



Legal changes for assistance dog teams in Germany

Members of Hunde für Handicaps e.V. have translated the relevant articles. As this is not an officially recognised translation, the wording is not legally verified. We hope this translation helps to understand the new legal situation in Germany.

Since 1st of July 2021 the German law "Equality act for people with disabilities" (Behindertengleichstellungsgesetz, BGG) has changed significantly for people with assistance dogs. An article containing the rights and responsibilities of people with assistance dogs was added to the law. All aspects regarding assistance dog teams are now defined within that article.

The details of training, examination/assessment of the team, the accreditation rules and conditions for training centers will be fixed in corresponding ordinances or regulations. It's planned to have the ordinances in place by January 2022.

September 2021, Hunde für Handicaps e.V.

Content

Legal changes for assistance dog teams in Germany.....	1
Germany: Act on the Equality of Persons with Disabilities.....	2
Section 2b Assistance dogs	2
§ 12e People with disabilities accompanied by assistance dogs	2
§ 12f Training of assistance dogs	3
§ 12g Examination of assistance dogs and the human-assistance dog team	3
§ 12h Keeping of assistance dogs	4
§ 12i Approval of a training facility for assistance dogs	4
§ 12j Technical body and auditor.....	5
§ 12k Investigation study.....	5
§ 12l Authorization to issue ordinances.....	6
Section 4.....	6
§ 16 Conciliation Board and Procedure; Authorization to Issue Ordinances	6

! Original legal text translated by Hunde für Handicaps e.V. to the best of its knowledge and belief. Translation is not legally verified. Translation without warranty. **!**



Germany: Act on the Equality of Persons with Disabilities

Section 2b Assistance dogs

§ 12e People with disabilities accompanied by assistance dogs

(1) Public authorities as well as owners, proprietors and operators of movable or immovable facilities and installations may not refuse persons with disabilities accompanied by their assistance dog access to their facilities and installations typically accessible to the general public and users on the grounds that they are accompanied by their assistance dog, unless access with an assistance dog would constitute a disproportionate or unreasonable burden. Further rights of persons with disabilities remain unaffected.

(2) An unjustified refusal by public authorities pursuant to paragraph 1 shall be deemed to be discrimination within the meaning of §7 section 1.

(3) An assistance dog is a dog specially trained with due regard for animal welfare and the individual needs of a person with disabilities, which, due to its abilities and learned assistance services, is intended to enable or facilitate this person's self-determined participation in social life or to compensate for disability-related disadvantages. This is the case if the assistance dog

1. is certified together with a person with disabilities as a human-assistance dog team within the meaning of § 12g or
2. is recognized by a statutory social insurance institution, an institution pursuant to § 6 of the Ninth Book of the German Social Code, an aid institution, a medical assistance institution or a private insurance company as an aid for participation or disability compensation, or
3. is recognized abroad as an assistance dog and its training meets the requirements of § 12f sentence 2 or
4. together with a person with disabilities as a human-assistance dog team before July 1, 2021

! Original legal text translated by Hunde für Handicaps e.V. to the best of its knowledge and belief. Translation is not legally verified. Translation without warranty. **!**



- a) has been trained in a manner that meets the requirements of § 12f sentence 2 and has been successfully tested in accordance with § 12g sentence 2; or
- b) has been undergoing training that meets the requirements of section 12f, sentence 2, and within twelve months after July 1, 2021, has completed that training and successfully passed an examination that meets the requirements of section 12g, sentence 2.

(4) An assistance dog shall be identified as such.

(5) Liability insurance shall be taken out and maintained for the assistance dog to cover personal injury, property damage and other financial losses caused by it.

(6) For guide dogs for the blind and other assistance dogs granted as aids within the meaning of § 33 of the Fifth Book of the Social Code, §§ 12f to 12k and the requirements of a statutory order pursuant to § 12l number 1, 2 and 4 to 6 of this Act shall not apply.

§ 12f Training of assistance dogs

Assistance dog and the teams of humans and animals (human-assistance dog team) require appropriate training by or accompanied by a training center for assistance dogs (§ 12i). The object of the training is in particular the training of the social and environmental behavior as well as the obedience of the dog, basic and specific assistance of the dog, the long-term functioning of the human-assistance dog team as well as the transfer of the necessary knowledge and skills to the owner, especially with regard to the species-appropriate attitude of the assistance dog. The task of the training facility is not only to provide an assistance dog, but also to support the assistance dog owner in the long term after completion of the training, if required.

§ 12g Examination of assistance dogs and the human-assistance dog team

The completion of the training of the dog and the human-assistance dog team according to § 12f is done by an examination. The examination serves to prove the suitability as an assistance dog and the cooperation of the human-assistance dog team. The passing of the examination shall be certified by a certificate issued by an examiner as defined in § 12j paragraph 2.

! Original legal text translated by Hunde für Handicaps e.V. to the best of its knowledge and belief. Translation is not legally verified. Translation without warranty. !



§ 12h Keeping of assistance dogs

(1) The owner of an assistance dog is obliged to keep the assistance dog in a species-appropriate manner. The requirements of the Animal Welfare Act in the version published on May 18, 2006 (BGBl. I p. 1206, 1313), last amended by Article 280 of the Ordinance of June 19, 2020 (BGBl. I p. 1328), as amended, and the Animal Welfare Dog Ordinance of May 2, 2001 (BGBl. I p. 838), last amended by Article 3 of the Ordinance of December 12, 2013 (BGBl. I p. 4145), as amended, shall remain unaffected.

(2) Insofar as, due to the nature of the disability or the age of the person with disabilities, the species-appropriate keeping of the assistance dog in the human-assistance dog team is not ensured, the care of the assistance dog shall be ensured by another reference person. In this case, this caregiver shall be considered the owner of the assistance dog.

§ 12i Approval of a training facility for assistance dogs

A training center that trains assistance dogs in accordance with § 12f requires approval by a professional body. The approval shall be reviewed annually by the professional body. A training facility for assistance dogs shall be approved upon application if it

1. has a permit in accordance with Section 11, Paragraph 1, Sentence 1, Number 8, Letter f of the Animal Welfare Act or, insofar as such a permit is not required, if the person responsible for the training facility has the required knowledge and skills,
2. has the necessary expertise to expect successful training of assistance dogs as well as the human-assistance dog team,
and
3. meets the requirements of the ordinance pursuant to § 12l and applies a quality assurance system.

The application must receive all information and evidence necessary to establish the existence of the requirements according to sentence 2. The approval procedure follows the procedure according to DIN EN ISO/IEC 17065:2013¹. The approval of a training center shall be limited to a maximum of five years in each case. The

¹ Official note: The technical standards can be obtained from Beuth Verlag GmbH, 10772 Berlin and are archived, deposited and available for inspection at the German National Library.

! Original legal text translated by Hunde für Handicaps e.V. to the best of its knowledge and belief. Translation is not legally verified. Translation without warranty. !



technical body shall certify the competence and performance of the training center by means of an approval certificate.

§ 12j Technical body and auditor

(1) Only certification bodies for products, processes and services according to DIN EN ISO/IEC 17065:2013¹ which have been accredited by a national accreditation body within the meaning of Regulation (EC) No. 765/2008 of the European Parliament and of the Council of 9. July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Council Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30), as amended by Regulation (EU) 2019/1020 (OJ L 169, 25.6.2019, p. 1), as amended. The accreditation shall be limited to a maximum of five years in each case. The Federal Ministry of Labor and Social Affairs shall exercise supervision over the national accreditation body within the scope of this Act.

(2) Only bodies which certify persons in accordance with DIN EN ISO/IEC 17024:2012 and which have been accredited by a national accreditation body within the meaning of Regulation (EC) No. 765/2008, as amended, may act as auditors. The accreditation shall be limited to a maximum of five years in each case. If the auditor is also active as a training center within the meaning of § 12i, accreditation may be granted if the independence requirements are met by internal organizational separation and the requirements according to number 5.2.3 of DIN EN ISO/IEC 17024:2012². The more detailed requirements for the accreditation procedure result from the regulation according to § 12l.

§ 12k Investigation study

The Federal Ministry of Labor and Social Affairs shall conduct a study of the implementation and impact of §§ 12e through 12l in the years 2021 through 2024. As part of this study, expenses such as the acquisition, training, and maintenance costs of the human assistance dog teams in the study may be covered.

² Official note: The technical standards referred to in § 12j section 2 can be obtained from Beuth Verlag GmbH, 10772 Berlin and are archived, deposited and available for inspection at the German National Library

! Original legal text translated by Hunde für Handicaps e.V. to the best of its knowledge and belief. Translation is not legally verified. Translation without warranty. !



§ 12l Authorization to issue ordinances

The Federal Ministry of Labor and Social Affairs is authorized, in agreement with the Federal Ministry of Food and Agriculture, to regulate by ordinance, which shall not require the consent of the Bundesrat, the following:

1. more details on the required nature of the assistance dog, in particular characteristics, age and health of the dog to be trained, as well as on the support services to be provided by the assistance dog,
2. details on the recognition of assistance dogs in training or already trained on July 1, 2021, as well as assistance dogs recognized abroad, including the procedure,
3. details on the required identification of the assistance dog and the scope of the necessary insurance coverage,
4. details about the content of the training according to § 12f and the examination according to § 12g as well as about the admission as an examiner, in each case including the procedure as well as the certificate to be issued,
5. details of the requirements for accreditation as a professional body, including the procedure,
6. more detailed requirements for accreditation as a training center for assistance dogs, including the procedure.

Section 4

§ 16 Conciliation Board and Procedure; Authorization to Issue Ordinances

(1) A conciliation board for the out-of-court settlement of disputes under subsections (2) and (3) shall be established by the Federal Government Commissioner for Matters relating to Persons with Disabilities under section 5. It shall be staffed by neutral conciliators and shall have an office. The procedure of the conciliation board shall in particular ensure that

1. the conciliation board is independent and acts impartially
2. the rules of procedure are accessible to interested parties

! Original legal text translated by Hunde für Handicaps e.V. to the best of its knowledge and belief. Translation is not legally verified. Translation without warranty. !



3. the parties involved in the conciliation proceedings are given a legal hearing, and in particular are able to present facts and evaluations
4. the conciliators and other employees of the conciliation board guarantee the confidentiality of the information of which they become aware in the conciliation proceedings, and
5. barrier-free communication with the conciliation board is possible.

(2) Any person who believes that a right under this Act has been infringed by federal public bodies or owners, occupiers and operators of movable or immovable plant and equipment may submit an application to the conciliation board under subsection 1 for the initiation of conciliation proceedings. If, due to the alleged infringement, the filing of a time-limited legal remedy is also a possibility, the time limit for legal remedy shall not commence until the end of the conciliation proceedings pursuant to subsection 7. In the cases referred to in sentence 2, the request for conciliation shall be filed within the time limit for legal remedy. If an appeal is already pending on account of the alleged infringement, these proceedings shall be interrupted until the conciliation proceedings pursuant to subsection 7 have ended.

(3) An association recognized in accordance with Section 15 (3) may submit an application to the conciliation body in accordance with subsection (1) for the initiation of conciliation proceedings if it alleges an infringement by a public body of

1. against the prohibition of discrimination or the obligation to provide barrier-free access in accordance with Section 15 (1) sentence 1 number 1,
2. against the provisions of federal law on the creation of barrier-free access in accordance with section 15 (1) sentence 1 number 2, or
3. against the provisions of federal law on the use of sign language or other suitable communication aids pursuant to Section 15 (1) sentence 1 number 3.

claims.

(4) The request under paragraphs 2 and 3 may be submitted to the conciliation body in text form or in writing. The latter shall send a copy of the conciliation request to the public body or the owner, possessor or operator of movable or immovable installations or facilities for the purpose of conducting the conciliation proceedings.

(5) The conciliator shall, at each stage of the proceedings, work towards an amicable agreement between the parties involved. It may submit a conciliation proposal. The

! Original legal text translated by Hunde für Handicaps e.V. to the best of its knowledge and belief. Translation is not legally verified. Translation without warranty. !



HUNDE FÜR HANDICAPS
Verein für Behinderten-Begleithunde e. V.

conciliation proposal shall be based on the applicable law. The conciliator may offer the use of mediation.

(6) The conciliation proceedings shall be free of charge for the parties involved.

(7) The conciliation proceedings shall end with the agreement of the parties, the withdrawal of the request for conciliation or the determination that no agreement is possible. If no agreement is possible, the conciliation proceedings shall end with the delivery of the confirmation of the conciliation board to the applicant that no amicable agreement could be reached.

(8) The Federal Ministry of Labor and Social Affairs shall be authorized to regulate by ordinance, which shall not require the consent of the Bundesrat, the details of the office, the staffing and the procedure of the conciliation board pursuant to subsections 1, 4, 5 and 7 and to issue further regulations on the costs of the proceedings and compensation. The statutory order shall also regulate the details of the conciliation board's activity reports.

Imprint: Hunde für Handicaps e. V.,

Wiltbergstr. 29G, 13125 Berlin, Tel.: 030 / 29492000, info@hundefuerhandicaps.de, CEO: Sabine Häcker,
Postal address: Postfach 270 107, 13471 Berlin, Germany

Local court Berlin-Charlottenburg: VR 12986 B, tax number: 27/667/52497,

Font used: Neue Frutiger ® 1450 with the kind support of Monotype.

Neue Frutiger is a trademark of Monotype GmbH registered in the United States Patent and Trademark Office and may also be registered in certain other jurisdictions.

! Original legal text translated by Hunde für Handicaps e.V. to the best of its knowledge and belief. Translation is not legally verified. Translation without warranty. !

Postanschrift: Postfach 27 01 07 · 13471 Berlin

Tel.: +49 30 / 29 49 20 00 · Fax: +49 30 / 29 49 20 02 · E-Mail: info@servicedogs.de

Bankverbindung: Berliner Volksbank · IBAN: DE51 1009 0000 5202 4200 03 · BIC: BEVODEBBXXX

www.servicedogs.de

