

**LEGISLATIVE DECREE 21 March 2005, n. 73**  
**Implementation of Directive 1999/22 / EC relating to the keeping of wild animals in zoos**

THE PRESIDENT OF THE REPUBLIC

Having regard to articles 76 and 87 of the Constitution;  
Having regard to the Council Directive 1999/22 / EC of 29 March 1999 relating to the keeping of wild animals in zoos;  
Given the law October 31, 2003, n. 306, and in particular Article 1 and Annex B;  
Given the law February 7, 1992, n. 150, and subsequent modifications;  
Given the law February 11, 1992, n. 157, and subsequent modifications;  
Having regard to the Convention on Biological Diversity, ratified by law dated 14 February 1994, no. 124, and in particular article 9, concerning ex situ conservation;  
Given the legislative decree 31 March 1998, n. 112, as amended, and, in particular, article 69, paragraph 1, letters a) and b);  
Given the article 3 of the legislative decree 6 December 2002, n. 287;  
Given the decree of the President of the Republic February 8, 1954, n. 320;  
Given the preliminary resolution of the Council of Ministers, adopted at the meeting of 29 April 2004; Having obtained the opinion of the unified Conference referred to in Article 8 of the Legislative Decree of 28 August 1997, no. 281, made at the session of September 23, 2004;  
Acquired the opinions of the competent Commissions of the Chamber of Deputies and of the Senate of the Republic;  
Given the resolution of the Council of Ministers, adopted at the meeting of 18 February 2005;  
On the proposal of Ministers for Community policies and the environment and territorial protection, in agreement with the Ministers of Foreign Affairs, Justice, Economy and Finance, Health and Agricultural and Forestry Policies;

ISSUES THE FOLLOWING LEGISLATIVE DECREE

**Article 1- Aim**

1. This decree sets regulation on zoological gardens aimed at enhancing their role in biodiversity conservation, in order to protect wild fauna and to conserve the same biological diversity.

**Article 2 - Definition and scope**

1. For the purpose of this decree, a zoo means any public or private structure with permanent and territorially stable nature, open and administered for the public at least seven days a year, which exposes and maintains live animals of wild species, including animals born and bred in captivity, belonging, in particular but not exclusively, to the animal species listed in the annexes to Regulation (EC) 338/97 of the Council, of December 9, 1996, and subsequent implementations and modifications, to the law 11 February 1992, n. 157, as amended, as well as the regulation referred to in the Decree of the President of the Republic September 8, 1997, n. 357, and subsequent modifications.

2. The circuses, the pet shops, the establishments dedicated to the care of wild fauna, as per law 11 February 1992, n. 157, and subsequent modifications, and the structures that hold animals belonging to species of the classes Aves and Mammalia bred in the national territory for zootechnical and agroalimentary purposes are excluded from the scope of this decree. Also excluded are the establishments of a scientific nature that hold animals for research purposes, authorized according to the legislative decree 27 January 1992, n. 116, as well as the structures exhibiting a number of specimens or species deemed not to be significant for the purposes of pursuing the aim referred to in Article 1 and not to compromise this aim, which shall be identified by decision of the Ministry of the Environment and the Protection of the Territory, in agreement with

[the Ministries of Health and Agriculture and Forestry Policies, further to the opinion of the Scientific Commission referred to in Article 4, paragraph 5, of the Law of 11 February 1992, n. 150, upon request of the establishment concerned](#) 

### Article 3- Requirements applicable to zoos

1. The zoo, as [identified](#) in Article 2, paragraph 1, shall have the license referred to in Article 4 and respect, for this purpose, the following minimum requirements [aimed at implementing appropriate conservation measures](#): 

a) participating in scientific research, in Italy or abroad, showing benefits for the conservation of species;

(b) participating in training programs in species conservation skills or the exchange of information relating to conservation, ex situ breeding, repopulation or reintroduction of species into the wild with other zoos or institutions operating in the sector;

c) promoting and implementing education and awareness programs for the public and schools in the relation to the conservation of biodiversity, providing specific information on the species exhibited, on their natural habitats, on the possibilities and attempts made or planned for their reintroduction into the wild and on conservation issues;

d) renewing and enriching the genetic pool of ex situ preserved animal populations through exchange programs and loans for reproduction, without resorting to genetic modification, without prejudice to the removing of animals from wild state in the framework of specific national and international projects aimed to the protection of species and of their natural habitat, to the protection of animal welfare, or to the implementation of environmental education programs and without prejudice to the provisions of the enforceable regulations;

(e) accomodating, in accordance with the guidelines set out in Annex 1, animals under conditions which aim to ensure their well-being and to satisfy the biological and conservation requirements of the individual species, inter alia, by enriching appropriately the enclosures, depending on the specificities of the enclosed species;

(f) maintaining, in accordance with the guidelines set out in Annex 2, a high standard of animal husbandry and care through the implementation of a comprehensive program of preventive and curative veterinary care, and a proper nutrition;

(g) adopting, in accordance with the guidelines set out in Annex 3, appropriate measures to prevent the escape of animals, including to prevent any ecological threats to the indigenous species and to prevent the spread of alien species;

h) implementing, in accordance with the guidelines set out in Annex 3, measures to guarantee the safety and health protection of the public and operators.

(i) without prejudice to the obligations established by the Decree of the Minister for the Environment and the Protection of the Territory on January 8, 2002, published in the Official Gazette no. 15 of 18 January 2002, keeping and updating a register of the specimens of each species enclosed in the zoo. This register is kept at the disposal of the persons in charge of the control referred to in article 6 and a copy of the same is sent annually to the Ministry of the Environment and the Protection of the Territory.

[1-bis. The requirements of paragraph 1, for the purpose of issuing the license referred to in Article 4, do not apply, subject to the favourable opinion of the European Commission, in the case of establishments that hold animal species for which registration and management systems are set, that satisfy the requirements established in paragraph 1 and guarantee the implementation of the purposes referred to in Article 1.](#) 

2. In order to ensure, in the case of closure of the zoo, the achievement of the purpose set out in Article 5, the granting of the license referred to in paragraph 1 is also subject to the conclusion of a specific agreement with appropriate establishments suitable to keep the animals in conditions compliant with those provided for in this decree.

## **Article 4 - Licensing**

1. By decree of the Minister of the Environment and the Protection of the Territory, in agreement with the Ministers of Health and Agricultural and forestry policies, having heard the unified Conference, upon the request of the establishments referred to in Article 2, paragraph 1, and after checking the possession of the requirements set out in Article 3, it is granted, within 180 days from receipt of the application and according to the procedures set out in Annex 4, a specific license.

2. By decree of the Minister of the Environment and the Protection of the Territory, in agreement with the Ministers of Health and Agricultural and Forestry Policies, having heard the unified Conference:

a) the closure of the establishments referred to in paragraph 1 which are not in possession of the license provided for in the same paragraph is decided;

b) the license is revoked and all or part of the zoo is closed, or the license is modified, further to the contestation of the irregularities and the determination of a period of maximum two years to implement the necessary measures to comply with the requirements of the same license, in the event that the Ministry of the Environment and the Protection of the Territory establishes the lack of one of the requirements set in the license, or ascertains serious and repeated irregularities and the zoo does not comply, pursuant to the conditions and times determined in the formal notice.

3. The license granted pursuant to paragraph 1, replaces, for all purposes, only with regard to the zoos, the declaration of suitability provided for in Article 6, paragraph 6, letter a), of the law of 7 February 1992, n. 150, and subsequent modifications.

4. This does not affect the visas, the opinions, the authorizations and the concessions set by the enforceable regulations relating to the implementation of the establishments regulated by the present decree, aimed to guarantee their compatibility with environmental and territorial requirements.

## **Article 5 - Closure of zoos**

1. In the event of closure to the public of all or part of an establishment referred to in Article 2, paragraph 1, the Ministry of the Environment and the Protection of the Territory shall ensure that, at the expense of the same establishment, the animals are kept in conditions consistent with those provided for in Article 3, paragraph 1, letters e), f), g), h) and i), or are transferred, within 18 months from the adoption of the provision that provides for closure, in another adequate establishment compliant with the provisions of this decree.

## **Article 6 - Inspection**

1. The inspection related to the application of this decree is carried out, at least annually, by the Ministry of the Environment and the Protection of the Territory which, to this purpose, uses the State Forestry Corps, as well as veterinarians, zoologists and experts with proven skills in the field, identified by the Ministry of the Environment and the Protection of the Territory, eventually on the recommendation of the Ministries of Health and Agricultural and forest policies.

## **Article 7 - Implementation of the register of zoos**

1. A register of zoos holding the license referred to in Article 4 shall be established at the Ministry of the Environment and the Protection of the Territory, at no additional charge to the State budget.

2. The Ministry of the Environment and the Protection of the Territory shall transmit to the European Commission the register referred to in paragraph 1 and its modifications.

## **Article 8 - Penalties**

1. Unless the fact constitutes a crime and without prejudice to the penalties applicable pursuant to the law of 7 February 1992, n. 150, of the law 11 February 1992, n. 157, of the law of 28 February 1985, n. 47, and of the Royal Decree of 6 May 1940, n. 635, as amended by the decree of the President of the Republic May 28, 2001, n. 311, the performance of activities without the license referred to in Article 4 is punished with an administrative fine ranging from 15.000 euro to 90.000 euro.

2. Without prejudice to the provisions of Article 4, paragraph 2, and unless the fact constitutes a crime, the violation of each individual conduct referred to in Article 3, paragraph 1, letters d), e), f), g) , h) and i), and the violation of the obligation referred to in article 5 are punished with an administrative fine ranging from 1.500 euro to 9.000 euro.

## **Article 9 - Financial provisions**

1. The costs relating to the procedures for the issue of the license referred to in Article 4 and the completion of the inspections referred to in Article 6 shall be charged to the applicant for a license, according to rates calculated on the basis of the actual cost of the service, updated every 2 years.

2. The rates referred to in paragraph 1 and the related methods of payment to the State budget are set by decree of the Minister of the Environment and the Protection of the Territory, in agreement with the Minister of Economy and Finance, to be adopted within 60 days from the date of the entry into force of this present decree.

3. The expenses for the performance of the inspection functions referred to in Article 6 shall be calculated on the basis of the provisions on the mission allowance and the reimbursement of travel expenses forecast for the public servants.

4. The license applicant shall pay the amounts corresponding to the rates referred to in paragraph 1, to the State budget for subsequent reassignment to a special forecasting base unit of the forecast of the Ministry of the Environment and the Protection of the Territory, for the financing of the activities referred to in Articles 4 and 6.

5. The Minister for the Economy and Finance provides with his own decrees for the necessary changes of budget.

## **Article 10 - Transitional provisions**

1. The establishments referred to in Article 2, paragraph 1, open to the public on the date of entry into force of this decree, shall comply, within 2 years from the same date, with the provisions of this decree.

## **Article 11 - Final provisions**

1. This decree does not affect the powers of supervision provided for in Article 24 of the Veterinary Police Regulation adopted by Decree of the President of the Republic of 8 February 1954, n. 320, as well as the powers exercised pursuant to article 70, paragraph 1, letter b), of the legislative decree 31 March 1998, n. 112, and subsequent modifications.

2. Without prejudice to the provisions of the law of 7 February 1992, n. 150, the special statute regions and the autonomous provinces of Trento and Bolzano provide for the purposes of the present decree within the sphere of their responsibilities under the special statutes and the related implementing rules.

3. By decree of the Minister of the Environment and the Protection of the Territory, in agreement with the Ministers of Health and Agricultural and forestry policies, the annexes to the present decree are modified, also in order to adapt them to the changes made at European level.

This decree, bearing the seal of the State, will be included in the official collection of legal acts of the Italian Republic. It is obligatory for anyone to observe it and to make it observed.

**ADDENDUM 1**  
**[article 3, paragraph 1, letter e)]**

**ANIMAL CARE – WELL BEING – HEALTH AND HYGIENE**

**A) Routine observations on animals**

1. The health conditions of the animals must be checked daily by the staff in charge.
2. Any animal in stress conditions, sick or injured must receive immediate care and attention from the veterinarian.
3. The realization of shows, concerts and artistic performances can only take place in special places, far from the enclosures of the animals and soundproofed so as not to disturb the animals themselves.
4. The presence of amusement park equipment is allowed only in areas distinct from those intended for the maintenance, custody and public exposure of animals in the zoo.
5. Visitors can access to the zoo by private vehicles only on pre-arranged routes, in order to avoid disturbing the animals.

**B) Environments for animals - Space, needs for movement and life in social groups.**

1. Animals must be housed in enclosures or pools that, both from the point of view of space and environmental enrichment, allow adequate movement and physical exercise, as required for the wellbeing of the species to which they belong.
2. Enclosures or pools must be of sufficient size and the animals must be managed in order to:
  - a) prevent animals living in packs or social groups from being subject to the dominance of a single individual, with mechanisms and behaviours that are not natural for the species;
  - b) avoid the persistence of conflicts between packs or members of the pack or between different species, in the case of mixed exhibits;
  - c) ensure that the resistance and capacity of the enclosure or pool are well correlated with the containment of the individual species;
  - d) prevent the spread of parasites or pathogens.
3. Animals should not be induced to take unnatural attitudes to the species for the amusement of the public.
4. Animals to be housed in adjacent enclosures or pools, from which they can be seen, must be chosen from specimens or species that do not interact in such a way as to create strong stressful situations.
5. Separate enclosures or pools must always be available for pregnant or nursing females, so as to avoid situations of stress or suffering where necessary. The lodging or transfer of pregnant or lactating females to these enclosures or pools must be carried out exclusively on the basis of a prescription from the veterinarian or aquarium curator.

**C) Environments for animals – Comfort and well being**

1. The temperature, ventilation and light of the enclosures must be suitable for the comfort and well-being of each animal of each species at any time of its life. In particular:
  - a) due consideration must be given to the needs of pregnant females or females close to delivery and new-born animals;

- b) it must be kept in mind that the acclimatization of the animals recently introduced in the zoo is a slow and gradual process;
- c) the aquatic animal pools must be adequately ventilated, and the water conditions must comply with the standards required for the welfare of the various species.

2. The external enclosures must be equipped with shelters from rain or excessive sun, where it is necessary for the welfare of the species.

#### **D) Environmental enrichment of the enclosures and pools**

1. Animals enclosures or pools must be enriched, depending on the needs of the species they host, with bedding materials, interwoven branches, burrows, nest boxes, pools and, in the case of aquatic animals, materials such as plants, small stones or other suitable structures.

#### **E) Prevention of the stress and physical injuries of the animals**

1. Enclosures, pools and fences must be kept in conditions that do not allow any risk of injury or other damage to the animals. In particular:

- a) any defect detected in the fence of the enclosure or in the pool or in the equipment inside it must be repaired or replaced immediately;
- b) any defect that may cause physical injury to the animals must be immediately removed. If this is not possible, the animals must be prevented from coming into contact with the source of the danger;
- c) any plant that may represent a risk to the physical integrity of the animals should be removed immediately.

2. All plants and permanent equipment of the enclosure or pools, including the electrical installation, must be installed in such a way that they cannot be damaged or put out of use by the animals and that do not create any danger to the animals themselves.

3. The garbage and waste materials must be removed regularly from the enclosures and pools of the animals in order to avoid any possible damage.

4. Trees in or near the enclosures must be regularly inspected and pruned or, where necessary, cut down, to reduce the risk that the branches, by breaking, may injure the animals or that the latter may use the fallen trees as a means to escape.

5. The staff must be prohibited from smoking while working near the animals or while preparing food rations.

6. Animals must be handled only by authorized staff or under its supervision. These operations must be carried out with care, avoiding stress or endangering of the good psycho-physical state of the animals.

7. Any direct physical contact between animals and the public must take place under the supervision of technical staff and for a duration that respects the welfare of the animals.

#### **F) Food and drinks**

1. Food and drinks given to animals must correspond, both from the point of view of nutritional value and quantity, to the needs of each individual species and each individual of that species, taking into consideration: the individual's general physical conditions, size and age; any special need for days of fasting; any hibernation period; any need for special diets for animals undergoing veterinary or pregnancy treatment, etc.

2. The indications of the veterinarian or a specialist in the sector must be taken into account for all aspects concerning animal nutrition.
3. Food and drinks must be stored, prepared and administered to animals in compliance with hygiene standards.
4. Food and drinks must be offered taking the utmost account of the natural behaviour of animals, especially the social behaviour; when containers or food troughs are used, they must be placed in the enclosure in such a way that each animal can access it.
5. Any public contribution of food or drinks is prohibited.

### **G) Health aspects and disease control**

1. Proper hygiene standards must be maintained, both to guarantee the hygiene of the staff and of the enclosures and of the animal clinics. In particular:
  - a) special attention must be paid to the cleaning of the enclosures and pools of the animals and internal equipment, in order to reduce the risk of spreading of diseases. In the case of aquatic animals, this procedure must include regular monitoring of water quality;
  - b) non-toxic detergents, water and all that is needed to use them must always be available;
  - c) if an infectious disease is identified on an animal, it is necessary to obtain the opinion of the veterinarian and to respect his instructions for cleaning and disinfecting the enclosures.
2. Enclosures' drainage must be done in such a way as to be able to easily remove the excess water.
3. The animals must not have access to drainage vents.
4. Waste materials must be regularly removed.
5. A safe and effective program of control of invasive animals must be implemented and, where necessary, animals that can control them must be kept in the zoo.
6. The staff of zoos or aquariums working in direct contact with animals should be instructed to immediately notify if they have contracted an infection or if they have come into contact with someone who may have transmitted it to them. In this case, the management must take appropriate measures to protect the health of animals and operators.
7. The staff of zoos or aquariums working in direct contact with the animals must be instructed to communicate, with a guarantee of confidentiality, any reason that may prevent him to deal with the animals safely and competently.

### **H) Criteria and minimum requirements necessary for the keeping in captivity and for the transport and transfer of specimens of dolphins belonging to the species *Tursiops truncatus***

1. The keeping in captivity of specimens belonging to the species *Tursiops truncatus* is allowed only if the following breeding program is guaranteed:
  - a) participating in an international stud-book and a breeding program;
  - b) collecting, as a routine, data related to the behaviour of all animals before, during and after reproduction (the analysis of these data, together with information on maintenance, must be made available at the request of the CITES scientific authority);
  - c) contributing to the knowledge of physiology, reproduction, anatomy and to the studies on the genetics of cetaceans. Cooperating with other structures in the exchange of other information and experiences, in order to contribute to the standardization of operational methods.

2. The pools must be reserved for bottlenose dolphins and not used for other purposes.
3. The pools must be constructed with materials with durable, non-toxic, non-porous, impermeable finishes in such a way as to facilitate appropriate cleaning and disinfection; furthermore, they must be designed in such a way as to minimize the transmission in the pool of sounds coming from the outside and of reverberation sounds produced inside the pool by the animals themselves.
4. In order to provide sufficient space, both horizontal and vertical, to allow the animals to perform motor activities, to protect them from unwanted dominances or conflicts and to respond to any other need, the pools must have at least the minimum dimensions indicated in the following paragraph.
5. The minimum area of the pool must be at least of 400 square meters for groups of up to 5 specimens; it must provide a main sector of at least 275 square meters connected to a secondary sector at least of 125 square meters; a further 100 square meters shall be required for each additional specimen; the group must have access at all times to at least the whole minimum area indicated, unless otherwise decided by the veterinarian or the responsible curator.
6. In any point, the minimum horizontal size of the pool may not be inferior of 7 meters to the diameter of the widest circle which may be contained in that pool.
7. In the pool, the water depth must never be less than 3.5 meters and must have a minimum depth of 4.5 meters for at least half of the total surface of the pool.
8. The minimum volume of water for the entire pool, for groups of up to 5 specimens, must not be less than 1,600 cubic meters; a further 400 cubic meters are required for each additional specimen.
9. The pool must be designed to provide a safe environment, free of obstacles that may cause injuries to the specimens and set up in such a way as to provide a stimulating environment that helps and encourages a normal behavioural repertoire of the specimens.
10. To facilitate handling and care, all facilities must be equipped with pools for the veterinary treatment of the specimens. Such pools may be smaller than the minimum size and must be physically isolated from those used for maintenance, to prevent transmission of pathogens; in addition, they must have an independent water filtration system.
11. Any scientific research project that requires temporary changes to the structure or of keeping procedures of the specimens must be submitted to the CITES Managing Authority, which requires, for this purpose, the opinion of the CITES Scientific Authority.
12. The specimens may be isolated in the secondary areas of the pool only briefly, with the exception of specific veterinary prescription.
13. The free space above the indoor pool must be at least 7 meters, and the free space above the pools for veterinary treatment may be limited to 2.5 meters.
14. Compatible specimens should not be kept separate, except those temporarily maintained in isolation on the basis of veterinary advice (a compatibility assessment can be made on the basis of objective measurements of the behaviour of the specimens). Specimens that are not compatible should not be housed in the same pool. No specimen should be kept alone, except for health reasons.
15. Indoor accommodation (indoor, under cover) must have adequate ventilation of fresh air to ensure a high quality of air. The air must have a low and harmless level of suspended particles (dust), a relative humidity from 55 to 65% and an optimum ambient temperature of 15-24 ° C.

16. Measurements must be taken to ensure that there are no exhalations around the pool due to chemical treatments of water or to other sources that may be harmful to the health of the specimens.

17. Lighting must be adequate for routine health checks, hygiene checks and cleaning procedures. The light, if it is artificial, must be of a spectrum as close as possible to that of sunlight and, in any case, must guarantee periods of light and dark coinciding with the seasonal variations of the location in which the dolphins are housed; artificial light must be of an intensity that does not cause discomfort or suffering to the specimens. Dolphins in outdoor pools must in any case have areas of shade. In particular, areas of lower depth shall have wide areas of shade.

18. Dolphins shall preferably be kept in open air as long as air temperature fluctuations are unlikely to create health and / or wellbeing problems for the specimens. However, sudden changes in water temperature must be avoided.

19. The pools must not contain water that could be harmful to the health of the dolphins; the water must be transparent, colourless and odourless.

20. The quantity of coliform bacteria in the pool must not exceed 500 colonies per 1000 ml of water; this check must be carried out at least every 7 days. The presence of fungi and pesticidal agents and the quantity of nitrogen compounds must always be kept under control and at a level that does not constitute a danger for the health of dolphins.

21. All residues (remains of food, faeces, dirt, algae, fungi, etc.) must be removed from the tank thanks to the equipment for water treatment and filters, to prevent contamination and infections; the filters must be backwashed sufficiently often in order to guarantee the quality of the water; appropriate provisions must be in place to dispose of these residues.

22. All pools must be designed in such a way that there are no areas with inadequate water circulation; the pools must be tested before use, and every year it must be verified that there is complete water circulation in all areas; any problem must be resolved immediately.

23. All pools must be designed so that they can be emptied quickly. The facilities adjacent to the pool must be constructed so as to facilitate the proper cleaning, disinfection and emptying of the pool and must be structured in such a way as to prevent the water used for this activity from entering or re-entering the pools; waste water and water coming from the ground / roof must be kept separate from the pools. Pools for veterinary treatments must be designed so that they can be emptied in 15 minutes.

24. Precautions must be taken to prevent foreign objects from entering the pools; the pools must be checked at least twice a day.

25. The water in the pools must meet the following requirements:

a) the temperature must be kept between 10 and 28°C;

b) the pH must be maintained between 7.4 and 8.5 (optimal level 7.8);

c) the salinity must be maintained within the normal values of sea water and, in particular, for sodium chloride (NaCl) between 15 and 36 grams.

If the water in the pools is taken from the sea, the quality status at the collection site cannot be less than "good" according to the classification provided by Legislative Decree 3 April 2006, n. 152, and must be certified by periodic monitoring by the competent authorities.

26. The values of water temperature, pH, salinity, oxidizing agents, their by-products, free and combined chlorine, must be checked at least 3 times a day and preferably monitored continuously; in any case, the analytical results must be recorded and made available at any time for potential inspections. Any variation of parameters beyond the permitted limits must be promptly corrected. In

order to maintain the necessary hygienic conditions, the total recirculation time of the water in the pools must not exceed 5 hours. The water used for the pools must be kept separate from waste water and water coming from the ground / roof. Emergency plans must always be implemented to deal with pollution of the water source used. Purification and disinfection methods must be used to promote a natural marine habitat and safeguard the health and wellbeing of the specimens. When seawater is used in the pools, it is necessary to realise in advance suitable filtering and treatment with U.V.

27. No object, furniture, apparatus, decoration, plants or anything that could be harmful or could interfere with the welfare of the dolphins or with an efficient maintenance of the establishment can be kept or may remain in the pools and / or in their immediate vicinity.

28. The dolphin pools must be kept in good condition; particular attention must be paid during construction and maintenance works, so that the animals are not exposed to excessive noise, or that foreign bodies and / or other materials do not fall into the pools or are left unattended in the immediate vicinity of the pools.

29. The stocks of water, energy, fuel and food must be adequate and sufficient to maintain the conditions necessary for the welfare of the dolphins under all circumstances. In addition, alternative provisions must be available in case of emergency.

30. Alternative arrangements must be provided in advance in which the animals can be transferred in the event of facilities malfunction. Such arrangements must be approved by the CITES Managing Authority and each transfer must be notified in advance to the same Authority. In the event of an emergency, communication must be made, with appropriate justification, within 24 hours of the transfer.

31. Establishments must also include pre-established plans to address each foreseeable problem, including Union actions and financial difficulties that could endanger the wellbeing of the dolphins.

32. The handling of the dolphins must be kept at a minimum level and must be carried out as quickly and carefully as possible, so as not to cause unnecessary inconvenience, overheating, behavioural stress or physical injury and should only be carried out by experienced staff.

33. Dolphins must be trained to cooperate with handling and normal veterinary procedures. During such procedures, methods of training risky or harmful for the psycho-physical balance of the specimens must be avoided.

34. Dolphins can only be removed from the water when absolutely necessary and only in the presence of the veterinarian of the facility or the responsible curator, further to the indications of the veterinary pending his arrival.

35. Where demonstrations are held, they must be based only on the natural behaviour of the animal. Demonstrations must be varied and performed using different combinations of specimens for different demonstrations; the group of specimens must be simultaneously guaranteed one day a week exempt from demonstrations. In any case, considering the needs of the species, it must always be assured a level of interaction with the staff in charge such as to ensure in all periods of the year a permanent opportunity to play and exercise. Training must only be carried out under the supervision of experienced trainers and must include only collaborative exercises between animals and trainers motivated by the technique of positive reinforcement not exclusively by food, as well as by exercises aimed at developing the specific sensory and attitudinal capacities of the species. The last meal of the day should be given to the animals after the demonstrations have been concluded, in an environment free of external disturbance and without requiring them to carry out exercises.

36. Dolphins must be protected from excessive noise, including noise coming from irregular impulses; the noise level must be kept as low as possible, so as not to constitute a danger to the health and wellbeing of the dolphins.

37. Only the trainer is authorized to swim with the dolphins. The veterinarian, biologist and curator are authorized to dive with the dolphins in order to provide for their care or to inspect the facilities. Other individuals may be authorized, for scientific purposes, by the CITES Managing Authority, after consultation with the CITES Scientific Authority.

May also enter the pools individuals participating in educational or public awareness activities about the conservation of the biodiversity with dolphins, in the framework of specific initiatives scheduled within the establishments with zoo license that hold dolphins, provided that the veterinarian of the establishment, experienced and with specific health and ethological knowledge of the species, preventively ascertains the health and behavioural suitability of the dolphins concerned and periodically monitors their health and wellbeing conditions, reporting this information in the register mentioned in Annex 2, letter C), paragraph 4, of Legislative Decree 21 March 2005, n. 73.

These programs must be communicated in advance to the Ministry of the Environment, to the Ministry of Health, as well as to the *Arma dei Carabinieri* for their respective competences.

The planned educational and public awareness activities cannot start before the expiration of the 30 days term from such communication.

Entering in the pool is also authorized to the staff involved in cleaning, disinfecting and maintenance operations, provided that they are accompanied by the competent employees or collaborators of the establishment.



38. Dolphins should not be fed by the public, nor should they enter physical contact with the same. During any demonstration, surveillance must be continuous to prevent visitors from having physical contact with the specimens or throwing objects into the pools.

39. Access to service areas is forbidden to visitors. Except where allowed by provisions of paragraph 37, access to maintenance pools is also forbidden to visitors.



40. The food supplied to the dolphins must be of adequate quantity and of a quality suitable for human consumption and with sufficient nutritional values to keep the specimens healthy. Fish given as food must be predominantly whole.

41. All chemical and bacterial contaminations should be avoided during the preparation of the food. The places of preparation must have good and controlled sanitary conditions. Frozen fish must be stored at -18°C used within 4 months in the case of mackerel and 7 months in the case of other species. Defrosted products must be kept refrigerated for a reasonable time before consumption. All food must be administered within 24 hours from its removal from the freezer or disposed of. The food to be eliminated must not be maintained, even temporarily, in areas dedicated to the deposit of food to be administered.



42. Dolphins must be fed at least twice a day (except on different veterinary advice).

43. The diet must be compliant with the nutritional needs of the species and must be suitable and varied according to the particular characteristics and conditions of each individual (age, size, weight, gestation, physical conditions, etc.).

44. The individual feeding of each specimen must be guaranteed. The administration of the food must be done by a qualified person able to evaluate the differences and variations in the eating habits of the dolphins, in order to ensure their good health.

45. Sufficiently qualified employees must be hired in order to constantly maintain the required management level: they must have a good knowledge of the biology, eco-ethology, conservation and keeping of cetaceans in captivity.

46. Staff must be trained on the theory and practice of water treatment to be used and on the conditions of maintenance of the pools. Water treatment protocols must be made known to the authorities and must always be easily available to staff and possible inspections.

47. The establishment must identify, in its own area, a person responsible for the keeping and the health of the dolphins. This person must have a documented professionalism in the field of the study and the keeping in captivity of the dolphins.

48. Staff must be encouraged to improve its knowledge and professional skills through approved courses of improvement.

49. Without prejudice to the provisions of the Decree of the Minister of the Environment of 3 May 2001 "Establishment of the register of possession of specimens of animal and plant species" and subsequent amendments and additions, the establishments shall use, where possible, the ISIS-ARKS system and integrate the information required by the Decree of 3 May 2001 with data sheets containing the following data:

a) estimated age and relative method used for the estimate;

b) colour photographs showing the dolphins in the different projections, highlighting the distinctive signs, the latter possibly also depicted;

c) clinical data, including details of dates and treatments administered, results of routine health checks and health reports;

d) growth and development, including length and weight measurements and any offspring;

e) behaviour and social status, specifying any incompatibilities;

f) temperament and response to training and handling;

g) date of death and results of post-mortem examinations;

h) individual identification of the specimens through microchips and genetic analyses.

50. Except in cases of emergency, only the dolphins judged by an experienced veterinary who are fit to bear the trip may be transported.

51. At least 2 appropriately trained persons must accompany each delivery and each person in charge must have no more than 2 dolphins under their care. At least one of the two persons must be a member of the staff of the establishment where the dolphin comes from. The transported animal must be assisted in all the transfer operations by a veterinary expert in bottle nose dolphins.

52. Dolphins must not be kept in transport boxes for periods longer than 24 hours; journeys longer than this period may be carried out on the basis of veterinary opinion and under his supervision.

53. For all transports, suitable accommodation must be identified in advance at strategic points along the route, in order to temporarily accommodate the dolphins in case of problems.

54. All transport must be carried out in accordance with the indications provided by the IATA regulation for live animals, even if this transport takes place by means other than aircraft.

**ADDENDUM 2**  
**[article 3, paragraph 1, letter f)]**

**A) Animal care – veterinary aspects**

1. Routine veterinary assistance must be ensured.
2. A veterinary care program must be provided, it shall be implemented under the supervision of a veterinary expert.
3. Routine examinations shall be carried out on the advice of veterinary experts, including checks on the parasites. Preventive medicine interventions, such as vaccinations, must be performed at regular intervals, always on the advice of the veterinarian.
4. The zoo must guarantee adequate 24-hour veterinary assistance during the whole week. Where the zoo has a full-time veterinary service, the facilities used must include: an operating table; surgical instruments; anaesthesia equipment; basic diagnostic tools; electricity sockets for light and other electrical accessories; tools for collecting blood and other samples, to prepare them and send them to the laboratories; a sufficient quantity of tranquilizers and anaesthetics products.
5. One or more room must be available for the care of injured, sick or stressed animals. There also must be facilities for the artificial breeding of animals.
6. There must be facilities for the collection, the control and, if necessary, the administration of anaesthetics, for euthanasia and for the potential hospitalization of terrestrial animals further to their awakening from anaesthesia.
7. There must be an environment, away from other animals, for isolation and control of the newly arrived animals.
8. Newly arrived animals must be kept under control for the time considered necessary by the veterinarian and by the curator, before being inserted with the others.
9. Particular attention must be paid to the hygiene of the lodgings or the pools where these animals are isolated or quarantined.
10. Where possible, staff should wear protective clothing and have tools to be used exclusively in isolated areas.
11. All sedatives, vaccines and other veterinary products must be stored in safe locations with access allowed only to staff.
12. Unless under specific instructions from the veterinarian, the zoo staff must not hold or administer sedatives.
13. The management of the zoo must concert with the local veterinary consultant if it is preferable to preserve the antidotes of poisons or toxic veterinary products at the zoo, at a local hospital or at the veterinarian clinic.
14. All infected or dangerous veterinary equipment must be kept safe:
  - (a) such equipment must be left in places not accessible to animals or staff unauthorized to handle them;
  - b) instruments that can sting, such as needles and syringes, must be stored in rigid containers or incinerated after use.

## B) Post-mortem protocol

1. Dead animals must be handled in such a way as to avoid any risk of infection.
2. Where possible, the causes of death of each animal in the zoo must always be identified. This can be achieved, in most cases, by an autopsy performed by a veterinarian expert or pathologist, with considerable experience and specific training.
3. In case it is not possible to quickly transfer the carcasses to a veterinary laboratory outside the zoo, internal rooms must be organized, where post-mortem examinations can be carried out in the respect of hygiene and safety. If it is not possible to carry out the latter examinations immediately after the death of the animals, a special freezer should be available, in order to store the carcass or tissue samples taken, pending transfer in airtight containers to a specialized laboratory.
4. The tools necessary for carrying out post-mortem examinations and the characteristics of the premises referred to in previous point must include: an efficient drainage system; walls and washable floors; an autopsy table; a set of specific tools for post mortem examinations; adequate containers for the storage of samples taken and, in the case of large animals, a freight elevator.
5. After the necessary post-mortem investigations, the removal of carcasses and internal organs must be done quickly, under good conditions of health security.

## C) Tursiops truncatus dolphins care – veterinary aspects

1. A program of measures for the prevention of diseases must be established by the veterinary. In any case, routine examinations must be performed at least twice a year in the case of specimens in apparent good health. In order to protect the health and welfare of the animals, the Ministry of Environment and Protection of the Territory and Sea may require specific investigations on the animals.
2. Qualified staff must draw up daily a report on the health of each dolphin. Any health problem must be promptly reported to the responsible veterinarian.
3. Dolphins coming from other locations must be kept separate from other specimens until it is established that they are in good health. The quarantine pool must have a filtration system completely separate and equipment distinct from those used for normal maintenance shall be used.
4. A manager, appointed by the administration of the dolphinarium, must keep a register mentioning the state of health of each dolphin. This register must always be available for potential investigations and sent monthly to the Ministry of the Environment and Protection of the Territory and Sea in a non-editable format.
5. An accurate autopsy eventually including any investigation necessary to scope the causes of death must be carried out. The notification of the death must be sent to the competent authorities within 24 hours. The result of the investigation and conclusion on the causes of the death drawn up by the anatomo-pathologist veterinary shall be communicated within 60 days following the death.
6. All documentation regarding the specimens of *Tursiops truncatus* species must be written or translated into Italian.

**ADDENDUM 3**  
**[article 3, paragraph 1, letters g) and h)]**

**PROTECTION AND SAFETY**

**A) Enclosures**

1. Except under the direct control of authorized staff, animals on display must be kept in their enclosures. In zoos where specimens of non-dangerous species circulate freely, animals on display must be kept in the perimeter of the zoo.

**B) Fences of the enclosures**

1. Fences of the enclosures must be designed, constructed and maintained in such a way that each species is suitably kept in its enclosure. The following measures - or equally effective alternatives - must be applied to animals that are in their definitive enclosures as well as animals that are in temporary enclosures:

(a) dangerous animals that can jump or climb must be kept in closed enclosures with nets or walls including on the ceiling or in enclosures constructed in such a way as to prevent animals from climbing or jumping across the fences. Alternatively the enclosures can be surrounded by moats filled with water and a balustrade on the public side, sufficiently high to prevent the escape of the animals;

(b) burrowing animals must be kept in enclosures constructed in such a way as to prevent them from escaping;

(c) fences of the enclosures must be fixed to supports firmly attached to the ground. Fences material (for example horizontally stretched metal wires, electrified wires, nets, etc.) must be welded on the inside of the supports in order to prevent animals from removing them with their weight

(d) the moats, dry or with water, that eventually surround the enclosures with dangerous animals must be limited by nets, walls, hedges or other bushes so that the public does not get too close to the moat's edge.

2. The doors/gates of the enclosures must be as strong and as suitable to contain the animals as the rest of the fence. In particular, doors must be designed and constructed in such a way that the animals cannot break them or break any safety device.

3. The doors of the enclosures with dangerous animals must be locked.

4. The doors of the enclosures in which the public is not allowed, including enclosures containing non-dangerous animals, must be closed to prevent opening by unauthorized persons.

5. The doors of the enclosures in which the public is admitted and any other enclosure or separation fences must be designed and constructed in such a way that they may not trap or be dangerous to visitors, in particular to children.

6. Aquatic animals pools must be designed in such a way as to prevent any danger for animals or visitors.

**C) Separation fences between the public and animals**

1. Wherever there could be a direct contact between visitors and dangerous animals, through or above the enclosure, a separation fence must be installed taking into consideration the level of dangerousness of the animal in order to prevent any such contact.

2. Fences for the public must be designed in such a way that young children cannot cross them. The upper edge of the fence must be designed in such a way as to discourage children from sitting on it while avoiding the use of sharp or dangerous materials.

3. If any "tactile pool" is implemented for direct contact with some aquatic animals, these pools must be constructed in such a way as to provide large spaces to the animals in which they cannot be reached by the public.

#### **D) Perimeter enclosures**

1. The perimeter enclosures and points of access to the zoo must be designed, constructed and kept in such a way as to discourage the entry of unauthorized persons and as far as possible to contribute to keep the animals within the boundaries of the zoo.

2. Perimeter enclosures cannot be electrified except above 2 meters from the ground, except if the perimeter enclosure is part of the normal fence of an enclosure and cannot be reached by visitors.

#### **E) Danger signs for the public**

1. In addition to protection fences for visitors, enclosures with dangerous animals must have an appropriate number of visible signs to warn the public on the risk of crossing the fences through a symbol, a written message or a combination of both.

2. Electrified fence must be marked with an appropriate number of signs complying with the local legislation on the subject in order to warn the public from danger through symbols or combination of symbols and words.

3. The warning signs of electrified enclosures must be exposed both on the inside and outside of the enclosures.

#### **F) Exits**

1. The zoo must be equipped with a number of exits well-proportioned to its size and its number of visitors, also taking into consideration the fact that in case of emergency they could exit quickly.

2. The exits must be clearly indicated and well-marked.

3. Each exit of the zoo must be kept free and must be easily opened from the inside in order to allow people to leave the zoo. All exits must be able to be closed securely to prevent the escape of animals.

#### **G) Enclosures accessible to vehicles**

1. If dangerous carnivorous animals are kept in enclosures where visitors can access by vehicles, entrances and exits must have a system of double gates, sufficiently distant one from another to enable closure in front of and behind every entering car.

2. In the case of dangerous carnivorous animals, the access gates must be protected by a barrier placed at right angle of the perimeter on each side of the road leading to the enclosure. This barrier protection must comply with the same standards as that of the main enclosure and must be at least 25 meters distant from the access gate.

3. Double gates must be designed and maintained in such a way that when the dangerous carnivorous animals enter in the enclosure, a gate cannot be opened before the other has been firmly closed. This double-gate structure can also be used in the event of an emergency, where it is obvious that this does not constitute a danger to the public.

4. For other groups of dangerous animals, a single entry / exit gate is sufficient and must be constantly monitored, except for herbivores and ungulates, for which an enclosure for domestic bovids is sufficient.
5. Access points between enclosures must be controlled in order to prevent animals from entering adjacent enclosures.
6. Electric locking systems, if any, must be designed and installed in such a way as to ensure that, in the event of a system failure, the gates close automatically and the animals remain inside the enclosures.
7. Gates that are mechanically driven must have an alternative control method and it must be possible to open and close them manually in the event of a power failure or in other emergency cases. They must also be designed in such a way that they automatically close in case of necessity.
8. Operators assigned to the gates with mechanical opening must have full visibility of the gate and the surrounding area during the manoeuvre.
9. A one-way road system must be applied in order to facilitate traffic flow and reduce the risk of accidents.
10. Cars may be allowed to stop only in sections where the road is at least 6 meters wide.
11. With regard to the areas where dangerous carnivores and primates are kept, unless the area is constantly supervised by the staff, it must be ensured that:
  - (a) no vehicle is authorized to enter if a vehicle of the zoo is not available for immediate rescue in case of danger,
  - (b) access to these areas is forbidden to cars which do not have a rigid roof.
12. Visible and clearly understandable signs must warn the visitors to:
  - (a) stay in the vehicle for the entire time of the visit;
  - (b) keep the car doors closed;
  - (c) keep the windows and the sunroof of the car closed;
  - (d) sound the horn or flash the headlights in case of malfunction and wait shut inside the car for the arrival of a rescue vehicle of the zoo.
13. The entire area occupied by the enclosures of dangerous animals must be constantly monitored.
14. Staff members responsible for this supervision must be equipped with firearms and specially trained so that in an emergency situation they are able to kill an animal, if this saves a person's life.

#### **H) Transfers of animals from their enclosures**

1. Dangerous animals cannot be brought out of their enclosure to be put into contact with the public, unless the operators in charge consider that these animals are not at risk of creating danger or transmitting diseases, under controlled conditions.
2. When a dangerous animal is taken out of its enclosure, it must always be accompanied by a specially authorized expert staff member.
3. Zoo operators should use caution when moving animals from their own enclosures even when they are not dangerous species as the behaviour of any animal can become unpredictable when it is placed in another enclosure or in unusual situations.

4. When animals are carried around inside the zoo, for example in the “walk of Indian elephants”, every caution must be taken to protect the safety of the public.

#### **I) Escape of animals from their enclosures**

1. Zoo operators must be able to determine what danger may arise from the escape of an animal from its enclosure and must consider what are the possible escape routes from the fence or from the zoo.

2. Emergency plans must be drawn up to be followed in the event of an escape of animals. Such plans must be known to the staff who must understand them thoroughly and practice them.

3. A staff member with the authority to make the decision to anesthetize an animal escaped or to shoot it down after having checked all the alternatives to the suppression must always be available.

4. Every employee who has a role in the emergency procedures will have to follow courses of practice and updating.

#### **L) Safety for visitors**

1. Buildings, facilities and areas open to the public must be kept in safe conditions.

2. Trees that are in areas where visitors stop or walk must be regularly inspected, pruned or, where necessary, cut, to prevent broken branches from hitting or hurting visitors.

3. It is necessary to pay attention to all places, such as ditches or pools of water, where visitors can fall. Where necessary, these places must be surrounded by a barrier that prevents children to fall.

4. Any walkway, which passes through an animal enclosure from above, must be designed and built with assessment of the extent of weight of people that may access it. It must also be made in such a way as to avoid any contact with dangerous animals.

5. Entry into any building or area that may be dangerous for health or safety must be prohibited to the public.

6. The buildings indicated in the previous paragraph must be kept locked. Adequate signalization must warn the public of the danger and of the interdiction of access.

7. Barriers or warning signs must also be used in areas or on roads along which staff must pass frequently with vehicles.

#### **M) Emergency – First aid**

1. Equipment and written instructions for first aid must be easily accessible and understandable.

2. Appropriate non-expired antidotes must be stored correctly as indicated on the instructions in the zoo where poisonous animals are present.

3. Staff members must be instructed in writing about the procedures to be followed if a venomous animal bites a visitor. These instructions must include:

(a) immediate procedures for patient care;

(b) information to be sent to the local hospital through a form. This form must mention:

1) the nature of the bite or sting and the species of the animal that has inflicted it;

- 2) the name of the antidote administered to the patient, if a booster dose of the antidote is necessary;
- 3) the telephone number of the nearest poison control center;
- 4) the telephone number of the zoo.

**ADDENDUM 4**  
**[article 4, paragraph 1]**

**LICENSING PROCEDURE**

**A) Application for licensing**

1. The legal representative of the applicant, ~~within 180 days from the date of entry into force of the present regulation,~~ will send to the Ministry of the Environment and Protection of the Territory an application for the delivery of the license, by post, by registered letter with acknowledgment of receipt with the following documentation:

- a) the location and the size of the zoo area, with the exact name of the municipality or of the municipalities concerned;
- b) plans of the zoo area indicating animals keeping facilities ;
- c) the list of animals kept, specifying the species and sex;
- d) the list of animals keeping facilities, indicating for each of them the architectural characteristics, the construction materials, the dimensions and the animals for which they are intended;
- e) the list of technical and administrative staff, specifying their skills in the management of the establishment and of the preserved specimens;
- f) the documentation relating to the possession of the requirements set forth in art. 3.

**B) Preliminary investigation for the licensing**

1. The Ministry of the Environment and Protection of the Territory shall verify the regularity of the documentation attached to the application referred to in paragraph 1 of letter A). If further to the examination of the documentation the establishment seems compliant with the provisions of the same art. 3, the Ministry orders a special on-site inspection pursuant to art. 6 in order to ascertain the effective possession of the requirements provided for in art. 3, and draws up minutes in view of the adoption of the decree referred to in art. 4, paragraph 1.

2. The preliminary investigation is carried out within 180 days from the receipt of the application request referred to in paragraph 1 of the letter A).

3. The request for additional documentation to be produced by the applicant suspends the terms of the administrative procedure.

**C) Delivery of the license**

1. In case of success of the preliminary investigation referred to in paragraph 2, the Ministry of the Environment and Protection of the Territory grants the license referred to in art. 4, paragraph 1.