

REQUEST

TO THE ROMANIAN GOVERNMENT

-PRIME-MINISTER VASILICA VIORICA DĂNCILĂ-

The subscribed, The Electronic Register of Domestic Animals and Pets, located in Turda, Aleea Plopilor nr. 3, ap. 56, Cluj County, by this we formulate the:

OPEN LETTER

By which we request that, pursuant to art. 102 para. 1, 108 of the Constitution, to take the necessary measures to ensure compliance with the CCR Decision No. 23/23.01.2018 deciding that the rabies vaccination of domestic carnivores is no longer conditioned on the previously microchipping of animals and all the costs of the identification and subsequent registration operations must not be disproportionate related to the income of the domestic carnivores (dogs and cats) owners.

The National Sanitary Veterinary and Food Safety Authority (A.N.S.V.S.A.) functions as a regulatory authority in the field of sanitary-veterinary and food safety, a specialized body of the central public administration, with legal personality, subordinated to the Government and under the coordination of the Prime Minister, through the Prime Minister`s Chancellery.

In this respect, we request you to undertake the following measures:

- amend the legislation in accordance with CCR Decision No. 23/23.01.2018 (published in The Official Monitor No. 216/9.03.2018);**
- ensure compliance with CCR Decision No. 23/23.01.2018 by all public authorities (A.N.S.V.S.A., prefectures, municipalities, etc.);**
- send the Prime Minister's Control Body to verify compliance of A.N.S.V.S.A. as well as of the Sanitary-Veterinary Departments with the Constitutional Court`s Decision No. 23/23.01.2018;**
- ensure the publication by the A.N.S.V.S.A. of the list of veterinary clinics which provide sanitary-veterinary action, contained in the program of actions for the monitoring, prevention, control and eradication of animal diseases.**

1. We request for the sanitary-veterinary legislation to be adapted to the CCR Decision No. 23/23.01.2018

On 23 January 2018 the Constitutional Court admitted the exception of the unconstitutionality of the provisions of art. 13 ind. 4 of the Government Emergency Ordinance No. 155/2001, relied on by the subscribed, and decided that the rabies vaccination of domestic carnivores is no longer conditioned on the previously microchipping of animals.

In the same decision, the Constitutional Court also held in paragraph 28 that **“the risk of disproportionate tariffs in relation to dog owners`income should be avoided, precisely to**

prevent situations in which they would be objectively put in impossibility to bear the costs of identification, registration in R.E.C.S. or release of the health card”.

The decision was published in the Official Monitor no. 216/09.03.2018 and is generally compulsory (erga omnes) once it is published in the Official Monitor (9.03.2018), which means that it must be applied precisely, not only in relation to the decision device, but also the considerations which explains it (Decision No 3/04.04.2011 CCR).

From this date on the rules declared unconstitutional are suspended by law, and the Constitutional Court` Decision had to be implemented, the animal owners being notified of this legislative amendment and the legislation put in place.

In this respect we request:

- Repeal of art. 13⁴ of the GEO 155/2001 declared unconstitutional;
- Amendment of art. 14 para. 1 letter B of the GEO 155/2001 for the purpose of removing the provisions of art. 13⁴;
- A.N.S.V.S.A. to be forced to amend Order No. 1/2014 on approving the Rules on identification and registration of dogs with owner, namely:
 - o Modification of art. 8 para. 4 letter g in the sense that the veterinarian is required to “vaccinate against rabies” without the phrase “only the dogs which are identified under these rules”.
 - o Modification of art. 7 para. 2 by eliminating the phrase “or before vaccination against rabies“;
 - o Repeal of art. 7 para. 10 according to which “dog owners are required to pay the cost of identification and registration in RECS, of services rendered by the medical veterinary support units or university veterinary clinics”.

The Constitutional Court has clearly held that it is necessary to avoid the risk of some disproportionate costs related to the owners' income, which is exactly what is happening at this time.

Most of the citizens, carnivores’ owners, are in an objective impossibility to bear the costs of identification to free negotiation and registration in R.E.C.S. because they do not have the necessary money.

Fees for registration in R.E.C.S (Order 1/2014 A.N.S.V.S.A. – Settle the taxes) are in contradiction with the registration in the mandatory database of A.N.S.V.S.A., (LAW - 24/2004 GO) which is free of charge. Although veterinarians are required to register animals in both databases, the charging is abusively applied to the CMV's management advantage, which is also controlled by them without transparency, refusing to tell us the amount allocated for R.E.C.S.

formation and the reason for lack of public auction. We do not mention the discretionary and non-transparent setting of the registration fee.

The refusal to communicate these interpellations on the grounds that they are a professional NGO, not a public institution, is prematurely wrong because this activity has been assigned to them by organic law 258/2013, Art. 13-4 and, as such, they are subject to Art. 31 of Romanian Constitution and Law 544/2001 on free access to public interest information.

The order states that the registration, which involves the injection of the electronic chip (transponder), adding the fee for registration in R.E.C.S., can only be made in the private system, at free negotiation of the price per transponder, plus the price of its injection, to which they add the registration in R.E.C.S. fee, and so the final price is reached, negotiated between 50 and 120 lei!

These sums are disproportionate to the income of many carnivore owners. Many of them are peasants living from agriculture, social aid, small pensions.

By conditioning the registration in RECS of a payment, the provisions of art. 9 letter i of GO 42/2004 on the organization of veterinary activity expressly stipulates that the fields of competence of the veterinary services are “identification and registration of animals” are violated.

Registration in RECS is not even necessary as long as within the A.N.S.V.S.A. there is the Register of Vaccines and Disease, at The Department Animal Computerized Evidence, Identification and Registering within the General Department of Official Control, (see A.N.S.V.S.A. answer appendix no. 1).

The Agricultural Register is compulsory and free of charge for the inventory of household animals.

We believe that establishing a hierarchy of action importance in this case is fully abusive and directed towards material gain by imposing these taxes in group interest and we request you to start official controls as approx. 9 million owners of domestic carnivores (dogs and cats) have not benefited in the last 4 years from the mandatory rabies vaccine paid from the budget and EU funds.

2. We request you to ensure that citizens are informed that the rabies vaccine is no longer conditioned on the identification of dogs and cats.

Although the CCR Decision was published in the Official Monitor no. 216/09.03.2018, there are still numerous owners who do not know that the rabies vaccination of dogs and cats is no longer conditioned on microchipping.

A.N.S.V.S.A., through its departments, deliberately misleads the population and claims that the Constitutional Court's Decision applies only to stray dogs.

In this respect we attach the answer communicated by D.S.V.S.A. Neamț showing that Decision no. 23/23.01.2018 applies to stray dogs, and with regard to dogs with owner, vaccination is conditioned on dog identification, contrary to what the Court has held (see Appendix 2).

D.S.V.S.A. Neamț, by its inspectors, around 19.03.2018, 10 days after the publication in the Official Monitor of the CCR Decision, put a pressure on the veterinarian (as well as in other territories in the country) to microchip and to vaccinate as many dogs as possible of their own money and income.

D.S.V.S.A. Neamț inspectors and those across the country also carried out controls on people and conditioned the rabies vaccination by microchipping on the grounds that these are the orders from D.S.V.S.A.

The veterinarian has been able to take numerous statements from people (statements we attach) that clearly and explicitly show that they agree with the vaccination if it is free, because they have no income to bear the cost of identifying and registering their dog/cat.

We tried to make known the Constitutional Court`s Decision, but we did not manage to reach all people considering that we have no obligation of function, unlimited financial resources as Sanitary-Veterinary Authority and the public authorities paid by us, taxpayers, have.

We accuse that:

Citizens have not been informed of their rights, Article 31 par. 2 of the Romanian Constitution being violated: "[...] (2) *Public authorities, according to their competencies, are obliged to ensure the correct information of citizens on public affairs and problems of personal interest [...]*".

For all these reasons, we request you to send the Prime Minister's Control Body to A.N.S.V.S.A.-C.M.V. to verify compliance with Decision no. 23/23.01.2018 of the Constitutional Court and to investigate and sanction the detected deficiencies.

Also, if you find that there are suspicions about committing violations, we request you to notify the criminal investigations bodies.

The undersigned has reasonable suspicions that we request you to check on:

- forming a criminal group for embezzlement;

- thwarting the fight against disease, action provided and sanctioned by Art. 352, CP - through drafting and tacit acceptance of these rules. We call for the investigation of the non-application of the sanitary-veterinary legislation provided for in Government Ordinance 42/2004 on the national strategic combat program of transmission of disease from animal to human (zoonosis) signed as an agreement to join the EU, and bringing to account of those responsible.

- cash receipts of R.E.C.S. at C.M.V. to the detriment of public health (16,000 people vaccinated as suspected of rabies virus infection)

- failure to comply to its own code of conduct for veterinarians as members in C.M.V. According to Article 2 of the Veterinarian's Statute, animal health is the priority, not the financial interest, and we request for bringing into professional account of those who have been informed but didn't react, according to the job description as public servant, of professional obligations and legal obligations.

- damage of over 82 million Euros to the veterinarians by not performing the rabies vaccine and collecting the labor cost.

- damage to the state budget by the expiration of the rabies vaccines ordered between 2013 and 2017. The purchased and expired rabies sera are a national prejudice borne by taxpayers' money.

- requiring veterinarians to buy microchips from their own funds is blackmail.

Illegal collection in the C.M.V. account must be the objective of the control body's research because they have been informed by open letters since 2013, and we consider it a concealment.

The following persons have been informed in writing and directly that these laws are an attack on public health and animal welfare, which the Constitutional Court of Romania has confirmed. (Appendix 3 - Open Letter);

Mr. Victor Viorel Ponta as Prime Minister and signatory of the Law, Mr. Vladimir Mănăstireanu, as signatory of Order 1/2014, President of A.N.S.V.S.A., and Mr. Manager Sorin Mîtreă, as well as the entire management of C.M.V. headed by Mr. Viorel Andronie, Mr. Liviu Harbuz, who have been notified in writing and personally of these illegalities.

We note that the function and job description obliges them to self-notified and to change these abusive rules dedicated to themselves, once they have become aware of these illegalities in the detriment of the National Program for Prevention and Control of transmissible disease from Animals to Humans, provided in GO 42/2004 as the Status of admission to the European Sanitary-Veterinary System.

The suspicion of abuse is confirmed by the Constitutional Court's decision itself, and the willingness to give us a response to an activity of national interest imposed by law shows premeditation.

3. We request that the NSVFSA shall publish the list of veterinary units that provide sanitary-veterinary actions, contained in the program of actions for the monitoring, prevention, control and eradication of disease transmissible from animal to human.

A.N.S.V.S.A. does not transmit public and through the media the list of veterinarians who have the obligation to do this service free of charge.

Veterinarians of sanitary-veterinary circumscription of each district, town, village, commune, have the obligation to vaccinate against rabies and free of charge all dogs and cats and may register animals in the A.N.S.V.S.A. Register - Vaccines and Disease that is free of charge and mandatory to be reported at O.I.E. and the E.U.

In the absence of such information and their fear of excessive costs, the owners do not vaccinate their dogs and cats, which affects the citizens` health and the Decision of the Constitutional Court does not produce its effects.

Taking into account that Romania is not a free of rabies country, such as most Western European countries, (the reason for allocating European funds to combat rabies in the Eastern Europe) the general right of Romanians to safety and public health was placed on the secondary plan for years due to this legislation with dedication.

Since the issuance of A.N.S.V.S.A. Order 1/2014, with Mr. Vladimir Alexandru Mănăstireanu as president then, when the rabies vaccine was conditioned, there were about 3 million dogs and 7 million cats unvaccinated annually.

Rabies is an acute infectious disease transmissible from animal to human, with a dramatic evolution, often with a fatal end, and according to the statistics held by our association, made following the responses received from Hospitals and clinics in Romania, about 16 000 citizens were bitten and treated against the rabies virus in 2016, (causing prejudice to the Ministry of Health) and you as a former member in EU Parliament know the negative impact on Romania's image of all the abuses presented.

We request the Ministry of Health to start the procedure for recovering the prejudice caused by this group of interests.

In fact, the rabies vaccination of dogs and cats (being subsidized so not blackmailed) should be considered by the authorities, as the most important stage in respecting the National and EU/OIE Program to combat the zoonosis.

Public health and citizens` safety must be a priority to any other action imposed by the authorities!

The Constitutional Court of Romania understood the danger that threatened public health and animal welfare and made the right decision, restoring citizens to rights. Thus, article 13⁴ of the E.G.O. 155/2001 which conditioned rabies vaccination to animal microchipping, was declared unconstitutional.

The Constitutional Court has clearly held that non-vaccination leads to public health damage, which is protected under art. 34 of Constitution.

On the basis of these principles governing your work as a former European parliamentarian who know the Romania`s obligations at joining the EU and the consequences of non-compliance with international contracts obligations, and on the basis of the legal obligations you have in this quality, we request you to take all the steps in order to amend the legislation in accordance with the CCR Decision, to monitor the enforcement of these decisions and also, having known about these illegalities, you have the obligation to notify the competent bodies and to start criminal investigations in order to restore confidence in the sanitary-veterinary system and to show to those **9 million domestic carnivores owners that they can trust the government you are leading.**

We request you to consider the above and act accordingly in order to protect the public health of citizens, animal welfare and to recover the injury brought to the State budget.

Thank you for examining this petition, and we want you to have work capacity to achieve the goals you have set with the government you are leading.

Yours Sincerely,
Julia Iozsa
R.E.A.D.C. Manager