veterinary Law, Articles 55 and 56, require obligatory microchipping and vaccination of dogs and cats, and Article 138 requires responsible animal ownership. Articles 53 and 55 of the

Veterinary Law require responsible ownership, microchipping and vaccination, as well controlling the reproduction of pets (sterilization), and violation of this Law imposes a fine of 5,000-10,000 dinars. Public education by government and regional authorities is essential in meeting responsible ownership for pet / owned animals. To date there appears to be nothing from government sources to show that public education has even started to be undertaken by authorities.

Any owner of dogs and cats who is involved in the commercial practices of keeping and breeding dogs and cats is obliged to formally register his/her kennel facility, otherwise they can be subjected to a penalty of Article 82 of the Animal Welfare Law.

Abandoned dogs and cats are the result of the neglectful work of the Ministry of Agriculture Forestry and Water Management, the Veterinary Directorate and the Veterinary Inspection Section of the Republic of Serbia, who failed in the accomplishment of their tasks as required by Article 143 of the Veterinary Law and Article 76 of the Animal Welfare Law.

As a result of the completely neglectful actions / ignorance by the Ministry departments mentioned above, irresponsible animal owners and illegal breeders continue to remain unpunished and continue to fill up the public areas with new animals, whilst at the same time filling up the pockets of individuals who run illegal businesses of both catching and allegedly 'taking care' of abandoned dogs and cats.

This is all funded by public money from the cities and the Serbian republic budget. In Article 66 of the Animal Welfare Law is ordered that every epizootiological unit, ie. each municipality is required to establish its own zoo-hygiene service and an animal shelter in its territory, as the inter-municipal transportation of unmarked dogs and cats of unknown health status is prohibited. Because of this Regional Centers across Serbia are also (theoretically) prohibited as well because they are not in the interest of either human beings or animals – and this is punishable as an economic offence under Article 157 of the Veterinary Law and as misdemeanor punishment under Article 158 of the Veterinary Act.

It is also fully noted that the OIE, (which has failed in stopping intercontinental live animal exports; which is also considered an 'Animal Health' issue, resulting in extreme suffering of ungulates and equidae) is now interfering in the national internal affairs of Serbia, rather than insisting on the regional authority / government implementation of the good and already existing Serbian laws (which are among the best in the world concerning dogs and cats).

Instead, the OIE appears to be violating these laws, and violating the postulates of Epizootiology, by giving instructions about Regional Centers being used for placement of abandoned dogs and cats, which results in otherwise healthy dogs and cats being illegally killed with the existing laws which do actually prevent this.

Suitable methods of population control are not undertaken by the Serbian government. At the same time; nothing is being done regarding implementation of regulations regarding irresponsible ownership as required by the Animal Welfare Law.

The OIE all too often uses unauthorized terminology, by calling abandoned dogs and cats 'strays', which they are not. Many animals are owned but irresponsibly not sterilised by owners – they are turned out onto the streets most days to reproduce with un owned and un sterilised animals, thereby producing yet more animals to be caught, restrained and eventually killed by those who are illegal actors working in full non compliance with Serbian national legislation.

We ask you to please stop immediately these harmful activities of the OIE on the territory of the Republic of Serbia.

Serbian animal welfare law is good; it is the implementation of the laws by the authorities and national government ministries which are the major failure of the system. Any national government should implement national laws / legislation – Serbia fails with regard to the welfare of animals. Because they fail to implement the law is NOT a reason to change the law – it is the government and authorities who are at fault – not the law.

We kindly ask the OIE: Ladies and gentlemen of the OIE,

- 1. keep your hands far away from our (Serbian) dogs and cats.**
- 2. Educate yourself in accordance with the scientific achievements of the 21st century, apply the correct terminology and the correct methodology.**
- 3. And first, please learn the difference between the words ‘euthanasia’ and ‘murder’; as within Serbia, ‘murder’ is being committed by a government and authorities under the guise of ‘euthanasia’. Animals are not sick and beyond treatment; it is just a simple method for non pet animals to be illegally killed under a fanciful name.**

It is disgusting to Serbian (and many well read global) citizens that the Serbian Ministry of Agriculture, and the Veterinary Directorate, have since 2009 failed to apply the Constitutional; requirements of both the Animal Welfare Law and the Veterinary Law (since 2005 in the pet-related part), and now this exact same state body attempts to find new ways of breaking laws that it never enforced in the first place. Laws which were always completely ignored; even when supported by the application of being presented to, and actioned by the Serbian Constitutional Court; still there was ignorance of the laws by the government and authorities.

Non implementation of existing laws has led to corruption within authorities and has made some people very rich. This has been at the illegal cost of terminating animal lives when by law, animal lives are there to be saved.

From the Animal Welfare Group and the Enlargement Commission within the EU, we urge immediate assistance to prevent the fascist methods which daily ignore the national existing Serbian Animal Welfare Laws, which the OIE with its accomplices from Serbia (individuals from the Veterinary Directorate, ORKA NGO, and NALED- representatives of zoo-hygiene services that are only interested in profit) want to introduce as the destruction of Articles 7 and 15 of the existing Animal Welfare law.

From the Serbian executive authorities, who are fully guilty for the existence of the problem: irresponsible ownership and the non implementation of existing legislation regarding the welfare of owned pet animals, which largely causes the consequence of a never ending source of abandoned dogs and cats.

We expect and insist that the Serbian government; through the OIE if necessary, finally implement the obligations of the Serbian Animal Welfare laws, which have existed for the last 8 years; or 12 years regarding the Serbian Veterinary Law.

Serbia is currently a 'Candidate Country' for membership of the EU.

Any country seeking accession to the European Union (EU) must conform to the conditions set out by Article 49 and the principles laid down in Article 6(1) of the Treaty on European Union.

Relevant criteria was established by the Copenhagen European Council in 1993 and strengthened by the Madrid European Council in 1995.

To join the EU, a new Member State must meet three criteria, including:

– political: stability of institutions guaranteeing democracy, **the rule of law**, **human rights and respect for and protection of minorities**;

Where, it can be asked, is the enforcement of the “rule of law” regarding implementation of Serbian national legislation for animal welfare by the Serbian authorities which would allow membership of the EU ?

If Serbia does not enforce its own national legal legislation regarding animal welfare, then it should certainly not, under the EU criteria, be allowed to join the EU – it is therefore undertaking illegal activities; or corruption, in direct non compliance with existing national documented legislation.

EU References:

Commissioner Johannes Hahn – European Neighborhood and Enlargement Negotiations:
https://ec.europa.eu/commission/commissioners/2014-2019/hahn_en

EUROPEAN NEIGHBOURHOOD POLICY AND ENLARGEMENT NEGOTIATIONS – SERBIA:
https://ec.europa.eu/neighbourhood-enlargement/countries/detailed-country-information/serbia_en

Conditions for (EU) membership:

Source:

https://ec.europa.eu/neighbourhood-enlargement/policy/conditions-membership_en

Membership criteria – Who can join?

The Treaty on the European Union states that **any European country may apply for membership if it respects the democratic values of the EU and is committed to promoting them.**

The first step is for the country to meet the key criteria for accession. These were mainly defined at the European Council in Copenhagen in 1993 and are hence referred to as 'Copenhagen criteria'. Countries wishing to join need to have:

- stable institutions guaranteeing democracy, **the rule of law**, **human rights and respect for and protection of minorities**;

If the EU continues to allow Serbia to join the EU on the basis that Serbia is NOT enforcing the rule of law within Serbia; then it can only be viewed that the EU also is non compliant with enforcing what it declares to be the law within the EU.

Does the EU become the same as Serbia and not implement its own rules of law by allowing corruption to rule the system ?

Thank you
With respect

EPAR -OIPA Serbia / Alliance for Nature Protection, the rights of animals and people

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Save the nature!