

Getting  
our  
Teeth into Dog Bites

*Prevention of Serious Dog Bites in Humans and Animals*



RAAD VOOR DIERENAANGELEGEDEN

## Cover letter

The Hague, 21 February 2017

Our reference: RDA, 2017.031

Your Excellency,

We are pleased to provide you with the "Addressing the Problem of Dog Bites" advisory report on behalf of the Council on Animal Affairs (RDA).

On 30 June 2016, you asked the Council to draw up an advisory report on ownership rules which will enable the prevention of socially undesirable dog behaviour.

The problems surrounding dog bites are not new but we lack adequate data as regards scale, cause and context. However, the RDA feels that recent developments mean there are sufficient grounds for declaring preventive measures and distinguishing between breeds of dogs within those measures.

To ensure a successful reduction of the problem, the Council believes the measures should relate to the owner, the dog and also to the context within which biting incidents could take place.

The RDA has adopted the approach that a biting incident is first and foremost the responsibility of the owner or keeper of the dog. After all, the owner chooses to acquire a particular breed or type of dog, raises it and makes choices as regards husbandry. Then there is the fact that a dog's genetic origin means it is bound to inherit a certain build and behavioural characteristics. Added to that are the dog's life experiences and the context in which it is placed. All these aspects will have an influence on whether or not a dog will bite.

The RDA recommends that a group of experts be asked to draw up a list of breeds, cross-breeds and look-alikes with a high risk of biting. That list should be amended and supplemented regularly on the basis of the latest findings. For what are known as High-Risk (HR) dogs, additional measures as elaborated upon in this advisory report may be imposed for the keeper, dog and the environment in which it lives. We have in mind for instance keeping dogs on a short lead and muzzling them, an easily accessible reporting procedure and preventing dogs which have been involved in a biting incident from causing any further problems.

We also think the measures should be evaluated within four years and that up-to-date and reliable knowledge about serious dog bites where people and also animals are the targets, the role of the different dog breeds or types and their owners, as well as the

context in which serious biting incidents take place should be acquired. To this end, we also recommend that the procedure for the identification and registration of dogs be improved, for example, by stipulating that this should be performed exclusively by a vet.

The RDA hopes that this advisory report will assist with the formulation of a policy which will increase the public's sense of security and lead to fewer biting incidents. Needless to say, the RDA will be happy to clarify the advisory report and to provide your Ministry with additional information.

We wish you much success with the implementation of the new policy.

Yours faithfully,

Pauline Krikke,  
Chair Council

Marc Schakenraad,  
First Secretary

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## Procedure

This advisory report from the Council on Animal Affairs (hereinafter: the Council) has been prepared by a forum comprised of council members Dr H. Hopster, J. Th. de Jongh, H.M. van Veen MSc and Dr J. W.G.M. Swinkels (chairman). The forum held six meetings for the purpose of preparing the report. The forum received assistance in conducting its activities from the secretary M.H.W. Schakenraad MSc and the deputy secretary G.H.M. Vosseveld MSc on the RDA team.

When preparing this advisory report, the RDA used available literature and knowledge from, among others, the Royal Association for the Protection of Dogs, the Dutch Society for the Protection of Animals, Utrecht University's Faculty of Veterinary Medicine, Wageningen University and Research Centre, the Dutch Kennel Club, the World Veterinary Association, municipal authorities, shelters, the Ministry of Economic Affairs, a law firm and an insurance company. Information was also obtained through symposia, dog shows, the national and regional press and from conversations with breeders and dog owners.

The present advisory report is an advisory report the RDA was asked to produce.

## Structure of the document

This advisory report begins with an explanation of the problem surrounding serious dog bites and focuses first and foremost on the owner, followed by the dog and, later on, the context and legislation. Finally, the recommendations which may help to reduce the problem are presented.

## Summary

- Dogs are important in our society. For example, they provide companionship and entertainment, support us as assistance dogs and guard dogs and are members of the family in nearly 20% of households (Dibevo and NVG, 2017).
- In principle, people, dogs and other animals should be able to function alongside each other harmoniously. However, there are examples where things go wrong, where dogs bite people or animals, sometimes causing serious injury and occasionally even death.
- We do not have an up-to-date overview of (serious) dog bites. There is no ignoring the fact that this subject is attracting regular media attention at the moment and in a number of municipalities there are indications that the problem is worsening.
- The absence of a reliable insight into the nature and scale of serious biting incidents, in particular where other dogs are the victims, does not mean no measures are necessary. Every serious biting incident is one too many. There are good reasons for assuming that serious biting incidents will not be one-off occurrences. This is incompatible with the desired level of protection of people and animals in the Netherlands. Based on a precautionary approach, the RDA is therefore proposing measures. The data available, albeit incomplete, the public's concerns and the reported bites provide sufficient reason for such measures. However, the measures will have to be reviewed by the authorities concerned in the light of new information and when we have a fuller picture of the nature and scale of the problem – and this is likely to be the case in the not too distant future.
- The occurrence of a biting incident depends on the owner, the dog and on the context; all three aspects should therefore be taken into account in the measures.
- The risk of injury and psychological damage as a result of a dog bite, as well as the fear of being bitten depends on the likelihood of being bitten and the impact or potential impact of that bite.
- To reduce the risk of a serious dog bite and the feeling of insecurity, it is proposed that high-risk dog breeds (and cross-breeds thereof) be defined (HR dog breeds).
- HR dog breeds are dogs which can cause serious injury. This is because of their biting behaviour (low attack threshold, no warnings, refusing to release, shaking) combined with their bite force (jaw structure, size and musculature).
- For the time being, the RDA is advising against a ban on HR dog breeds because this is considered disproportionate. As the evaluation of the Aggressive Animals Regulations (RAD) showed, a complete ban does not have the desired effect (Sluijs Committee, 2008).

However, the RDA does recommend paying greater attention to the prevention of (serious) dog bites. The RDA thinks we need measures aimed at the owner, the dog and the context. It believes a policy to reduce the risk of (serious) bites will succeed only if measures addressing the three causal factors mentioned are taken.

- It is recommended that a group of experts be asked to prepare a dynamic list of HR dog breeds based on a consistent and transparent estimate of the likelihood and impact of a bite. Look-alikes (dogs without pedigree documentation) and cross-breeds involving those breeds will also feature on the list. We recommend that this list be updated every five years.
- Through municipal rules, supplementary (preventive) ownership rules, such as muzzles, leads, area bans and measures to ensure a dog is kept in a secure yard or accommodation, and the formulation and implementation of additional measures to discourage the purchase and keeping of HR dogs should be linked to the HR list. We believe municipalities have sufficient opportunities to achieve this. The exchange of knowledge among municipalities on strategies regarding serious biting incidents and measures which could be taken to reduce them should be encouraged.
- Measurement is the key to knowledge: we need to ensure we are in possession of up-to-date and reliable facts about serious dog bites where people and also animals are the target, about the role of different dog breeds and types and their owners and about the context in which serious biting incidents take place. The procedure for identification and registration of dogs should be improved by stipulating that this should be performed exclusively by a vet. The same also applies to dogs which change owner.
- In general, we should aim to raise awareness among adults, and provide them with information about the importance of safe contact between a child and a dog, and in particular with a HR dog, through specific channels such as midwife practices, child health centres, infant and pre-school childcare centres, primary schools and specialist pet shops. Readily accessible information about breeds, breeders and husbandry aimed at potential buyers of HR dogs should be provided.
- We also recommend that dogs which have caused serious injury be euthanised automatically, even when this is the first such incident. The Council expects this to make a substantial contribution to the policy of discouragement, in particular in respect of irresponsible owners. The demand for such animals among them will decrease as a result and further restrictive efforts directed towards breeders (breeding bans, mandatory sterilisation, breeder accreditation) will be unnecessary.

- An easily accessible reporting procedure which enables members of the public to report dangerous or potentially dangerous situations should be created and the police given room for manoeuvre as regards taking preventive action.
- An adequate and preferably regionally aligned shelter, homing and euthanasia policy specifically for HR dogs should be put in place in shelters to ensure there is no repetition of serious biting incidents.



## 1. Introduction

On 30 June 2016, Minister for Agriculture Van Dam asked the RDA to draw up an advisory report on ownership rules which will ensure the prevention of socially unacceptable canine behaviour. He asked the RDA to report on:

1. the category or type of dogs which can be labelled as HR dogs;
2. feasible and practicable ownership rules which can be used to minimise the likelihood and therefore the risk of a biting incident having a considerable impact on human beings and animals. We were asked to pay specific attention to the rules, including ownership rules, which enable municipalities to take measures when it comes to prevention within the framework of General Municipal By-laws.

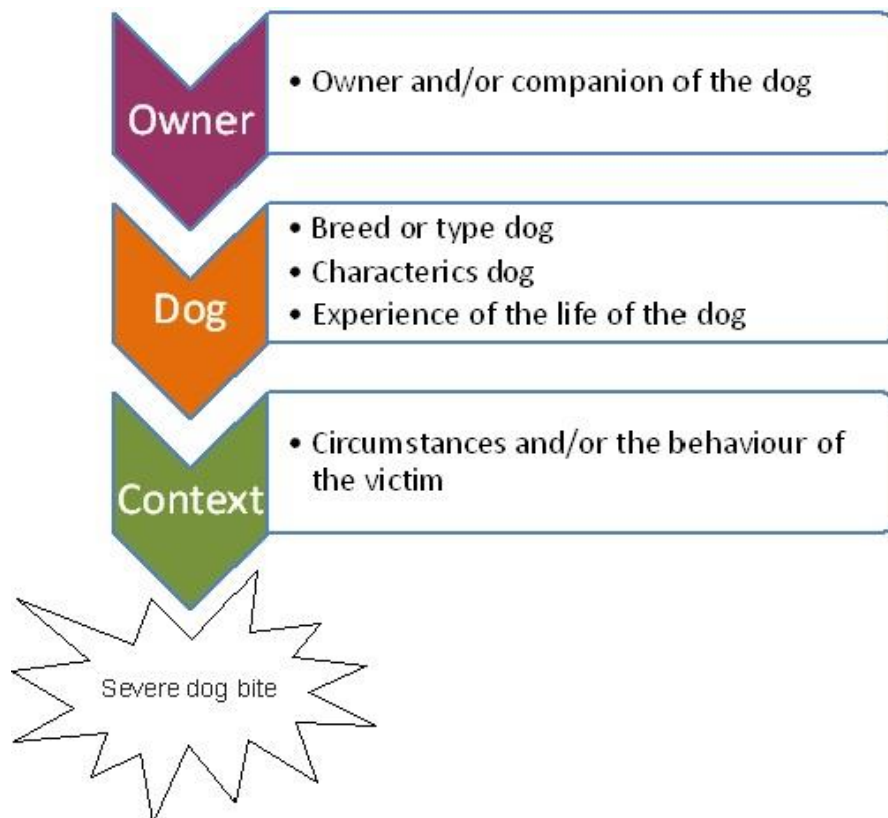
The request for the advisory report is reproduced in Appendix 1. The request arises in part from the RDA's "Responsible Dog Ownership" advisory report from 2013. Among other things, it recommends seeking to prevent dog bites by having the animal species tested in accordance with the positive list methodology of Wageningen University & Research Centre and, if the test gives cause for doing so, attaching additional conditions to the keeping of dogs.

Although there are no up-to-date figures on the nature and scale of the dog bite problem in the Netherlands, the RDA has the impression, based on conversations with experts and media reports on serious incidents, that the number of, and the public's fear of, such incidents is on the rise. Owing to the great impact on all those concerned, every serious dog bite is one too many.

The present advisory report provides an explanation of the information placed at our disposal by experts and the expertise within the RDA on this topic and gives specific directions on how socially unacceptable canine behaviour can best be prevented.

## 2. Dog bites

There are approximately 1.5 million dogs in the Netherlands. There are one or more dogs in one in five households, but usually (80%) just one dog (Dibevo and NVG, 2017). Research from 2008 indicates that about 150,000 people are bitten by dogs in the Netherlands every year, with about 50,000 people receiving medical care and about 230 people being admitted to hospital. On average, biting incidents lead to one fatality a year (Sluijs Committee, 2008). No figures are known for incidents where dogs bite other dogs.



The above figure shows the order in which the RDA believes the problem should be considered. The owner or future owner will decide whether or not to have a dog, determine the choice of breed and the breeder and select the individual dog. Moreover, the owner plays a crucial role in the socialisation and upbringing of the dog and will determine to a substantial extent the circumstances to which the dog is exposed. And then there is the fact that the dog will have a number of characteristics typical of its breed, its own character and life experience. Finally, the circumstances to which the dog-owner combination is exposed and the behaviour of victims will determine whether the dog is able to, and will, bite.

Bite wounds can be serious and cause the victim lasting damage. Conversations with parties concerned reveal that the absence of third-party insurance means it often proves impossible to recover loss from the dog's owner. Alongside pecuniary damage, non-pecuniary damage is also relevant. Moreover, it is not just people but also dogs and other animals which sustain serious injuries or are bitten to death. Although the nature and scale of serious incidents involving animal victims is unknown, they are leading to disquiet within society and, when they occur, to serious suffering for the person and animal.

Most biting incidents occur in a domestic setting and involve a person's own dog or a dog known to him or her. Children are more often victims of such incidents than adults. By contrast, adults are more often victims in the case of biting incidents which occur in

public places. The objective likelihood of being a victim of a dog bite is small. The annual likelihood of dying as a result of a dog bite is roughly one in thirteen million (Sluijs Committee, 2008).

## **2.1 Origin of dogs in the Netherlands**

In the context of biting incidents it is pertinent to know where (young) animals come from and whether they have been properly socialised. As well as being responsible for a puppy's socialisation, the breeder is also an important source of information for the future owner.

Working on the basis of an average life expectancy of 9.8 years, approximately 153,000 young or adult dogs a year are needed in order to maintain the level of the dog population in the Netherlands. Puppies come to the new owner through breeders, private individuals and imports. Adult dogs finding a new owner are usually imported stray dogs. In addition to pure-bred pedigree dogs, we also have look-alikes and cross-breeds. In 2016, nearly 32,000 pedigree dog puppies were registered with the breed associations registered with the Dutch Kennel Club. This means the genetic origin of about 120,000 puppies is not registered or is unknown. Bitches will have an average of five to six puppies a litter. With a sale price of between €250 and €3,500 a puppy, dog breeding involves substantial sums. Even higher prices are paid for breeding animals (Dutch Kennel Club, 2017).

## **2.2 Domestic breeding of pedigree dogs, look-alikes and cross-breeds**

There are three groups of breeders: breeders who are members of a breed association, commercial breeders and private occasional breeders. The first group of breeders have joined together to form breed associations which are registered with the Dutch Kennel Club. In addition to animals with a pedigree certificate, they also supply look-alikes. Commercial breeders make up a second group. Alongside look-alikes, they also breed a large number of popular cross-breeds, such as Labradoodles and Maltese Shih Tzus. In addition to other requirements, a breeder having sold, supplied, accommodated or bred more than 20 dogs in total in a consecutive period of 12 months is a guide for pointing to the commercial nature of a breeder's activity. These will be businesses which sometimes have a few hundred breeding animals. At the end of 2016, 656 commercial dog keepers turned out to be registered with the Netherlands Enterprise Agency (RVO, 2017).

Private individuals who occasionally breed a litter of dogs make up a third group. Dogs of breeds which are not officially recognised, such as Boerboels, Pit Bull Terriers and the many cross-breeds are often bred by private individuals, who usually do this with profit in mind. Depending on the breeding purposes and skills of the individual breeders, some

puppies will be better socialised than others and/or dogs may start developing behavioural problems.

### **2.3 Importation of dogs through charitable organisations and the trade in dogs**

Since the number of dogs bred in the Netherlands is insufficient to meet domestic demand, animals are imported.

Of the 199 aid organisations for stray dogs active in 2015, 138 organisations (69%) were engaged to a greater or lesser extent in immigration and adoption (Stray Animal Foundation Platform, 2016). Of the approximately 23,000 dogs imported in 2015, roughly one-third come from countries such as Spain, Romania and Greece to the Netherlands through aid organisations (RVO, 2017). Added to this are the dog dealers who import dogs. They are individuals or companies which buy animals abroad and sell them in the Netherlands and beyond through all kinds of sales channels. There does not seem to be a strict separation between commercial breeding and dealing in dogs. Countries of origin include in particular Hungary, Romania and Bulgaria (Neijenhuis and Hopster, in press). The dogs concerned are mainly look-alikes of the forty most popular breeds. In the case of stray animals and dogs originating from dealers it will not be clear whether those animals have been properly socialised and what the breeders' breeding purpose was, which means it is possible that animals with potential behavioural problems may be imported.

### **2.4 Shelters**

In total, there are approximately 200 shelters where an average of approximately 300 animals are accommodated every year at each location (Dutch Society for the Protection of Animals, 2016). Shelters are also a channel for animals which have been unable to find a new owner through other routes.

In mid-January 2017, there were 291 dogs in 22 shelters of the Dutch Society for the Protection of Animals: 48 American Staffordshire Terriers, 37 Malinois dogs and German Shepherd dogs, 27 English Staffordshire Terriers, 24 Jack Russell Terriers, 18 American Bulldogs, 12 Rottweilers, 5 Labrador Retrievers and 120 mongrels of 57 other breeds. The average stay of a dog in the shelter was 63 days. For American Staffordshire Terriers, the average stay was 115 days (Dutch Society for the Protection of Animals, 2017).

## **2.5 Socialisation and training of dogs**

The breed and within it the selection based on certain characteristics, possible pathological deviations (in addition to physical abnormalities, a dog may also have psychological abnormalities), the circumstances surrounding the birth, socialisation, training and experience can all influence the likelihood of a dog biting. The initial foundation for socialisation is established as early as during gestation. A dog's birth is followed by various phases where specific behaviour is imprinted. During this period, the breeder and owner should train puppies specifically in how to associate with children, adults and animals in order to encourage normal behaviour. Deviant behaviour may develop if animals are not presented with specific stimuli during this period. Examples include anxiety disorders or aggressive behaviour towards people and/or animals. In subsequent phases, some training methods may specifically encourage or reduce biting behaviour in certain situations (Serpell, 2016, No. 2016);

## **3. Anatomy and biting behaviour**

### **3.1 Anatomy**

A puppy acquires its milk teeth from the age of two weeks. If the full set of milk teeth has come through, there will be 28 teeth, which make room for a permanent set of 42 teeth at about the age of six months. Between the upper and lower jaw of the dog is the jaw joint which works like a hinge. Four muscles are responsible for closing the mouth, and also for the biting action. Those muscles are supported by one muscle which opens the mouth.

The power of those muscles, together with the structure of the jaw and the teeth determines the impact of a dog bite to a large extent. The structure of the skull varies significantly from breed to breed. There are brachycephalic breeds (for example, the pug and the Pekinese) whose muzzles are very short, and dolichocephalic breeds with a long muzzle (for example, the Borzoi and sight-hounds). A comparison of dog breeds of the same weight shows that more brachycephalic dog breeds (the American Staffordshire Terrier, American Bull Dog, Bernese Mountain Dog) perform better when pulling a load than more dolichocephalic dog breeds (the Samoyed, Siberian Husky, Alaskan Malamute) (Helton, 2011). This could point to greater physical strength, but also to greater endurance. In addition, cranial morphology also turns out to have a relatively substantial influence on a dog's bite force (Ellis et al., 2009). With a shorter jaw, the same muscular strength results in a greater bite force.

## 3.2 Biting behaviour

Biting behaviour which is not related to food consumption or predation occurs mainly in play situations, when the animal is frightened and when it is exhibiting aggression. Most dogs will not bite people or other animals unless they are provoked. Biting behaviour in dogs is part of a succession of acts which dogs of any breed or origin can exhibit. Appropriately aggressive behaviour is normal behaviour for a dog when it perceives a danger or threat. The dog may display a complete sequence of behaviours containing the following steps:

1. Warning (growling, bristling, lifting the lip and showing teeth, barking);
2. Pausing to observe the other party's reaction;
3. Action, charging or biting if the dog interprets the situation or person as dangerous;
4. Releasing.

If the dog does not interpret the situation as dangerous or the other party reacts appropriately to the warning, the dog will choose to take no further action after giving a warning. The animal may also decide to flee rather than begin an attack.

Needless to say, in the case of prey aggression related to predation (focusing, pursuing, catching, killing) a dog will give no warning before it bites (Lafarge, 2016). It will bite without a pause between warning and biting or it will not release its target after biting. After all, the purpose of prey aggression is to catch and kill the prey. Dogs displaying prey aggression towards other pets, small dogs or children have usually been inadequately socialised as puppies and will be insufficiently familiar with such animals or people. The trigger for prey aggression is a moving or fast-moving object. Incidents where other dogs are seriously injured or killed can, by definition, be described as anomalous. Even when this is provoked by a dog, for example, in a fight for dominance (Lockwood, 2016). To sum up, the skull structure, the size of the dog, the muscular strength and the biting behaviour determine to a large extent the damage which may be caused as a result of a dog bite.

## 4. The owner

Well-informed decisions to buy and keep a dog lead to much pleasure for many families. However, a decision to acquire a dog also has its downsides. Serious biting incidents can in part be traced back to a single key moment: the moment when a person decides to acquire a dog. An impetuous acquisition is a potential source of misery for the dog, the owner and those close to them. In the case of impetuous choices, the knowledge and skills of the owner do not match the dog's characteristics or meet its needs (Jago &

Serpell, 1996). Such choices are based, for example, on a dog's appearance, its tough image or appealing gaze. It is essential that the acquisition of every dog is well-considered.

Well-considered choices pave the way to preventing biting incidents. Various measures aimed at encouraging well-considered choices are already in place, but the information provided is often too general and insufficiently tailored to the personality of the keeper and his or her environment (Pompe et al., 2013). People do not live in a vacuum. There is continuous interaction between our own behaviour and that of others (Smith and Christakis, 2008). The social environment and the standards applicable within it play a key role here. Purchasing behaviour is thus influenced by people you meet in everyday life but also by virtual networks (social media) and public opinion.

The owner of the dog will choose a dog on the basis of one or more reasons. Dogs can be seen as a companion animal, but also as a status symbol or extension of the owner's ego. Recent international research reveals that breeding of, and trade in, HR dogs can be related to criminality. This will often involve specific street cultures where tough, powerful dogs are used. In some cases, such dogs are used in dog fights or to provide protection when criminal activities are being carried out or to guard the keepers and their families (Duijnker, 2016). The extent to which this also takes place in the Netherlands is unknown. In a random sample of Pit Bull Terrier-type dogs seized in the Rotterdam-Rijnmond region used in the research conducted by Cornelissen and Hopster (2008), 70% had been involved in other criminal offences. Furthermore, more than half of the owners involved turned out to have a criminal record. The fact that Pit Bull Terrier-type dogs were banned at that time was probably a contributing factor to dogs of this type having criminal owners. Knowing the identity of the owners can inhibit victims' readiness to report a biting incident.

## **5. The dog**

### **5.1 General**

There are 493 dog breeds recognised by various national kennel clubs in the world. The Federation Cynologique Internationale (FCI) is an international organisation with 84 national members. It currently recognises 339 of those breeds. Two hundred and eighty-four breeds are registered in the Netherlands. Details of breeds or types which are not recognised are not included (for example, the Boerboel and the Pit Bull Terrier).

The Dutch Kennel Club is the umbrella organisation for dog breeding. In 2016, 31,806 puppies were registered in the Nederlands Honden Stamboek (NHSB) [Dutch Dog Pedigree Register]. Those puppies came from 5,779 litters. The top ten are Labrador Retrievers (2977 registrations), Golden Retrievers (1430), German Shepherd dogs

(1253), Dachshunds (972), Bernese Mountain dogs (919), Rhodesian Ridgebacks (896), French Bulldogs (755), Staffordshire Bull Terriers (697), Boxers (582) and Chihuahuas (565) (Dutch Kennel Club, 2017).

It is noteworthy that the population of pedigree dogs changed significantly between 2006 and 2016 in terms of composition. We see a steep decline in the number of German Shepherd dogs, Boxers, Staffordshire Terriers, English Bulldogs, Cavalier King Charles Spaniels, Bouviers and Bull Mastiffs. By contrast, there is a relative sharp rise in the number of Rhodesian Ridgebacks, Rottweilers, Australian Shepherds and Berger Blanc Suisse dogs (Dutch Kennel Club, 2017). However, it should be noted here that of the approximately 153,000 puppies needed to meet the replacement demand, only 31,806 come from pedigree dog breeders in 2016. This means the genetic origin of more than 120,000 dogs is not known or not sufficiently known. Those dogs are mainly non-recognised breeds, cross-breeds and look-alikes.

## **5.2 High-risk breeds (and cross-breeds)**

People have been breeding dogs for thousands of years. They are selected on the basis of specific characteristics or functions. This is how breeds whose characteristics make them well-suited for hunting, driving cattle, guarding property, detective work or fighting wars have been created. Characteristics which make a dog fit for the specific purpose have thus been passed down to subsequent generations. As a result, particular breeds of dogs are more inclined to display specific behaviour appropriate to the original function of those breeds without having received any training. Incidentally, such behaviour is not manifested by all dogs within such a breed and a dog which is aggressive towards other dogs will not necessarily be aggressive towards people (Duffy et al., 2008).

The information gathered by the Municipality of Rotterdam is interesting in that it gives us an idea of which breeds have been involved in serious biting incidents. The following breeds were involved in 17 serious biting incidents in 2016: Staffordshire Terriers or crosses thereof (35%), American Staffordshire Terriers (18%), German Shepherd dogs (18%), as well as a Border Collie, a Boxer, a Bull Mastiff, a Rottweiler and an Anatolian Shepherd dog (Municipality of Rotterdam, 2016).

A previous study in Rotterdam of 60 criminal cases concerning biting incidents shows that of the 70 dogs involved more than half (59%) of the dogs were of the Pit Bull Terrier type. The American Staffordshire Terrier (9%), Belgian Shepherd (7%), Rottweiler (3%) and Staffordshire Bull Terrier (3%) breeds also featured as biters. The Akita, American Bulldog, Anatolian Shepherd dog, Dobermann and German Shepherd dog breeds featured once (1%). The other dogs involved were cross-breeds or dogs whose breed was unclear. The majority (87%) of the incidents occurred in a public place where the owner and dog



were unknown to the victim. More than half (55%) of the victims had serious injuries in the form of deep wounds or tissue loss (Cornelissen and Hopster, 2008).

### **5.3 High-Risk breeds (and cross-breeds) and international legislation**

Among others, the following breeds are named in countries which have breed-specific legislation for dangerous dogs: Pit Bull Terrier, American Staffordshire Terrier, Bull Terriers, Staffordshire Bull Terriers, Dogo Argentino, Rottweiler, Dogo Canario, Staffordshire Terrier, German Shepherd, Malinois, Akita, Cane Corso, American Bulldog, Chow Chow, Dobermann, Boxer, Anatolian Shepherd, Bull Mastiff, Mastiff, Mastín Español, Mastino Napoletano, Tosa, Fila Brasileiro, Boerboel, Dogue de Bordeaux, Rhodesian Ridgeback, Alano Español and Caucasian Ovcharka. The legislation concerns all dog breeds, look-alikes and cross-breeds. More than 60% of animals currently living in shelters belong to one of these breeds or types (Dutch Society for the Protection of Animals, 2017).

In the Netherlands, the Royal Association for the Protection of Dogs names the following breeds as dangerous: Akita, American Bulldog, American Pit Bull Terrier, American Staffordshire Terrier, Boerboel, Bull Mastiff, Bull Terrier, Cane Corso, Dogo Argentino, Dogo Canario, Rottweiler, Staffordshire Bull Terrier, Tosa, Fila Brasileiro, Boxer, Dobermann, Dogue de Bordeaux, English Bulldog, Mastiff, Shar Pei and Mastino Napoletano.

## **6. The context**

Serious biting incidents appear to occur especially in situations involving tension or agitation and/or when the dog is being interfered with. In the study conducted by Cornelissen and Hopster (2008), alcoholism, epilepsy, rows, domestic violence and lack of supervision, but possibly also triggers caused by babies and small children appear to have played a role in the case of victims killed by a dog. The examination of the police files concerning biting incidents also produces a picture showing that context plays a part in the generation of a biting incident. In one-third of the files, the victim had interfered with the dog or the dog had been provoked by the owner. Adults were bitten less often after interacting with a dog (59%), but more often after provoking it (23%) than children (81% and 10% respectively).

In an earlier advisory report (RDA, 2013) the role of the circumstances in which biting incidents take place is described as follows: *"The contexts in which biting incidents take place vary, as do the underlying causes. Biting incidents can take place, whether intentionally or not. Intentional biting incidents often take place in the context of criminal offences. In the case of unintentional biting incidents a distinction can be made between*

*biting incidents on private property and biting incidents in public places. Different emphases need to be placed in these varying contexts if biting incidents are to be dealt with adequately (both in terms of prevention and in response to them). For instance, in a criminal context, criminal proceedings will generally be the appropriate way of dealing with such an incident, whereas administrative-law proceedings will be more suitable in a non-criminal context. Informing and educating the keeper and members of his or her household play an important part in preventing biting incidents on private property. Public order is at stake in the case of biting incidents which take place in public places and the municipality in particular will be able to take action through the deployment of administrative-law measures". Details may be found in paragraph 7.2 of this advisory report.*

The Sluijs Committee (2008) drew the following conclusions in respect of the context in which biting incidents take place: *"The majority (two-thirds) of biting incidents occurs on private property. This can be attributed to various causes: insufficient awareness of dogs' normal behaviour, an inability to respond properly to such behaviour, leaving children and dogs in a room unsupervised, failing to recognise dangerous situations, insufficient knowledge of how suitable the chosen breed is for domestic life, etc. Although biting incidents in public places make up just one-third of the total number of biting incidents, they make a greater contribution to the sense of insecurity experienced by the public than biting incidents which take place on private property".*

## **7. Applicable laws and regulations in the Netherlands**

### **7.1 Aggressive Animals Regulations (RAD)**

The Aggressive Animals Regulations (RAD) were introduced in 1993 to limit the risk of biting incidents involving Pit Bull Terriers in particular. The aim was to ensure that the Pit Bull Terrier type would die out thanks to a ban on breeding and keeping such dogs. Fifteen years later, the then Ministry for Agriculture, Nature and Fisheries commissioned the Sluijs Committee (2008) to evaluate the RAD. Among other things, that evaluation revealed that the RAD:

1. had not led to the intended extinction of Pit Bull Terriers in the Netherlands;
2. had not resulted in a reduction in the number of serious biting incidents;
3. and that the classification of types of dog (whether or not the dog in question is a Pit Bull Terrier) was extremely difficult and was largely based on subjective criteria.

### **7.2 Legislative options**

There are various laws which can be used to take action in the event of situations where HR dogs represent a threat. Section 425 of the Criminal Code (setting an animal on a

human being, failing to restrain an animal when it attacks a human being or failing to prevent an animal from doing harm) and Section 300 of the Criminal Code (assault and injury), through to Section 2.6 (breeding animals), Section 5.13 (powers of the mayor) and Section 2.14 (ban on fights involving animals) of the Animals Act and also Section 172 of the Municipalities Act (disorderly conduct) can be put to good use. Section 2.59 (dangerous dogs), Section 2.59a (protection from dangerous dogs on private property) and Section 2.60 (keeping nuisance or harmful animals) of the General Municipal By-Law can also be applied. In addition, Sections 2 and 46 of the Weapons and Ammunition Act (items used to cause injury) could be used, if appropriate. Enforcement is possible using these sections.

It is important that preventive action, i.e. before a biting incident takes place, is possible. The local authority is best placed to assess such situations. An aggressive dog is often not an isolated problem. That is why it is particularly worthwhile to hold prevention talks through house-to-house calls by beat officers in order to raise awareness and achieve solutions for potential dangerous situations. Good results have already been achieved in a number of municipalities in the Netherlands and in foreign prevention programmes through such talks. The legislation relevant to the keeping of HR dogs is reproduced in Appendix 3.

### **7.3 Foreign legislation**

A study of foreign legislation shows that no legal system has been evaluated in such a careful manner that its effectiveness has been proved and its applicability in the circumstances specific to the Netherlands is obvious. This applies, for example, to the various laws in force in Germany, the UK, Switzerland and in various states and cities in the USA. There are many countries and cities where HR breeds are banned or where other measures have been implemented.

## **8. Risk of a biting incident relative to impact and likelihood**

For a person or animal bitten by a dog there is a big difference between being bitten by a dog which can cause serious injury owing to its strength and character (impact) or by a dog which lacks that capacity. However, in the first instance, the likelihood of a bite is greater depending on the degree to which the dog's handler prevents it from causing harm owing to its being under control or on a (sufficiently short) lead. According to this methodology, the risk of a serious biting incident is determined by the dog (impact) and also by the handler and the context (likelihood).

### **8.1 Impact of a dog bite**

Breeds which are selected on the basis of their fighting qualities and/or prey aggression will potentially have specific biting behaviour and a particular bite force (Helton, 2011).

A bite from such a dog can cause serious injury. The impact describes the average consequences of a bite and can be divided into four classes:

1. **Low impact:** at most, short-lived pain and/or minor injury (for example, bruises, superficial wounds).
2. **Moderate impact:** treatment by a GP or vet is required as a result of persistent pain and/or bleeding, wounds or inflammation.
3. **High impact:** emergency medical or veterinary assistance is required for the consequences of bites (bone fractures, serious wounds). Normal functioning is markedly impeded, but for no more than a few weeks, and no admission to hospital or an animal hospital is required.
4. **Very high:** urgent medical or veterinary assistance and/or admission to hospital or an animal hospital is required for the consequences of bites (brain injury, internal trauma, maiming owing to the bite trauma). Normal functioning is impeded in the long term and/or there is a real chance of lasting function loss, and possibly death.

## 8.2 Likelihood of a dog bite

The likelihood of someone being bitten by a dog of a particular breed or cross-breed can also be divided into four classes:

1. **Small likelihood:** regardless of the control the dog's handler has over it, a confrontation with a person or an animal will almost never result in a sudden, aggressive attack or biting, even if the dog is used improperly and/or cornered.
2. **Moderate likelihood:** regardless of the control the dog's handler has over it, a confrontation with a person or an animal will result in an aggressive attack or biting only if the dog is used improperly and/or cornered.
3. **High likelihood:** the handler does not have the dog under control or puts it in situations which provoke aggressive behaviour, where a confrontation with a person or an animal will result at most in one or several aggressive attacks of a short duration or biting, after which the animal will quickly release its target and intervention will be successful. The handler can put the dog in situations which increase the likelihood of aggressive behaviour.
4. **Very high likelihood:** the handler does not have the dog under control or puts it in situations which provoke aggressive behaviour or intentionally incites the dog to behave aggressively whereby a confrontation with a person or an animal will almost inevitably lead to a sudden aggressive attack during which the dog will bite repeatedly without interruption, recapture and/or hold on to its target for a prolonged period and intervention is unsuccessful.

### 8.3 Impact x Likelihood Table

The following table explains the risk as a function of Likelihood and Impact. The owner and context are a major factor for likelihood and it is mainly the dog which is the determining factor for impact.

<b>Risk</b>	<b>Likelihood</b>	Minor	Moderate	High	Very High
<b>Impact</b>	Minor	Minor	Minor	Minor	Moderate
	Moderate	Minor	Moderate	Moderate	High
	High	Minor	Moderate	High	Very High
	Very High	Moderate	High	Very High	Very High

If we wish to reduce the likelihood of sustaining a serious dog bite, we need to consider options ranging from minor policy adjustments to the imposition of highly restrictive measures. They will reduce the risk of serious biting incidents (High and Very High) especially if they have an impact on the handler or owner of the dog and the way it is cared for. Measures will have a greater effect on dog-owner combinations where Likelihood and Impact are classed as high or very high than on dog-owner combinations where Likelihood and Impact are classed as low or moderate. Additional measures are less necessary for these dog-owner combinations. Depending on the breeder's purposes, the choices made by new owners and the guidance given to them, it is possible for each breed to receive a lower score for Likelihood. The breeds which ultimately end up in the highest Impact and Likelihood classes (high and very high) will feature on the dynamic list. This list should be updated regularly, for example, every four years. Active breeders who take preventive measures to make their breeds safer can be rewarded by being given a lower score and, consequently, having less stringent measures imposed on them. Leaving aside a place on the list, the extent to which the handler has his her dog under control remains a decisive factor in the likelihood of a biting incident. In general, firm and consistent training is required if a HR dog is to be kept under control, something which most people are unable to provide. However, the extent to which breeds and types should be labelled HR breeds is determined by the prevalence of serious dog bites within

the breed. In addition to the above table, the number of incidents recorded for each breed compared with the number of dogs of that breed in existence must be taken into account by the group of experts to be set up.

## **9. Behaviour test**

The RDA stresses the importance of subjecting HR dogs to a behaviour test before they are homed and used for breeding. However, an important caveat is that there is insufficient evidence to show that the current behaviour tests can be relied on. This means it is not possible at present to label HR dogs as safe with sufficient certainty. The TOP test (Personality Test) currently used is a substantial adaptation of the previous test for socially acceptable behaviour (MAG test), but has never been evaluated as such to assess its effectiveness. However, it is felt that this test is a more sensitive test for the detection of prey aggression and at least as good as the MAG test. What is lacking, however, is a sufficient guarantee that a dog which has bitten once will not repeat the offence. The tests and the results remain the subject of debate and, in addition to a substantial administrative burden, also ultimately cause the animal to suffer because its welfare can be adversely affected by a lengthy stay in a shelter.

## **10. Recommendations**

### **Preventive measures**

The public's disquiet over biting incidents and dog biting policy is not new. The victims and keepers concerned often respond with genuine emotion. On the one hand because a biting incident can have a huge psychological (and sometimes physical) impact and, on the other, because far-reaching measures will often be taken in respect of an animal which its keepers regard as a member of the family. Furthermore, unacceptable canine behaviour is a cause for concern not only from the point of view of people's safety and well-being but also from the point of view of the dog's well-being. There is a clear need for a consistent and transparent policy which is tailored towards the different contexts in which biting incidents take place and which takes account of the interests of all parties concerned. Based on the analysis of the problem, the RDA is suggesting the following preventive measures:

## **Registration and analysis**

- Management of the dog-biting problem should start with the adequate identification and registration (I & R) of dogs. Using instructions supplied by the group of experts, the vet can establish whether the dog is a HR dog. The current system in the Netherlands allows the keeper to choose whether or not to register his or her dog. A single monitored body should be responsible for micro-chipping and registering new dogs and also dogs who change owners. Vets are the best-placed professionals to do this. Disciplinary law guarantees that vets will adhere to the law, unlike members of other professions. HR dogs found owner-less and which do not meet I & R conditions could be euthanised immediately upon seizure.
- Measurement is the key to knowledge. We need to ensure we are in possession of up-to-date and reliable facts about serious dog bites where people and also animals are the target, about the role of different dog breeds and their owners and about the context in which serious biting incidents take place. Serious incidents where a dog has bitten a person should be recorded by hospitals and/or by the police and serious incidents where a dog bites another dog or another animal should be recorded by vets. Finally, the RDA recommends that all data be recorded in a national database so that a comparative analysis can be performed in respect of the breeds, victims, owners and breeders concerned and the seriousness of the biting incidents.

## **Measures aimed at owners**

- We need a national list of HR breeds and types, look-alikes and cross-breeds. Such breeds of dogs are not necessarily dangerous, but may be more inclined to offend in sub-optimal breeding and husbandry circumstances and, if they bite, have a high impact. Additional measures for such dogs are desirable. With the aid of a group of experts, a national list of HR breeds, look-alikes and cross-breeds should be prepared in a responsible and clear way. The RDA recommends that all breeds which are believed to constitute a high bite risk should be tested using the Likelihood x Impact table as shown above. The RDA endorses the list in Appendix 2, obtained from the Royal Association for the Protection of Dogs, as a provisional list of HR breeds, look-alikes and cross-breeds. The group of experts should produce a definitive list within six months. The group of experts should re-evaluate that list every four years. The purpose of the list is not to condemn breeds or types in their entirety, but to make keepers and members of the public more aware of the potential risks. It could also prompt members of the public to report dangerous

- situations and give mayors and additional point of reference when it comes to imposing restrictive measures.
- A HR dog should be kept on a short lead in public places and muzzled when in areas where it is let off the lead. We also suggest that municipalities consider setting up an area ban for HR dogs or introduce an order stipulating that muzzles must be worn in certain areas.
  - Readily accessible information about responsible breeders, breeds and husbandry aimed at potential buyers of HR dogs should be provided. The information should enable people to properly assess the risks and responsibilities and to select a breed accordingly.
  - We should aim to raise awareness among adults and provide them with information about safe contact between a child and a dog, through specific channels such as midwife practices, child health centres, infant and pre-school childcare centres, primary schools, veterinary practices, breed associations, breeders and specialist pet shops. Such information could be gathered and distributed by the LICG [National Information Centre for Companion Animals]. Third-party insurance should be mandatory so that no victims of serious biting incidents have to bear the costs themselves.
  - HR dogs require very responsible and disciplined owners and handlers. In the opinion of the RDA, the municipality has a variety of options enabling it to set requirements for the keeper and the dog. This being to prevent a HR dog from forming a threat to people, dogs and other animals.
  - The keeper of a HR dog should be obliged to take measures to ensure the animal remains on the keeper's own property at all times. This being to ensure that the owner has the dog under control at all times and that those living nearby have no cause for concern.
  - Courses and training programmes. The RDA is calling on HR dog breed associations expressly to organise training programmes and courses for dog and owner. Every owner of a HR dog should have completed an obedience course at a dog school with every HR dog he or she owns.

## **Measures aimed at the dog**

- One strike and it's out. Preventing (serious) biting incidents should be given more attention. In addition to orders requiring a dog to be muzzled or kept on a lead and the other measures aimed at prevention, the RDA also recommends that HR dogs which have bitten people or other dogs with serious injuries or death as a result be euthanised automatically: "One strike and it's out". Expectations are that, as well



as preventing repeat offences, this will have a strong preventive effect. The owners concerned will consider this measure when choosing a breed and try to prevent their dog from biting at all times. If this provides a sufficient deterrent, the demand for such dogs will probably fall and further restrictive efforts targeted at breeders (breeding bans, mandatory sterilisation, breeder recognition) will be unnecessary.

- There should be an adequate euthanasia policy in every shelter which will include a maximum length of stay for the HR dog in the interest of the welfare of the dog concerned. Many HR dogs from shelters already have a history of aggression or biting incidents and it is important that problems do not recur.
- It is recommended that the present TOP test be developed further so that it becomes a test which demonstrably guarantees the safe homing of dogs.

## Measures aimed at the context

- Hotline. Members of the public who wish to report a dangerous situation should be able to do so easily and anonymously, preferably within their own municipality. Reports should be passed on quickly and accurately to the police so that the owner of the dog can be contacted in order to discuss dangerous situations and to prevent any worsening of those situations.
- Ban on keeping animals/exclusion order. As mentioned earlier, municipalities are advised to declare a ban on keeping animals and/or an exclusion order for owners of HR dogs which have twice been involved in a biting incident.
- Area ban. The aforementioned area ban can also prevent situations where biting occurs. Municipalities are advised to create the possibility to declare an area ban for HR dogs in a protected area.
- Fleshing out General Municipal By-laws. A number of municipalities has already laid down specific accommodation requirements for HR dogs. The RDA recommends that all municipalities do the same, include standard wording in their General Municipal By-laws and share best practices. Suggestions in this regard can be found in Appendix 3, with thanks to the municipalities of Rotterdam and Assen.
- The exchange of knowledge between municipalities on strategies and possible measures to combat the problem of biting incidents should be encouraged.
- Amendment of Section 425(1) of the Criminal Code: "A person who sets an animal on a human being or who does not restrain an animal under his supervision when it attacks a human being" should be extended to include "a human being *or an animal*". It is important that this section of the law can be applied consistently in practice.

## Other measures

- The measures should be strictly enforced with penalties which affect the owner as well as the dog. Heavier penalties should be considered in the event of serious biting incidents because the owner of a HR dog is knowingly taking a greater risk.
- The above measures are mentioned primarily in order to reduce the problem of serious biting incidents. If the demand for such breeds of dog falls as a result of the restrictions experienced by the owners, the effect of negative public opinion and the 'one strike and it's out' principle, measures aimed at breeders will not be necessary. If this effect is not achieved, consideration could be given to permitting only registered and recognised breeders to breed HR breeds, the castration and spaying of all HR dogs (with the exception of recognised stud dogs) and to allowing keepers of HR dogs to apply for a special licence after having undergone a thorough training programme. Regulating breeding is a measure which would currently be labour-intensive in terms of implementation owing to, among other things, the opaqueness of this market, in part because of the large number of providers. Inspections and enforcement consequently seems impracticable.

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**Ons kenmerk**  
DGAN-DAD / 16083363

**30 JUNI 2016**

Datum

Betreft Zienswijze opstellen houderijvoorschriften waarmee maatschappelijk onacceptabel gedrag van honden kan worden voorkomen

Geachte heer Schakenraad,

Op 15 augustus 2013 heeft de toenmalige voorzitter van de Raad voor Dierenaangelegenheden (RDA) de zienswijze aangeboden over het maatschappelijk onaanvaardbaar gedrag van honden en in het bijzonder over door honden veroorzaakte bijtincidenten.

De RDA heeft onder andere geadviseerd in te zetten op preventie van hondenbeten door de diersoort te laten toetsen volgens de positieflijstsystematiek van de WUR en indien de toetsing daar aanleiding toe zou geven, aanvullende voorwaarden aan het houden van honden te stellen.

In de brief aan de Tweede Kamer van 2 juli 2014 over de stand van zaken positieflijst zoogdiersoorten is aangegeven dat voor de productiediersoorten, de hond en de kat niet zozeer de vraag van belang is of deze soorten gehouden kunnen worden, maar eerder onder welke voorwaarden.

Hierom is besloten deze diersoorten zonder voorafgaande toetsing te plaatsen op de positieflijst. Wel is de Positieflijst Expert Commissie (PEC) gevraagd te beoordelen in hoeverre voor de als gezelschapsdier gehouden productiedieren aanvullende voorwaarden in de vorm van diersoortspecifieke houderijvoorschriften opgesteld dienen te worden. Voor de hond en de kat als diersoort ten algemene zijn de gestelde voorschriften uit het Besluit houders van dieren afdoende. Deze zijn echter niet afdoende om preventieve maatregelen te kunnen afdwingen waarmee het risico op het vertonen van bijtgedrag met een hoge impact voor zowel mens als dier kan worden geminimaliseerd.

Het betreft een bepaalde categorie/type honden waarbij de impact als gevolg van een ernstig bijtincident aanzienlijk is. Het optreden van een dergelijk bijtincident leidt tot maatschappelijke onrust en ernstig leed bij mens en dier. Het is deze categorie hoog risicovolle (HR) honden die nader geduid dient te worden en waarvoor, indien mogelijk, categoriespecifieke houderijvoorschriften benoemd dienen te worden waarmee de kans en daarmee het risico op het ontstaan van een bijtincident geminimaliseerd kan gaan worden.

Pagina 1 van 2

**Directoraat-generaal Agro en  
Natuur**  
Directie Dierlijke Agroketens en  
Dierenwelzijn

**Ons kenmerk**  
DGAN-DAD / 16083363

Het is daarbij ook van belang in de zienswijze aandacht te schenken aan de (on)mogelijkheden van gemeenten om binnen het kader van de Algemene Politie Verordening (APV) buitengewone opsporingsambtenaren (BOA's) in te zetten bij overtreden van de nog op te stellen (houderij)voorschriften voor HR-honden.

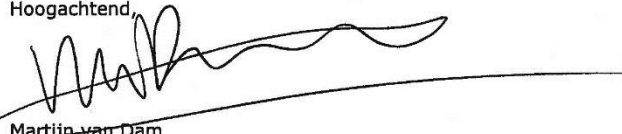
Ik verzoek u daarom een zienswijze op te stellen over

1. de categorie/type honden die bestempeld kan worden als HR-honden;
2. houderijvoorschriften die denkbaar en toepasbaar zijn waarmee de kans en daarmee het risico op een bijtincident met een aanzienlijke impact voor mens en dier kan worden geminimaliseerd. Hierbij dient ook expliciet aandacht geschonken te worden aan die (houderij)voorschriften die het gemeenten mogelijk maken om in preventieve sfeer binnen het kader van de APV maatregelen te kunnen treffen.

Vanwege hun bijzondere belangen verzoek ik u in ieder geval informatie in te winnen bij de gemeenten Assen, Den Haag en Rotterdam en de Hondenbescherming, de Dierenbescherming, de Raad van Beheer op Kynologisch gebied en, daar waar mogelijk, met rasverenigingen van hondenrassen die gaan behoren tot de HR-categorie.

Ik verzoek u deze zienswijze voor het voorjaar van 2017 op te stellen.

Hoogachtend,



Martijn van Dam  
Staatssecretaris van Economische Zaken



## Appendix 2 High-Risk breeds

The following 21 breeds were originally bred for fighting purposes;

- Akita
- American Bulldog
- American Pit Bull Terrier
- American Staffordshire Terrier
- Boerboel
- Bull Mastiff
- Bull Terrier
- Cane Corso
- Dogo Argentino
- Dogo Canario
- Rottweiler
- Staffordshire Bull Terrier
- Tosa
- Fila Brasileiro
- Boxer
- Dobermann
- Dogue de Bordeaux
- English Bulldog
- Mastiff
- Shar Pei
- Mastino Napoletano

*Source: Royal Association for the Protection of Dogs (December 2016)*

Based on breed-specific legislation in various countries, the following breeds and cross-breeds can be added to the list:

German Shepherd, Staffordshire Terrier, Malinois, Chow Chow, Anatolian Shepherd, Mastín Español, Rhodesian Ridgeback, Alano Español and Caucasian Ovcharka.



1.

## Appendix 3 Laws

### CRIMINAL CODE (WETBOEK VAN STRAFRECHT)

#### Section 425 of the Criminal Code

A term of detention not exceeding six months or a category-three fine shall be imposed on:

1. a person who sets an animal on a human being or a person who does not restrain an animal under his supervision when it attacks a human being;
2. a person who fails to take sufficient care in preventing a dangerous animal under his supervision from doing harm.

#### Section 300 of the Criminal Code et seq.

1. Assault shall be punishable by a term of imprisonment not exceeding three years or a category-four fine.
2. Where grievous bodily harm ensues as a result of the act, the offender shall be liable to a term of imprisonment not exceeding four years or a category-four fine.
3. Where death ensues as a result of the act, the offender shall be liable to a term of imprisonment not exceeding six years or a category-four fine.
4. Intentionally injuring a person's health is equivalent to assault.
5. An attempt to commit this offence shall not be punishable.

### ANIMALS ACT (Wet dieren)

#### Section 2.6 Breeding animals

1.: [Eds: This paragraph has not yet entered into force.]

2. By or pursuant to an order in council, rules may be laid down with regard to the subject referred to in the first paragraph for animal species or animal categories designated by this measure in respect of, inter alia:

a. a ban on the breeding or use for breeding of:

1.. animals with a particular condition, or an external characteristic which may affect the health or welfare of the animal or the animal's offspring;

2.. animals which may represent a danger to the safety of a human being or animal, and

3. other animals, animal species or animal categories designated by or pursuant to an order in council;

b. the breeding method, including a prohibition of certain breeding methods;

c. the testing or arranging of the testing by the breeder of the animal used for breeding for the presence of conditions which may affect the health or welfare of the animals or those animals' offspring, before breeding;

d. hygiene, preventing the spread of animal diseases, zoonoses and illness symptoms, and combating pathogens;

e. the number of litters animals have within a certain period, and

f. the details to be updated and submitted.

#### Section 5.13 Powers of the mayor

1. The mayor of the municipality where there is an animal which has been used for breeding contrary to the provisions laid down pursuant to Section 2.6(2)(a)(2), or which is being kept contrary to the provisions laid down by or pursuant to Section 2.2(6) first sentence, may decide that that animal:

- a. should be taken to a place designated by him, and
- b. killed there.

2. The mayor shall not carry out the act referred to in paragraph one, under b if the keeper has submitted an application as referred to in Section 8:81 of the General Administrative Law Act (Algemene wet bestuursrecht) within six weeks of having been notified of the decision referred to in the first paragraph and that application has not been dismissed.

#### Section 2.14 Prohibition of fights involving animals

1. The organising of fights involving animals or causing animals to take part in fights involving animals is prohibited.

2. The attending of fights involving animals is prohibited.

### WEAPONS AND AMMUNITION ACT (WET WAPENS EN MUNITIE)

#### Section 2 of the Weapons and Ammunition Act

1. Weapons within the meaning of this Act are the objects stated below or designated in accordance with this Section, subdivided into the following categories.

##### Category IV

1.. bladed weapons of which the blade has more than one cutting edge, in so far as they do not fall under category I;

2.. rapiers, swords, sabres and bayonets;

3. truncheons;

4.. air, gas and spring guns, except those designated by Our Minister in accordance with category I, under 7, whose appearance is so similar to a firearm that they are suitable for threat or extortion;

5.. crossbows and harpoons;

6.. objects designated by order of Our Minister as suitable for inflicting grievous bodily harm to persons;

7.. Objects which can be reasonably assumed, in view of their nature or the circumstances in which they have been found, to serve no purpose other than to inflict, or threaten to inflict, injuries to persons and which do not fall under any of the other categories.

#### **Section 46 of the Criminal Code**

1. Preparation to commit a serious offence which, by statutory definition, carries a term of imprisonment of not less than eight years, is punishable where the offender intentionally obtains, manufactures, imports, transits, exports or holds objects, substances, information carriers, spaces or means of transport intended for the commission of that serious offence.
2. In the case of preparation, the maximum principal penalty prescribed for the serious offence shall be reduced by one half.
3. In the case of serious offences carrying a sentence of life imprisonment, a term of imprisonment not exceeding fifteen years shall be imposed.
4. The additional penalties for preparation shall be the same as for the completed serious offence.
5. Objects shall mean all property and all property rights.

#### **MUNICIPALITIES ACT (GEMEENTEWET)**

##### **Section 172**

3. In the event of a public order disruption or a serious fear of such a disruption, the mayor may issue such orders as are deemed necessary to maintain public order.

#### **GENERAL MUNICIPAL BY-LAW**

##### **Article 2.59 Dangerous dogs**

1. If the mayor deems a dog dangerous or representing a nuisance on account of its behaviour, he may order the owner or keeper of that dog to keep it on a lead or to muzzle it when that dog is residing or being walked in a public place or on someone else's property.
2. An order requiring a lead to be used means that the owner or keeper is obliged to keep the dog on a lead which measures no more than 1.5 metres, measured from the hand to the collar.
3. An order requiring a muzzle to be worn means that the owner or keeper is obliged to keep the dog fitted with a muzzle which:
  - a. is made of a tough synthetic material, strong leather or both materials;
  - b. is attached round the neck by means of a strong leather strap such that it is impossible to remove without a human being's intervention; and
  - c. is designed in such a way that the dog cannot bite, there is sufficient room within the basket to allow the mouth to be opened slightly and that there are no sharp parts inside the basket.
4. Without prejudice to Article 2:57(1) opening words and under d, a dog as referred to in the first paragraph shall be given a unique identification number, issued by the competent minister upon request, by means of a microchip which is readable on a chip scanner.

##### **Article 2.59a Protection against dangerous dogs on private property**

The owner, keeper or carer of a dog and a person supervising a dog shall be prohibited from allowing that dog to run loose on his property without a muzzle if the Municipal Executive has stated that it deems the animal dangerous, or if the dog has been trained for guard, detection and defence work, unless:

- a. a warning sign - which the Municipal Executive has judged to be clearly legible - has been put up in a place visible from the road;
- b. it is possible for a person to reach a letter box and ring a door bell without having to enter the property;
- c. the property has such a high and secure fence that the dog cannot leave the property without human intervention.

##### **Article 2.60 Keeping nuisance or harmful animals**

Animals specified in a designation order issued by the Municipal Executive may not:

- a. be present, or
- b. be present other than with due observance of the rules laid down by the Municipal Executive, or
- c. be present in a larger number than specified in that designation order in places designated by the Municipal Executive to prevent or alleviate nuisance or harm to public health, outside an institution within the meaning of the Environmental Management Act (Wet milieubeheer).

# Appendix 3a Assen Municipality's Bite Incident Protocol

## Statutory basis or bases or competence on which the regulations are based

[Article 2:59 of the General Municipal By-law of the Municipality of Assen](#)  
[Section 172 of the Municipalities Act](#)

### Article 1. Weighting serious biting incidents

- 1. When weighting the seriousness of a biting incident a distinction shall be made between dogs which are involved in serious or very serious biting incidents and other dogs which are involved in a minor biting incident.
- 2. In the case of serious or very serious biting incidents, a dog will bite a person or cause serious injury to another animal, usually a dog.
- 3. In the case of a minor incident, a dog will bite another animal, usually a dog, but no serious injury is sustained, or this will be a biting incident without serious consequences which, in view of the context, is understandable.

### Article 2. Taking action to prevent serious biting incidents

- 1. The keeper of a dog which has caused a serious or very serious biting incident shall be asked to relinquish his dog.
- 2. The mayor shall order the involuntary seizure of the dog if the keeper does not voluntarily relinquish the dog and the mayor is concerned that there is a likelihood of its biting again, or if the dog has already caused a biting incident in the past.
- 3. In the case of involuntary seizure, the dog may, on the instructions of the keeper of the dog, be subjected to a risk assessment which the mayor considers to be reliable. The test should show whether the dog is capable of being re-socialised or homed elsewhere, or that the risk involved were it to be returned to the keeper would be too great.
- 4. The costs of transport, accommodation, testing and the euthanising of the dog, if applicable, shall be borne by the keeper of the dog.
- 5. In the case of a repeat biting incident or serious or very serious biting incidents, the municipality shall inform the Public Prosecution Service so that it can consider whether it would be appropriate to institute criminal proceedings against the keeper of the dog for assault, destruction, failing to take sufficient care in preventing a dangerous animal under his care from doing harm, or for contravention of the General Municipal By-law.
- 6. If in a situation as set out in the second paragraph the mayor does not fear that there will be a repeat biting incident, the Municipal Executive may designate the dog as a dangerous dog.

### Article 3. Taking action against other dogs

- 1. Where it is concerned that serious biting incidents may occur, or in the case of a minor biting incident, the Municipal Executive may decide to designate the dog as a dangerous dog within the meaning of [Article 2:59 of the General Municipal By-law](#).
- 2. In certain situations, the Municipal Executive may declare that it is necessary for the dog to undergo a risk assessment.
- 3. Where it is gravely concerned that a serious or very serious biting incident may occur, the Municipal Executive may decide that the keeper must involuntarily relinquish the dog.
- 4. If the keeper of a dog which has been designated as dangerous keeps the dog contrary to [Section 2:59 of the General Municipal By-law](#) and the dog causes another biting incident, the Municipal Executive shall apply the provisions of the previous paragraph and establish whether there is reason to impose a criminal-law penalty in addition to the administrative-law measure for contravention of the [General Municipal By-law](#).

### Article 4. Entry into force

This Dog Bite Incident Protocol shall enter into effect on the day after publication.  
Assen, 23 March 2010

Municipal Executive of Assen,

# Appendix 3b Articles from Rotterdam's General Municipal By-law on Dogs

## **Article 2:57 Dogs running free**

1. The owner or keeper of a dog is prohibited from allowing that dog to stay or allowing it to run:
  - a. in a children's playground accessible to the public and clearly designed as such, a sandpit or play area or any other place designated by the Municipal Executive;
  - b. on the road within built-up areas if the dog is not on a lead;
  - c. in a place designated by the Municipal Executive outside built-up areas if the dog is not on a lead; or
  - d. on the road if the dog is not wearing a collar or has not been fitted with another identification mark enabling the owner or keeper to be identified clearly.
2. The first paragraph, opening words and under b shall not apply to places designated by the Municipal Executive.
3. The first paragraph, opening words and under a to c inclusive shall not apply to the owner or keeper of a dog:
  - a. who is being escorted by a guide dog or social assistance dog owing to his disability; or
  - b. who is demonstrably training that dog to become a guide dog or social assistance dog as a person qualified to do so.

## **Article 2:59 Dangerous dogs**

1. If the mayor deems a dog dangerous or representing a nuisance on account of its behaviour, he may order the owner or keeper of that dog to keep it on a lead or to muzzle it when that dog is residing or being walked in a public place or on someone else's property.
2. An order requiring a lead to be used means that the owner or keeper is obliged to keep the dog on a lead which measures no more than 1.5 metres, measured from the hand to the collar.
3. An order requiring a muzzle to be worn means that the owner or keeper is obliged to keep the dog fitted with a muzzle which:
  - a. is made of a tough synthetic material, strong leather or both materials;
  - b. is attached round the neck by means of a strong leather strap such that it is impossible to remove without a human being's intervention; and
  - c. is designed in such a way that the dog cannot bite, there is sufficient room within the basket to allow the mouth to be opened slightly and that there are no sharp parts inside the basket.
4. Without prejudice to Article 2:57(1) opening words and under d, a dog as referred to in the first paragraph shall be given a unique identification number, issued by the competent minister upon request, by means of a microchip which is readable on a chip scanner.

## **Article 2:60 Keeping or feeding nuisance or harmful animals**

1. Animals specified in a designation order issued by the Municipal Executive may not:
  - a. be present, or
  - b. be present other than with due observance of the rules laid down by the Municipal Executive, or
  - c. be present in a larger number than specified in that designation order; or
  - d. be fedin places designated by the Municipal Executive to prevent or alleviate nuisance or harm to public health, outside an institution within the meaning of the Environmental Management Act (Wet milieubeheer).
2. The Municipal Executive may exempt the owner of immovable property located within a place designated pursuant to the first paragraph from one or more of the prohibitions referred to in the first paragraph.

## Credits

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