

JASPERS ABENTEUER #24

The EU and Spanish hunting dogs

Published on: 14 April 2024

English transcription by using DeepL for translation



(music)

(original sound collage)

Rafael Agudo

We have to fight together so that European politicians pull the ears of our politicians to be ashamed of what is happening here in our country.

Patricia Almansa Ponce

For the future I hope we have the help from the Union European...

For the future, I hope that we will get help from the European Union, because if not, we will have to fight like we did 20 years ago.

...it's so difficult. But, we try. We stand up and we try.

Tina Hartmann

The fact is that it needs to be addressed politically, that it needs to be raised with the authorities, with ministers, with offices and that it needs to be included in education.

Manuela Ripa

As the European Parliament's Animal Welfare Group, we were and are fully aware of the situation of hunting dogs in Spain, especially the Galgos. We have closely followed the development of the Spanish Animal Welfare Act and have worked hard to ensure that hunting dogs are also protected by this legislation. To this end, we have organised various campaigns and that is why we invited the filmmaker to report back to us on the situation so that we could then raise the issue at European level.

Intro

Jassi, come!

(Intro-music)

These are Jasper's adventures. My name is Christoph Richter and I'm here to tell you about life with a galgo.

(music)

Christoph Richter

Rafa from Mastines en la Calle and Patri from Galgos del Sur are two of many Spanish animal rights activists who are looking to Brussels for help from the EU after the bitter disappointment caused by the exclusion of hunting dogs from the new animal welfare law.

Why is the EU doing nothing? Why doesn't it simply ban hunting with dogs in Spain? Or prevent an animal protection law that excludes hunting dogs? These and similar questions are asked again and again. One possible answer is as sobering as it is simple: because the EU cannot. There is currently no specific responsibility or, to put it simply, no desk in the EU Commission on which the Galgo file could be placed. Not yet. But maybe something is happening ...

What needs to change? Or what is perhaps even in motion right now? I spoke to Manuela Ripa about this. She is an MEP from Saarland and is involved in the Ecological Democratic Party (ÖDP), which she has represented in the European Parliament since 2020. She focuses on consumer protection, environmental and climate protection, species conservation and animal welfare. In addition to her commitment to the ÖDP, Manuela Ripa is also Vice-President of the interparliamentary working group on animal welfare.

This working group is an association of various MEPs from the EU Parliament who deal with animal welfare issues on a cross-party basis. The group has been in existence since 1983.

These intergroups are formed anew in each legislative period and new ones are constantly being added. However, the animal welfare group is a permanent fixture.

I spoke to Manuela Ripa on 7 March 2024. We were connected via the internet for the interview. My first question related to a meeting of the animal protection group to which the filmmaker Yeray (Lopez) Portillo was invited. He made the award-winning documentary film Yo Galgo. Yeray spoke to the EU parliamentarians about the situation of galgos in Spain.

(music ends)

Christoph Richter

It is now almost exactly three years since Yeray (Lopez) Portillo's lecture. Has anything changed since then, or was it able to set something in motion or accelerate it?

Manuela Ripa

Because you have just mentioned the situation of the galgos, I would like to say that this also affects me very, very deeply and simply won't let go. When I see what people are capable of and how they treat creatures like animals inhumanely, really barbarically ... it really affects me and I can't let it go. That's why, when we became active at the time, I was very happy to sign the letter to various representatives of the Spanish central government and to 17 autonomous communities in Spain and tried to influence Spanish decision-makers to treat these galgos and podencos not as things, but as sentient beings, which hunting dogs clearly are. We have Article 13 of the Lisbon Treaty, which clearly states that animals are sentient beings, and have therefore asked the Spanish authorities to act accordingly and that there is no reason why hunting dogs should now be given a different status to pets. We also sent written questions to the Commission to draw attention to the brutal mass culling and to the Spanish Animal Welfare Act. In the end, however, the Commission's answers were unfortunately vague, saying that this is a matter for the Member States.

But it was also good that the Commission said at the time that they were aware of the problem and were working on improving the rules for breeding and the traceability of the dog trade. And now, a few months ago, the Commission finally presented a law on the welfare of dogs and cats, which would also include galgos. And that is why I would say that our protest has achieved something in the sense that we now finally have a legislative proposal from the Commission, where we can hopefully do something and improve the situation of galgos.

Christoph Richter

I would like to come back to the legislative proposal in a moment. Firstly, the question: Have there been any reactions from decision-makers in Spain?

Manuela Ripa

Well, in the end, the worst reaction was that our appeals were not heard and that hunting dogs were excluded from the Animal Welfare Act. That was very, very disappointing, but not necessarily surprising. Of course, hope dies last, but we were also aware of the extreme pressure from the hunting lobby in Spain. And in the end, they managed to sell this cruelty to animals as political cultural heritage and were able to get their way. That was bitter to see, but we are not giving up. We are continuing and now hope to be able to change the situation with this new EU law.

Christoph Richter

This leads me to the question I often hear: why doesn't the EU intervene? What you have described sounds as if the EU lacks the means or the tools to really put a stop to this or to exert pressure on Spanish decision-makers. How would you answer the question? Why doesn't the EU intervene?

Manuela Ripa

So it's a bit like you just described: The tools are probably missing, because since the Lisbon Treaty, since the end of 2009, there has been an Article 13 that upgrades animal welfare at European level. This concerns the welfare of animals in certain policy areas such as agriculture, fisheries, the internal market and transport. And according to this article, the EU and its member states must take responsibility for preventing the mistreatment, pain and suffering of animals. However, in the same article, animal welfare is also suspended again, namely if there are customs of the member states with regard to religious rites, cultural traditions or (regional - editor's note) heritage. These must be taken into account and can then suspend animal welfare, as we see in Spain with the example of bullfighting. And that is of course very bitter. It has to be said that there is no independent animal welfare policy at EU level, but the EU always regulates when it comes to harmonised animal welfare standards in the EU. In short, if the member states alone cannot achieve the objectives and there is a threat of so-called fragmentation of the internal market, then the EU takes action, as we are now seeing with this law on the welfare of dogs and cats, which we will come to in a moment. But many things are simply still the responsibility of the federal states.

Let's stay with the law I just mentioned. The fact is that pet owners are exempt. That, in turn, would be regulated by national laws. But what we clearly need at European level is simply more laws to protect animals. And the Commission had indicated that it wanted to present a whole package of legislation in this legislative period that would, among other things, deal with the welfare of farm animals, i.e. the species-appropriate rearing of laying hens, broilers, pigs and calves; where there should be protection of animals at the time of killing and the introduction of new regulations on animal welfare labelling. But they didn't do that, they didn't present that. What they did at least present was a legislative proposal on animal transport and uniform animal welfare standards for dogs and cats. We now have to work on getting these laws through the legislative process as quickly as possible so that they can hopefully come into force next year.

Christoph Richter

After all, the legislative period is now almost over. We have European elections on 9 June.

Manuela Ripa

Exactly, that's right. And that is why we have also criticised and really attacked the Commission, let's put it this way, for not coming out with these legislative proposals earlier, because the actual consultations on the laws will only take place after the European elections and no longer in this legislative period. And that is wasted time and leads to a delay that is really unnecessary.

Christoph Richter

When we talk about such laws, it means that these are laws that also apply at EU level, i.e. for all member states. This means that they will have to be more generalised. When it comes to animal protection laws, this also applies, as you said, to farm animals, animal transport and so on. I wonder, if the hunting lobby plays such a big role in Spain with this "individual regional problem", I would like to call it, what is it like at EU level? There are even stronger lobby interests there that might want to prevent or weaken an animal welfare law that could impose major restrictions on the transport of livestock across Europe, for example. What is the situation there? Is that perhaps one reason why there is not yet such a comprehensive law?

Manuela Ripa

Yes, that is indeed the case. We have a lot of economic interests here that are repeatedly prioritised over animal welfare. And as a result, very important animal protection laws are not presented or are presented far too late and when they are presented, they are sometimes extremely watered down. And that is very, very regrettable. And we, especially me as a member of parliament who is very much in favour of animal welfare, always try to counter this with appropriate amendments. But often the power of the agricultural lobby is very, very great and it is not possible to achieve as much animal protection as we actually wanted.

As far as a single European animal welfare law is concerned... that sounds great and it would be nice if we could have such a law that would solve all the problems in one fell swoop. But I think that's hardly feasible. But the EU Animal Welfare Act, which I have just mentioned, definitely goes in this direction. We just have to work hard to ensure that the individual laws are finally presented so that we can achieve more animal protection in Europe in these areas. And what would also help here would clearly be an EU Commissioner for Animal Welfare, which we do not yet have, who takes on animal welfare in all relevant laws and also implements them.

Christoph Richter

How could such a commissioner position be set up or achieved?

Manuela Ripa

As MEPS, we also joined forces with animal welfare NGOs and called for an EU animal welfare commissioner. There was also a European citizens' initiative that had more than three million signatures in favour of such an animal welfare commissioner. This means that the demand is room. The Commission is aware of this, but the composition of the Commission will only be decided after the European elections when the Commissioners are appointed. Then the portfolios of the Commissioners will also be determined and then we hope that the citizens of the EU will be heard and that the Commission will then also come up with an Animal Welfare Commissioner.

Christoph Richter

The proposed legislation for the welfare of dogs and cats is primarily aimed at breeding centres, pet shops and animal shelters. Because you said that galgos could also benefit from it... what exactly do you mean?

Manuela Ripa

The new legislative proposal provides for uniform standards and, for the first time, EU-wide minimum standards for the accommodation, care and treatment of these animals. It should also be easier to trace them using microchips. For Galgos, this would mean that breeders would have to comply with minimum standards in terms of watering, feeding and animal health. In addition, all breeding farms must be licensed and people working in the breeding farms must be trained in handling the animals to ensure their welfare. In other words, a lot could be achieved, because at the moment galgos are kept inhumanely and not even minimum standards are met. So that would be an improvement in breeding. In addition, galgos would have to be fitted with microchips under this law. This means that these dogs would be identified and registered and their entire lives could be tracked and they could always be linked to their previous owners, which could prevent illegal activities such as abandonment or fighting.

Christoph Richter

Okay, I have ... let's say "fears". Because I think the main problem as far as breeding is concerned is that most or where the masses of Galgos come from are not registered breeding farms, but the problem in Spain, which we can see why we have these masses of dogs, is that the Galgueros or the hunters who keep the dogs and work with them are not registered as breeders, most of them. And a lot of things happen in the hinterland that cannot be controlled. We have seen rehals, associations of hunters, where their dogs are collected in buildings, housed and given emergency care, waiting for the next hunting season to start. They are mostly hidden, so not officially known. It's also dangerous to go there and have a look. In other words, there's a lot going on in the dark that you know is going on in the dark, but you can't get hold of these people. So I don't think this will solve the basic problem.

And as far as the microchipping obligation is concerned, we are unfortunately already seeing that... yes, in some cases they are obliged to chip the dogs, even by state law. And time and again, galgos are picked up that have had their microchips cut out.

Or in the past, when ear tattoos were more widespread, the ears were cut off or some of the tattoos were cut out. In other words, the practice of making the dogs unrecognisable is tried and tested among the Galgueros. And the question is whether it would really work.

There is no question that such a proposed law is good and could get things moving. I'm just wondering whether it can be enough and whether it's already starting at the right point. Especially if animal shelters are included in the tracking process, that's the right thing to do. But it already exists there, so to speak. Animals are only allowed to leave the country if they are microchipped, for example if they are going to be rehomed in other European countries. I would understand this to mean that the administrative burden for the animal shelters, which are already overcrowded and doing a good job, is increasing. But where the problem actually arises, a proposed law like this could still have no effect.

Manuela Ripa

You have to understand that what the Commission has presented is a proposal and I would see it as my task as a member of parliament who is committed to animal welfare to try to close loopholes in the law with amendments. And then we would have to think very specifically about how we can prevent the practices that you have just described, which I am also aware of, and how we can write into the law that it is precisely the keeping or illegal keeping that is addressed in the law and how we can achieve better protection for galgos. So you have to see it this way: it is good that this bill is on the table and that we can work on closing precisely these loopholes.

Christoph Richter

Yes, a great opportunity has of course already been missed in Spain with the new animal welfare law. It was not the only glimmer of hope that the draft law in Spain initially included hunting and working dogs. It started beforehand that dogs were recognised as sentient beings in Spain. However, this now only applies to pets. And that is what is so ... ambivalent, to put it nicely, is that a Galgo that lives in a family home is protected by animal welfare law and recognised as a sentient being and a Galgo that is used for hunting is not. Or a podenco, or... that applies to all of them. But that shows how perfidious it actually is.

Manuela Ripa

Exactly. It's really absurd that hunting is still considered a cultural activity in Spain and that hunting dogs are therefore recognised as a cultural activity. But we have a new government in Spain and we have a (new) minister responsible for culture. And this is a former colleague of mine from the parliamentary group. He was also a member of the animal welfare group and I have already suggested to my colleagues in the animal welfare group that they write to him and ask him again, this time as Minister for Culture, to try to ensure that hunting dogs are not subjected to this suffering. And I have found a lot of support from my colleagues and I hope that we can use this letter to bring the issue back to his attention.

Christoph Richter

Yes, that would be wonderful. The question "Why doesn't the EU intervene?" is one that I've heard a lot in our country. But I've also heard the question from Spanish animal rights activists who are desperate, who were naturally very downhearted after the law was passed as it was, who have to pick themselves up and keep fighting because they simply can't help themselves. They can't and won't abandon their dogs. But there is also a loud cry: "Why isn't the EU doing anything?" What can I say to them when their eyes are so focussed on Brussels? What could they do to get the EU more on board?

Manuela Ripa

As I have just described, the EU does not have comprehensive animal welfare competences, but much is still a matter for the member states. But I'm not giving up hope.

I simply see that the Commission has now presented something for the welfare of dogs and cats, a law that we have been waiting a very, very long time for and I would like to call out to my Spanish colleagues: Help us to work together to shape this law in such a way that it really does cover galgos comprehensively and that we can achieve greater animal welfare in Spain as a result.

Christoph Richter

Galgo marches have increased significantly in all European countries in recent years.

More and more cities are joining in and the protests are also attracting more and more people. This means that awareness of the problem of hunting dogs in Spain is growing among the European population and people are not prepared to put up with it. The protests will also reach the EU Parliament. Can that make a difference?

Manuela Ripa

So I would say a resounding "yes". Of course it helps us MEPs if we have the support of the population for our demands and if we have a protest in front of the European Parliament at the time when we are discussing this law, that would certainly help us to draw the attention of other MEPs to the situation of the galgos in Spain and would also simply help us to get through with our amendments. So protest is good and is very important and I

think it is extremely great that there are so many such protests in Germany too. And I am also very grateful to the participants, because they raise awareness of this issue and keep it in the media. And it's also great that many galgos adopted from Spain have found a new home in Germany.

Christoph Richter

Finally, I have a personal question. As I said, the European elections are on 9 June. What does that mean for you and your work in the EU Parliament?

Manuela Ripa

(laughs) Yes, that will decide whether I can continue as an MEP, i.e. whether I can continue to campaign in the European Parliament for more animal welfare, more consumer protection and more species protection or not.

Christoph Richter

But I can clearly hear that you really want to.

Manuela Ripa

I definitely want to, because I still have many outstanding legislative projects that I would like to finalise. A very specific example: I am the rapporteur for detergents and cleaning agents. You may say: "Yes, what does this have to do with animal welfare?" A lot. Because the Commission had planned animal testing for new detergents and I said quite clearly: "No! We live in the 21st century and we have to use alternative test methods that already exist and are just as good, not animal testing." I have established this as the position of the European Parliament and I would also like to defend this position in the negotiations with the Commission and the Council, i.e. a ban on animal testing. However, these negotiations will not take place until the next legislative period and I would therefore be delighted if I could continue to be an MEP. And there is still so much to do for animal welfare. I have already mentioned it: There are legislative proposals from the Commission that urgently need to be presented to improve animal welfare. And I would very much like to work on that.

Christoph Richter

Then I wish you every success and keep my fingers crossed.

Manuela Ripa

Thank you very much.

(music)

Christoph Richter

At EU level, therefore, there is an awareness of the fate of Spanish hunting and working dogs. The current legislative proposal could also bring improvements for Spanish hunting dogs. But there still seems to be a long way to go before the EU Commission has the tools to effectively implement European directives on animal welfare in the member states. This is all quite new to me and it's the first time I've taken a closer look at this political dimension, which is why I had another conversation to better understand and explain what it means to fight for animal welfare and animal rights at European level. I invited a woman who has been active for animal rights for more than 20 years: Tina Hartmann. We recorded our conversation on 8 April 2024. I got to know Tina through her work in her organisation Windhund-Netzwerk. But her commitment goes far beyond her association work. Tina is an animal rights activist, she says herself. She is part of the animal rights movement, which calls for the abolition of animal exploitation and all forms of animal use. The animal rights movement dates back to the 1970s years and sees no difference in value between humans and animals. All living beings have a right to a life free from exploitation and oppression by humans. Tina believes that animal welfare is not possible without animal rights. How did she come to this conclusion?

(music ends)

Tina Hartmann

I've been involved since I was a teenager and I was lucky enough to meet animal activists very early on. I started helping out at the local animal shelter in the mid-80s. And then in the mid-90s I got to know animal activists from a nearby animal rescue centre, my home station here in Upper Franconia in Bavaria, through which I then also got to know animal welfare abroad. Since then, I have rescued many animals, taken them into care and rehomed them, and I still take care of hospice dogs for care. I have helped in animal rescue centres in many countries around the world and carried out educational work. And back then, people didn't differentiate between animal welfare and animal rights as they do today. People simply helped the animals. This is still the case in most countries in Europe, including Spain. People help animals from A to Z, whatever suffering they encounter. The two are intertwined and belong together. I learnt very early on in my work in animal welfare abroad that the animal welfare regulations for dogs and cats in the member states differ considerably, with major differences in issues such as identification and registration, for example, the registration of breeding establishments and the age limits for breeding.

This is why the European Commission has repeatedly proposed better - in animal law terms, harmonised - minimum requirements for the welfare of dogs and cats in the EU in recent years. However, this does not always apply to private individuals, but only in a commercial sense. This is how EU law has always been, i.e. only for breeders, sellers, pet shops or animal shelters.

Christoph Richter

In relation to the problem in Spain and hunting dogs, this means that hunters who breed their dogs in large numbers in an uncontrolled manner but do not do so commercially would not actually be covered.

Tina Hartmann

That is correct. We have had the obligation to have a microchip in Spain for many, many years. If we stay with registration and identification for a moment: that is the only thing that is a minimum requirement. minimum requirement, a proposal of the EU's previous "laws" that this standard be met. Spain has also complied with this. But we both know what the reality is in Spain. When it comes to monitoring this, there are no authorities to monitor it. There are 17 autonomous regions in Spain that have come up with their own regulations so far. Some have set up a small database. But now, if a dog is abandoned by a hunter, and in a bad condition, its microchip is simply cut out. That is the reality. All animal welfare centres can confirm that this system or this regulation, which ten years ago was thought to help if the dogs were registered, does not actually take place. It is simply a sham.

Christoph Richter

Your decades of work have given you a lot of experience and insight into the actions of the EU. Can you explain how the EU is currently positioned in terms of animal welfare and animal rights and why the EU is not intervening in the problem of hunting dogs in Spain, for example?

Tina Hartmann

The concept of animal welfare is largely understood internationally in the same way as in Germany. According to the guiding standard of Section 1 of the German Animal Welfare Act, "No one may inflict pain, suffering or harm on an animal without reasonable cause." The fact that bullfighting and hunting with galgos are far from being banned in Spain shows how different the views on individual animal welfare issues are in the EU member states, even if there is broad agreement on their definition. The Treaty of Lisbon came into force on 1 December 2009 and amended the Treaty on the Functioning of the European Union. This is very important and introduced the recognition that animals are sentient beings. This amendment to European primary law significantly enhances the legal status of animal welfare within the European Union. Article 13 states: "In formulating and implementing the EU's agriculture, fisheries, transport, internal market and research, technological development and space policies, the EU and the Member States shall pay full regard to the welfare requirements of animals as sentient beings.

In doing so, they shall respect the legislative, regulatory and administrative provisions and customs of the Member States, in particular with regard to religious rites, cultural traditions and regional heritage."

On the one hand, the welfare of animals is given the same importance as the promotion of gender equality gender equality, ensuring adequate social protection, protecting health, combating discrimination or protecting personal data.

On the other hand, animal welfare is not a Union objective in its own right, but has a significant impact on the policy areas described. Respect for animals as sentient beings therefore requires the avoidance of suffering and the recognition of their innate, essential behaviour.

Up to now, animal welfare has regularly been at the back of the queue when it comes to considerations in the area of EU law, because the EU's main objectives are still primarily committed to economic and social progress. Although there have been repeated efforts on the part of the EU to recognise the intrinsic value of animal welfare within the framework of the Community, the successes achieved in this respect have not really been worth mentioning. For example, the animal welfare declaration attached to the Maastricht Treaty, the final act of the Treaty on European Union, had a legally non-binding character.

The commitment to the welfare of animals contained in Article 13 is also - and this is very, very important - potentially open to doubt due to the ambiguous consideration clause with regard to religious rites, cultural traditions and regional heritage. These doubts of interpretation with regard to religious rites, cultural tradition and regional heritage completely eliminate compliance with the guideline of taking full account of animal welfare.

After all, this wording only makes sense if religious rites, such as slaughtering, or cultural tradition and regional heritage, such as bullfighting and hunting with galgos, must also be measured against this animal-friendly standard. Granting animals these fundamental rights without limiting them through the commercial use of animals seems unrealistic at the present time in our strongly economically orientated and globally oriented society. That has to be said quite clearly. So it really is unrealistic that this will be cancelled. The intensive use of animals also results in a wide range of yields, which hardly anyone wants to do without today. There really is a lot of money at stake.

(music)

Christoph Richter

Okay, that's complicated. Of course, in animal law we also have to deal with legal texts and complex formulations. I'll try to briefly break down what Tina has just said. In the Treaty of Lisbon, the European member states agreed on standardised political procedures. Article 13, which Tina quoted, is important for us here. On the one hand, it states that animals are sentient beings and that their welfare should be fully respected. And on the other hand, Article 13 also weakens this point again by taking into account the

The bottom line is that if causing animal suffering falls under religious rites, cultural traditions or regional heritage, then it is no longer the case that the welfare of animals as sentient beings should be protected. You could also put it like this: "We do everything we can for the welfare of animals as sentient beings, but not when it comes to preserving religious rites, cultural traditions and regional heritage. And this is precisely the reason why the EU cannot do anything about the exploitation of hunting dogs in Spain, for example, because hunting with dogs is part of cultural traditions there, just like bullfighting. And Spain has also signed the Treaty of Lisbon.

The passage about the customs of a member state should be removed from Article 13. And that's what Tina means when she says: it's unrealistic that this will be cancelled.

(music ends)

Christoph Richter

In other words, the lever to override the whole thing is already integrated into the Treaty of Lisbon, so to speak, in that - if we want to break it down again to Spain as an EU member state - tradition is the lever there, so to speak, with which, for example, a ban on hound hunting or that one can even approach the practice of hunting dogs is overridden, because they have managed to declare it a tradition, similar to bullfighting. And so this Treaty of Lisbon has made it untouchable.

Tina Hartmann

Exactly. The fact is that the implementing regulations contained in this treaty, as well as the other decrees in the areas of hunting and fishing, have been totally watered down by these exceptions. The animal welfare ordinances or the hunting and fishing legislation - which always belong together - also contain various exemptions to the detriment of animal welfare and numerous regulations that clearly run counter to the principles of the Animal Welfare Act. In particular, respect for the legally protected dignity of animals is not sufficiently taken into account in the entire legal system, nor in the application of the law. This is absolutely unacceptable from both an animal welfare and a legal perspective, because the principles of the Animal Welfare Act must be consistently implemented, i.e. the welfare of animals, and must not be restricted by any arbitrary human interest, as is the case with hunting and fishing legislation. Although animals are legal objects and not persons in the legal sense, their interests protected by animal welfare legislation must be able to be realised. And here there is nothing in European law. Since animals are naturally not in a position to protect their interests themselves, they need a representative to do this for them. And such a representative would have to act exclusively in the interests of the animals and should not run the risk of coming into conflict with their interests.

The appointment of animal advocates or a commissioner or similar institutions to represent the interests of animals in criminal and

The appointment of animal lawyers or a commissioner or similar institution to look after the interests of animals in criminal and administrative matters could remedy this urgent need, particularly in relation to cultural heritage and traditions and in these provisions of the Hunting and Fishing Act. Experience has shown that disregarding animal protection regulations is only insufficiently sanctioned here. If an offender, a person who abuses animals, is convicted at all, the penalties are extremely low. As a rule, the penalties are really very, very low and disproportionate to the severity of the animal abuse. More attention urgently needs to be paid to enforcing these animal rights. For example, through better enforcement structures in the area of animal welfare, such as training and further training obligations for enforcement officers, which would also be very important in terms of monitoring that regulations or laws are also monitored.

It is also questionable whether the penalties for cruelty to animals should not be increased. What does criminal prosecution actually mean in animal welfare? The reality is that animal welfare is very quickly sidelined as soon as it gets in the way of economic interests or human benefit. And not only in Germany. In all other European countries, too, there are no or inadequate penalties in legal prosecution for animal abuse.

Christoph Richter

Especially as we have now seen in Spain that the new animal protection law and the reform of the penal code have reduced the penalties even further.

Tina Hartmann

Exactly. You could say they are administrative penalties. I've been doing this for over 20 years now, well over 20 years. Even in cases of the most serious animal abuse, we have had to accept that only a fine of 70 euros was imposed by the courts. If you could get the authorities to do it at all. Sometimes there is also a ban on keeping the

animals, but this is not controlled by the veterinary authorities. Anyone who commits an offence of cruelty to animals in Germany under §17 of the Animal Welfare Act faces up to three years in prison or a fine. Imprisonment or a fine. The three-year prison sentence has only been utilised once by a German court since the law came into force - and that was back in 1972. The appeal proceedings are still ongoing today. So it hasn't even been implemented yet.

And that really is a very, very terrible problem, that there is actually no prosecution when it comes to traditions or cultural heritage. (...)

I have now used the German example because it is one of the "best" animal protection laws in Europe, and indeed in the world. And yet we can see how many deficits we have in the German Animal Welfare Act. If I look at European law, i.e. the case law of the Court of Justice of the European Union to date, there was little reason for the court, as the custodian of animal welfare interests, to recognise animal abuse when the Lisbon Treaty came into force.

I have an example from the Supreme Court. That is the very famous Hedley Lomas decision. There are not many examples, I can say that straight away. This decision by the European Court of Justice dates back to 1996 and shows once again how rare it is for animal welfare interests to actually come before the European Court of Justice. European harmonisation directives were rejected. Which in turn has to do with minimum standards. A member state has tried to prevent known animal welfare violations in other countries on its territory. The British government has decided to ban the export of live sheep to Spain on the grounds that the conditions in the slaughterhouses and animal husbandry there are terrible. And this was clearly rejected by the Supreme Court, because they did not allow one country to impose restrictions on the animal welfare interests of other countries. European case law has not allowed this for over 20 years, until today.

Or another example: Spain in particular, as many people forget, is a Catholic country. A few years ago, a parliamentary initiative in Spain wanted to recognise a special status for great apes and classify them as legal subjects, because great apes are in a very, very bad situation there, even in experimental laboratories for animal research.

And this initiative failed not least because of the gigantic resistance of the Catholic Church, which suspected an anti-Christian conspiracy. It was portrayed as a project that went completely against all reason in nature, which then also influenced the decisions of the European Court of Justice.

You think, oh, we have a very good German animal protection law, we have the Lisbon Treaty, it's all about animal welfare. But if I now summarise EU law again, I can clearly see that the main objectives of the EU in animal welfare issues are considered a marginal phenomenon of the ministries of agriculture and are still primarily committed to economic and social progress, not animal welfare. To achieve this, animal welfare should be an independent EU objective, just like environmental protection. It is also a policy area in its own right. However, animal welfare has so far only been a marginal phenomenon of the ministries of agriculture. As a result, the animal welfare standards for the professional breeding, keeping and sale of dogs and cats are very different in the individual member states, as we know from Spain.

Christoph Richter

What I hear now - and this is the logical conclusion - is that it would make absolute sense to remove animal welfare from the context of the ministries of agriculture. How do you think this could be achieved? What would it take?

Tina Hartmann

We would have to agree that animal protection or animal welfare not only has an influence on economic matters in the EU, but that the animal itself is worthy of protection and would therefore also become an independent policy area or Union objective. That it is not just human interests that come first, but that the animal itself comes first. Because if there is a separate Union objective, then there will also be separate animal protection regulations, as well as separate legislation on hunting.

And then various exemptions to the detriment of animal welfare and country-specific regulations are no longer possible.

regulations are no longer possible, which, as is currently the case, contradict every principle of existing animal welfare legislation, i.e. do not prioritise the welfare of the animal, but rather the interests of humans, above all economic interests.

The principles of the Animal Welfare Act must not be restricted by any arbitrary human interest, such as cultural tradition and regional heritage. The example of greyhounds and other hunting dogs in Spain is particularly serious. This is one of the most serious examples we have in Europe. (...) As soon as they are used for hunting, they no longer enjoy any protection or rights. And this discrimination has been brought to the attention of the EU for years.

I personally have been involved in this for more than 10 or 15 years, and it has been argued again and again that this discrimination, that certain animals are given different rights because of their use. Animal welfare does not come first, but the utilisation of the animals. (...) The economic interests of humans are the top priority, whether in individual countries or in European law. That's why we animal rights activists are not just fighting for better husbandry conditions - no, that's not enough for us - but for animals to have their own rights as

individuals for their own sake, with criminal prosecution. And that is what has now happened in Spain, where the economic benefits have completely cancelled out this principle of animal welfare in the wording of the Lisbon Treaty. This is very difficult for laypeople to understand. But people who have an economic interest and see the profit in so-called farm animals that is behind it know how many billions of euros are involved throughout Europe. It's easy to imagine that nobody wants to do without it.

Christoph Richter

In December 2023, the European Commission presented a legislative proposal aimed at improving the situation for dogs and cats. How do you rate this legislative proposal? What potential does it have?

Tina Hartmann

Aiming for uniform animal welfare standards for breeding, housing and handling of animals as well as traceability, which is now planned ... this would mean the first uniform standards (...) after 15 years. That's already a great thing. For 15 years we have all been struggling with this Treaty of Lisbon, which is always being striven for in animal welfare, but has no meaning in animal law and in reality does nothing for the animals. Traceability and registration with databases has long been an issue for us, especially with the Galgo Español, and has been a requirement for all these years. But everyone knows that in reality it was just smoke and mirrors. It has been totally watered down by the authorities, nobody has checked it. Very few dogs that have been abandoned have a microchip or even dogs that are handed in. The whole registration process is bypassed. In the planned EU reform, a lot of emphasis is now being placed on registration, and I have already spoken to other Commission officials and parliamentarians. We already know that, if there is registration, this new regulation with a national database, which would then be controlled by a European authority, would actually make breeders of hunting dogs in Spain responsible. Quite clearly. (...) However, the EU Commission is already of the opinion that how hunters use their dogs, or rather how they keep them, should continue to be regarded as a cultural activity, as a peculiarity of the country. And this is once again a custom of a member state and therefore the use of hunting dogs remains untouched.

I really am a positive person and I will never give up hope, lose it and stop seeing it. But there is no provision in this regulation to abolish cultural heritage and traditions or cultural activities in European law. And as long as that is the case, hunters will treat, keep and use their dogs as they wish. This reform is not enough for that. That is my opinion. Much, much more pressure really needs to come from all countries, from the societies. There needs to be much more of a rethink in society with regard to the exploitation of animals. And this is where I come in again, of course, because I am a person who needs a solution right away, otherwise I can't continue working. (laughs) I continue to emphasise that animal welfare is an educational mission that must be taken seriously and must be addressed politically time and again.

As long as animal welfare is not an independent policy area in European thinking or in European law, as it is here in the regulation, animal welfare does not become an independent policy area and is removed from the area of agricultural policy, where the primary concern is only economic interest, we will not be able to change these practices of the countries.

Christoph Richter

Now there is also a proposal or an endeavour to install an EU Commissioner for Animal Welfare. [Tina Hartmann: Exactly]. That would be a first step, if I understand it correctly, in the sense of separation.

Tina Hartmann

Exactly. That's very important, as I mentioned earlier, the introduction of better enforcement structures. enforcement structures. That's what I meant, because without monitoring, the best law is useless. These enforcement structures are very, very important, appointing someone, forming a commission. Of course, this also includes training the authorities. So far there has been no training in this area, (...) whether it is in the area of criminal law or animal law. Lawyers can't study this. This is a self-serving willingness to represent animal rights, but animals should be granted basic rights in order to limit this commercial use of animals. So far, everything has been economically orientated. That's why I think it's unrealistic at the moment that this chipping, this registration, will actually help if the customs or peculiarities of the country remain untouched.

Christoph Richter

Yes, especially as I also think that even if it goes to the breeding farms or the registered breeders, I believe that the majority of Spanish hunters who breed their dogs themselves cannot be affected or are not covered by this anyway, because they are [Tina Hartmann: Not privately, exactly.] Exactly, they are private individuals. But the main problem lies with the people.

(music)

Christoph Richter

In addition to the problem of hunting with dogs in Spain, hunting tourism is also booming. A lucrative business that generates billions. Tina says that as long as human interest comes first, we will continue to fight alone on a broad front.

(music ends)

Tina Hartmann

That is why it is so important for animal rights activists and animal rights campaigners to pull together. Protection and the law are one thing in order to achieve animal rights and EU-wide standards. This rethink is of course an important factor, for which we must continue to raise awareness.

Christoph Richter

Yes, absolutely. What conclusion would you draw, rather than answer the question coming from Spain? Why is the EU doing nothing or how can the EU help us?

Tina Hartmann

It is quite clear that the treatment of hunting dogs in Spain is completely at odds with European values. And I also see no justification, like everyone else in the animal rights movement, for differentiating the protection of domestic animals in comparison to galgos or other hunting dogs and also service dogs, which are considered working animals. A distinction that clearly lowers their level of protection and denies them the status of sentient beings. According to this Article 13 of the Lisbon Treaty, which is recognised by Spain and requires, among other things, that they must be kept in appropriate conditions and free from all unnecessary suffering, including abandonment and mistreatment by their owners. A clear rethink is needed here. Cultural activities, customs that they have in their own country must be discussed over and over again. They need to be shown on Spanish television, they need to be properly publicised in the newspapers, that cultural tradition must not be equated with cruelty to animals. And that is the point. If we manage to really get the masses to unite nationally and bring this to the public's attention, then we also have a chance of getting this right across the EU. That's the biggest problem. And the next thing is: no matter what is decided for animals, the law for pets in Spain is quite good, but we still don't know how to implement it.

Christoph Richter

That's another matter.

Tina Hartmann

Exactly. And it's the same with EU law. Everything is always on the other side. How are we going to change anything if the country itself does not renounce its cultural activity?

Christoph Richter

Yes, okay. That's also a conclusion I would draw, that the problem needs to be tackled from within.

Tina Hartmann

For the dogs and for the illegal trade, transport with dogs and cats, something will happen now. A lot will happen digitally via the online trade. Then there will be databases, national, common and therefore European harmonised, wonderful standards. But again, this will not affect hunting dogs.

Christoph Richter

I see this as a good sign that there is now movement at European level, [Tina Hartmann: Yes.] After the long period in which the Treaty of Lisbon has been in force, I am delighted that the issue is finally being raised again and an attempt is being made to implement better protection and, ideally, to appoint an EU Commissioner for Animal Welfare. This is an important step, a start in the right direction. Of course, everything always takes a long time in politics. At EU level, I have the impression that it takes even longer, simply because much more consensus needs to be found. But it is important and a good sign that something is happening. But I also believe that you can't just sit back and think "there's movement now, the EU will solve the problem", but it won't. And as you say, in the end it can't, because the regulation, if it comes at all, will most likely leave hunting dogs out of the equation again anyway. This is really something that has to happen from within, that the acceptance among the population in Spain of elevating animal suffering to a tradition and labelling cruelty to animals as a tradition decreases, so that the Spaniards say of their own accord: "We don't want this anymore."

Educational work is still the most important thing - and I somehow always come to this conclusion when it comes to this topic. The longest way, but the one that promises the most success, I believe. Because once the knowledge is there and the decision has been made, "We don't want it like this any more", then something can change.

Tina Hartmann

Absolutely. As long as it is only considered to be in the economic interest of the animal user to have an animal, to keep it, to use it, however you put it, if that comes first, you cannot protect the animal. It is not possible. And if the animals in the Ministry of Agriculture just go along for the ride, then they have no rights of their own. You can see that in no other area of law is there such a hypocritical approach as in animal welfare law. As long as this remains the top economic priority, the hunting lobby will remain as powerful as it is and, of course, it has no interest in changing anything here, given the turnover figures, whether it is in the racing industry or the hunting industry. That is quite clear. That's why we have to point out the terrible situation that exists for these hunting dogs or for these animals that fall under these cultural activities.

Christoph Richter

That would have been a good final word, but Tina had another important request.

Tina Hartmann

This reform by the EU Commission is very, very important. For 20 years, people have been fighting for something to finally change, for there to be new regulations, for the good of the animals, really. And on 9 June, the citizens of the entire European Union can exercise their democratic rights and elect their representatives to the European Parliament. In doing so, we will all be helping to shape the policies and decisions of the EU over the next five years, and I think that's really, really great and would like to recommend the animal welfare campaign "Vote for Animals" to everyone. There you can find out how you can really make your voice vote in this election. I think that's very, very important, because we're also talking about illegal trade here. This also affects the import and export of greyhounds, including throughout Europe. And it would be important if we all got involved.

Christoph Richter

„Vote for Animals“ did you say?

Tina Hartmann

„Vote for Animals“, exactly. This is an animal welfare campaign by Eurogroup for Animals, which deals with precisely these issues and is considered to have an advisory function. This also includes Mrs Ripa with the Intergroup. And you can look at the candidates who will actually deal with animal welfare issues if you elect them. I think that is very, very important information. Who do I vote for? You can go to the website here. We also have this information on our own website on the Sighthound network page so that you can see who I am voting for who really wants to deal with animal welfare issues over the next five years.

(music)

Christoph Richter

We have reached the end of this episode and the conclusion is: it is complicated.

There is still a lack of effective tools and guidelines for animal welfare in the EU and as long as economic interests in farm animals are prioritised, animals cannot be protected, says animal rights activist Tina Hartmann. Fifteen years ago, the Treaty of Lisbon actually laid an important foundation stone for a European animal law that takes full account of the welfare of animals as sentient beings. However, the tool that undermines Article 13 of the Treaty was written into the same article. Namely, the customs of the member states with regard to religious rites, cultural traditions and regional heritage must be taken into account. This means that animal suffering that falls under these customs cannot be touched. It is therefore possible that Spain recognises pets as sentient beings but denies this to farm animals. A dog that is kept as a pet is recognised as a sentient being. A dog that is used for hunting is not recognised as a sentient being. Absurd.

But you can't say the EU is doing nothing. In December 2023, a legislative proposal was presented to improve the situation of dogs and cats in the EU. It is primarily aimed at the registration and traceability of pets and is intended to focus on commercial breeding farms, pet shops and animal shelters. Whether this is an

improvement for hunting and working dogs in Spain remains to be seen. But there are still political

But there are still political levers to tighten up the proposed legislation, says European politician Manuela Ripa from the Intergroup for Animal Welfare. The proposal will finally get the issue of "European animal law" moving again.

And that is extremely important. If the endeavours of the working groups for animal welfare to appoint a Commissioner for Animal Welfare are successful, a first important step would have been taken. Then there would finally be a desk in the EU Commission on which the Galgo file and many others could be placed.

The EU cannot solve a single national problem of a member state. It does not have that influence and ultimately it is not designed for that. But it can draw up guidelines to strengthen and establish animal welfare throughout the EU and thus have a positive influence on the specific situation of galgos in Spain. EU parliamentarians are working on this, for example in the working group on animal welfare. We are called upon to continue this work. It is important that we all exercise our right to vote in the European elections on 9 June. And if you are still wondering whether the election to the European Parliament is important to you personally, I hope that this podcast episode has shown you that it is: Yes, this election is important.

Also for the Galgos, Podencos and all other hunting dogs in Spain. Because the course must be set at EU level to create guidelines for the protection of animals, which the Spanish government must also adhere to and which are beyond the influence of the hunting lobby in Spain. And only MEPs who are committed to animal welfare, animal rights and animal protection can set this course. Manuela Ripa from the ÖDP is one of them. You can find out which other candidates are standing for election in the "Vote for Animals" campaign. You can find links in the show notes.

And another important date: There will be a protest march in Strasbourg on 1 June. The French association SCA, Solidarité

Cours Animal, is calling on people to march together in front of the EU Parliament to remind MEPs of the fate of Spanish hunting dogs shortly before the European elections. If you can, go and join in. It is very important that this protest is large and visible.

(music ends)

(female voice) „Urtasun, Ernest“

(Noise Microphone rumble)

Christoph Richter

Shortly before the publication of this episode - I'm currently sitting at my desk putting the finishing touches to it - I received the news that the letter to the Spanish Minister of Culture, as announced by Manuela Ripa in the interview, has now been written.

Manuela Ripa's office has kindly forwarded it to me. Written by the President of the Animal Welfare

Intergroup, Tilly Metz, and Manuela Ripa as Vice President of the group. In the letter, they address Ernest Urtner in a familiar Ernest Urtasun, as he himself was once a member of the animal welfare group. They write that they would like to draw his attention to the "deplorable conditions for hunting dogs in Spain."

Tilly Metz and Manuela Ripa refer to Article 13 of the Lisbon Treaty and the fact that Spain now considers pets to be sentient beings. But they go on to write: "However, we believe that justice has not been done to hunting dogs. We believe that traditions should not justify cruelty to animals and the Intergroup supports stricter regulations or the total abolition of such practices. As a former member of this Intergroup, you will remember our tireless efforts to improve the protection of hunting dogs through the Spanish Animal Welfare Act, which unfortunately did not succeed. We have been in dialogue with representatives of the central government, the 17 autonomous communities and two autonomous cities in Spain. All in vain." They go on to write that it is completely unjustified for hunting dogs to be given a different legal status to assistance dogs, that animals with "the same physiological and ethological characteristics and therefore the same animal welfare requirements are being differentiated here.

The Spanish government's justification for excluding hunting dogs from the Animal Welfare Act is not in line with the broader approach to animal welfare in the EU." Finally, Tilly Metz and Manuela Ripa express their great hope that their former colleague, who was committed to animal welfare at EU level, will use his new office to put the unacceptable conditions for hunting dogs in Spain back on the political agenda. After all, as Minister for Culture and Sport, cultural traditions and regional heritage fall within his remit.

The letter is dated 10 April 2024 and was sent today, 12 April.

(Noise Microphone rumble)

Outro

(Outro-music)

Christoph Richter

Take a look at Jasper's adventures on Instagram. There, my wife Anja shows the wild life of our Spaniard in Brandenburg and where else he hangs out with us. And Podenca Lotta is also part of the action. If you enter Jasper's podcast, you'll find the Instagram page for this podcast. You can leave me a comment under the post for this episode. If you have any questions about galgos, adopting shelter dogs or the podcast in general, please email me at podcast@criton.de C-R-I-T-O-N. As always, you can find all links and references in the show notes.

Until the next episode - Hasta luego!

(End)

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