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PRESS RELEASE

Attention Show judges and dog breeders who are interested in participating in the World Dog Show 2027

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Please find to follow a legal expertise report on the legal situation and case law in Austria regarding dog shows and cruel breeding. You may find it useful to learn more about the legal status in the run-up to the World Dog Show 2027 in Austria, so you can prepare accordingly.

The Austrian Animal Welfare Act (TSchG) prohibits, as a specific offence under the general ban on animal cruelty, breeding in such a way that heritable, persistent and significant burdens are foreseeable in the offspring (cruel breeding). It is further illegal under the TSchG to exhibit (hereinafter also referred to as 'the exhibition ban'), present, import, purchase, broker, transfer or depict for publicity purposes animals exhibiting symptoms or externally recognisable characteristics of cruel breeding.

Animal shows, mostly organised by breeding clubs and associations, play a significant role in the field of pedigree animal breeding. They influence breeding objectives and the demand for specific traits, and thus contribute to shaping the public image of the various breeds. Consequently, animals with externally recognisable characteristics of cruel breeding must not be exhibited or presented, regardless of whether the animal in question also exhibits symptoms of cruel breeding – for example, a dog with a very short head (brachycephalic) must not be exhibited, even if that particular dog does not (yet) display corresponding symptoms, such as breathing difficulties.

The question of which persons involved bear which responsibilities has been the subject of numerous court proceedings, which are analysed in this paper alongside the relevant legal basis. **In summary, the legal situation and case law yield the following findings:**

The **direct perpetrator** in relation to the exhibition ban is the person who makes the decision to exhibit an animal and acts as the animal's exhibitor before the public. In this context, the prohibited act is deemed to have been committed as soon as the animal (registered for the show) is brought into the venue, and not only when it enters the ring in which it is presented to the

conformation judges for assessment. If, on the other hand, an exhibitor is refused entry to the event during an admission check, this constitutes an attempted offence.

Negligent conduct is sufficient for the direct perpetrator (i.e. the 'exhibitor') to be held liable. An erroneous interpretation of the law or ignorance of an administrative regulation which the perpetrator has contravened is excused only if it is proven to be through no fault of their own. Anyone who fails to make the necessary enquiries bears the risk of a legal error. With regard to the exhibition ban under Section 8b(1) of the Animal Welfare Act (TSchG), this means that every exhibitor of an animal (including foreign exhibitors) is subject to a duty to make enquiries and exercise due care – they are required, before taking part in an exhibition, to inform themselves to a reasonable extent about the relevant animal welfare standards, to be aware of their own animal's predisposition to cruel breeding, and to check themselves or have it checked whether the individual animal to be exhibited exhibits symptoms or externally recognisable characteristics of cruel breeding within the meaning of the existing ban. Invoking compliance with a club's internal breed standards, breeding or exhibition regulations cannot exempt the exhibitor of an animal from their responsibility under animal welfare law, as the sole benchmark for administrative penalty proceedings is the Animal Welfare Act, and private breeding requirements are irrelevant to the assessment in question.

The legal view, held on several occasions in case law at the level of the Provincial Administrative Courts, that the exhibitor is exonerated from liability where the organiser carries out veterinary checks on entry and the animal in question is not found to be in breach of the regulations, has been challenged in this paper. According to the established case law of the Supreme Administrative Court, a legal error on the part of the perpetrator is excusable only if they have verified the legal view they have adopted through appropriate enquiries, whereby the degree of care exercised by the perpetrator themselves is decisive.

The inspection staff, form judges and official veterinary surgeons may be regarded as **contributory offenders** (Section 7 of the Administrative Offences Act) if they intentionally enable, facilitate, ensure or otherwise promote a prohibited exhibition. There is as yet no case law on this matter.

The liability of the organiser of a pedigree animal show had already been the subject of several conflicting judgements by the provincial administrative courts, which has recently been clarified by the Supreme Administrative Court. Until now, the prevailing case law of the provincial administrative courts had held that the organiser had no duty to enforce the exhibition ban, which meant that, in the event of breaches, no one was ultimately held accountable. This view has been superseded by the decision of the Supreme Administrative Court of 18 March 2026, Ra 2024/02/0171: Pursuant to Section 28(4) of the Animal Welfare Act (TSchG) and Section 1 of the Animal Welfare Act Events Regulation (TSchG-VeranstV), the organiser is expressly responsible for compliance with the provisions of the Animal Welfare Act, and thus also for compliance with the exhibition ban relating to cruel breeding. Consequently, the organiser must organise the exhibition in such a way that no animals carrying symptoms or externally recognisable characteristics of cruel breeding are exhibited or presented. The authority may – or, where necessary to reliably ensure compliance with the exhibition ban, must –

specify these fundamental obligations of the organiser in greater detail by imposing specific conditions in the notice of approval. The model conditions confirmed in Lower Austrian case law may serve as a guide in this regard.

The authority's duties in relation to major events such as the 2027 World Dog Show (Tulln, 27–30 May 2027) include carrying out appropriate checks. In cases of concrete suspicion, this general duty becomes a specific duty to intervene. The competent authority will therefore not only stipulate appropriate organisational requirements in the authorisation notice for the 2027 World Dog Show, but will also have to ensure, through the deployment of official veterinary inspection bodies, that compliance with the exhibition ban is actually verified, suspected cases are professionally investigated, and any identified breaches – taking into account possible contributory offenders – are subject to administrative sanctions. Deliberately turning a blind eye, failing to investigate, or carrying out only superficial checks may not only constitute complicity (Section 7 of the Administrative Offences Act), but in certain cases may even amount to abuse of office (Section 302 of the Criminal Code).