

Ο περί της Ευρωπαϊκής Σύμβασης για την Προστασία των Σπονδυλωτών Ζώων που χρησιμοποιούνται για Πειραματικούς και άλλους Επιστημονικούς Σκοπούς (Κυρωτικός) Νόμος του 1993 εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 9(ΙΙΙ) του 1993

ΝΟΜΟΣ ΚΥΡΩΤΙΚΟΣ ΤΗΣ ΕΥΡΩΠΑΪΚΗΣ
ΣΥΜΒΑΣΗΣ ΓΙΑ ΤΗΝ ΠΡΟΣΤΑΣΙΑ ΤΩΝ ΣΠΟΝΔΥΛΩΤΩΝ ΖΩΩΝ
ΠΟΥ ΧΡΗΣΙΜΟΠΟΙΟΥΝΤΑΙ ΓΙΑ ΠΕΙΡΑΜΑΤΙΚΟΥΣ ΚΑΙ
ΑΛΛΟΥΣ ΕΠΙΣΤΗΜΟΝΙΚΟΥΣ ΣΚΟΠΟΥΣ

Η Βουλή των Αντιπροσώπων ψηφίζει ως ακολούθως:

Συνοπτικός
τίτλος.

1. Ο παρών Νόμος θα αναφέρεται ως ο περί της Ευρωπαϊκής Σύμβασης για την Προστασία των Σπονδυλωτών Ζώων που χρησιμοποιούνται για Πειραματικούς και άλλους Επιστημονικούς Σκοπούς (Κυρωτικός) Νόμος του 1993.

Ερμηνεία.

2. Στον παρόντα Νόμο, εκτός αν από το κείμενο προκύπτει διαφορετική έννοια—

«Σύμβαση» σημαίνει την Ευρωπαϊκή Σύμβαση για την Προστασία των Σπονδυλωτών Ζώων που χρησιμοποιούνται για Πειραματικούς και άλλους Επιστημονικούς Σκοπούς, η οποία ανοίχθηκε για υπογραφή στο Στρασβούργο στις 20 Σεπτεμβρίου 1985.

Κύρωση
της Σύμβασης.
Πίνακας
Μέρους Ι.
Μέρους ΙΙ.

3. Με τον παρόντα Νόμο κυρώνεται η Σύμβαση, της οποίας το κείμενο στο αγγλικό πρωτότυπο εκτίθεται στο Μέρος Ι του Πίνακα και σε ελληνική μετάφραση στο Μέρος ΙΙ αυτού:

Νοείται ότι ο σε περίπτωση αντίφασης μεταξύ του κειμένου του Μέρους Ι και του κειμένου του Μέρους ΙΙ του Πίνακα θα υπερισχύσει το κείμενο που εκτίθεται στο Μέρος Ι αυτού.

ΠΙΝΑΚΑΣ
(Άρθρο 3)
Μέρος Ι

EUROPEAN CONVENTION FOR THE PROTECTION
OF VERTEBRATE ANIMALS USED FOR EXPERIMENTAL
AND OTHER SCIENTIFIC PURPOSES

PREAMBLE

The member States of the Council of Europe, signatory hereto,

Recalling that the aim of the Council of Europe is to achieve a greater unity between its members and that it wishes to co-operate with other States in the protection of live animals used for experimental and other scientific purposes ;

Recognising that man has a moral obligation to respect all animals and to have due consideration for their capacity for suffering and memory ;

Accepting nevertheless that man in his quest for knowledge, health and safety has a need to use animals where there is a reasonable expectation that the result will be to extend knowledge or be to the overall benefit of man or animal, just as he uses them for food, clothing and as beasts of burden ;

Resolved to limit the use of animals for experimental and other scientific purposes, with the aim of replacing such use wherever practical, in particular by seeking alternative measures and encouraging the use of these alternative measures ;

Desirous to adopt common provisions in order to protect animals used in those procedures which may possibly cause pain, suffering, distress or lasting harm and to ensure that where unavoidable they shall be kept to a minimum.

Have agreed as follows :

PART I

General principles

Article 1

1. This Convention applies to any animal used or intended for use in any experimental or other scientific procedure where that procedure may cause pain, suffering, distress or lasting harm. It does not apply to any non-experimental agricultural or clinical veterinary practice.
2. In this Convention :
 - a. "*animal*" unless otherwise qualified, means any live non-human vertebrate, including free-living and/or reproducing larval forms, but excluding other foetal or embryonic forms ;
 - b. "*intended for use*" means bred or kept for the purpose of sale, disposal or use in any experimental or other scientific procedure ;

c. "*procedure*" means any experimental or other scientific use of an animal which may cause it pain, suffering, distress or lasting harm, including any course of action intended to, or liable to, result in the birth of an animal in any such conditions, but excluding the least painful methods accepted in modern practice (that is, "humane" methods) of killing or marking an animal. A procedure starts when an animal is first prepared for use and ends when no further observations are to be made for that procedure; the elimination of pain, suffering, distress or lasting harm by the successful use of anaesthesia or analgesia or other methods does not place the use of an animal outside the scope of this definition ;

d. "*competent person*" means any person who is considered by a Party to be competent in its territory to perform the relevant function described in this Convention ;

e. "*responsible authority*" means, in the territory of a given Party, any authority, body or person designated for the relevant purpose ;

f. "*establishment*" means any stable or mobile facility, any building, group of buildings or other premises, including a place which is not wholly enclosed or covered ;

g. "*breeding establishment*" means any establishment where animals are bred with a view to their use in procedures ;

h. "*supplying establishment*" means any establishment, other than a breeding establishment, from which animals are supplied with a view to their use in procedures ;

i. "*user establishment*" means any establishment where animals are used in procedures ;

j. "*humane method of killing*" means the killing of an animal with a minimum of physical and mental suffering appropriate to the species.

Article 2

A procedure may be performed for one or more of the following purposes only and subject to the restrictions laid down in this Convention :

a. i. avoidance or prevention of disease, ill-health or other abnormality, or their effects, in man, vertebrate or invertebrate animals or plants, including the production and the quality, efficacy and safety testing of drugs, substances or products ;

ii. diagnosis or treatment of disease, ill-health or other abnormality, or their effects, in man, vertebrate or invertebrate animals or plants ;

b. detection, assessment, regulation or modification of physiological conditions in man, vertebrate and invertebrate animals or plants ;

c. protection of the environment ;

d. scientific research ;

e. education and training ;

f. forensic inquiries.

Article 3

Each Party undertakes to take all the necessary steps to give effect to the provisions of this Convention and to ensure an effective system of control and supervision as soon as possible and in any case within a period of five years from the date of entry into force of the present Convention in respect of that Party.

Article 4

No provision in this Convention shall affect the liberty of the Parties to adopt stricter measures for the protection of animals used in procedures or for the control and restriction of the use of animals in procedures.

PART II

General care and accommodation

Article 5

1. Any animal used or intended for use in a procedure shall be provided with accommodation, an environment, at least a minimum degree of freedom of movement, food, water and care, appropriate to its health and well-being. Any restriction on the extent to which an animal can satisfy its physiological and ethological needs shall be limited as far as practicable. In the implementation of this provision, regard should be paid to the guidelines for accommodation and care of animals set out in Appendix A to this Convention.
2. The environmental conditions in which animals are bred, kept or used shall be checked daily.
3. The well-being and state of health of animals shall be observed sufficiently closely and frequently to prevent pain or avoidable suffering, distress or lasting harm.
4. Each Party shall determine arrangements to ensure that any defect or suffering discovered is corrected as quickly as possible.

PART III

Conduct of procedure

Article 6

1. A procedure shall not be performed for any of the purposes referred to in Article 2, if another scientifically satisfactory method, not entailing the use of an animal, is reasonably and practicably available.
2. Each Party should encourage scientific research into the development of methods which could provide the same information as that obtained in procedures.

Article 7

When a procedure has to be performed, the choice of species shall be carefully considered and, where required, be explained to the responsible authority; in a choice between procedures, those should be selected which use the minimum number of animals, cause the least pain, suffering, distress or lasting harm and which are most likely to provide satisfactory results.

Article 8

A procedure shall be performed under general or local anaesthesia or analgesia or by other methods designed to eliminate as far as practicable pain, suffering, distress or lasting harm, applied throughout the procedure unless :

- a. the pain caused by the procedure is less than the impairment of the animal's well-being caused by the use of anaesthesia or analgesia, or

b. the use of anaesthesia or analgesia is compatible with the aim of the procedure. In such cases, appropriate legislative and/or administrative measures shall be taken to ensure that no such procedure is carried out unnecessarily.

Article 9

1. Where it is planned to subject an animal to a procedure in which it will or may experience severe pain which is likely to endure, that procedure must be specifically declared and justified to, or specifically authorised by, the responsible authority.

2. Appropriate legislative and/or administrative measures shall be taken to ensure that no such procedure is carried out unnecessarily.

Such measures shall include :

— either specific authorisation by the responsible authority ;

— or specific declaration of such procedure to the responsible authority and judicial or administrative action by that authority if it is not satisfied that the procedure is of sufficient importance for meeting the essential needs of man or animal, including the solution of scientific problems.

Article 10

During a procedure, an animal used shall remain subject to the provisions of Article 5 except where those provisions are incompatible with the objective of the procedure.

Article 11

1. At the end of a procedure it shall be decided whether the animal shall be kept alive or killed by a humane method. An animal shall not be kept alive if, even though it has been restored to normal health in all other respects, it is likely to remain in lasting pain or distress.

2. The decisions referred to in paragraph 1 of this article shall be taken by a competent person, in particular a veterinarian, or the person who, in accordance with Article 13, is responsible for, or has performed, the procedure.

3. Where, at the end of a procedure :

a. an animal is to be kept alive, it shall receive the care appropriate to its state of health, be placed under the supervision of a veterinarian or other competent person and kept under conditions conforming to the requirements of Article 5. The conditions laid down in this sub-paragraph may, however, be waived where, in the opinion of a veterinarian, the animal would not suffer as a consequence of such exemption ;

b. an animal is not to be kept alive or cannot benefit from the provisions of Article 5 for its well-being, it shall be killed by a humane method as soon as possible.

4. No animal which has been used in a procedure entailing severe or enduring pain or suffering, irrespective of whether anaesthesia or analgesia was employed, shall be used in a further procedure unless it has returned to good health and well-being, and either :

a. the further procedure is one in which the animal is subject throughout to general anaesthesia which is to be maintained until the animal is killed ; or

b. the further procedure will involve minor interventions only.