



CAMMINO DIRITTO

Rivista di informazione giuridica



FIDO IN PUBLIC PLACES AND ‘DOGS ARE WELCOME’. IS THAT REALLY SO?

FIPE (Italian Federation of Public Concerns) “based on the instructions of EC Regulations n. 852/2004 regarding food hygiene and the guidelines enacted by the Department of Health in 2011” arranged the diffusion of the “Guide to Good Practice” that regulates dogs’ access to public places.

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FIPE's abovementioned guide on 'good practice' refers to the **European regulations n.852** about food hygiene which, dating back to 2004, allows the free circulation of dogs in shops, restaurants and bars, upon observing precise hygienic dispositions.

The abovementioned handbook states the non-existence of such **hygienic and sanitary grounds** that prevent dogs from entering public places.

But beware! The regulation only refers to **dogs**, it does not mention other domestic animals nor it forbids the owners of public places to stop dogs from entering. However, in order to prevent dogs from entering, the owner has to make an official request to the Municipality where the public place is located, 'based on real exigencies of hygienic and sanitary safeguard. In case of acceptance of this application, the shopkeeper **has to affix a specific notice** (the well-known notice with the picture of a dog and the writing "No dogs allowed").

In case of the absence of a pre-authorized warning notice and the shopkeeper's refusal to let the dog in, you should be aware that they are wrong: the owner must expose the notice; if they do not have a notice and do not let your dog in, you can request **local policemen's intervention**. The latter are required to accept your petition owing to a clear infringement of the Italian penal code and, more precisely, of art. 328 filed as "**neglect of an official duty**". Consequently, the shopkeeper could get a fine and an admonition to remember to post up the notice in the future.

Therefore, the dog owner is allowed to have dinner with its "loyal friend" beside them, on condition that it is wearing muzzle and lead. Nevertheless, it should not come near the areas dedicated to the preparation and the handling of food: **it is forbidden to let them enter kitchens, workrooms or the back of shops.**

A further clarification regards **supermarkets**. By not falling within the category of public places, the dog has to wait for you at the exit. The only exception concerns **guide dogs**, for which the entrance is free everywhere. Whoever obstructs their admission breaks the law and risks a fine from 500 to 2.500 euros (L. n° 37/ 1974). Furthermore, the rule under discussion states that a blind person is free to be accompanied by their own

guide dog even if it is not provided with muzzle.

With these “**pet friendly**” regulations, the precious value of pets seems to be definitively recognized by law too.

It is in this field that we recall the particular judgement[sentence] of **the Court of Varese**, thanks to which a woman admitted to a **hospital clinic** owing to[because of] different and serious pathologies, **could receive her pet’s visit**, and it came back to visit her every time the owner needed it. In this sentence, the judge quotes the law of **4th November, n. 201**, based on the ratification and the execution of the **European Convention for the protection of pet animals**, drawn up in Strasbourg on 13th November 1987: “*Man has the moral obligation to respect all living creatures, and in consideration of the particular bonds existing between man and pet animals*” he asserted “*the importance of pets because of their contribution to the quality of life and therefore their value for society*”.

Finally, the judge of Varese concluded that “ ***the feeling for animals has constitutional protection and European identification, therefore it has to be recognized as the pet’s subjective right; this right also has to be recognized when the vulnerable elderly individual deeply expresses their wish to keep seeing their own dog***”. Therefore, the judge nominated a support administrator and an auxiliary who should take care of the dog and of the periodical visits that the woman could receive.

Many regional laws and municipal regulations embraced such principles, but many others did not work in the same way , which is why it is recommended that you investigate the abovementioned normative sources in order to legitimate any petition and respect the law, both you and your four-legged friends. Consequently, we hope for further detailed regulations and rules that are more suitable for the demands that each time appear in man-animal relationship.