

Dangerous Dogs Law for the State of Bavaria

The attacks of dangerous dogs on people – in some cases with fatal results – required a law for the fight of dangerous dogs. The law on “Restrictions for the Introduction and Importation of Dogs” came into force 21 April 2001 in Germany and applies to everyone living in-country (exception: dogs coming to Germany for less than 4 weeks on vacation or transit) whether they are a German citizen or not. This includes U.S. military personnel, civilian employees and their family members who either reside on a U.S. military installation or on the German economy. According to this law, certain breeds deemed as dangerous as well as cross breeds among them or with other dogs must not be introduced or imported into Germany. Breeding these dogs is also not authorized. All German states adopted these strict dangerous dog rules with each state differing little in their laws. On 1 November 2002 the state of Bavaria enacted the law against dangerous dogs and lists two classes of dangerous dogs.

Class 1 Dogs

Class 1 dogs are presumed by law to always be dangerous, based on their race because the said race is characterized by an enormous tendency to bite at a low level of provocation. The following breeds are considered Class 1 and are not allowed to be imported into Bavaria. Pure or cross breed dogs of those breeds were used as fighting dogs and some people still use them for this purpose, which is illegal.

The following Dogs fall into the Class 1 Category:

AMERICAN STAFFORDSHIRE TERRIER
BANDOG
PIT-BULL TERRIER
STAFFORDSHIRE BULL TERRIER
TOSA-INU

(Or any dog mixed with any breed listed above)

Class 2 Dogs

Class 2 dogs are presumed to be dangerous and aggressive, unless proof (temperament test) is provided that the individual dog does not possess any increased aggressiveness or danger for humans and animals. The following breeds and their crosses belong to Class 2. They can be brought to Bavaria but certain steps are necessary for registration with local German authorities.

The following Dogs fall into the Class 2 Category:

ALANO
AMERICAN BULLDOG
BULLMASTIFF
BULL TERRIOR
CANE CORSO (ITALIAN MASTIFF/ITALIAN CORSO DOG)
DOGO ARGENTINO
DOGUE de BORDEUX
FILA BRASILEIRO
MASTIFF
MASTINO NAPOLETANO
MASTIN ESPANOL
DOGO CANARIO (PERRO de PRESA CANARIO)
ROTTWEILER
PERRO de PRESA MALLORQUIN (CA de BOU)

(Or any dog mixed with any breed listed above)

Class 2 Dogs must be temperament tested at your expense by authorized/licensed personnel regarding their potential increased aggressiveness. There is a charge for this testing (approx. 200 Euro per dog). The dog must be at least 9 months old to be temperament tested. The licensed person will decide if the dog is mature enough to be tested.

The test will cover, among other things, the following subjects:

- How does the dog react to strangers: approach and touch?
- How does the dog respond to other animals, running kids, joggers, or when playing ball?
- Is the dog disobedient or dominant to the owner?
- Is the owner in control of the dog?
- How does the dog owner treat his dog?
- Does the owner recognize mistakes in the dog's training?
- Has the dog been trained at all?

If the official dog test reveals no increased aggressiveness and danger toward people and animals, the dog can be kept in Bavaria. If the dog is found to be aggressive and a danger toward people, the dog is considered the same as the dogs in Class 1. Proving pedigree is the owner's responsibility. If the presumption that the dog is aggressive or dangerous cannot be overcome, then it has to be released to someone who is 'entitled' to have such a dog or the dog will be put to sleep. Another option would be sending the dog back to the US to friends or family at the owner's expense.

Registration

Owners of Class 1 dogs might be able to bring the dog to Bavaria if they have an import permit from their local German residence municipality prior to entering Germany. In order to receive this permit they need to provide a legitimate interest why they need to bring this dangerous dog into Germany, the owner has to have an aptitude test done, and the dog has to be temperament tested by a licensed specialist. However, experience has shown that the Bavarian government grants these exceptions very rarely. Owners of Class 1 and 2 dogs must register the animals immediately at the Office for Safety and Environment ('Amt für öffentliche Ordnung und Umweltfragen') a.k.a. Office of Law and Public Order ('Ordnungsamt') at their local German residence municipality. Registration costs vary between 25.00 and 50.00 Euro depending on the restrictions that go along with the permits for Class 1 and 2 dogs. Even if the dog is not old enough yet (less than 9 months old) to be temperament tested the owner needs to register the dog with their local German residence municipality immediately after arrival or acquisition. Failure to do so could result in a fine of up to 10,000 Euro. The local German residence municipality or the office for Safety and Environment will issue a temporary negative certificate (vorläufiges Negativzeugnis) until the dog is mature enough for temperament testing. After the temperament testing is performed, the owner will receive written test results from the licensed temperament testing administrator. The owner needs to take a copy of the results to their local German residence municipality in order to get a permanent negative certificate (endgültiges Negativzeugnis) which is good as long as no problems with the dog occur (e.g. signs of aggression, bite incidents, escaping). This negative certificate only applies to the tested dog and cannot be transferred to another dog.

In order to schedule the temperament testing, most dog experts require that the owner have liability insurance. You can obtain insurance through your household insurer. Full coverage including accidents and bites costs around 100 Euro per year.

It is also recommended that you have a certificate of completion of obedience school training to submit with your application.

The regulations governing the ownership of a dog lawfully deemed dangerous goes on to dictate to owners how they handle their animals in public. If the dog is lost or given into another person's care for more than four weeks, the owner is required to notify the appropriate local authority. In public areas, which include common areas in multi-family housing such as stairwells, dangerous dogs must be on a leash and wear a muzzle. However, the dog's owner(s) can ask for an exemption to the muzzle requirement if the dog poses no danger to public security. People walking dangerous dogs in public need to be at least 18 years old and physically capable of controlling the dog. Having said this, a person can only walk one dangerous dog at a time.

A packet containing all of the pertinent information for Dangerous Dogs can be picked up at our veterinary clinic or mailed to you.

If you have exhausted all means to keep your dog in Germany with you, you must either ship your dog back home, or have your dog euthanized.

Licensed Specialists to conduct Temperament Testing

Publicly appointed and sworn experts for dog temperament testing in the administrative region Mittelfranken of Franconia/Bavaria:

- Bernd Unger, Goethestr. 10, 91580 Petersaurach, Tel: 09872-956841, http://www.dogtrain-web.de/gutachter_hp.htm
- Erika Sebastian, Maximilianstr. 3, 90513 Zirndorf, Tel: 0911-6001725

Publicly appointed and sworn experts for dog temperament testing in the administrative region Oberpfalz of Bavaria:

- Johann Fruth, Gebertshofen 20, 92283 Lauterhofen, Tel: 09186-1531
- Reinhold Kober, Am Vogelherd 2 Frengkofen, 93090 Bach an der Donau, Tel: 0941-96085
- Michael Pahlke, Albert-Schweizer-Str. 11, 93128 Regenstauf, Tel: 0170-3568031, www.hundeschule-regensburg.de